

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-19-0903

Applicant: City of Avalon, Department of Public Works

Project Location: Within the existing rock revetment and shoreline along the seaward side of Pebbly Beach Road between the Cabrillo Ferry Terminal and the Pebbly Beach Generating Station within the City of Avalon, Los Angeles County.

Project Description: Stabilize 46 eroded voids within approximately .75-mile length of rock revetment supporting Pebbly Beach Road and public accessway utilizing approx. 641 cu. yds of fill (300 cu. yds. of rock, 292 cu. yds. of quarry run, and 49 cu. yds. of erodible concrete).

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Avalon is proposing to stabilize 46 voids in the existing rock revetment supporting Pebbly Beach Road that have resulted from storm damage. Voids will be filled either by breaking out the tops of the voids and backfilling with quarry run, or alternatively filling the voids with erodible concrete, the front face of which will be temporarily formed with either timber or sandbags to enable filling the void and then resurfacing the existing shore face with rock.

Public access along Pebbly Beach Road will be restored by the proposed project. The project has been designed to avoid adverse impacts to marine resources and, as

conditioned, is designed with adaptation strategies designed to withstand the near-term effects of natural hazards including severe storms, high tides, and sea level rise.

Special Condition 1 limits the authorization to five years and requires the applicant to develop a long-term Hazards Management Plan to ensure Pebbly Beach Road or an alternative relocated road is safe from coastal hazards within the next ten years.

Commission staff recommends approval of Coastal Development Permit Application No. 5-19-0903 with 7 special conditions to ensure that the project preserves and enhances coastal resources. **Special Condition 1** requires final revised plans demonstrating no portion of the revetment repairs will extend seaward of the preexisting revetment.

Special Condition 2 requires a length of development authorization of five years.

Special Condition 3 requires as-built plans after repairs have been made. **Special Condition 4** requires a bird nesting survey and construction noise restrictions. **Special Condition 5** requires the implementation of construction best management practices.

Special Condition 6 requires resource agency approvals. **Special Condition 7** requires the applicant to assume the risk of working in a potentially hazardous environment.

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 project is consistent with Chapter 3 of the Coastal Act.

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EXHIBITS

Exhibit 1—Project Location

Exhibit 2—Vicinity Map

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-19-0903 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote on the foregoing motion. 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 Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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 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

- 1. Revised Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of the following revised final plans, modified as required below:

- a. Plans that substantially conform with the plans submitted to the Commission on August 9, 2021, revised to show that no portion of rip-rap or rock revetment will extend beyond the footprint of the preexisting revetment.
- b. The revised final plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., biologist, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports.
- c. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. Limited Authorization Period and Long-Term Hazard Management Plan.

- a. The approved development is authorized for 5 years from the date of approval [i.e., through February 9, 2027]. BY ACCEPTANCE OF THE PERMIT, the permittee acknowledges and agrees that the development authorized pursuant to this CDP is thus interim and temporary, and is permitted for the time frame identified in order to provide a reasonable period of time for the permittee to evaluate future risk of coastal hazards as influenced by sea level rise and to plan, develop, and implement any necessary responses to coastal hazards including adaptation or alternatives, to ensure minimization of risk in the long term, and to address any coastal resource impacts associated with maintaining the subject development at this location (e.g., impacts associated with any coastal hazards protection measures).
- b. No later than five years after the approval of this permit (i.e., by February 9, 2027), the permittee or successor in interest shall apply for a regular coastal development permit to implement a long-term Hazards

Management Plan for Pebbly Beach Road that addresses current and future coastal hazards present at the site. The Hazards Management Plan shall incorporate measures to adapt to sea level rise over time and provide for the long term protection and provision of public improvements, coastal access, public opportunities for coastal recreation, public views and coastal resources, including beach and shoreline habitat (measures may include, but need not be limited to, phased implementation of beach nourishment, soft protection, managed retreat, relocation of the road and utilities, focused or small-scale armoring) and a time line or event driven schedule for implementation of the plan. The plan shall evaluate and consider all potential constraints, including geotechnical and engineering constraints; potential phasing options with timelines; project costs for the preferred project and alternatives; and potential funding options. The plan shall include outreach and meaningful engagement with interested parties, any identified disadvantaged communities, and relevant stakeholders. The plan shall be submitted with documentation sufficient to support all analyses, methodologies, and conclusions.

- c. The required amendment application shall conform to the Commission's permit filing regulations at the time and shall at a minimum include, along with other required information, a Hazards Management Plan that provides a clear long-term plan to ensure that the approved development minimizes flood hazard risks to the site through at least the year 2100. The plan shall include:
 - i. Information on flood and erosion conditions and other coastal hazards in the project area obtained through periodic monitoring and recording of conditions in the project area after repairs have been made under CDP 5-19-0903 and during extreme tide and storm events. The information should include an assessment of cumulative changes to the approved development's coastal hazard risk over time.
 - ii. A geotechnical analysis of current and future coastal hazards in the project area, including but not limited to, flooding, erosion, liquefaction, and inundation, and taking into account local sea level rise, considering medium-high risk aversion and extreme (H++) risk aversion scenarios, and based on the best available science at the time of plan preparation. The analysis shall address flooding associated with large storm events (the 100-year storm or greater), accounting for the confluence of riverine and coastal flooding.
- d. If the development authorized by this coastal development permit is not completed prior to Memorial Day weekend 2023 (May 29, 2023), the applicant shall apply for an amendment to this coastal development permit, unless the Executive Director determines that no additional amendment is legally required.

3. **As-Built Plans.** WITHIN 120 DAYS OF COMMISSION APPROVAL, the permittee shall submit as-built plans for the approved revetment repairs.
4. **Bird Nesting Survey and Construction Noise Restrictions.** BY ACCEPTANCE OF THIS PERMIT, the permittee agrees to retain the services of a qualified independent biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the coastal bluffs within 300 feet of project site prior to (within five days of) the commencement of demolition and construction activities. The environmental resource specialist shall be directed to conduct the survey in order to determine the presence of sensitive or endangered bird species nesting or roosting within 300 feet of the work site and shall immediately report the findings of the survey to the Executive Director. In the event that the environmental specialist reports any sensitive or endangered bird species nesting or roosting within 300 feet of the work site, the following restrictions shall apply:
 - a. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used, and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction, and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.
 - b. Noise generated by construction shall not exceed 85 dB at any active roosting or nesting site within 300 feet of project site. If construction noise exceeds 85 dB, then alternative methods of construction shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 300 feet of the roosting or nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
5. **Construction Best Management Practices.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill, or discharge of any liquid or solid into the sea, the permittee shall implement the following construction best management practices:
 - a. Silt curtains will be utilized to control turbidity during placement of rock.
 - b. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.
 - c. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
 - d. The permittee shall use the least damaging alternative for rock placement and any other activity that will disturb benthic sediments. The permittee shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

- e. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- f. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- g. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering surrounding water.
- h. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Lover's Cove or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
- i. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a preconstruction meeting to review procedural and BMP guidelines.
- j. Construction activities within tidal and upland work areas shall not commence until all sediment, turbidity, and runoff control measures as appropriate have been properly installed in and around active work areas.
- k. 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. Disposal within the coastal zone shall require a coastal development permit.
- l. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Lover's Cove or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- m. All fueling and maintenance of construction equipment except for the barge-mounted crane shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mobile fueling of construction equipment and vehicles on and around the marina construction site shall be prohibited. Mechanized heavy equipment and other vehicles used during the construction process except for the barge-mounted crane shall not be stored or re-fueled within 50 feet of drainage courses and other coastal waters.
- n. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call.
- o. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.

- p. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands, and all equipment used during construction shall be free of leaks at all times.
- q. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- r. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- s. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. 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.
- t. 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.
- u. Material used for construction of piers, pilings, docks, dolphins, or slips shall not include timber preserved with creosote, Ammoniacal Copper Arsenate (ACA), or similar petroleum-derived products. Pilings treated with Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g., PVC Pilewrap) and reinforced plastic for pilings (e.g., high density polyethylene (HDPE) pile armor), shall conform to the following requirements:
 - i. The material used shall be durable and a minimum of one-tenth of an inch thick.
 - ii. All joints shall be sealed to prevent leakage.
- v. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
- w. The plastic sleeves shall extend a minimum of 18 inches below the mudline.
- x. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic/or similar material wrapped piles, for the life of the piles.
- y. The permittee shall be made responsible for removal of failed docks or materials.

If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available

for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, where feasible.

The permittee shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all demolition, staging, and construction activities.

6. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, 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 Division 5.5. of Title 14 of the California Code of Regulations.
7. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding and erosion, all of which will may worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; 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 Location, Background and Description

The project site is the existing rock revetment that supports Pebbly Beach Road, located along the coast of the City of Avalon, within Santa Catalina Island, one of the California Channel Islands and the southernmost city in Los Angeles County. The City of Avalon is a very popular visitor-serving destination with a variety of overnight accommodations, restaurants, shops, and recreational opportunities, which attracts about 1 million visitors a year and is frequently visited by cruise ships.

Construction of Pebbly Beach Road began circa 1910. By 1927, a substantial roadway had been constructed to provide access between Pebbly Beach and Avalon. Over the past century, the Pebbly Beach area has evolved into the island's commercial/industrial zone, providing transport services and infrastructure that support much of Catalina Island. During that time, the Pebbly Beach Road corridor has also evolved to provide not only vehicle access, but also serves as the principal utility corridor between Pebbly Beach and Avalon, providing electrical, gas, communications, water, and sewer to Avalon, along with the remainder of the industrial area to the south; including barge freight services which brings over much of the goods from the mainland. Moreover, the public walkway along Pebbly Beach Road is a part of the California Coastal Trail and provides pedestrian and vehicular access for visitors of the Lover's Cove Marine Protected Area located between the Cabrillo Ferry Terminal Mole and Abalone Point ([Exhibit 2](#)).

In the past, about once every decade, strong storms have impacted the Pebbly Beach/Avalon coast causing substantial damage to, and closure of, Pebbly Beach Road. Ongoing erosion and the increase in the frequency of storms has eroded the revetment. Some of the larger voids approach a width of over 30 feet and a depth of 25 feet, with the roofs of the voids within less than one foot of the perimeter public walkway surface. According to the City, approximately 13 of these voids are considered to be in imminent danger of collapsing at any time, which have been cordoned off to keep pedestrians and traffic from these voids.

The applicant is requesting authorization for the infill of approximately 46 voids that have formed along the approximately $\frac{3}{4}$ -mile-long Pebbly Beach Road and the public accessway, from the Avalon Ferry Terminal Mole extending to the industrial area to the south in the City of Avalon on Catalina Island ([Exhibit 1 & 2](#)). The applicant is proposing to fill the voids in two manners, depending upon the size of the void. The tops of the larger voids will be broken out, and the voids will be backfilled with quarry run and large rocks available on the island. The smaller voids will be filled with erodible concrete, the front face of which would be formed temporarily with either timber or sandbags, and then resurfaced with rock. Together, these methods will utilize approximately 641 cu. yds of fill (300 cu. yds. of rock, 292 cu. yds. of quarry run, and 49 cu. yds. of erodible concrete depending on the specific location). The approximately 13 larger void locations that will be backfilled with quarry run will be protected with one-ton rock placed along the shoreface as shown on page 10 of [Exhibit 3](#), not to extend beyond the footprint of the previous revetment.

These revetment repairs will not expand the footprint, height, or configuration of the riprap structure and are proposed to restore the revetment to its form prior to the rock and concrete erosion that resulted from recent storm events.

The applicant fully acknowledges that the proposed work is an interim measure, considered to be Phase I of a two- to three-phase solution. The proposed project (Phase I) is designed to shore up the existing revetment by targeting voids that are in imminent danger of collapse, thereby posing a public safety threat to those who use the

road to access the shoreline and to all of the commercial vehicles transiting between the industrial area and the resort community of Avalon. Given that Phase I is a temporary solution to address the immediate public safety concerns, the applicant, within five years of approval of Phase I, intends to submit a subsequent CDP application to the Commission to implement Phase II and possibly Phase III of the project. Phase II plans will include a comparison of options and alternatives to include (but not be limited to) a larger rock revetment, seawall, causeway or bridge that may become necessary as sea level rise increases, and relocation of the road and utilities to an inland location. The City currently anticipates that the Phase II work would be constructed in mini-phases, possibly broken up into Phase II and Phase III, as the availability of funds permits, with the initial Phase II construction anticipated to start in five to ten years from the date of approval of Phase I.

The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. While some of the proposed project will occur within City of Avalon's LCP jurisdiction, the majority of the proposed work will occur within the Commission's retained jurisdiction as it will occur within open water and below the mean high tide line or within a portion of the City of Avalon that was annexed into the City after the City's LCP was certified in 1981, and thus there is no certified LCP applicable to this area. The City of Avalon has requested a consolidated coastal development permit from the Commission for the portion of the work within the City's LCP jurisdiction. Chapter 3 is the standard of review for this portion of the project as well, with the City's certified LCP providing guidance.

B. Coastal Hazards

Coastal Act section 30253 states, in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing

marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

The Avalon certified Local Coastal Plan incorporates by reference the above policies regarding coastal hazards.

The Coastal Act discourages seawalls, revetments, bluff retaining walls and other forms of hard shoreline protective devices because they generally cause significant impacts to coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. This is expected to be exacerbated with future sea level rise.

Adverse impacts associated with shoreline protection devices include: as a sandy beach erodes, the shoreline will generally migrate landward, toward the structure, resulting in reduction and/or loss of public beach area and in some cases, public trust lands, while the landward extent of the beach does not increase; oftentimes the protective structure is placed on public land rather than on the private property it is intended to protect, resulting in physical loss of beach area formerly available to the general public; the shoreline protection device may actually increase the rate of loss of beach due to wave deflection and/or scouring (this is site-specific and varies depending on local factors); shoreline protection devices cause visual impacts and can detract from a natural beach experience, adversely impacting public views; and, shoreline protection devices can lead to loss of ecosystem services, loss of habitat, and reduction in biodiversity compared to natural beaches.

Shoreline protective devices, by their very nature, tend to conflict with Chapter 3 policies because hard forms of shoreline armoring can have a variety of adverse impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Because shoreline protection devices, such as seawalls, revetments, and groins, can create adverse impacts on coastal processes, Coastal Act Section 30253 specifically prohibits development that could "...create [or] contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." Applied to this project, repairs to the revetment would likely be inconsistent with Coastal Act Section 30253 because it has an adverse effect on sand supply and natural landforms and changes the overall shoreline beach dynamics on and offsite, potentially resulting in loss of beach.

Accordingly, with the exception of coastal-dependent uses, Section 30235 authorizes the construction of shoreline armoring that is otherwise inconsistent with the Coastal Act only if the armoring is necessary to protect existing structures or public beaches in danger from erosion and where impacts of the shoreline armoring are eliminated or mitigated. Therefore, to protect core coastal resources, the Coastal Act has a series of specific criteria that must be met in order to approve a shoreline protective device. For example, proposals for shoreline protective devices compelled by Coastal Act Section 30235 must be supported by substantial evidence demonstrating: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline-altering

construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply. The first three criteria pertaining to Section 30235 relate to whether the proposed armoring is necessary, while the fourth criterion applies to mitigation for some of the impacts of such armoring.

Existing Structure to be Protected

The first Section 30235 test is whether or not a structure for which armoring is proposed as protection is considered “existing,” if it existed in its current form when the Coastal Act came into effect (i.e., January 1, 1977) and hasn’t been redeveloped since. Under Coastal Act Section 30235, structures in existence when the Coastal Act took effect on January 1, 1977 are potentially allowed shoreline armoring if the remaining three criteria identified above are satisfied.

In this case, Pebbly Beach Road is the primary structure on the site, and it was originally cut into the hillside in circa 1910 with shoreline protection consisting of riprap and some limited post-and-board walls with steel deadman restraint locally along portions of the roadway. Aside from old locally derived riprap that has been grouted with concrete over the years as means of repair, Pebbly Beach Road has not been redeveloped since its original construction; therefore, the roadway is considered an existing structure for purposes of Section 30235 of the Coastal Act. Thus, the proposed project meets the first test of Section 30235 of the Coastal Act.

In Danger from Erosion

The second Section 30235 test is whether the existing structure is in danger from erosion. The Coastal Act allows bluff retention devices to be installed to protect existing structures that are in danger from erosion, but it does not define the phrase “in danger.” There is a certain amount of risk involved in maintaining any development along the actively eroding California coastline that also can be directly subject to violent storms, wave attack, flooding, earthquakes, and other hazards, including at the subject location.

The existing revetment has experienced substantial damage during storm events at an increasing rate, at times closing Pebbly Beach Road. After the most recent storms (Hurricane Marie, 2014 and winter storms of 2015-16), there are now approximately 47 voids that have formed along the approximately $\frac{3}{4}$ mile-long Pebbly Beach Road, from the Avalon Mole extending to the industrial area to the south ([Exhibit 4](#)). The voids are fairly uniformly spread out along the entire roadway section and undermining the roadway surface in numerous locations. Over a dozen of these voids (some 30-ft. wide and 25-ft deep) are considered by the City to be in imminent danger of collapse, thereby destabilizing the road and public accessway. As a result, the City cordoned off these areas to keep pedestrians and traffic away from the voids.

To evaluate Pebbly Beach Road, the applicants commissioned the *Updated Geotechnical Engineering Evaluation of Pebbly Beach Road and North Slope Area* –

Located Southeast of Avalon, California by Keith D. Tucker, Consulting Engineer dated February 29, 2016. In addition, the applicants submitted *Draft, Geotechnical Basis of Design; Interim Shoreline Improvements; Pebbly Beach Road Avalon, CA Prepared for Engineering Solutions Group, Inc.* by Terra Costa Consulting Group 2019 [Terra Costa report]. According to the Terra Costa report, the purpose of the investigation was to evaluate existing conditions and to provide a coastal engineering assessment of the immediate need for the project and geotechnical basis of design in support of the proposed interim stabilization of Pebbly Beach Road in Avalon.

According to the Terra Costa report, undocumented artificial roadway subgrade fill soils underlie most of the alignment of Pebbly Beach Road between the Cabrillo Ferry Terminal Mole and the Pebbly Beach commercial/industrial zone. The voids in the revetment have formed primarily in the old locally derived riprap that has been grouted with concrete over the years as a means of repair. The report concluded that none of the riprap appears to be properly sized or engineered to effectively prevent subsurface erosion and retain the roadway fill soils. Therefore, with time, storm surf has broken down the concrete (shotcrete) fill that hold these rocks together, allowing individual rocks to be plucked out of the revetment. As the void grows, more energy is then available to assail other rocks within the perimeter of the void.

Finally, the Commission's coastal engineer, Dr. Lesley Ewing, has reviewed the relevant materials associated with this project and has determined that Phase I repair and maintenance is needed and should be implemented in the near term. Therefore, the Commission concludes that the revetment is an existing structure in danger from erosion for purposes of section 30235 and that the repairs to the revetment are necessary to protect the structure.

Feasible Protection Alternatives to a Shoreline Structure

The third test of Section 30235 that must be met is that revetments and other construction that alters natural shoreline processes shall be permitted when required to protect existing structures that are in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In this case, Pebbly Beach Road is an existing structure threatened by further erosion of the revetment, and, therefore, entitled to shoreline protection under Section 30235. While the applicant is eligible to repair the revetment or other shoreline protective device to protect Pebbly Beach Road, section 30235 requires that such device be designed to eliminate or mitigate adverse impacts. When such structures are allowed, therefore, the Commission considers the least environmentally damaging alternative that still provides the structural support.

Other alternatives to protective devices typically considered include the "no project" alternative, managed retreat (including abandonment and demolition of threatened structures), relocation of threatened structures and/or portions thereof, site redevelopment on a stable portion of the property, beach and sand replenishment programs, foundation underpinning, drainage and vegetation measures, and

combinations of each. Additionally, if armoring is determined to be the only feasible alternative, this test also requires that the chosen structural design of the protective device be the least environmentally damaging option, including being the minimum necessary to protect the endangered existing structure in question (here the road, utilities, and public accessway).

It is important to note that the City has indicated that they plan to stabilize/restore Pebbly Beach Road and the public accessway and address coastal hazard issues in two to three phases. The subject application (Phase I) is for road stabilization to fill 46 voids in the revetment, which is considered by the City to be interim infrastructure protection work that they consider the minimum project to prevent the sea from washing out the road and the utilities buried beneath the asphalt of Pebbly Beach Road.

Phase II of the project involves armoring the entire revetment between the ferry terminal mole and Pebbly Beach. This future phase adds rock to the revetment to today's protective standard and considers the impact of sea level rise. According to the City, this work would be performed when funding becomes available within the next 5 to 10 years.

Finally, Phase III of the project, which may or may not be incorporated into Phase II, includes improving recreational and user amenities to facilitate coastal access at Lover's Cove (directly seaward of Pebbly Beach Road), accommodating safe pedestrian passage between the ferry terminal mole and Pebbly Beach, and providing additional access to the water in the vicinity of Abalone Point (also directly seaward of Pebbly Beach Road.) The City hopes to perform this work as funding becomes available within the next 10 to 15 years.

Coastal Development Permit Application 5-19-0903 is for the Phase I revetment repair, therefore the following alternatives discussion does not include an analysis of future project alternatives that will be necessary to adapt to future rises in sea level (i.e. an enlarged revetment, seawall, bridge, causeway, or potentially relocating the road). Those analyses will be included in a future CDP application required by **Special Condition 2**.

Phase I Alternatives Analysis

Alternative One: No Project

The current deteriorated condition of the road and public accessway poses a danger to members of the public and important utilities as portions of the road could potentially fail and collapse at any time if they are not repaired. While the "no project" alternative would eliminate temporary impacts from construction of the proposed project as well as coastal resource impacts from the revetment itself, this option would not address the existing danger to the roadway, utilities, or public access. Moreover, further deterioration of the revetment could lead to additional coastal resources impacts, including public access and impacts to biological resources, for example, if utilities, such as the sewer

system, become undermined, breached, or otherwise nonfunctional and sewage is unable to be properly conveyed to the treatment plant or adequately treated prior to discharge. Thus, the no project alternative will not adequately address impacts to coastal resources in a manner consistent with the Coastal Act.

Alternative Two: Void Infill with Erodible Concrete or Quarry Run Protected by a Salvaged Rock Revetment with 5-foot Minimum Thickness.

This option consists of breaking out the tops of the larger voids and backfilling with quarry run and large rocks available on the island or erodible concrete depending on the size of the void. The front face of the void would be formed with either timber or sandbags to enable filling of the voids, and then resurfacing the existing shore face with rock. Any rock required to be placed below the Mean High Water Line will be salvaged from adjacent rocks on the sea floor that have been previously displaced from the revetment by storms. Commission Ecologist, Dr. Jonna Engel, reviewed this alternative and determined that the rocks the City would retrieve from the sea floor have been in place for a significant period of time sufficient to become habitat, and relocating them would likely disrupt organisms living in and around them. In addition, extending the revetment out five feet from the shoreface would increase the amount of fill in open coastal waters having more significant impacts on coastal resources. Thus, this alternative does not adequately minimize impacts to coastal resources in a manner that is consistent with the Coastal Act.

Alternative Three: Void Infill with Erodible Concrete or Quarry Run Protected by Quarry Run and New Rock not to exceed the preexisting rock revetment footprint.

This alternative consists of the same construction methodology as Alternative Two with regard to filling the voids with quarry run or erodible concrete, however rocks will not be retrieved from the sea floor to accomplish this and the areas requiring rock revetment in front of quarry run will not expand the revetment beyond the footprint of the preexisting rock revetment, thereby reducing impacts to coastal resources, both during and after construction, and creating no new fill of open coastal waters. Therefore, the Commission finds that Alternative Three, which is the applicant's proposed project alternative, is the least environmentally damaging alternative that addresses the existing threat to public safety and coastal resources consistent with Chapter 3 of the Coastal Act.

Shoreline Sand Supply Impacts

Finally, section 30235 of the Coastal Act requires that shoreline protection be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. An issue of major concern facing California today is the fast pace of disappearing beaches due to natural processes (i.e. erosion, subsidence and storm events) and anthropogenic factors (coastal development and sand supply interruptions). Seawalls, revetments, and other types of hard armoring have long been used to protect backshore development from erosion and flooding, but future accelerated sea level rise and extreme storm

events will heighten the rate of beach loss and potential exposure of the backshore to hazards. Hard armoring already results in unintended ecological and public access consequences, such as loss of biodiversity and ecosystem services and displacement of recreational beach area with protective structures.

In this case, the existing revetment does take up public beach area and may have adverse impacts on local sand supply by blocking sand-generating materials in the bluff from entering the shoreline sand supply system. Moreover, the replacement of eroded rock to recreate its profile, means that the revetment will be remain in place at this location, continuing to occupy area that would otherwise be available to the public and potentially sand that may otherwise contribute to the greater sand transport in this area. However, in terms of impacts to supply and sand transport, the proposed project does not increase the footprint of the original “pre-coastal” revetment and would not change the existing sand transport conditions, in terms of the amount of sand entering the shoreline sand supply system. Therefore, because the revetment is not being enlarged by the proposed project, there would be no change in the amount of sand being captured by the proposed project over existing conditions.

Furthermore, maintaining this portion of Pebbly Beach Road, and thus, the California Coastal Trail, preserves public access because if this portion of the road/trail were to erode while the City develops a long-term Hazards Management Plan for Pebbly Beach Road under Phase II and possibly Phase III, there would be no safe public access to this area until such plans are approved and implemented, which could take up to 15 years. Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. Given the observed coastal hazards in this area, the design and implementation of a formal long-term Hazards Management Plan will be a critical tool for minimizing future risk and achieving long-term resiliency. If the subject revetment were damaged in the future (e.g., as a result of wave action, storms, etc.), it could lead to degraded public access conditions to and along the shore. In addition, such damages could adversely affect nearby beaches and recreational use areas by resulting in debris on the beaches and creating a hazard to the public using the beaches and offshore areas. The applicant is aware of the need to address these concerns and proposes this project as a temporary measure to protect the public road and accessway while the long-term plan is developed, and **Special Condition 2** requires the applicant to acknowledge that the proposed repairs are being authorized for a five-year period and are intended as an interim measure.

To ensure the proposed project incorporates and implements measures to address erosion, water quality, and pollution, **Special Condition 5** requires that the applicants comply with construction-related best management practices (BMPs) to prevent construction materials, debris and waste from entering receiving waters, prevent spillage and/or runoff of demolition or construction related materials, and to contain sediment or contaminants associated with demolition or construction activities.

The Commission approved project configuration, as conditioned, is the least environmentally damaging feasible alternative, reduces sand supply impacts, and ensures a long-term solution to protect public access is developed. The Commission finds that only as conditioned as described above can the proposed development be found consistent with Sections 30253 and 30235 of the Coastal Act.

Coastal Erosion/Retreat and Sea Level Rise Considerations

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The subject development is proposed in order to protect critical infrastructure in an area subject to both coastal and fluvial hazards that are anticipated to be exacerbated in the future due to sea level rise and severe storms associated with climate change.

The project site is within the shoreline revetment and open water of the eastern side of the island. Prevailing winds along the Southern California Coast are from the west through northwest, with Pebbly Beach located on the protected lee of the island. Waves affecting Pebbly Beach are primarily limited to waves generated from Santa Ana-type storms from the southeast through north. Waves from Santa Ana-type storms are all fetch-limited, with fetch lengths ranging from about 25 miles from the north to about 45 miles out of the east, to about 60 miles out of the southeast. These fetch-limited waves result in maximum significant deep-water wave heights on the order of 12 to 16 feet, with maximum 8 second periods. The effect of these types on waves on this portion of the coast are highly dependent on the sea level during the wave episode. Large waves at low sea level cause limited erosion, since they break well offshore. When episodes of large waves combine with short-term high sea levels from tides and other factors, rapid retreat may occur along vulnerable coastlines.

The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released "Rising Seas in California: An Update on Sea-Level Rise Science." This report synthesizes recent evolving research on sea level rise science, notably including a discussion of probabilistic sea level rise projections as well as the potential for rapid ice loss leading to extreme sea level rise. This science synthesis was integrated into the OPC's State of California Sea-Level Rise Guidance 2018 Update. This Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing sea level rise. Notably, it provides a set of projections that OPC recommends using when assessing potential sea level rise vulnerabilities for various projects. Taken together, the Rising Seas science report and updated State Guidance account for the current best available science on sea level rise for the State of California.

The appropriate time horizon to use to evaluate sea level rise depends on the anticipated duration of development, after which such development is expected to be removed, replaced, or redeveloped. Pursuant to information provided by the applicant,

the proposed project has a design life of three to five years. While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear, and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California. Here, Pebbly Beach Road is a critical roadway maintaining critical infrastructure serving the public where failures could have significant coastal resource consequences. In such cases, the OPC Guidance and Coastal Commission Sea Level Rise Guidance recommend that applicants understand the risks associated with the medium-high risk aversion scenario and extreme (H++) risk aversion scenario and anticipate the need to plan for those scenarios.

The City of Avalon submitted a memorandum entitled *Wave Study for Cabrillo Mole Ferry Terminal (Mole), Avalon, California* prepared by Moffatt & Nichol, dated October 13, 2017, which contains data applicable to the Pebbly Beach coastline that analyzes the proposed project considering potential sea level rise (SLR) impacts. For the interim void infill project (Phase I), which has an anticipated design life of 3 to 5 years, they utilized the Mean High Higher Water as the design Standing Water Line from which to evaluate the performance of the interim rock slope protection proposed. In other words, the applicant did not evaluate sea level rise for the proposed Phase I project because it only has an expected design life of 3 to 5 years under which sea level rise impacts will be negligible.

The Pebbly Beach Road revetment must be repaired as soon as possible to continue to provide public access between the ferry terminal mole and Pebbly Beach, and to maintain the structural integrity of the road that houses buried utility lines underneath. In order to allow the repair of the revetment to stabilize the road while planning for a more permanent or long-term solution or other adaptation strategy, the Commission finds that a five-year authorization period is appropriate in this case. Thus, **Special Condition 2** authorizes the proposed repairs on a temporary basis for five years to allow for the repairs to the revetment. This will allow access along Pebbly Beach Road and protect the buried utility lines from damage due to erosion and flooding during storm events, while simultaneously allowing time to plan for future coastal hazard risks.

Special Condition 2 requires the permittee or successor in interest to apply for a regular coastal development permit within five years of Commission action on Coastal Development Permit No. 5-19-0903 to implement a long-term Hazards Management Plan for Pebbly Beach Road that addresses current and future coastal hazards present at the site. The Hazards Management Plan shall incorporate measures to adapt to sea level rise over time and provide for the long term protection and provision of public improvements, coastal access, public opportunities for coastal recreation, public views and coastal resources, including beach and shoreline habitat (measures may include, but need not be limited to, phased implementation of beach nourishment, soft protection, managed retreat, focused or small-scale armoring) and a time line or event driven schedule for implementation of the plan.

The plan shall include an alternatives analysis to address any coastal hazard vulnerabilities identified, including but not limited to, alternatives involving design changes to the permitted development, construction of a cause way, bridge, or relocation of the entire road and utilities to an area safe from flooding and other coastal hazards. Given that the road provides critical public access and protects critical infrastructure (electricity, water, sewer, etc.) serving the public where erosion and flooding could have significant coastal resource consequences, it is critical to coordinate the shorter-term development authorization with the longer-term effort in order to ensure the safety and functionality of Pebbly Beach Road into the more distant future.

The OPC Guidance and Coastal Commission Guidance recommend that applicants understand the risks associated with higher sea level rise projections and develop adaptation pathways for those higher scenarios, even if projects are initially designed for lower projections. **Special Condition 2** requires the applicant to analyze and plan for longer-term, higher-projection risks consistent with OPC guidance.

Finally, considering the aforementioned hazards, the Commission also requires **Special Condition 7** which requires the applicant to assume the risks of flooding and other hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite risks from hazards, the applicant must assume the risks. Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, will minimize risk to life and property from hazards, consistent with section 30253(a) of the Coastal Act.

C. Water Quality and Biological Productivity

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.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containments and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, ...

The Avalon certified Local Coastal Plan incorporates by reference the above policies regarding water quality and biological productivity.

Biological Resources

In order for staff to be able to evaluate potential habitat impacts related to the proposed project, the applicant submitted the *Pebbly Beach Road Shoreline Improvement Project: Marine Biological Resources Report and Essential Fish Habitat Assessment*, dated May 17, 2019, conducted by Marine Taxonomic Services, Ltd. The study area surveyed for this project included all waters up to 100 meters offshore of the 0.75 mile stretch of Pebbly Beach Road, including 107,392 square meters of the Lover's Cove State Marine Conservation Area. Marine habitat captured by side-scan sonar surveys and observed during SCUBA surveys within the study area fell under three distinct substrate types, including a rocky/cobble seabed mix, algae-covered seabed, and rocky reefs. The biological report concluded that while the biological communities present within the designated study area are typical of bays and shorelines in the region, the rocky Reef is designated as Habitat Area of Particular Concern, and mitigation measures must be taken to ensure it is protected.

Furthermore, although no bird surveys were conducted for the project area, the rocky cliffs and coastal bluffs that make up the landward side of Pebbly Beach Road approximately 30 feet inland of the rock revetment may provide potential nesting habitat for birds. In addition, although no marine mammals were observed during surveys, California Sea Lions and harbor seals are determined to have a high or moderate potential to occur on the project site, and mitigation measures should be taken to ensure their protection.

Due to the project's location within coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water

quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and debris during construction. **Special Condition 5** requires the applicant to implement appropriate construction related BMPs. Additionally, in order to minimize adverse environmental impacts and the unpermitted deposition, spill, or discharge of any liquid or solid into the sea throughout the life of the approved development, **Special Condition 4** requires the applicant to survey the area prior to construction and outlines precautionary measures that must be implemented if sensitive birds are encountered. The applicant has not received final approval for the proposed development from all of the resource agencies. **Special Condition 6** requires the applicant to comply with all requirements, requests and mitigation measures from the relevant resource agencies with respect to preservation and protection of water quality and the 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 whether the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The Commission finds that only as conditioned will the proposed project ensure that marine resources, including water quality and biological productivity, are maintained as required by Sections 30230, 30231 and 30232 of the Coastal Act and the policies of the certified LCP.

Fill of Coastal Waters

Coastal Act Section 30233 states that the filling of open coastal waters shall only be permitted for certain allowed uses, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. In this case, the proposed project is to repair an existing legal structure that predates the enactment of the Coastal Act. Therefore, here, the Commission is not authorizing the underlying development but rather determining whether the proposed method of repair and maintenance of the structure is consistent with applicable Coastal Act policies. The first test of 30233, whether the fill is for an allowable use, is thus not applicable in this case, as the fill is required to repair an existing legal use.

The second part of 30233 requires a consideration of alternatives. In this instance, the applicant is proposing to repair eroded voids in the existing rock revetment supporting Pebbly Beach Road, by infilling it with approximately 641 cubic yards of fill. The applicant analyzed several alternatives to the proposed project, including: 1) Infilling the voids with erodible concrete or quarry run protected by a salvaged rock revetment with 5-foot minimum thickness; 2) Infilling voids with erodible concrete or quarry run protected by new rock not to exceed the preexisting rock revetment footprint; and 3) A larger expansion of the revetment to be protected by an 8-ton rock revetment in a future phase of the project. The alternatives analysis concluded that protecting the new fill with a five-foot thick revetment would require new fill, which would lead to more environmental impact than the proposed project. The applicant also

determined that the “no project” alternative would leave the Pebbly Beach Road in its current corroded and dilapidated condition, which would render the road unusable and unsafe and could contribute to further impacts to coastal resources. Additionally, engineering and alternatives analyses presented by the applicant for Phase II of the project indicate that other, longer-lasting alternative designs would likely require substantial reconstruction and would likely have greater impacts to the beach and open ocean habitats along Pebbly Beach Road. Such designs would require considerable time and funding to plan and implement.

Therefore, as discussed above, the Commission agrees with the applicant that the proposed project is the least environmentally damaging alternative. The third requirement of 30233 is that feasible mitigation measures must be required to mitigate any adverse impacts of the proposed fill. The habitat assessment submitted by the applicant identifies that marine mammals, birds, Essential Fish Habitat and fish have the potential to be impacted during construction, but that the availability of ample similar habitat adjacent to the site and outside the influences of construction will minimize such impacts. As required under **Special Conditions 4 and 5**, implementation of Best Management Practices (BMPs) to minimize and control turbidity and minimize noise and light impacts will mitigate anticipated impacts to sensitive species.

Additionally, although the proposed work is located within the range for several species of abalone to occur (endangered marine mollusks), the abalone are located in the rocky reef which is located further into the open water than where project construction will be conducted. Thus, no abalone are expected to be located within the area affected by the proposed project. Effects to rocky habitat resulting from the project, such as turbidity generated from construction during high tide, and disturbance of the seafloor, will temporary and minimal.

Mitigation Measures

Section 30233(a) requires feasible mitigation measures to minimize adverse environmental effects. The project has been conditioned to minimize impacts to biological resources and implementation of water quality best management practices to avoid and minimize impacts to aquatic vegetation and protection of water quality. As proposed and conditioned, the proposed project will not adversely impact the biological productivity of ocean waters and is the least environmentally damaging option that minimizes fill of coastal waters. Therefore, the Commission finds that as proposed and conditioned the development conforms with Sections 30230, 30231, 30232, and 30233 of the Coastal Act.

D. Public Access and Recreation

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:

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

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 Avalon LCP incorporates by reference these sections of the Coastal Act.

One of the basic tenets of the Coastal Act is to maximize public access and recreation to and along the coast. Pebbly Beach Road and the shoreline adjacent to it are heavily utilized for recreational uses including walking, snorkeling, diving, kayaking, boating, swimming, fishing, beach-going, etc. It is also heavily traveled by the public to access Pebbly Beach and Lovers Cove.

The proposed project will repair the rock revetment that supports Pebbly Beach Road, which has become unsafe for visitors and residents. The proposed project will result in an improvement to coastal access by creating a safer road to travel to Pebbly Beach Road and Lovers Cove and will allow the City restore access to those areas above the voids that have been cordoned off due to public safety concerns.

Construction Timing and Staging

Construction of the proposed project will temporarily affect public access to and along the shoreline in this location. The applicant has indicated that repairs will take from three weeks to a month, but that it will sequence activities to minimize disruptions and provide maximum access as possible. Furthermore, the applicant is proposing that all staging will occur within Pebbly Beach Road without encroaching into any habitat areas along the landward side, nor within any habitat within the rocky shoreline along the road. Therefore, while there may be temporary impacts to access in order to protect

more sensitive habitat areas, as proposed and conditioned the project is consistent with the public access and recreation policies of the Coastal Act and the certified LCP.

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 while some of the proposed project will occur within City of Avalon's LCP jurisdiction, the majority of the proposed work will occur within the Commission's retained jurisdiction as it will occur within open water and below the mean high tide line or within a portion of the City of Avalon that was annexed into the City after the City's LCP was certified in 1981, and thus there is no certified LCP applicable to this area. The City of Avalon has requested a consolidated coastal development permit from the Commission for the portion of the work within the City's LCP jurisdiction. Chapter 3 is the standard of review for this portion of the project as well, with the City's certified LCP providing guidance.

Therefore, 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. As conditioned the proposed development is also consistent with the City's LCP; therefore, it will not prejudice the ability of the City to amend its LCP to include the annexed area.

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications 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). Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP process and 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 City of Avalon is the lead agency for the purposes of CEQA review. The City determined on July 25, 2019 that the proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines (Section 15301 (c) and (d)).

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would

substantially lessen any significant adverse effect which the development 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, has no remaining significant environmental effects, either individual or cumulative, and is consistent with the applicable requirements of the Coastal Act to conform to CEQA.