

CALIFORNIA COASTAL COMMISSION

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The



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STAFF REPORT: CONSENT CALENDAR

Application Number: 5-18-0039

Applicant: Santa Catalina Island Company

Agent: Anchor QEA, LLC

Project Location: Pebbly Beach, City of Avalon, Santa Catalina Island, Los Angeles County.

Project Description: In-kind replacement of 30-foot by 105-foot concrete landing and launch ramp, utilizing a mix of cast-in-place concrete and ten 30-foot by 5-foot precast concrete panels, four 15-foot long H-piles, and four 12-inch by 12-inch square concrete sleeper rails located along the shoreline of Pebbly Beach.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Santa Catalina Island Company is proposing to replace the damaged Pebbly Beach landing and launch ramp located in the shoreline of Pebbly Beach, in the City of Avalon. The major issues before the Commission relate to water quality, 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 disposal; 3) conformance with Water Quality Management Plan; 4) resource agencies; 5) future improvements; 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. In addition, pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. A portion of the proposed project is

5-18-0039 (Santa Catalina Island Company)

situated on submerged lands and on filled tidelands within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. Therefore, a coastal development permit is required from the Commission because the proposed development is located in an uncertified area outside the City of Avalon's LCP jurisdiction and within submerged lands within the Commission's original jurisdiction. The standard of review is Chapter 3 of the Coastal Act.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION..... 4
II. STANDARD CONDITIONS..... 4
III. SPECIAL CONDITIONS..... 5
IV. FINDINGS AND DECLARATIONS..... 8
 A. PROJECT DESCRIPTION..... 8
 B. MARINE RESOURCES.....8
 C. HAZARDS. 10
 D. PUBLIC ACCESS..... 10
 E. WATER QUALITY..... 10
 F. LOCAL COASTAL PROGRAM..... 10
 G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)..... 10

EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – Project Plans
- Exhibit 3 – Site Photos

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. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the 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. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-18-0039. Pursuant to Title 14, California Code of Regulations, Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code, Section 30610(b) shall not apply. Accordingly, any future improvements to the development authorized by this permit that would result in any change to the landing and ramp including, but not limited to, repair and maintenance identified as requiring a permit in Public Resources Code, Section 30610(d) and Title 14, California Code of Regulations, Sections 13252(a)-(b), shall require an

amendment to Permit No. 5-17-0399 from the Commission or shall require an additional coastal development permit from the Commission.

- 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 replace the existing 30-foot by 105-foot concrete landing and launch ramp on the shoreline of Pebbly Beach, located immediately south of the City of Avalon (**Exhibit 1**). The existing ramp sustained damage as a result of the large south swells caused by Hurricane Eugene during the week of July 10, 2017, which undermined the existing landing and launch ramp. Demolition of the remaining existing portion of the landing and launch ramp will be completed from the adjacent upland, and all materials will be removed from the site and disposed of at an approved landfill outside of the coastal zone, or processed for recycling if suitable. The new 30-foot by 105-foot concrete ramp will be constructed on a crushed rock foundation composed of three-quarter-inch rock using cast-in-place concrete for the upper 55 feet above the mean high tide line, and ten 30-foot by 5-foot precast reinforced concrete panels for the lower 50 feet below the mean high tide line, resulting in a new 30-foot by 105-foot landing and launch ramp in the same location as the old one. Each of the ten precast concrete panels will be approximately 9 inches thick. The ramp will be secured in place using H-piles with steel sheet piles welded on the inside face at the toe of the ramp and the lower 50 feet of each side of the ramp. The new ramp in its entirety will be contained within the pre-existing ramp's 30-foot by 105-foot footprint (**Exhibit 2**). The steel H-piles will be approximately 15 feet long, and will be driven into the substrate to a maximum depth of 15 feet or refusal. Four 12-inch by 12-inch square concrete beams (sleeper rails) will be placed on the original subgrade for the bottom 50-foot length of the ramp. An approximately 12-inch thick layer of three-quarter-inch crushed rock will be placed and compacted to final elevation level with the top of the sleeper rails. The new ramp panels will then be placed on the sleeper rails. All gaps between the ramp panels and steel plates will be filled with three-quarter-inch rock. The resulting landing and launch ramp will replace the pre-existing ramp in-kind, resulting in no new fill of open coastal waters.

The project site is the Pebbly Beach landing and launch ramp, which are located on the public beach within the shoreline of Pebbly Beach in an industrial area approximately 270 feet east of Pebbly Beach Road (**Exhibit 1**). Approximately half of the landing and launch ramp is located landward of the mean high tide line within the City of Avalon, and approximately half of the ramp is located below the mean high tide line within state tidelands. The existing ramp and proposed repairs are authorized under an existing lease between the Santa Catalina Island Company and the State of California State Lands Commission dated January 5, 2016 (Lease PRC 7332.1). Although the City of Avalon's Local Coastal Program was certified by the Commission in 1981, the portion of the project located landward of the mean high tide line is in an area that remains uncertified because the City annexed this area from the County of Los Angeles after the City's LCP certification. In addition, the portion of the project located below the mean high tide line is within state tidelands. Therefore, a coastal development permit is required from the Commission because the project in its entirety is within Coastal Commission jurisdiction.

The launch ramp was originally constructed in the 1940s as part of a transportation terminal and access point for travelers using seaplane transport services, and now serves the island community as an access ramp to a dry land boatyard, which launches boats in and out of the water year-round, particularly for commercial tour operators, fishermen, and recreational boaters seeking long-term boat storage or repair and maintenance services. The ramp serves as an important water access point for public agency emergency response vehicles, boats, and seaplanes for the delivery of fire-fighting equipment. The currently dilapidated condition of the launch ramp limits access for emergency

vehicles to provide necessary emergency services to the nearby and populated City of Avalon, which necessitates that the repairs are conducted expeditiously.

According to the applicant's engineer, the underlying grated support was likely eroded by swell action, causing a gap between the ramp and the underlying newly exposed substrate. The ramp has since collapsed, resulting in it being non-functional (**Exhibit 3**). Although the Commission issued an Emergency Permit to authorize repairs to the boat landing and launch on August 3, 2017 (Coastal Development Permit G-5-17-0043), and then subsequently revised the emergency permit to accommodate the applicant's request for more time to complete the approved work on August 31, 2017, the Santa Catalina Island Company was not able to commence construction activities under the emergency approval within allowable construction timelines due to logistical reasons.

The habitat assessment submitted by the applicant identifies that although the lower 1/3 of the proposed ramp (approximately 35 feet) is located within the elevation range for black abalone to occur (an endangered marine mollusk), the portion of the ocean floor in this location does not contain rocky substrate, and lacks the proper food sources (drift algae and large kelp), which are primary constituent elements identified by the National Marine Fisheries Service (NMFS) for the species. Effects to ocean bottom habitat resulting from the project, such as turbidity generated from construction during high tide, and disturbance of the seafloor, will be temporary and minimal. In addition, the proposed replacement ramp is being placed within the footprint of the pre-existing ramp, thereby avoiding new encroachment onto seafloor habitats.

The duration of the project is expected to take approximately 6 months. The concrete panels will be fabricated offsite on the mainland, and to the extent possible, all work is proposed to be completed in the upland areas not subjected to the tides. The applicant has proposed Construction Phase Best Management Practices, some of which include: 1) floating booms and silt curtains to be used to contain debris and control turbidity during boat launch ramp construction and rockwork activities to prevent impacts to adjacent habitat; 2) floating debris to be removed from the water and disposed of properly; 3) no concrete or asphalt rubble will be placed within coastal waters and all rubble will be exported off site to an approved recycling facility; and 4) turbidity plumes generated by demolition or construction activities will be monitored continuously by the contractor. Since the proposed development is located on the beach within the shoreline, 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. 5-18-0039 that could impact coastal resources. Also, to ensure water quality and adjacent habitat are sufficiently protected during construction and after construction, the Commission is imposing **Special Conditions 2 and 3**. **Special Condition 4** requires the applicant comply with other resource agency approvals.

Any future improvements to the development authorized by this permit that would result in any change to the landing and ramp including, but not limited to, repair and maintenance require a permit, which is addressed by **Special Condition 5**. Given the location of this project, **Special Condition 6** requires the applicant to assume the risks associated with hazards from flooding, sea level rise, erosion, and wave uprush.

B. MARINE RESOURCES

The proposed boat launch and landing do not result in the additional fill of coastal waters. The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources,

such as eelgrass and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30224, 30230, 30231, and 30233 of the Coastal Act.

C. 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.

D. 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.

E. 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.

F. 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 a portion of 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. In addition, a portion of the proposed work will take place below the mean high tide line within state tidelands, which also requires a coastal development permit as 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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act.

G. 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.