

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application Number: 5-17-0663

Applicant: Santa Catalina Island Company

Agent: Jennifer Ansite

Project Location: 13, 14, 15, 16, 18, 19, 20, and 21 Pebbly Beach Village Road, Avalon, Santa Catalina Island, Los Angeles County.

Project Description: Replace eight Quonset huts with eight single story, 15-foot high, 954 sq.ft. prefabricated residential units

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Santa Catalina Island Company is proposing to replace eight existing Quonset huts with prefabricated residential units in Pebbly Beach Village in Avalon. The major issues before the Commission relate to public access, water quality and marine resources, and hazards. Staff is **recommending approval** of the proposed development with **Six Special Conditions** regarding 1) use of construction best management practices (BMPs); 2) construction debris shall be disposed of at a legal disposal site or recycled at a recycling facility; 3) conformance with Water Quality Management Plan; 4) visual resources; 5) landscaping and fuel modification plan; and 6) assumption of risk.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. Although the City of Avalon's Local Coastal Program was certified by the Commission in 1981, this project is located in an area that remains uncertified because the City annexed this area from the County of Los Angeles after the City's LCP certification. Therefore, a coastal development permit is required from the Commission because the proposed development is located outside the City of Avalon's LCP jurisdiction. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – Site Plans
- Exhibit 3 – Site Photos
- Exhibit 4 – City of Avalon Approval on July 19, 2017, Resolution No. 17-14.

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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. 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 applicant 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 applicant 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. **Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:
 - A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 - B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
 - C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
 - E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
 - F. Floating booms will 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;
 - G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
 - H. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - I. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a Coastal Development Permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - J. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - K. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
 - L. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;

- M. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - N. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - O. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - P. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.
- 2. Location of Debris Disposal Site.** Debris shall be disposed of at a legal disposal site or recycled at a recycling facility.
- 3. Water Quality Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Water Quality Management Plan (WQMP), which incorporates Best Management Practices (BMPs) including, but are not limited to: 1) all equipment shall be inspected for leaks immediately prior to the start of construction operations, and regularly inspected thereafter until project completion. Vehicles and equipment with leaks shall not enter the project/beach area; 2) trash and other debris encountered during demolition and clean-up shall not be disposed of in the ocean, but will be disposed of off-site at an approved landfill; and 3) secure all materials to prevent discharges to receiving waters via wind.
- 4. Fuel Modification Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two sets of fuel modification plans, prepared by a licensed qualified resource specialist. The consulting professional shall certify in writing that the final Fuel Modification plans are in conformance with the following requirements:
- A) Vegetation within 20 feet of the proposed structures may be removed to mineral earth, and vegetation within a 200-foot radius of the main structures may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the City of Avalon and its Fire Department. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of Catalina Island.

B) The Permittee shall undertake development in accordance with the Fuel Modification Plan. The Fuel Modification Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

- 5. Structural Appearance.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of this coastal development permit. The palette samples shall be presented in a format not to exceed 8½” x 11” x ½” in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by this coastal development permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

- 6. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire, erosion, flooding, sea level rise, and wave uprush; (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

A. PROJECT DESCRIPTION

The Santa Catalina Island Company is proposing to remove eight single-story, 14-foot high, World War II era Quonset huts that vary in size from approximately 900 to 1,500 square feet, and replace them with eight, single-story, 15-foot high, 954 square foot prefabricated residential units at 13, 14, 15, 16, 18, 19, 20, and 21 Pebbly Beach Village Road in the City of Avalon ([Exhibit 2 and 3](#)). The new prefabricated units will be placed in the same approximate locations and will have smaller footprints than the existing structures. The residences are currently utilized as housing for the employees of the Santa Catalina Island Company. Each new unit is proposed to have one parking space in front of the new unit that is sized for a golf cart, autoette, or a full size vehicle. The applicant is proposing to manage storm water runoff associated with the new development by directing gutters and downspouts towards permeable areas onsite.

Pebble Beach Village consists of 26 existing single-family residential units that are located along Pebble Beach Village Road approximately 500 feet inland (west) of Pebble Beach, and inland of the Pebble Beach industrial area, in the City of Avalon ([Exhibit 1](#)). Pebble Beach Village Road is situated in a coastal canyon, and the residences are located on lots that gently slope in an easterly direction toward the coastline. The proposed development is above an elevation of +25 feet MHTL, which is several feet higher than the anticipated expected level of rising seas by the end of the century. The back yards of the residences abut the vegetated slopes of the canyon. There is currently no fuel modification plan for Pebble Beach Village.

The City of Avalon approved the proposed project on July 19, 2017 ([Exhibit 4](#)). Although the City of Avalon's Local Coastal Program was certified by the Commission in 1981, this project is located in an area that remains uncertified because the City annexed this area from the County of Los Angeles after the City's LCP certification. Therefore, a coastal development permit is required from the Commission because the proposed development is located outside the City of Avalon's LCP jurisdiction.

Construction is proposed to take place over the course of three years utilizing a phased approach, by replacing one or two units each year during the City of Avalon's allowable construction work hours. The staging area will occur at the applicant's warehouse located at 40 Pebble Beach Road so as not to interfere with the public's access along Pebble Beach Road, or the public beach. Since the proposed development is located near the ocean on a lot that gradually slopes easterly down toward the coastline, the Commission imposes **Special Condition 1**, which requires the applicant to observe BMPs during all construction activities to prevent spillage and runoff from the construction associated with CDP No. 5-17-0663 that could impact coastal resources. To ensure water quality is sufficiently protected during construction and after construction, the Commission is also imposing **Special Conditions 2 and 3**.

Although the proposed structures are sited and designed to minimize visual impacts, they will be visible from some public viewing areas and have the potential to adversely impact visual resources. The project is conditioned to utilize exterior colors consistent with the surrounding natural landscape; use windows on the development that are made of non-reflective glass; and implement appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas. To ensure the exterior colors of the proposed residential

structures are consistent with the natural landscape, the Commission is also imposing **Special Condition 4**.

Additionally, because the proposed project is located in a coastal canyon, **Special Condition 5** requires the applicant to work with the City of Avalon to develop a fuel modification and fire safety plan for the development. The fuel modification plan shall include the final landscaping plan, details regarding the types, sizes and location of plant materials, how often thinning is to occur, and the location of all combustible structures located between the westerly wall of the home and the canyon-side property line. The plan shall minimize impacts to natural vegetation and public views and must have been reviewed and approved by the Avalon City Fire Department. The agreement shall specify the location and methods of fuel modification (if any) on City land, and shall specify the amount of any fees or indemnification required for the use of City land for such fire buffer. Lastly, **Special Condition 6** requires the applicant to assume the risks associated with the development authorized by CDP No. 5-17-0663. Although the elevation of the proposed project varies from approximately 25 feet to 75 feet above sea level, and should be relatively safe from tidal inundation associated with sea level rise for the next 75 years, **Special Condition 6** requires the applicant to assume the risks associated with hazards from flooding, sea level rise, erosion, and wave uprush.

B. HAZARDS

Under Section 30253 of the Coastal Act new development may occur in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of Chapter 3 are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his/her property. To minimize risks to life and property and to minimize the adverse effects of development on areas of high geologic, flood, and fire hazard, the proposed development has been conditioned to require a fuel modification and landscaping plan to minimize risks to life and property associated with the project. As conditioned, the Commission finds that the development conforms to the requirements of Section 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. PUBLIC ACCESS

The proposed development will not negatively affect the public's ability to gain access to, and/or to use the coast. Therefore, as proposed and as conditioned, the project conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. WATER QUALITY

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. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. 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 in an uncertified area which the City annexed from the County of Los Angeles after the 1981 certification of the City's LCP. 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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City to prepare a local coastal program within the uncertified area that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment, and the project will not have any significant impacts within the meaning of CEQA. 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.