

**AVALON CITY COUNCIL MEETING
TUESDAY, FEBRUARY 3, 2015 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
A G E N D A**

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact Denise Radde, City Clerk (310) 510-0220. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35.104 ADA Title II). All public records relating to an agenda item on this agenda are available for the public inspection at the time the records are distributed to all, or a majority of all, members of the City Council. Such records shall be available at City Hall located at 410 Avalon Canyon Rd.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

PRESENTATION

1. Audra McDonald, Administrative Analyst for the City of Avalon, will provide a presentation regarding Formula Community Development Block Grant Funds (CDBG) the City receives through the Los Angeles County Development Commission.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

ORAL COMMUNICATION

Members of the public may address the City Council at this time. No action will be taken on non-agenda items at this meeting. Speakers should limit comments to three (3) minutes each.

CONSENT CALENDAR

1. Actions
Although the live recording is the official record of public meetings, actions are prepared for the Council's approval.
Recommended Action
Approve actions from the December 16, 2014 and January 20, 2015 City Council meetings.

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2. Area F Legacy Funds

Los Angeles County is divided into sections for the purposes of disaster management; Area F consists of Avalon, Long Beach and Signal Hill. Grant funds for disaster management come through a federal, state and county process and one agency in each area manages the fund for the group. Avalon has provided that service since 2011 and it is now transitioning back to the City of Long Beach. Division of remaining funds is between Avalon and Signal Hill Area F.

Recommended Action

Approve the disbursement of Area F Legacy Funds in the amount of \$53,031.00 to the City of Signal Hill.

3. 2015 Annual Growth Resolution

The Municipal Code requires that the City Council, in conjunction with the Planning Commission, adopt an Annual Growth policy. At its December 17, 2014 meeting, the Planning Commission considered the growth permitted in 2014, the effect and demands of such development and any additional development on the City resources.

Recommended Action

Approve the 2015 Growth Resolution as recommended by the Planning Commission.

4. 2015 Waterside Permits

Each year the Harbor Master reviews all existing Waterside Permits whose terms are to expire on December 31st. If the Harbor Master determines that because of changed circumstances, a permit should not be renewed, or should be renewed on different terms and conditions, he shall forward his recommendation thereon to the City Council.

Recommended Action

See Staff report for list of recommended actions.

5. Waterside Project Application ~ Seaplanes of Los Angeles

San Diego Seaplanes Inc. has submitted a Waterside Project Application to offer seaplane air tours of Catalina and seaplane flights directly to and from private boats outside Avalon Harbor.

Recommended Action

That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Michael Steel owner of Seaplanes of Los Angeles with the recommended conditions.

6. Waterside Project Application ~ Ghost Tours of Catalina, Inc.

Ghost Tours of Catalina has submitted a Waterside Project Application to offer fishing charters, coastal tours and See-Doo Rentals.

Recommended Action

That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Ian and Patrick Alexander owners of Ghost Tours of Catalina, Inc. with the recommended conditions.

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7. Waterside Project Application-Daniel Mello
Daniel Mello submitted a Waterside Project Application proposing to conduct a 6 pack charter aboard a 30'-40' boat, offer marine repair and offer pilotage mooring assistance.
Recommended Action
Hold over the application until the applicant can be present to answer any questions.

8. Waterside Project Application ~ The Breakfast Boat
Erin and Gene Eubank submitted a Waterside Project Application to sell baked goods, hot breakfast, coffee and miscellaneous sundries and non-alcoholic beverages in Avalon Harbor.
Recommended Action
That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Erin and Gene Eubank for The Breakfast Boat with the recommended conditions.

GENERAL BUSINESS

9. Waterside Project Application- Catalina Aqua Park
Joseph D'Albero has submitted a Waterside Project Application to install a modular Aqua Park inside the swim area near the Blue Water and Antonio's restaurants. The Aqua Park would be open from 9:00am to 7:00pm, seven days week in the months of May through September.
Recommended Action
 - A. Deny the application submitted by Catalina Aqua Park as the required affirmative findings set forth in the Municipal Code for approval of a waterside permit cannot be met.
 - B. Hear the presentation from Joseph D'Albero and give Staff direction on how the City Council would like to proceed regarding the proposed Aqua Park water based family entertainment center inside the Middle Beach swim area.

10. Vehicle Noise Ordinance Administrative Procedure Timeline Update
In January 2014 City Council adopted the administrative procedure for the enforcement of Avalon Municipal Code 4-4.1713 Vehicle Noise. The procedure first tested residential autoette vehicles for noise compliance as part of their annual city permit registration. In order to continue to meet the goals of the City Council to address this quality of life issue, Staff has updated the timeline addressing the continued enforcement for the different types of vehicle permit.
Recommended Action
Discuss and give direction regarding the updates to the vehicle noise ordinance administrative procedure timeline for enforcement and vehicle permit types testing.

CLOSED SESSION

1. Conference with Legal Counsel - Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Hermosa Hotel v. City of Avalon: CV 13-02439 ABC

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2. Conference with Real Property Negotiators
Property: Fuel Dock, #2 Casino Way, Avalon, CA
Cabrillo Mole, 300-302 Pebbly Beach Road, Avalon, CA
Agency Negotiators: Ben Harvey, City Manager and Scott Campbell, City Attorney
Negotiating parties: Catalina Express and Russ and Jenny Armstrong
Under negotiation: Price and Terms of payment

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for February 3, 2015 was posted on Wednesday, January 28, 2015, on the City's website www.cityofavalon.com, and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall and on the City website.



Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: BH

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve City Council Actions from the regular City Council meetings on December 16, 2014 and January 20, 2015.

REPORT SUMMARY: Although the live recording is the official record of public meetings, actions are prepared for the Council's approval.

FISCAL IMPACTS: N/A

GOAL ALIGNMENT: To be determined.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW UP ACTION: File Actions in the City Clerk's office.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: City Council Actions will be provided under separate cover..

**CITY OF AVALON CITY COUNCIL MEETING
TUESDAY, DECEMBER 16, 2014
ACTIONS**

CALL TO ORDER 5:05 p.m.

ROLL CALL - Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez and Joe Sampson. Also present City Manager Ben Harvey and City Attorney Scott Campbell. Absent: Chief Administrative Officer/City Clerk Denise Radde.

PLEDGE OF ALLEGIANCE / INVOCATION

PRESENTATION

1. A representative of the California HERO Program gave a presentation about their program. Property owners in participating cities and counties can finance renewable energy, energy and water efficiency improvements, and electric vehicle charging infrastructure to their property through their property taxes.
2. Update was given by Southern California Edison on Phase 2 Water Rationing.

CONSENT CALENDAR

There were 4 items on the Consent Calendar. Councilmember Cassidy pulled Item 4 for further discussion. Motion by Oley Olsen, seconded by Richard Hernandez to approve Items 1-3. (All Ayes)

1. Approved actions from the December 2, 2014 City Council meeting.
2. Expenditures Submitted for Approval
 - o Warrants in the amount of \$1,176,354.56
 - o An Electric Fund Transfer in the amount of \$45,605.18
 - o Two Payrolls in the amount of \$368,930.14Approved total expenditure amount of \$1,590,889.88.
3. Authorized the Harbor Master to purchase lumber to build the new budgeted replacement fuel dock floats from Jones Lumber in the amount of \$7,695.71.

Pulled Item:

4. Mobile Device Usage and Stipend Policy
City Manager Ben Harvey explained the staff report and it's purpose. Councilmember Cassidy had an issue with the amount of money that was being authorized for this policy. After discussion Oley Olsen made the motion to adopt only the policy and have Staff come back with revised figures to approve. Cinde Cassidy seconded the motion. (All Ayes)

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GENERAL BUSINESS

5. Appointment of an Alternate Planning Commissioner
Motion to appoint Michael Ponce to serve as the Alternate Planning Commissioner for a term of two years by Anni Marshall, seconded by Joe Sampson. (All Ayes)

6. Drawing of Straws for any Appeal Pertaining to the Vons Project
This item was before the City Council once again at the written request of Mayor Marshall. Motion to renew the action of determining by lot the Conflict of Interest for an appeal on the proposed Vons project by Oley Olsen, seconded by Cinde Cassidy. (4 Ayes-Marshall, Olsen, Cassidy and Hernandez, 1 No- Sampson) Rules were determined before cards were drawn by Mayor Marshall and Councilmembers Hernandez and Cassidy. Councilmember Hernandez drew the high card, making him the third Councilmember able to vote on the Vons project appeal. The Conflict of Interest will remain in place for Mayor Marshall and Councilmember Cassidy.

7. Introduce Ordinance Amending the Time that the Regular City Council Meets on the First and Third Tuesdays of Each Month
This item died due to a lack of motion.

CLOSED SESSION

Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

2. Conference with Legal Counsel - Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Hermosa Hotel v. City of Avalon: CV 13-02439 ABC

Following Closed Session the City Attorney reported that there was no reportable action.

ADJOURN

Mayor Marshall adjourned the regular City Council meeting at 8:00 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on December 16, 2014 is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Chief Administrative Officer

**CITY OF AVALON CITY COUNCIL MEETING
TUESDAY, JANUARY 20, 2015
ACTIONS**

Started the meeting with the Avalon Municipal Hospital Board of Trustees meeting.
6:04 – 6:15 p.m.

CITY COUNCIL CALL TO ORDER 6:15 p.m.

ROLL CALL - Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez and Joe Sampson. Also present City Manager Ben Harvey, Chief Administrative Officer/City Clerk Denise Radde and City Attorney Scott Campbell.

PLEDGE OF ALLEGIANCE / INVOCATION

PRESENTATION

Update was given by Southern California Edison on Phase 2 Water Rationing.

CONSENT CALENDAR

There were eight items on the Consent Calendar. Item 1 was amended to reflect Actions from the January 6, 2015 meeting only. Councilmember Cassidy commented on Item 2, she would like an itemized report on the expenses of Senior Meals. Mayor Marshall needed to abstain from Actions on January 6, 2015. Councilmember Sampson removed items 3 and 6 for discussion. Motion by Oley Olsen to approve Items 1, 2, 4, 5, 7 and 8, seconded by Joe Sampson. (All Ayes)

1. Actions

Approved actions from the January 6, 2015 City Council meeting.

2. Expenditures

- Warrants in the amount of \$1,275,778.74
- An Electric Fund Transfer in the amount of \$173,315.21
- Three Payrolls in the amount of \$603,243.73

Approved total expenditure amount of \$2,052,337.68.

4. Fiscal Year 2013-2014 Quarterly Treasurer's Reports

Adopted Resolution 15-02 accepting the Treasurer's Reports for FY2013-14 for the 1st Quarter ending September 30, 2013, 2nd Quarter ending December 31, 2013, 3rd Quarter ending March 31, 2014, and 4th Quarter ending June 30, 2014.

5. City of Avalon - Treasurer's Statement of Investment Policy

Adopted Resolution 15-03 adopting the Treasurer's Statement of Investment Policy for Fiscal Year 2014-15.

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7. Authorize Execution of Professional Services Agreement with Dudek for Audit of the City's Sewer System Management Plan (SSMP)
Authorized the City Manager to execute a contract with Dudek for an audit of the City's Sewer System Management Plan (SSMP) in the amount of \$8,820.00.
8. Emergency Repairs at Pebbly Beach Lift Station- Replace Suction Valves
 1. Determined that an emergency existed and ratified the action by the Chief Administrative Officer and the Interim Public Works Director to undertake necessary repairs at the Pebbly Beach Lift Station.
 2. Authorized the expenditures for these repairs to be funded by Sewer Infrastructure Fund 108-25-6552 in the amount of \$14,202.50.
 3. Adopt Resolution 15-05 authorizing necessary repairs to the Pebbly Beach Lift Station.

Pulled Items:

3. Annual Report on the Development Agreement between City of Avalon and Hamilton Pacific LLC
Comments were received from Councilmembers Sampson and Hernandez regarding the purchase of a fire truck prior to the issuance of a Certificate of Occupancy. Councilmember Hernandez wants to meet with Fire Chief Krug to get some questions answered regarding this fire truck. Mayor Marshall asked Planning Director Amanda Cook questions on the 18 units of affordable housing required. Motion to receive and file the report by Cinde Cassidy, seconded by Oley Olsen. (All Ayes)
6. Consideration of a Resolution Authorizing an Application to the California Department of Transportation's Call for Projects, Ferry Boat Formula Program
Audra McDonald was asked to explain the Ferry Boat Formula Program. Adopted Resolution 15-04 authorizing the submittal of an application for Ferry Boat Formula funds to reconstruct the Cabrillo Mole Ferry Terminal Restrooms. Motion by Oley Olsen, seconded by Joe Sampson. (All Ayes)

GENERAL BUSINESS

9. Adopt Resolution Consenting to the Inclusion of Properties within the City's Jurisdiction in the California HERO Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and Approving an Amendment to a Certain Joint Powers Agreement
Adopted Resolution 15-06 consenting to inclusion of properties in the California HERO Program and authorized execution of an Amendment to the Western Riverside Council of Governments Joint Powers Agreement. Motion by Oley Olsen, seconded by Cinde Cassidy. (All Ayes)

CITY COUNCIL ACTIONS
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10. Mobile Device Usage and Reimbursement Policy
Adopted the Mobile Device Usage and Reimbursement Policy for appropriate business use of mobile devices and authorized reimbursement to qualifying employees retro to the beginning of this Fiscal Year. Motion by Cinde Cassidy, seconded by Oley Olsen.
(All Ayes)

11. Condition of the City of Avalon Fuel Dock and Potential Authorization for an Engineering Study to Determine Viability of Short-Term Repairs
Discussed the condition of the Fuel Dock and received comments from the tenants of the restaurant portion. Authorized funding for an engineering study to determine the viability of short-term repairs. Motion by Cinde Cassidy, seconded by Oley Olsen.
(All Ayes)

Adjourned to the Housing Authority of the City of Avalon Board of Commissioners Meeting
7:53 p.m. - 8:50 p.m.

CLOSED SESSION 8:50 p.m.-10:20 p.m.

Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

1. Conference with Legal Counsel - Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Hermosa Hotel v. City of Avalon: CV 13-02439 ABC

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

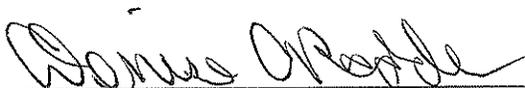
Following Closed Session the City Attorney reported that there was no reportable action.

ADJOURN

Mayor Marshall adjourned the regular City Council meeting at 10:25 p.m.

NOTICE OF POSTING

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on January 20, 2015 is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015
ORIGINATING DEP: Fire
PREPARED BY: Michael L. Krug, Fire Chief
SUBJECT: Area F Legacy Funds

AGENDA ITEM: 2
CITY MANAGER: BH

RECOMMENDED ACTION(S): Approve the disbursement of Area F Legacy Funds in the amount of \$53,031.00 to the City of Signal Hill.

REPORT SUMMARY: Los Angeles County is divided into sections for the purposes of disaster management; Area F consists of Avalon, Long Beach and Signal Hill. Grant funds for disaster management come through a federal, state and county process and one agency in each area manages the fund for the group. Avalon has provided that service since 2011 and it is now transitioning back to the City of Long Beach. Funds essentially left on our books are referred to as "legacy funds" and need to be used for the appropriate disaster management acquisitions and spent down to a zero balance. The City of Long Beach has already agreed to the division of remaining funds (\$106,062.00) between Avalon and Signal Hill Area F.

GOAL ALIGNMENT: Employee time management; allows for City of Avalon employees to no longer manage the associated Area F administrative funds for Signal Hill and Long Beach and remove their funds from our books.

FISCAL IMPACTS: This will have ZERO impact on the budget as it is the City of Signal Hill's money that we are holding for them. Furthermore, by distributing their funds back to them, we save Avalon City employees time/money by not having to process their purchase orders through our Finance Department.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: We will continue to hold the remaining legacy fund Area F balance on our books and process their purchase orders through our Finance Department.

FOLLOW UP ACTION: N/A

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly posted pursuant to the Brown Act.

ATTACHMENTS: Draft letter to Area F partners for documentation, pending approval.



City of Avalon

Santa Catalina Island

December 22, 2014

Christopher Nunley, Captain
City of Signal Hill Police Department / Area F
Signal Hill, CA 90755

Dear Captain Nunley,

As previously discussed at our October 29, 2014 Area F Meeting I am releasing your portion of the Area F Legacy Funds, earmarked for the City of Signal Hill. This amount is \$53,031.00 and will close out the previous Area F grant funds administration by the City of Avalon. This responsibility has already transferred to the City of Long Beach Area F and they will move forward with future disaster management grant agreements packages.

The City of Long Beach Area F has already agreed to this distribution of legacy funds, and the City of Avalon has begun to acquire disaster management supplies with our matching \$53,031.00 portion.

This agreed upon distribution by all three Area F partners will allow for the transition of future disaster management grant awards to be administered by the City of Long Beach for Area F, instead of Avalon. It also allows the Area F partners to acquire needed disaster management items and spend down to a zero balance the City of Avalon's Area F legacy funds.

Please contact me with any questions or clarification you might need.

Sincerely,

Michael L. Krug, Fire Chief
Avalon Fire Department
(310) 510-0203 Ext. 205

DRAFT

cc: City of Long Beach Area F, David Ashman

*Administration/
Public Works
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-0901*

*Finance
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-0765*

*Harbor Department
P.O. Box 1085
Avalon, CA 90704
310 510-0535
Fax 310 510-2640*

*Fire Department
P.O. Box 707
Avalon, CA 90704
310 510-0203
Fax 310 510-0104*

*Recreation
Department
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-9528*

*Planning/Building
Capital Improvements
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-2608*

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 3

ORIGINATING DEPT: Planning

CITY MANAGER: BH

PREPARED BY: Amanda Cook

SUBJECT: 2015 Annual Growth Resolution

RECOMMENDED ACTION(S): Approve the 2015 Growth Resolution as recommended by the Planning Commission.

REPORT SUMMARY: The Municipal Code requires that the City Council, in conjunction with the Planning Commission, adopt an Annual Growth policy. At its December 17th meeting, the Planning Commission considered the growth permitted in 2014, the effect and demands of such development and any additional development on the City resources and passed a resolution recommending the City Council determine the amount and type of growth the City should permit in 2015.

The proposed growth policy for 2014 allows development in the following classes of projects:

a) Projects involving existing commercial and residential structures which are to be repaired, replaced in kind, or remodeled or enlarged provided no additional dwelling units are added to existing residential structures other than density bonus units permitted by conditional use permit. As used herein, a replacement in kind is construction which does not change the prior use, increase the total square footage, or increase the number of units in the replaced structure. This section does not prohibit consideration and approval of conditional use permits for transient occupancy, subject to the limitations otherwise applicable to such permits.

b) An in-fill project. As used herein, an in-fill project shall mean:

- any residential project which creates five (5) or fewer units (including any bonus density units); or
- any non recreational/visitor serving commercial project that increases square footage by less than 50%; or
- any expansion of existing recreational/visitor serving development, not over 5,000 sq. ft.;

and is on a legally conforming parcel, provided that if the project is not categorically exempt, then the project proponents can mitigate any adverse environmental impacts and Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City.

c) Residential tract development of greater than five units may be allowed if the project provides 20% of the units proposed or one unit, whichever is greater, to year round, non-transient, affordable housing and Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City.

d) Infrastructure projects authorized under by City/Successor Agency.

e) Projects which the Planning Commission determines will not have growth inducing effects. By way of example, such projects would include non-inhabited industrial warehouses, mechanical, marine or construction service areas and storage spaces.

f) Projects which are not categorized as in-fill or existing residential or commercial structures for which a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, with or without Mitigation Monitoring Program is adopted and for which specific findings are made that explain why the resulting growth is beneficial to the City of Avalon and its residents.

A project shall only be required to fall into one of the foregoing categories.

The adoption of the resolution is exempt from CEQA pursuant to Section 15061(b)(3) as there is no possibility that the adoption of the resolution could have a significant impact on the environment.

Given the adoption of laws governing growth including CEQA, the Coastal Act and case law implementing such laws, the City Council could decide to direct staff to adopt an ordinance repealing the City's Growth Ordinance as numerous protections limiting growth exist and all growth inducing project must be approved by the City in any event.

GOAL ALIGNMENT: Infrastructure and Avalon 2030 Vision.

FISCAL IMPACTS: None

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): The dictates of the Municipal Code will not be followed

FOLLOW UP ACTION(S): Possible repeal of Growth Ordinance if so directed.

ADVERTISING, NOTICING AND PUBLIC CONTACT:
This item is included on the posted Agenda.

ATTACHMENTS: Proposed Growth Policy/Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF AVALON ADOPTING
THE ANNUAL GROWTH POLICY
FOR THE YEAR 2015**

The City Council of the City of Avalon does determine, find and resolve as follows:

Section 1. On December 17, 2014 the Avalon Planning Commission conducted a duly noticed public hearing at which time written and oral evidence was considered regarding the development of a growth resolution for the year 2015. Pursuant to Avalon Municipal Code Section 9-12.101 *et seq.*, the Planning Commission reviewed the growth permitted in the City during the preceding twelve months, and the effects and demands of such development and other development on the City's resources.

Section 2. The City Council has determined that adoption of a Growth Policy is exempt from CEQA under the 'General Rule' exemption, Section 15061, (b) (3). The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. The following facts were reviewed by the City Council in adopting the recommended Annual Growth Policy and form the findings of fact upon which the City Council adopts this resolution:

a) Increases in population and in the number of vehicle permits issued by the City have resulted in substantial impacts on the availability of parking in both commercial and residential areas, traffic and noise.

b) New commercial construction and resort/vacation residential growth may contribute to the need for additional workforce, which in turn may create demand for additional housing. The City has revised the Inclusionary Housing ordinance to require affordable housing as part of multi-unit residential development projects and new commercial development.

c) The demand for City services, such as the WWTP and salt water service, public works, police and fire services, has increased without a corresponding increase in the funding for personnel and related infrastructure to perform these services.

d) Southern California Edison has advised the City that inadequate fresh water is available to be allocated for new construction.

e) New developments in the City have been proposed by the Santa Catalina Island Company, and Hamilton Pacific. Such Developments are currently subject to

agreements between these entities and the City or its Housing Authority, which agreements provide for CEQA review, development agreements and/or other regulatory oversight.

Section 4. Based on the foregoing, the City Council adopts the following growth policies for the year 2015, providing that new development will be permitted only for the following classes of projects:

a) Projects involving existing commercial and residential structures which are to be repaired, replaced in kind, or remodeled or enlarged provided no additional dwelling units are added to existing residential structures other than density bonus units permitted by conditional use permit. As used herein, a replacement in kind is construction which does not change the prior use, increase the total square footage, or increase the number of units in the replaced structure. This section does not prohibit consideration and approval of conditional use permits for transient occupancy, subject to the limitations otherwise applicable to such permits.

b) An in-fill project. As used herein, an in-fill project shall mean:

- any residential project which creates five (5) or fewer units (including any bonus density units); or
- any non recreational/visitor serving commercial project that increases square footage by less than 50%; or
- any expansion of existing recreational/visitor serving development, not over 5,000 sq. ft.;

and is on a legally conforming parcel, provided that if the project is not categorically exempt, then the project proponents can mitigate any adverse environmental impacts and Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City.

c) Residential tract development of greater than five units may be allowed if the project provides 20% of the units proposed or one unit, whichever is greater, to year round, non-transient, affordable housing and Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City.

d) Infrastructure projects authorized under by City/Successor Agency.

e) Projects which the Planning Commission determines will not have growth inducing effects. By way of example, such projects would include non-inhabited industrial warehouses, mechanical, marine or construction service areas and storage spaces.

f) Projects which are not categorized as in-fill or existing residential or commercial structures for which a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, with or without Mitigation Monitoring Program is

adopted and for which specific findings are made that explain why the resulting growth is beneficial to the City of Avalon and its residents

A project shall only be required to fall into one of the foregoing categories.

Ayes:

Noes:

Absent:

Abstain:

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk.

For Agenda Items #4-#9

Attached are the Standard List of Conditions relating to Waterside Project Applications and the Municipal Code as it relates to granting the permit and retaining the permit.

Standard List of Conditions Relating to Waterside Project Applications

1. Section 1-6.01 Public Liability Insurance

Sec. 1-6.01 Public Liability Insurance. Applicants for permits or franchises and parties to leases and contracts with the City of Avalon may be required by the Avalon Municipal Code or the City Manager to maintain a policy of public liability insurance. Such policy shall:

- (a) Contain broad form commercial general liability insurance, or in the case of marine operations, the substantial equivalent, with respect to the Premises, as applicable and the permittee, franchisee, contractor or lessees' activities with a combined single limit of not less than \$1,000,000 per occurrence and aggregate. Such insurance shall be produced by an insurer authorized to do business in California with a then current Best's Insurance Guide Rating of not less than A-VII. , shall name the City of Avalon, its officers, agents and employees as additional insureds, and shall contain a provision that prohibits cancellation, modification or; and
- (b) Name the City as additional insured and contain a waiver of subrogation against the named insured or respective officers, employees, agents; and
- (c) Provide that it may not be canceled without at least thirty (30) days prior written notice to the City; and
- (d) Provide primary and not excess coverage Insurance coverage shall be subject to the approval of the City.

The applicant shall provide evidence of such insurance coverage by providing the City with a copy of the policy and/or a copy of a fully explanatory certificate of insurance, as determined by the City.

2. Section 10-2.402 Use of Harbor Related Facilities: Use Fees

Wharfage, dockage, landing and use fees for the use of or impact upon any harbor or harbor-related facility owned or controlled by the City of Avalon shall be as follows:

- (a) Except as otherwise specifically provided in this article, for all boats, ships, vessels, airplanes or other transportation facilities carrying passengers for hire or charter, whether operating under the authority of the California Public Utilities Commission or not, which land, discharge, load, or embark passengers on, to, or from such City harbor facilities Two Dollars Fifty Cents (\$2.50) for each passenger so landed, discharged, loaded or embarked.
- (b) Except as otherwise provided in paragraph (1) below, for all cruise ships, Two Dollars Fifty Cents (\$2.50) per passenger, which fee shall be levied upon eighty (80%) percent of the manifest passengers, excluding persons employed upon the vessel. As used in this

section "cruise ship" means a vessel which lists Avalon as a port-of-call and which anchors so as to permit passengers to disembark and to return to the same vessel.

(c) For businesses engaged in the operation of excursion boats using such facilities for landing, discharging, loading or embarking passengers on, to, or from such facilities, seven (7%) percent of the gross receipts of such business derived from such use. For the purpose of this section, "excursion boats" shall mean vessels operating from points in the City and returning thereto for sightseeing scenic tours or as pleasure cruises, and carrying passengers for hire, but not providing facilities for overnight stays.

(d) For businesses engaged in the operation of "shore boats," as defined herein, and using such facilities for landing, discharging, loading or embarking passengers on, to, or from such facilities, seven (7%) percent of the gross receipts of such business derived from such use, excepting therefrom receipts for transportation of passengers to and from "cruise ships," as defined in subsection (b) herein, or as otherwise provided in an applicable franchise agreement issued pursuant to Section 10-2.410. For the purpose of this section, "shore boats" shall mean vessels carrying passengers or freight for hire to and from boats moored within or without City waters to the shore in Avalon, between such boats in City waters or between points on the shore in Avalon.

(e) Operators of fishing tournaments whose participants use City harbor facilities during the course of such tournaments shall comply with the provisions of Title 3, Chapter 3 regarding admissions taxes as applied to entry fees charged for participation in such tournament.

(f) For all other businesses not otherwise expressly provided for in this Section 10-2.402 carrying passengers for hire by vessel from points in the City and returning thereto, or from one point in the City to another point therein, or engaged in the renting, leasing, or chartering of boats, paddle boards, rafts, or other floating watercraft for hire and using City harbor facilities, or whose patrons regularly use such facilities for launching, landing, boarding, unloading, embarking or disembarking, docking, or other similar uses, or whose business activities involve the use of such facilities, seven (7%) percent of the gross receipts derived from such use.

(g) The fees for the use of such facilities by those not falling within the classifications set forth in subsections (a) through (d) of this section shall be determined initially by a schedule adopted by the Council or shall be incorporated into the flat rental of any contract, permit, lease, franchise or other agreement entered into for use of the facilities.

3. Section 10-2.410 Permits; Franchises to Conduct Business

- a. All businesses operating in the harbor, except those enumerated in paragraph (b) of this section, shall maintain a shore base of operations or an office in Santa Catalina Island. Such office shall have a business telephone, which is covered twenty four (24) hours a day. An answering service or mechanical means of answering may be used provided messages are checked no less than three (3) times per day.

4. In addition to the provisions of Section 10-2.402, all businesses operating within the harbor, except those operating pursuant to a franchise issued by the City shall:

(ii.) In the case of waterside permit holders other than cross-channel carriers, pay to the City a non-refundable use fee deposit of One Thousand (\$1000.00) Dollars, payable in two (2) installments of Five Hundred (\$500.00) Dollars each, the first installment on the inception of operations within the Avalon Harbor and the second on August 1. The use fee deposit may be applied against use fees due and owing under Section 10-2.402 at such time that the permittee has made timely payment of use fees for thirteen (13) consecutive months.

(iii.) In all cases where the business operates seven (7) or more months during any twelve (12) month period, pay to the City use fees under Section 10-2.402 no fewer than seven (7) months of any twelve (12) month period, and in no event less than the sum of twenty five (\$25.00) Dollars per month for each month the business is operating and reports sales receipts.

(iv.) In all cases where the business operates fewer than seven (7) months during any twelve (12) month period, pay to the City a use fee of Two Hundred (\$200.00) Dollars for each month the business is closed or does not report any sales receipts.

6. All vessels over sixteen (16) feet in length operated for hire or used to conduct work in the harbor shall be equipped with a marine radio which shall be monitored at all times that the vessel is in operation.

7. All businesses operating in the harbor shall maintain all equipment, materials, facilities, machinery and vessels utilized in the operation of the licensed business in a good working condition, and such businesses shall only employ workers who are qualified to conduct the duties appropriate to the licensed business.

8. Resolution 96-36 Mandatory Activation Dates for Waterside Permits

Section 4. All newly permitted businesses must have proof of insurance, other required permits and/or leases, and all required deposits in place prior to commencing business operations in Avalon Harbor. All new permits issued before January 31 will expire on April 1 of the year of issuance unless the business is operating as of that date. All new permits issued after January 31 will expire sixty (60) days after issuance unless the business is operating as of that time. The Harbor Master shall have the authority to grant one extension of thirty (30) days of the time within which a business must be operating, upon showing a good cause.

Municipal Code

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

(1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.

(2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 4

ORIGINATING DEP: Harbor

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: 2015 Waterside Permit Renewals

RECOMMENDED ACTION(S):

1. The Harbor Master recommends renewing the attached list of Waterside Permits for the year 2015 except those listed in recommended actions 2-7 which have recommendations from the Finance Department for non-renewal unless they are brought into compliance regarding fees due and audit requirements.
2. Do not renew Catalina Snorkel and Scuba's waterside permit unless:
 - a. The outstanding balance of 7% Harbor Use Fees verse 4% admissions Tax submitted which sum equals **\$4,743.54** is paid to the City for January to November 2014. December 2014 report is not due until January 31, 2015 and will be added to the total amount once the report is filed.
 - b. The under reported Harbor Use Fees and Admission Taxes amounting to **\$9,126.06** are paid for 2011-2012 as specified in Brownell and Duffey's audit report.
 - c. Catalina Snorkel and Scuba complies will all conditions imposed upon it in the waterside permit issued in 2014 which include payment of past due Harbor Use fees, compliance with safety rules and instructor to participant ratio and location of the business in an appropriate location. Last year, Catalina Snorkel and Scuba operated without complying with the conditions imposed the entire year.
3. Do not renew Parasail Catalina's waterside permit unless:
 - a. The outstanding Harbor Use Fee Report for December 2013, the December 2013 Fuel Dock invoice in the amount of **\$2,391.26** and accumulated late charges in the amount of **\$246.36** are filed and paid.
4. Do not renew Descanso Beach Ocean Sports waterside permit unless:
 - a. The under reported Harbor Use Fees and Admission Taxes amounting to \$3,871.00 are paid for 2011-2012 as specified in Brownell and Duffey's audit report. It should be noted the 2011-12 audit amounts are being contested but we did receive a partial payment of \$1400.00 leaving a balance of **\$2,471.00** outstanding.
5. Do not renew The Barge LLC waterside permit unless:
 - a. The under reported Harbor Use Fees and Admission Taxes amounting to **\$9,679.25** are paid for 2011-2012 as specified in Brownell and Duffey's audit report.

6. Do not renew Angry Inch Dive Service waterside permit unless:
 - a. The operator submits to the audit requirements of Brownell and Duffey.
7. Do not renew Conan Marine Dive Service waterside permit unless:
 - a. The operator submits to the audit requirements of Brownell and Duffey.
8. Amend all waterside permits to allow permit holders use of the area above Float 5 near the grass area to sign waivers on cruise ship days.

REPORT SUMMARY:

Prior to December of each year, the Harbor Master reviews all existing Waterside Permits whose terms are to expire on December 31st. If the Harbor Master determines that because of changed circumstances, a permit should not be renewed, or should be renewed on different terms and conditions, he shall forward his recommendation thereon to the City Council for action, together with a list of all permits that he recommends should be renewed for another term without change.

Cross channel carriers and cruise ship tenders are given priority on the Cabrillo Mole floats and all waterside permit holders using Floats 4 & 5 shall not impede their operations.

When sharing the dock at the same time a cross channel carrier or cruise ship tender is loading or unloading passengers, waterside permit holders are reminded the docks are considered a "secure facility" under the City of Avalon Port Security Plan and all passengers not associated to the cross channel carrier or cruise ship tender must be accompanied to or from the waterside permit holders vessel by a person who holds a government issued Transportation Worker Identification Card (TWIC).

The cruise ship tendering services for Carnival Cruise Lines transitioned from Island Enterprises to Catalina Classic Cruises and the cruise ship passengers are now disembarking at Float 5 on the Cabrillo Mole. To help all current City of Avalon waterside permit holders involved with this transition, the City designated a gathering spot on public property in the grass area near Float 5 that allows cruise ship guests to complete necessary forms and sign waivers for the various activities offered to them. This area is available to City of Avalon current waterside permit holders only for paperwork; no ticket selling, equipment rental or distribution, air tank filling, wet suit changing, etc. is allowed at the designated area.

In August 2014 it was the City's desire to offer this area to the waterside permit holders on a trial basis. After City staff evaluated the success of this procedure, it has been determined an amendment should be added to existing waterside permits to allow this practice to continue.

All permit renewals are subject to verification by the Finance Department to make sure the permit holder is in good standing with respect to harbor use fees, rents, admission taxes and insurance requirements. With respect to fees, rents and admission taxes, good standing includes execution of and compliance with a payment plan.

Letters have been sent to all business listed below requesting that the fees due to the City are paid by 5:00pm on Monday February 2, 2015 or there waterside permits will not be renewed.

1. The Finance Department reported that from January 2014 to November 2014 Catalina Snorkel and Scuba has been paying an Admissions Tax of 4% but should have been paying a Harbor Use Fee of 7% since they have been operating their business on the Green Pier and grass area above Float 5. Both of these areas are considered a "City facility" which is defined by AMC 10-2.101(h) City facilities "shall mean and include, but shall not be limited to, any water-front pier, wharf, or other structure, or property located within twenty (20) meters of the mean high tide line owned or controlled by the City."

The difference between the 4% Admissions Tax payments and 7% Harbor Use Fees owed by Catalina Snorkel and Scuba is \$4,743.54. There are also under reported Harbor Use Fees and Admission Taxes amounting to \$9,126.06 for 2011-2012 as specified in Brownell and Duffey's audit report.

2. The Finance Department reported Parasail Catalina has not filed their Harbor Use Fee forms or made Harbor Use Fee payment for Dec 2014 and still owes for an outstanding invoice at the fuel dock for December 2013 in the amount of \$2,391.26 and accumulated late charges at the fuel dock in the amount of \$246.36. Parasail Catalina is claiming to have paid and filed the Finance Department has no record of it. Parasail Catalina stated he was checking with his bank to provide a cancelled check but has not done so, therefore, the city will continue to show these fees due as outstanding.
3. The Finance Department reported "The Barge" Jet Ski rental business 2011 and 2012 audit by Brownell and Duffey revealed under reported Harbor Use Fees in the amount of \$9,679.25.
4. The Finance Department reported Descanso Beach Ocean Sports 2011 and 2012 audit by Brownell and Duffey revealed under reported Harbor Use Fees in the amount of \$3,871 which is being contested. Descanso Beach Ocean Sports has made a \$1,400.00 payment leaving a balance of \$2,471.00. The Finance Department has recommended to hold off issuing the waterside permit until resolution of the disputed amount owed is resolved.
5. The Finance Department reported Angry Inch Dive Service has not replied to multiple attempts by the Finance Department or Brownell & Duffey to have their books audited this year. It is recommended to not renew the waterside permit for Angry Inch Dive Service.
6. The Finance Department reported Conan Marine has not replied to multiple attempts by the Finance Department or Brownell & Duffey to have their books audited this year. It is recommended to not renew the waterside permit for Conan Marine.

GOAL ALIGNMENT: Harbor operations, renew waterside permits.

FISCAL IMPACTS: N/A

FOLLOW UP ACTION: Notify all waterside permit holders of renewal status.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: List of 2014 Waterside Permit Holders to be renewed for 2015 with exception of recommendations 2-7 that are listed above for non-renewal. Copy of Municipal Code provisions on Waterside Permits.

WATERSIDE PERMITS AS OF DECEMBER 2014

	# BOATS	#SKIFFS
AFISHINADO CHARTERS	3	1
ANGRY INCH BOAT CLEANERS	0	1
AVALON BOAT STAND	94	3
AVALON MOORING SERVICE	1	2
CANBY MARINE SERVICE	0	1
CAT TOW, INC.	4	1
CATALINA ADVENTURE SAILING	1	1
CATALINA COASTAL TOURS	1	0
CATALINA SNORKEL & SCUBA	0	0
CATALINA SHUTTLE SERVICE	1	0
CONAN MARINE SERVICES	0	1
CORSARIO OCEAN ADVENTURES	1	0
DIVERSITY CHARTERS	1	1
DESCANSO BEACH OCEAN SPORTS	1	0
DISCOUNT MARINE, DIVE AND DELIVERY	0	2
DIVE CATALINA	1	1
FISHIN FUNATICS	1	0
HEADPUMPERS	1	0
ISLAND CHARTERS, INC.	1	0
ISLAND ENTERPRISES	2	0
ISLAND WATER CHARTERS & PARASAIL	3	0
MEMORY MAKER FISHING CHARTERS	1	1
PARASAIL CATALINA	2	1
SCI COMPANY & SUBSIDIARIES	5	3
SAIL CATALINA	1	0
SCOTTY'S SPORTFISHING	1	0
SCUBA CAT INC.	1	0
SCUBA LUV- SEATREK / SNUBA	0	0
SHERRILL'S MARINE	0	3
SHORECO	0	0
SNORKELING CATALINA	1	1
THE BARGE	6	1
WETSPOT RENTALS	20	1
Totals	155	26

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 5

ORIGINATING DEP: Harbor

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ Seaplanes of Los Angeles

RECOMMENDED ACTION(S): That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Michael Steel owner of Seaplanes of Los Angeles with the following conditions:

1. All seaplane landing and take off operations take place outside of City Waters.
2. Applicant obtains a commercial store front to conduct ticket sales for their seaplane air tours of Catalina.
3. Applicant obtains any necessary permits / licenses from the Coast Guard for seaplane operations while operating on the ocean.
4. Applicant obtains any necessary permits from the Public Utilities Commission regarding transporting passengers from port to port.
5. Applicant obtains any necessary permits necessary from the FAA to conduct commercial passenger flights.
6. For transportation to and from the seaplane, require the applicant use the current shoreboat operator Island Enterprises who holds an exclusive contract to haul passengers within the City limits.
7. Applicant abides by the Standard List of Conditions for Waterside Permit Holders, except provide an aircraft liability insurance policy of \$10,000,000. **(same as we have on file for Island Express Helicopters)**
8. Pay 7% Use Fee under section 10-2.402 for any operations that commence to or from Avalon Harbor.
9. Obtain any required approvals from the California Coastal Commission.

REPORT SUMMARY: San Diego Seaplanes Inc. has submitted a Waterside Project Application to offer seaplane air tours of Catalina and seaplane flights directly to and from private boats outside Avalon Harbor.

Michael Steel proposes to use two Helio Super Courier Amphibian Seaplanes for on-demand trips, for one to five passengers, one to five trips per week during daylight hours, year round except for Thanksgiving and Christmas day.

The two seaplanes will use a small rubber dinghy to off load their passengers directly to and from private boats and may require tying to mooring buoys occasionally if available.

Mitigation:

Island Enterprises currently holds an exclusive franchise to shuttle passengers within the city limits. Seaplanes of Los Angeles would need to receive a waiver from Island Enterprises to shuttle their passengers to and from private vessels moored or anchored within City limits.

Shore Base of Operation: Applicant states base of operation is located on the ocean North-West and/or East of Avalon Harbor.

Mitigation:

Applicant obtains a commercial storefront to conduct ticket sales for their local seaplane air tours of Catalina and service passengers they plan to drop off in Avalon.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

(1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.

(2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Offer recreational activities and transportation to/from the Avalon area.

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW UP ACTION: Notify Seaplanes of Los Angeles of the City Council's decision.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:

1. Waterside Project Application
2. Waterside Permit Standard List of Conditions

CITY OF AVALON

WATERSIDE PERMIT APPLICATION

An application fee of \$212.00 is due at the time the application is submitted to the Harbor Department. Applications should be sent to the Avalon Harbor Department, P.O. Box 1085, Avalon, CA 90704, or delivered to the Harbor Master's office, #22 Pleasure Pier, Avalon, CA.

Deadline for new applications is December 15th of each year.

Please complete this application in full detail. Questions that require further details should be answered on an attached sheet.

1. Name of Applicant: Michael Steel, San Diego Seaplanes, Inc.
2. Address: Box 125 City La Jolla, CA zip 92038-0125
3. Phone ^{mbi} (Home) 1-858-453-8833 (Avalon business) 1-808-SEA-PLANE
1-808-732-7526
4. Name of Business/Project: Seaplanes of Los Angeles
5. Location of Avalon Base of Operations: On the Ocean, North-West of Avalon Harbor
and also East of Avalon Harbor
6. Project/Business Description: _____
Local Seaplane Air Tours of Catalina, Seaplane Flights directly from
and to private boats
7. On the map provided, sketch the project/business activities, showing the proposed outside
locations of all waterborne traffic and activity. of Avalon
Harbor
8. Duration: _____
Hours of Operation Daylight hours
Days of Operation All days except Christmas & Thanksgiving Day
Months of Operation All months
9. Does this activity include overnight accommodations on boat or shore ? On some
overnight guests
flights.
10. Describe the number, length, and types of watercraft which will be added to the City's
waters?
Number 2 seaplanes Trips per ~~day~~ one to five per week Type Helio Super Courier
Amphibian Seaplanes
- Schedule On demand
11. For scheduled services, including shore boats, where will queuing be and for what
duration? _____

- Many flights will be directly from/to private boats, at
12. How will people be transported to the facility? back end or use of
small rubber Dinghy, Zodiac or Avon boat.
How often? one to five times per week
Number of passengers per trip? one to five passengers
13. What berthing/mooring will be required? When available, mooring ball
for a few hours on outside line, usually #252
14. If the proposed business/activity requires a new structure or modification to harbor
facilities or the harbor itself, including the moles and pier, attach the proposed plans. N/A
15. How many new employees would be Avalon-based? one or two part time
helpers
16. Communications:
VHF Channels: 16 & others as needed Phone: 1-808-732-7526
Phones are answered:
If answering machine, hours of operation: 7 AM to 9 PM
17. If a sign will be required, list the size and submit a drawing. Please note that a Sign
Permit Application must be obtained from and submitted to the Planning Department for
approval. N/A
18. Please attach all permits and certifications required to legally perform the activity being
applied for in this application.

Applicant Acknowledgement

Applicant agrees that if this Waterside Permit is granted, he/she will conduct his/her business in accordance with all federal, state, and local laws, including the City's planning and zoning laws. Applicant also agrees to abide by the terms of this Permit and all rules, regulations, and/or restrictions placed upon it by the City Council. Applicant must follow all regulations regarding the use of City facilities. This Permit may be revoked, suspended, or further conditioned at any time by the City Council for violations of the foregoing, or immediately in the City Manager's discretion if the public's health, safety, or well-being is threatened by the actions or inactions of the Applicant. Failure to pay use fees shall also be a violation of the terms of this Permit. Any decision made by the City Council regarding this Permit is final and conclusive. Decisions of the City Manager may be appealed to the City Council if the City is notified within 10 days of the City Manager's decision, but the City's Manager's decision shall remain in effect until the next regular meeting of the City Council at which an appeal may be heard.

Applicant Name: Michael Steel, San Diego Seaplanes, Inc.

Business/Activity Name: Seaplanes of Los Angeles

Applicant Signature: Michael Steel Date: Dec. 12, 2014

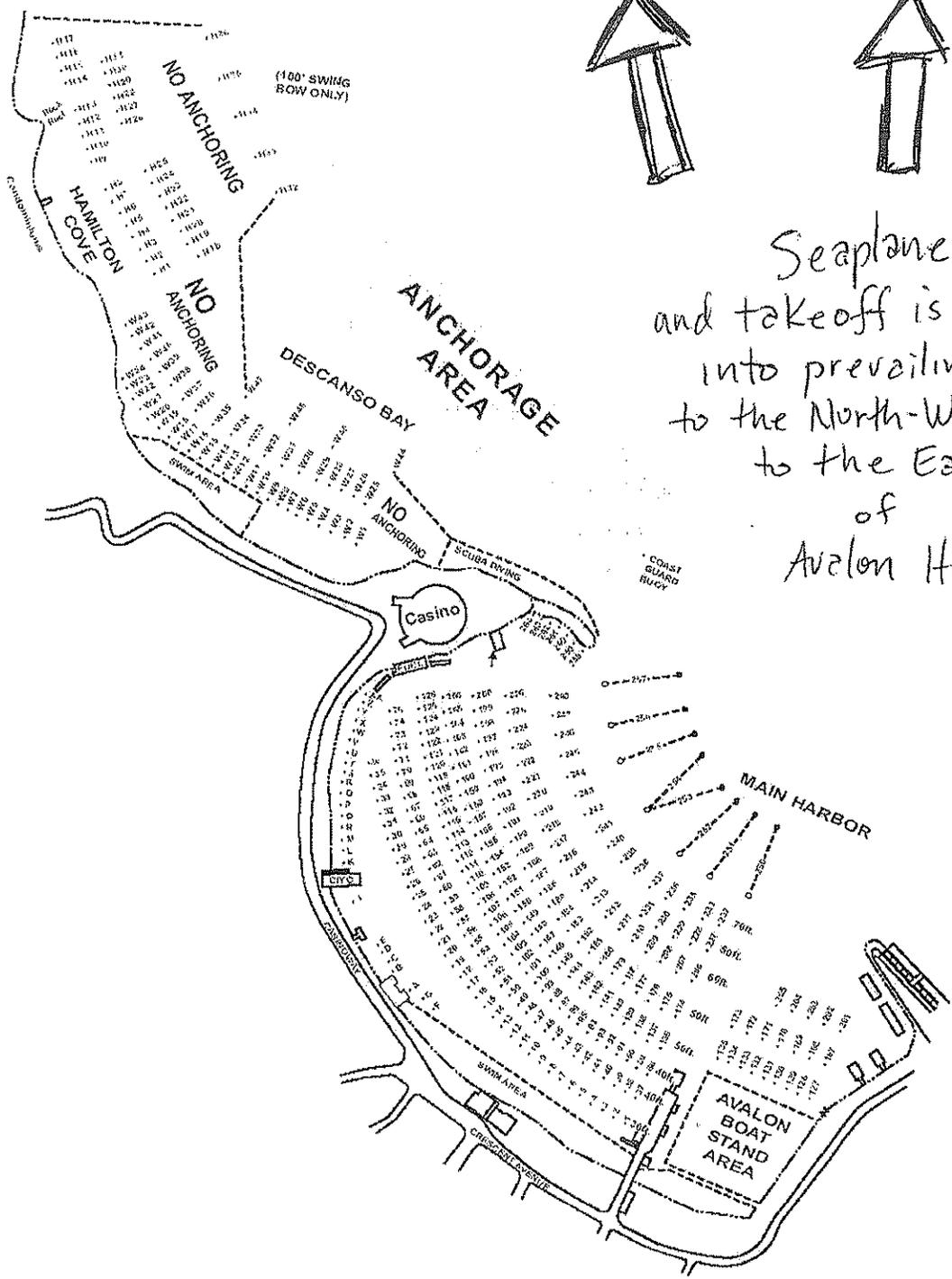
Application Presented at the City Council Meeting on: _____

Application Approved: _____

Application Denied: _____

Application Approved with Attached Conditions: _____

_____ City Manager _____ Date

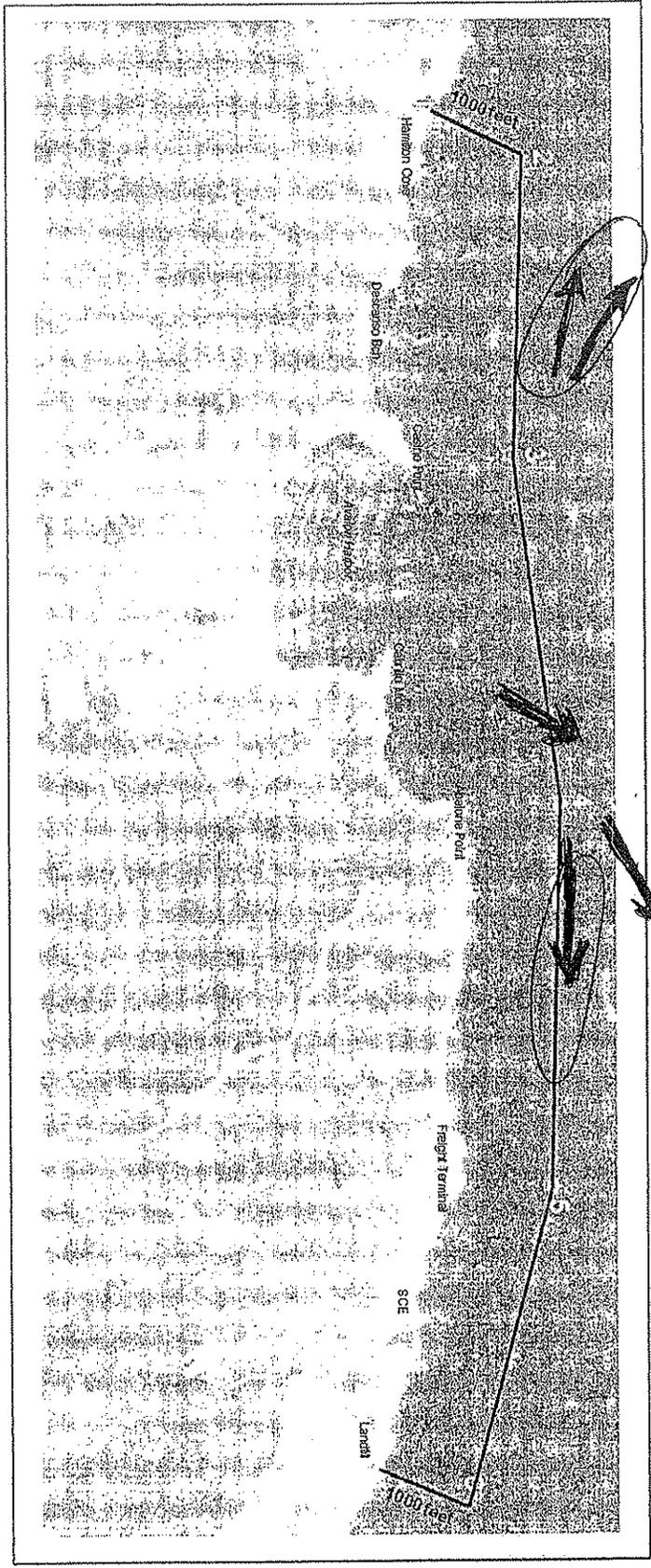


Seaplane landing
and takeoff is usually
into prevailing wind
to the North-West OR
to the East, ^{South} EAST
of
Avalon Harbor



Seaplane takeoffs & landings will usually be into the wind and will remain well clear of other boat traffic.

City of Avalon
Tideland Lease Boundary



CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 6

ORIGINATING DEP: Harbor

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ Ghost Tours of Catalina, Inc.

RECOMMENDED ACTION(S): That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Ian and Patrick Alexander owners of Ghost Tours of Catalina, Inc. with the following conditions:

1. All operations to load and unload fishing charter and coastal tour passengers will take place on the shore side of Float 5 except on cruise ship days when all loading and unloading will be from the floats on the Green Pier.
2. Applicant obtains a commercial store front to conduct ticket sales for their See-Doo rentals.
3. Applicant obtains any necessary permits from the Coast Guard regarding their custom barge which will be anchored off the Edison Plant.
4. Applicant obtains any necessary permits from the California Coastal Commission regarding anchoring their customer barge off of the Edison Plant.
5. Applicant obtains any necessary permits from the Santa Catalina Island Company if the See-Doo operation will include any property on the shore side of Pebbly Beach.
6. For transportation to the proposed custom barge off Pebbly Beach, require the applicant use the current shoreboat operator Island Enterprises who holds an exclusive contract to haul passengers within the City limits.
7. See-Doo rentals stay east of the Edison Plant as to not interfere with swimmers who use the Pebbly Beach area.
8. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
9. Pay 7% Use Fee under section 10-2.402.

REPORT SUMMARY: Ghost Tours of Catalina has submitted a Waterside Project Application to offer fishing charters, coastal tours and See-Doo Rentals.

Ian and Patrick Alexander propose to use of two power boats, a 31' Silverton and a 23' Boston Whaler to conduct a fishing charter and coastal tour business.

Ghost Tours of Catalina propose to operate one to four trips a day, 12 months a year, and 7 days a week from 7:00am to 7:00pm. The two vessels will tie to mooring buoys while the custom barge for the See-Doo rentals will anchor off Pebbly Beach.

The applicants also propose to rent six See-Doo personal water craft from a custom barge anchored off Pebbly Beach. All personal watercraft are proposed to utilize all waters within the City tideland boundary.

Mitigation:

Since the Pebbly Beach area is used by numerous swimmers, require the applicant to operate the See-Doo's east of the Edison Plant.

Shore Base of Operation: Applicant states base of operation is located at 220 Beacon Street, which is actually a residential address.

Mitigation:

Applicant obtains a commercial storefront to conduct ticket sales for their See-Doo rental business.

Applicant proposes to use Float 5 to load and unload his passengers seven days a week 8:30 a.m. to 5:00 p.m.

Mitigation:

Island Enterprises currently holds an exclusive franchise to shuttle passengers within the city limits. If Catalina Ghost Tours were to receive a waiver from Island Enterprises to shuttle their See-Doo passengers to the proposed area off Pebbly Beach which is an area currently not serviced by Island Enterprises, then Catalina Ghost Tours would need to pick up their passengers as stated in recommendation number 1 above.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

(1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.

(2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Offer boat charters and recreational activities in the Avalon area.

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Visitors will be able to use the current operators offering the same services.

FOLLOW UP ACTION: Notify Ghost Tours of Catalina of the City Council's decision.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:

1. Waterside Project Application
2. Waterside Permit Standard List of Conditions

CITY OF AVALON

WATERSIDE PERMIT APPLICATION

An application fee of \$209.00 is due at the time the application is submitted to the Harbor Department. Applications should be sent to the Avalon Harbor Department, P.O. Box 1085, Avalon, CA 90704, or delivered to the Harbor Master's office, #22 Pleasure Pier, Avalon, CA.

Deadline for new applications is December 15th of each year.

Please complete this application in full detail. Questions that require further details should be answered on an attached sheet.

1. Name of Applicant: Ian and Patrick Alexander
2. Address: PO BOX 2440 City AVALON Zip 90704
3. Phone (Home) 707-666-5352 (Avalon business) 310-502-6131
4. Name of Business/Project: GHOST TOURS OF CATALINA INC
5. Location of Avalon Base of Operations: 220 BEACON ST
6. Project/Business Description: Expansion of existing tour business to include water charters. Tours will include fishing charters, coastal tours, and seadoo rentals.
7. On the map provided, sketch the project/business activities, showing the proposed locations of all waterborne traffic and activity.
8. Duration:
Hours of Operation 7:00am - 7:00pm
Days of Operation 7 days a week
Months of Operation January - December
9. Does this activity include overnight accommodations on boat or shore ?
No overnight accommodations are included w/ activity
10. Describe the number, length, and types of watercraft which will be added to the City waters? ****See second page of application****
Number 6-8 Trips per day 1-4 Type Water Charters
Schedule 1-4 trips per day between the hours of 7am-7pm upon customers request
11. For scheduled services, including shore boats, where will queuing be and for what duration? Participants will be briefed at agent storefront, than escorted to designated float

12. How will people be transported to the facility? Participants arrive on foot
How often? 1-6 times per day
Number of passengers per trip? 6 or less
13. What berthing/mooring will be required? (1) mooring 0-29 ft (1) mooring 30-39 ft
14. If the proposed business/activity requires a new structure or modification to harbor facilities or the harbor itself, including the moles and pier, attach the proposed plans.
15. How many new employees would be Avalon-based? 2 new employees
16. Communications:
VHF Channels: 69 Phone: 310-502-6131
If answering machine, hours of operation: 10:00 AM - 6:00 PM ..
17. If a sign will be required, list the size and submit a drawing. Please note that a Sign Permit Application must be obtained from and submitted to the Planning Department for approval. No sign required.
18. Please attach all permits and certifications required to legally perform the activity being applied for in this application.

- (1) 31' Silverton Sportfisher
- (1) 23' Boston Whaler
- (6) Yamaha VX Waverunner

Applicant Acknowledgement

Applicant agrees that if this Waterside Permit is granted, he/she will conduct his/her business in accordance with all federal, state, and local laws, including the City's planning and zoning laws. Applicant also agrees to abide by the terms of this Permit and all rules, regulations, and/or restrictions placed upon it by the City Council. Applicant must follow all regulations regarding the use of City facilities. This Permit may be revoked, suspended, or further conditioned at any time by the City Council for violations of the foregoing, or immediately in the City Manager's discretion if the public's health, safety, or well-being is threatened by the actions or inactions of the Applicant. Failure to pay use fees shall also be a violation of the terms of this Permit. Any decision made by the City Council regarding this Permit is final and conclusive. Decisions of the City Manager may be appealed to the City Council if the City is notified within 10 days of the City Manager's decision, but the City's Manager's decision shall remain in effect until the next regular meeting of the City Council at which an appeal may be heard.

Applicant Name: Ian & Patrick Alexander

Business/Activity Name: Ghost Tours Of Catalina

Applicant Signature: *Ian Alexander* Date: 11/24/14

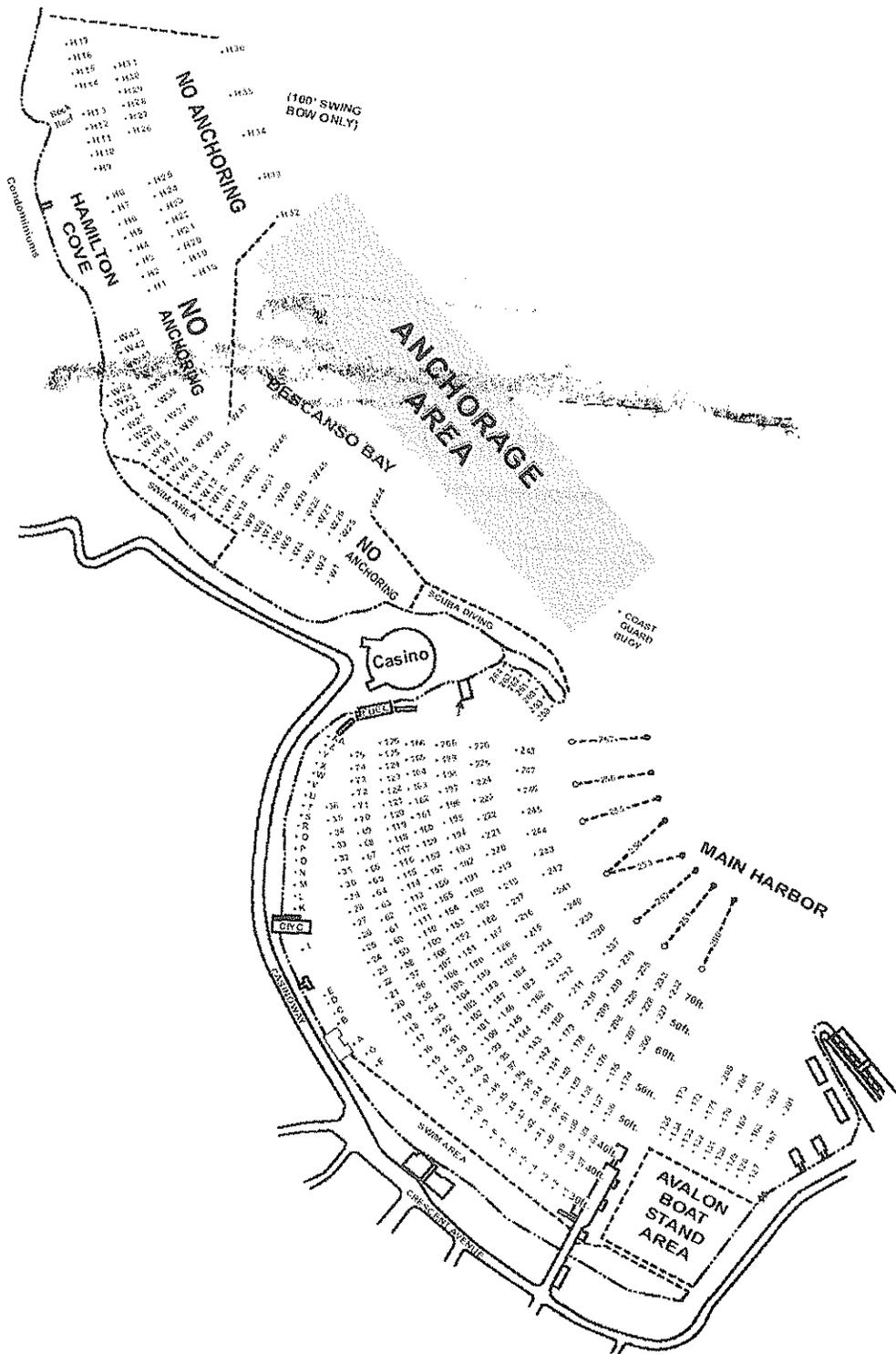
Application Presented at the City Council Meeting on: _____

Application Approved: _____

Application Denied: _____

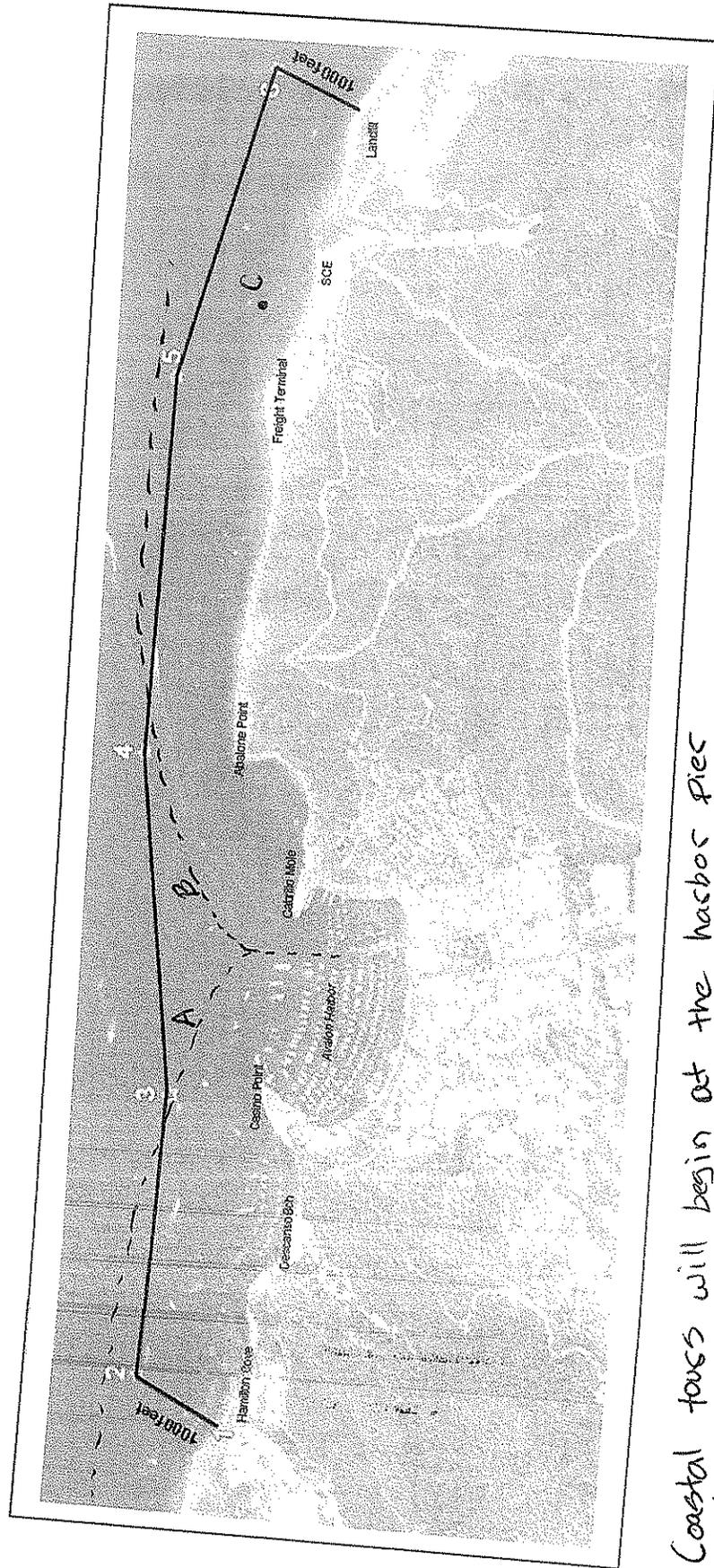
Application Approved with Attached Conditions: _____

_____ City Manager _____ Date



Harbor use will only be for the loading & unloading of passengers & gear participating in a coastal tour or fishing charter.

City of Avalon Tideland Lease Boundary



1. Coastal tours will begin at the harbor pier and proceed on Routes A + B.
2. Fishing charters will also utilize the proposed routes A + B as well all waters within the City's tideland lease boundary.
3. Our watersnners will be stored on a custom barge which will be anchored at location C. Watersnners would also utilize all waters within the tideland lease boundary with the exception of the harbor, unless entering for maintenance.

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 7

ORIGINATING DEP: Harbor

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ Daniel Mello

RECOMMENDED ACTION(S):

Since the applicant is a merchant mariner and is currently out a sea, it is recommended to hold over the application until the applicant can be present to answer any potential questions.

REPORT SUMMARY:

Daniel Mello submitted a Waterside Project Application proposing to conduct a 6 pack charter aboard a 30'-40' boat, offer marine repair and offer pilotage mooring assistance.

Mitigations:

1. Use of a 30'-40' powerboat to conduct a 6 passenger or less charter. Mr. Mello states the vessel will use his 30' leased mooring #261. The applicant proposes up to 6 trips daily, seven day a week year round available from 6:00am to 10:00pm. Mr. Mello proposes using Float 4, Float 5 or the Green Pier to pick up and drop off passengers.

Since the Green Pier loading floats are heavily impacted during the summer months, staff recommends requiring the applicant to load and unload charter passengers on the shore side of Float 5 except on cruise ship days when all loading and unloading will be need to take place from the floats on the Green Pier.

2. Marine Repair

Shore Base of Operation: Applicant states base of operation is located at 82 Sol Vista, which is actually a residential address.

Mitigation:

Applicant obtains a commercial location to conduct some mechanical repairs as a condition for operation of the marine repair business.

Employees: The applicant would need to only employ workers who are qualified to conduct the duties appropriate to the licensed business.

3. Pilotage Mooring Assistance

Employees: The applicant would need to only employ workers who are qualified to conduct the duties appropriate to the licensed business

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

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(2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Recreational activities.

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW UP ACTION: Notify Daniel Mello of the City Council's decision.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:

1. Waterside Project Application
2. Waterside Permit Standard List of Conditions

CITY OF AVALON

WATERSIDE PERMIT APPLICATION

An application fee of \$212.00 is due at the time the application is submitted to the Harbor Department. Applications should be sent to the Avalon Harbor Department, P.O. Box 1085, Avalon, CA 90704, or delivered to the Harbor Master's office, #22 Pleasure Pier, Avalon, CA.

Deadline for new applications is December 15th of each year.

Please complete this application in full detail. Questions that require further details should be answered on an attached sheet.

1. Name of Applicant: DANIEL A. MELLO
2. Address: 82 AVALON TERRACE City AVALON Zip 90704
3. Phone (Home) 310-487 6467 (Avalon business) _____
4. Name of Business/Project: MARITIME INVESTMENTS
5. Location of Avalon Base of Operations: 82 SOL VISTA / DES RENT-A-BOAT
6. Project/Business Description: CHARTER BOAT, MARINE REPAIR,
PILOTAGE, MOORING ASSISTANCE.
7. On the map provided, sketch the project/business activities, showing the proposed locations of all waterborne traffic and activity.
8. Duration:
Hours of Operation 6 AM - 10 PM
Days of Operation MONDAY - SUNDAY (7 DAYS)
Months of Operation 12 MONTHS
9. Does this activity include overnight accommodations on boat or shore ?
10. Describe the number, length, and types of watercraft which will be added to the City waters?
Number 1-2 Trips per day 6-10 Type 30-40' VESSEL
Schedule 2 HR - 4 HR TRIPS 6 AM - 10 PM.
11. For scheduled services, including shore boats, where will queuing be and for what duration? GREEN PLEASURE PIER + FLOATS #4 AND #5

12. How will people be transported to the facility? BY FOOT, SHOREBOAT, WATER TAXI
How often? SAME AS TRIP SCHEDULE
Number of passengers per trip? 6 PERSONS
13. What berthing/mooring will be required? LEASE MOORING # 261,
14. If the proposed business/activity requires a new structure or modification to harbor facilities or the harbor itself, including the moles and pier, attach the proposed plans.
15. How many new employees would be Avalon-based? 1
16. Communications:
VHF Channels: 68, Phone: 310-487-6467
If answering machine, hours of operation: 8 AM - 5 PM
17. If a sign will be required, list the size and submit a drawing. Please note that a Sign Permit Application must be obtained from and submitted to the Planning Department for approval.
18. Please attach all permits and certifications required to legally perform the activity being applied for in this application.

Applicant Acknowledgement

Applicant agrees that if this Waterside Permit is granted, he/she will conduct his/her business in accordance with all federal, state, and local laws, including the City's planning and zoning laws. Applicant also agrees to abide by the terms of this Permit and all rules, regulations, and/or restrictions placed upon it by the City Council. Applicant must follow all regulations regarding the use of City facilities. This Permit may be revoked, suspended, or further conditioned at any time by the City Council for violations of the foregoing, or immediately in the City Manager's discretion if the public's health, safety, or well-being is threatened by the actions or inactions of the Applicant. Failure to pay use fees shall also be a violation of the terms of this Permit. Any decision made by the City Council regarding this Permit is final and conclusive. Decisions of the City Manager may be appealed to the City Council if the City is notified within 10 days of the City Manager's decision, but the City's Manager's decision shall remain in effect until the next regular meeting of the City Council at which an appeal may be heard.

Applicant Name: DANIEL A. MELLO

Business/Activity Name: MARITIME INVESTMENTS

Applicant Signature:  Date: 10/17/14

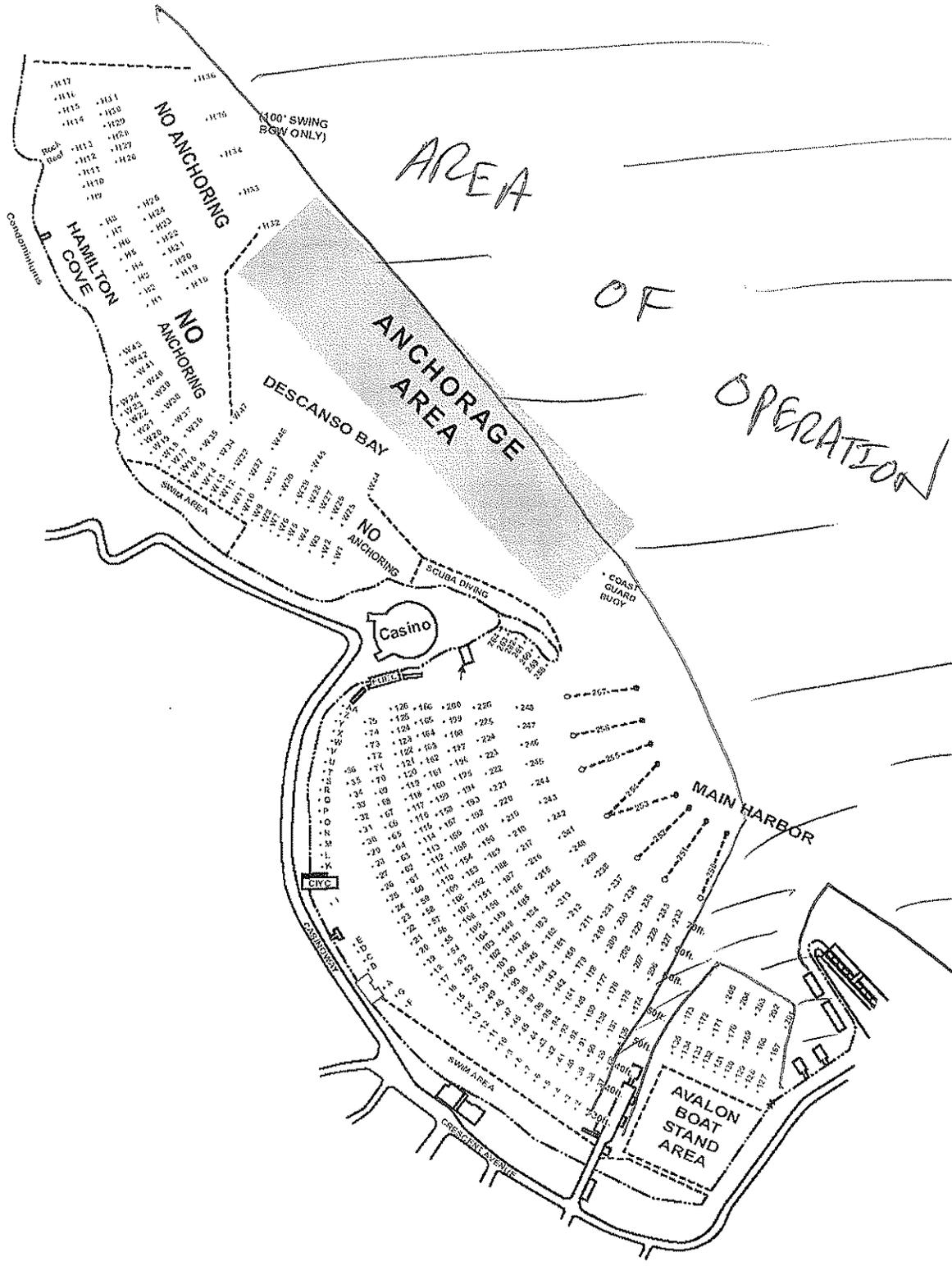
Application Presented at the City Council Meeting on: _____

Application Approved: _____

Application Denied: _____

Application Approved with Attached Conditions: _____

_____ City Manager _____ Date



City of Avalon
Tideland Lease Boundary



CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 8

ORIGINATING DEP: Harbor

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ The Breakfast Boat

RECOMMENDED ACTION(S): Grant the Waterside Project Application to Erin and Gene Eubank for The Breakfast Boat with the following conditions and make the affirmative findings required by the Municipal Code for issuance of the permit.:

1. The applicant obtains any permits necessary from the Los Angeles County Health Department pertaining to food delivery.
2. Delivery goods will need to be loaded at a dinghy dock.
3. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
4. Pay 7% Use Fee under Avalon Municipal Code section 10-2.402.

REPORT SUMMARY: Erin and Gene Eubank submitted a Waterside Project Application to sell baked goods, hot breakfast, coffee and miscellaneous sundries and non-alcoholic beverages in Avalon Harbor.

The Eubank's proposes use of a 14' dinghy to conduct a delivery service for all moorings in the Avalon area most weekends March – June, September and October and daily July and August.. The vessel will tie to a dinghy dock.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

- (1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.
- (2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Customer Service, Offer food and beverage delivery to vessels in the Avalon area.

FISCAL IMPACTS: Unknown at this time, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Visitors will continue to come ashore for their breakfast needs.

FOLLOW UP ACTION: Notify the Eubank's of the City Council's decision.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:

1. Waterside Project Application
2. Waterside Permit Standard List of Condition

CITY OF AVALON

WATERSIDE PERMIT APPLICATION

An application fee of \$212.00 is due at the time the application is submitted to the Harbor Department. Applications should be sent to the Avalon Harbor Department, P.O. Box 1085, Avalon, CA 90704, or delivered to the Harbor Master's office, #22 Pleasure Pier, Avalon, CA.

Deadline for new applications is December 15th of each year.

Please complete this application in full detail. Questions that require further details should be answered on an attached sheet.

1. Name of Applicant: Erih and Gene Eubank
2. Address: P.O. BOX 306 City Avalon Zip 90704
3. Phone (^{cell}Home) 310.968.1243 (Avalon business) 310.968.1243
4. Name of Business/Project: The Breakfast Boat
5. Location of Avalon Base of Operations: Picking up products from Catalina Coffee and Cookie Co. (and other locations) and delivering to dock where skiff is located.
6. Project/Business Description: Selling baked goods, hot breakfast, coffee, miscellaneous sundries and beverages (non-alcoholic).
7. On the map provided, sketch the project/business activities, showing the proposed locations of all waterborne traffic and activity.
8. Duration:
 - Hours of Operation 7am - 10am (hours may vary)
 - Days of Operation Most weekends: March → June + Sept./Oct. / Daily: July & Aug.
 - Months of Operation March - October (generally)
April - November (for 2015)
9. Does this activity include overnight accommodations on boat or shore ?
(part-time, seasonal employees already have housing)
10. Describe the number, length, and types of watercraft which will be added to the City waters?
 Number one Trips per day circulate Type 14' dinghy
 Schedule Dinghy would circulate the harbor/moorings during a two to three hour period based on pre-orders & requests.
11. For scheduled services, including shore boats, where will queuing be and for what duration? N/A

12. How will people be transported to the facility? N/A

How often? _____

Number of passengers per trip? _____

13. What berthing/mooring will be required? Dinghy Docks

14. If the proposed business/activity requires a new structure or modification to harbor facilities or the harbor itself, including the moles and pier, attach the proposed plans.

15. How many new employees would be Avalon-based? None

16. Communications:

Erin: 310.968.1243

Gene: 310.968.1253

VHF Channels: _____

Phone: business phone TBD upon start of business

If answering machine, hours of operation: Business phone hours TBD based on need.

17. If a sign will be required, list the size and submit a drawing. Please note that a Sign Permit Application must be obtained from and submitted to the Planning Department for approval. No sign application currently. May submit sign application in Spring 2015.

18. Please attach all permits and certifications required to legally perform the activity being applied for in this application.

Per our discussion with Harbor Master Bray, Health Dept. approval would be required at the beginning of operation & would be maintained throughout the operation.

Applicant Acknowledgement

Applicant agrees that if this Waterside Permit is granted, he/she will conduct his/her business in accordance with all federal, state, and local laws, including the City's planning and zoning laws. Applicant also agrees to abide by the terms of this Permit and all rules, regulations, and/or restrictions placed upon it by the City Council. Applicant must follow all regulations regarding the use of City facilities. This Permit may be revoked, suspended, or further conditioned at any time by the City Council for violations of the foregoing, or immediately in the City Manager's discretion if the public's health, safety, or well-being is threatened by the actions or inactions of the Applicant. Failure to pay use fees shall also be a violation of the terms of this Permit. Any decision made by the City Council regarding this Permit is final and conclusive. Decisions of the City Manager may be appealed to the City Council if the City is notified within 10 days of the City Manager's decision, but the City's Manager's decision shall remain in effect until the next regular meeting of the City Council at which an appeal may be heard.

Applicant Name: Erin + Gene Eubank (Gene's formal name is George)

Business/Activity Name: The Breakfast Boat

Applicant Signature: [Signature]
 [Signature]

Date: 12/9/14

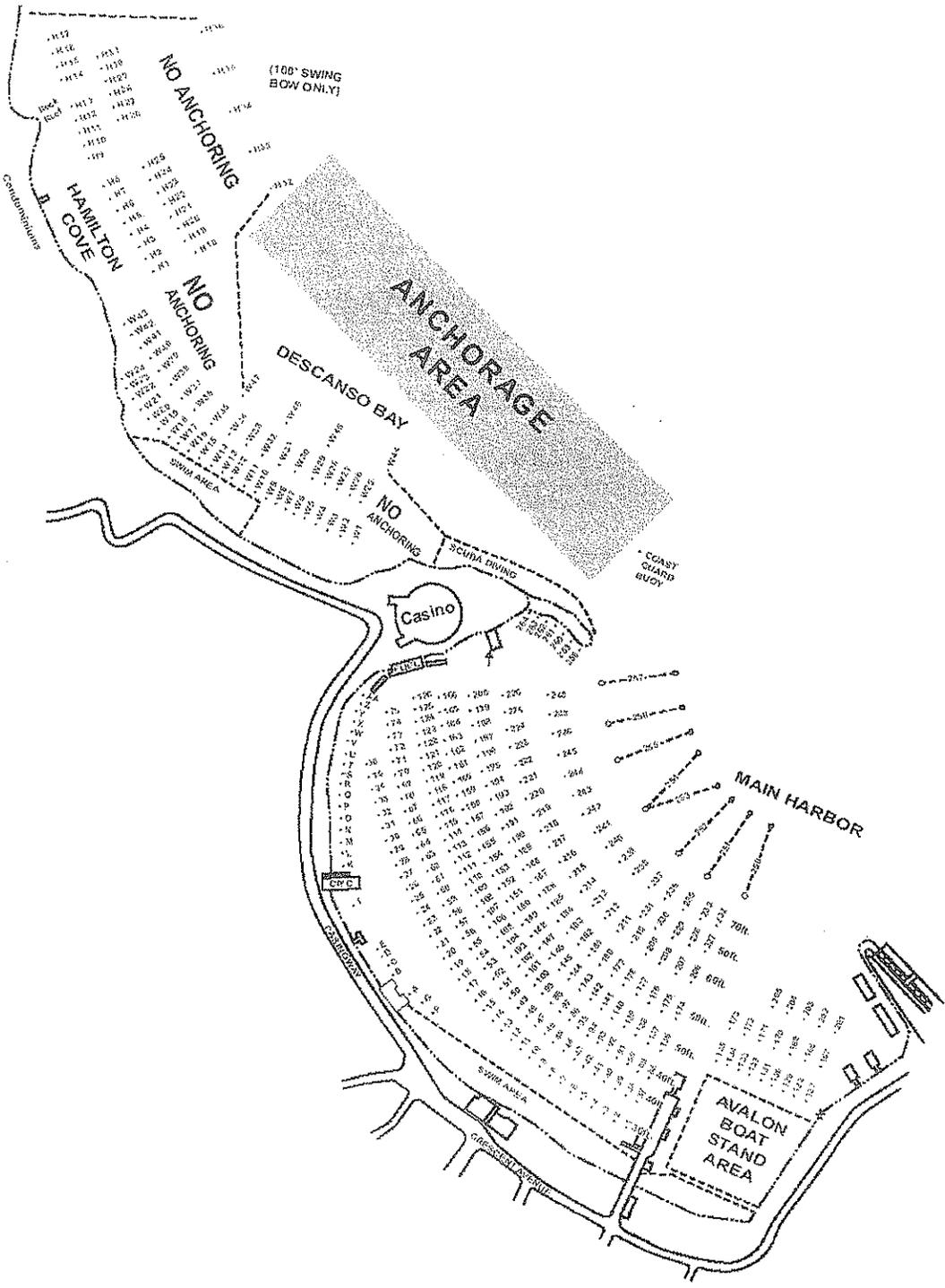
Application Presented at the City Council Meeting on: _____

Application Approved: _____

Application Denied: _____

Application Approved with Attached Conditions: _____

_____ City Manager _____ Date



CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 9

ORIGINATING DEP: Harbor

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ Catalina Aqua Park

RECOMMENDED ACTION(S):

1. Deny the application submitted by Catalina Aqua Park as the required affirmative findings set forth in the Municipal Code for approval of a waterside permit cannot be met.
2. Hear the presentation from Joseph D'Albero and give staff direction on how the City Council would like to proceed regarding the proposed Aqua Park water based family entertainment center inside the Middle Beach swim area.

REPORT SUMMARY: Joseph D'Albero has submitted a Waterside Project Application to install a modular Aqua Park inside the swim area near the Blue Water and Antonio's restaurants. The Aqua Park would be open from 9:00am to 7:00pm, seven days week in the months of May through September.

Avalon has limited swimming space available to the public and it is my opinion the project will result in a substantial alteration of the City's present use of the swim area in the harbor and it will generate additional congestion on the limited beach space at high tide while patrons are waiting. The noise created by use of the Aqua Park will negatively impact adjacent businesses.

The project may increase hazards to swimmers, it may obstruct the scenic vista and view open to the public which could be considered aesthetically offensive, it may restrict or alter the existing coastal access and even though a private lifeguard will be assigned to the Aqua Park it may result in the need for additional LA County Lifeguards services.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

- (1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.
- (2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

Staff does not believe that the Project can comply with the criteria for issuance of a waterside permit.

Mitigation:

It is staff's opinion the impacts are cumulatively significant and can not be mitigated. If the City Council approves the application, the applicant would need to obtain a coastal development permit from the California Coastal Commission.

Shore Base of Operation: Applicant states base of operation is temporarily located at 333 Tremont St.

Mitigation:

If the City Council approves the application, the applicant would need to obtain a commercial storefront to conduct ticket sales and field questions.

FISCAL IMPACTS: Unknown, potential revenue from Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The permit will be issued.

FOLLOW UP ACTION: Notify Joseph D'Albero of the City Council's decision.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:

1. Waterside Project Application
2. Waterside Permit Standard List of Conditions

CITY OF AVALON

WATERSIDE PERMIT APPLICATION

An application fee of \$212.00 is due at the time the application is submitted to the Harbor Department. Applications should be sent to the Avalon Harbor Department, P.O. Box 1085, Avalon, CA 90704, or delivered to the Harbor Master's office, #22 Pleasure Pier, Avalon, CA.

Deadline for new applications is December 15th of each year.

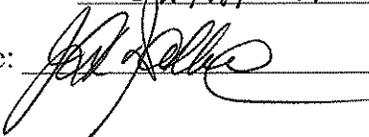
Please complete this application in full detail. Questions that require further details should be answered on an attached sheet.

1. Name of Applicant: JOSEPH D'ALBERO
2. Address: P.O. Box 245 City AVALON Zip 90704
3. Phone (Home) 541-610-2130 (Avalon business) —
4. Name of Business/Project: CATALINA AQUA PARK
5. Location of Avalon Base of Operations: (TEMPORARILY) - 333 TREMONT ST.
6. Project/Business Description: WATER BASED FAMILY ENTERTAINMENT CENTER
7. On the map provided, sketch the project/business activities, showing the proposed locations of all waterborne traffic and activity.
8. Duration:
Hours of Operation 9 AM - 7 PM - depending on daylight hrs.
Days of Operation 7 days / wk
Months of Operation MAY THROUGH SEPTEMBER
9. Does this activity include overnight accommodations on boat or shore ? NO
10. Describe the number, length, and types of watercraft which will be added to the City waters?
Number N/A Trips per day N/A Type N/A
Schedule N/A
11. For scheduled services, including shore boats, where will queuing be and for what duration? N/A

12. How will people be transported to the facility? N/A
How often? N/A
Number of passengers per trip? N/A
13. What berthing/mooring will be required? N/A
14. If the proposed business/activity requires a new structure or modification to harbor facilities or the harbor itself, including the moles and pier, attach the proposed plans.
15. How many new employees would be Avalon-based? 12
16. Communications:
VHF Channels: _____ Phone: 541-610-2130
If answering machine, hours of operation: 24 hrs.
17. If a sign will be required, list the size and submit a drawing. Please note that a Sign Permit Application must be obtained from and submitted to the Planning Department for approval.
18. Please attach all permits and certifications required to legally perform the activity being applied for in this application.

Applicant Acknowledgement

Applicant agrees that if this Waterside Permit is granted, he/she will conduct his/her business in accordance with all federal, state, and local laws, including the City's planning and zoning laws. Applicant also agrees to abide by the terms of this Permit and all rules, regulations, and/or restrictions placed upon it by the City Council. Applicant must follow all regulations regarding the use of City facilities. This Permit may be revoked, suspended, or further conditioned at any time by the City Council for violations of the foregoing, or immediately in the City Manager's discretion if the public's health, safety, or well-being is threatened by the actions or inactions of the Applicant. Failure to pay use fees shall also be a violation of the terms of this Permit. Any decision made by the City Council regarding this Permit is final and conclusive. Decisions of the City Manager may be appealed to the City Council if the City is notified within 10 days of the City Manager's decision, but the City's Manager's decision shall remain in effect until the next regular meeting of the City Council at which an appeal may be heard.

Applicant Name: S.A. D'ALBERO
Business/Activity Name: CATALINA AQUA PARK
Applicant Signature:  Date: Dec. 7, 2014

Application Presented at the City Council Meeting on: _____

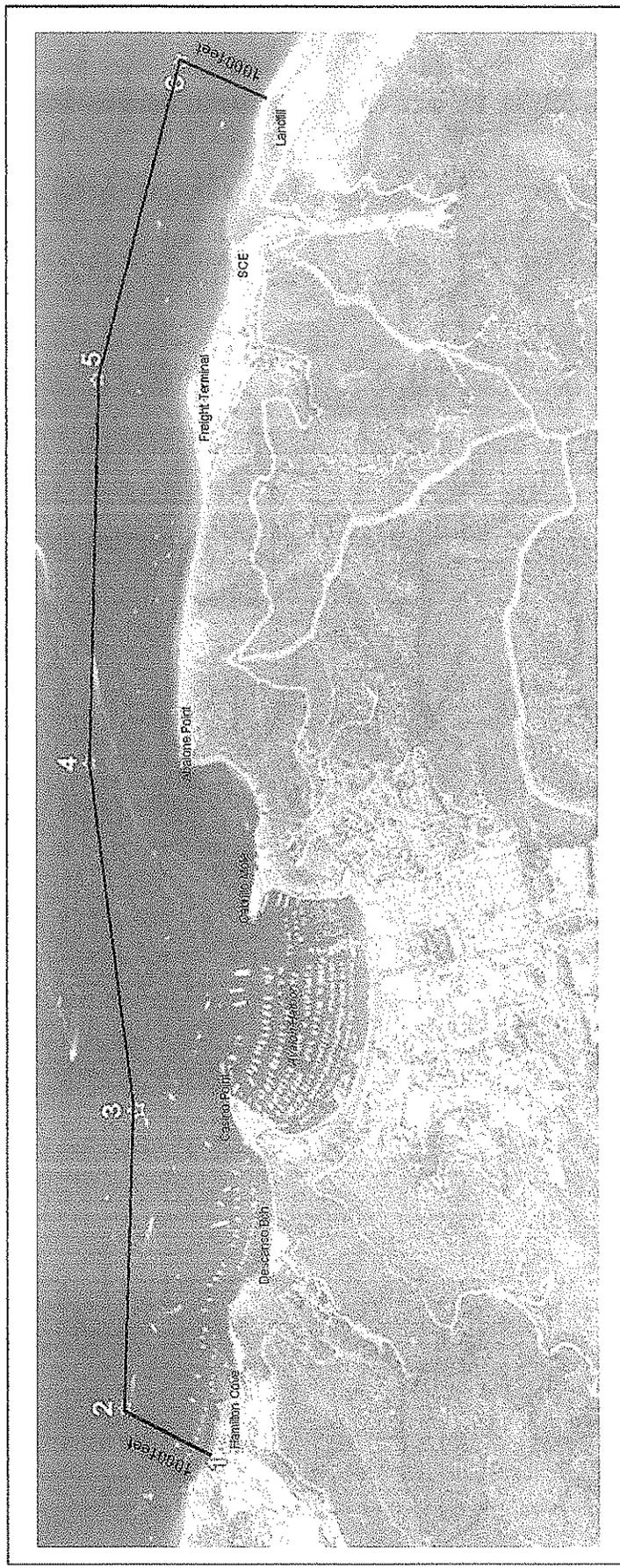
Application Approved: _____

Application Denied: _____

Application Approved with Attached Conditions: _____

_____ City Manager _____ Date

City of Avalon Tideland Lease Boundary



CITY OF AVALON CITY COUNCIL

MEETING DATE: February 3, 2015

AGENDA ITEM: 10

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Jordan Monroe, Management Aide

SUBJECT: Vehicle Noise Ordinance Administrative Procedure Timeline Update

RECOMMENDED ACTION(S):

Discuss and give direction regarding the updates to the vehicle noise ordinance administrative procedure timeline for enforcement and vehicle permit types testing.

REPORT SUMMARY:

On January 7, 2014 Council adopted the administrative procedure for the enforcement of Avalon Municipal Code 4-4.1713 Vehicle Noise. This procedure involves testing vehicles for noise compliance as part of their annual city permit registration.

Residential autoettes were the first to be tested starting in February 2014, as they are the largest category with over 1,600 registered vehicles. In order to accommodate vehicle owners a six month grace period was given to allow time for the owners to make the necessary arrangements if the vehicle failed the test. That grace period expired October 1, 2014.

Based on the data collected during this process, about 80% of the vehicles that failed and returned for retesting after having maintenance work completed passed the vehicle noise testing. This, along with discussions with Catalina Yamaha and Buffalo Motors, leads staff to believe that deferred maintenance, including deferred preventative maintenance, is the key contributors to vehicle noise. Other important factors include: the type of engine, the size of the engine, the overall configuration of the vehicle and following some best management practice recommendations – including keeping the governor at a lower top speed.

In order to continue to meet the goals of the City Council to address this quality of life issue, staff has updated the timeline addressing the continued enforcement for the different vehicle permit types.

All golf cart rental vehicles from Island Rentals, Catalina Auto and Cartopia will continue to be tested after testing began for these vehicles in November 2014. After testing, a statistical analysis will be conducted to assess the failure rate and to determine the appropriate accommodations to allow for compliance. This can be a six month grace period, or an opportunity to invest into new technology to experiment, for example.

City permits for commercial autoettes, fluctuating around 100 vehicles, expire during different months throughout the year. Commercial autoettes will begin vehicle noise testing as part of their annual city permit registration starting in May 2015. Commercial autoettes are notified by mail of the permits upcoming expiration, and starting with permits expiring in February,

whether the renewal is by a vehicle hearing or declaration, commercial autoette owners will be informed that the issuance of a permit is still subject to vehicle noise testing. Testing of commercial autoettes is spread throughout the year, thus it will be difficult to assess the data until after a year of testing to determine appropriate accommodations. Considerations for the commercial autoette category are the vehicle use needs and specifications and what reasonable options and alternatives are available to meet those needs.

Residential autoettes were systematically tested for vehicle noise compliance as a requirement for the 2014 permit registration starting in February 2014. This process inspecting nearly all the approximately 1,600 residential autoettes and included retesting of vehicles which did not pass as well as testing new purchased vehicles and continued for one year until the 2015 registration season. At this time the vehicle noise ordinance is well known throughout the community, but based on our experience in order for this ordinance to continue to be productive continued enforcement is required. In order to maximize the City's limited resources and the effectiveness of this ordinance the next step of enforcement literally takes it to the streets.

For the 2015 permit residential autoettes will not be systematically tested for vehicle noise compliance as a requirement for their permit registration. Instead enforcement will consist of spot checking where citations for residential autoettes which generate "a sound level which is unreasonably loud, offensive, or excessive to a person with normal hearing sensitivity". This violation is an infraction and is subject to a correction notice. Vehicle owners will have a specific time window to test the vehicle through an appointment with City Hall staff to demonstrate compliance or violation. Multiple violations in one year increase the fine as per Sec. 4-4.1713 (c).

This practice allows Code Enforcement and the Los Angeles County Sheriff the practice to target the unreasonably loud vehicles in operation on the streets. This is important because some of the vehicles which are noted as unreasonably loud are already illegally operated and do not actively register with the City of Avalon and thus do not come to City Hall to go through the noise test.

It is the intention of this procedure to assess the successes and limitations prior to the 2016 vehicle registration period to determine the appropriate step at that time, which may include reinstating systematic checking, or continuing with spot checking.

For any permit category given a grace period after testing, it is intended that after the date the temporary permit expires the vehicle is subject to tickets for expired city permits. This is a daily ticketable offense. Unless conditions, considerations or accommodations change - largely due to the input from the vehicle owners as they work to align their limitations with making the vehicle compliant - Code Enforcement will issue the expired city permit tickets. Section 4-4.1713 (a) states that "...it shall be unlawful for any person to operate an automobile, truck, motorcycle or autoette on any street...within the City limits, if the operation of said automobile, truck, motorcycle or autoette generates a sound level which is unreasonably loud, offensive, or excessive to a person with normal hearing sensitivity." This section provides for the enforcement of the vehicle noise ordinance while vehicles are in use. In order to logistically manage this level of year round enforcement the coordination with the LA County Sheriff is required. As per section 3.2 of the Municipal Law Enforcement Services

Agreement By and Between County of Los Angeles and City of Avalon which states "City, or its designated City representative, shall meet with its respective Sheriff's Department Station Captain when requesting law enforcement services to be performed in the City, and provide direction to the Sheriff's department Station Captain regarding the method of deployment for such services. The Sheriff's Department shall ensure that all services are delivered in a manner consistent with the priorities, annual performance objectives, and goals established by the City" and in line with Section 1-9 Administrative Citations of the Avalon Municipal Code the Sheriff can issue citations on City ticket books and violations will follow Section 4-4.1713 (c) of the Avalon Municipal Code. The City will continue to conduct the testing to conclusively determine if a vehicle is in violation or not.

Full size vehicles - such as residential blue sticker vehicles, tour buses, oversized vehicles and construction vehicles – are all subject to the vehicle noise ordinance and are permitted by the City of Avalon. It is the intention of staff to continue to address noise from all mobile sources, including motorcycles, which are subject to the vehicle noise ordinance. However due to limited resources, it is recommended to continue to address smaller steps, assess the results and evaluate the next steps. If larger vehicles are observed to have excessive noise, these vehicles can be cited on a case by case basis until comprehensive testing is completed.

Considerations for determining accommodations for vehicles and vehicle permit types based on noise testing are the options to make the vehicle compliant, reasonable alternatives for non compliant vehicles, the needs of vehicle type and the purpose of the permit, the impact on the vehicle owner and the impact on the quality of life on the Avalon community.

GOAL ALIGNMENT:

Transportation.

FISCAL IMPACTS:

Staff time. Printing of new AMC ticket books.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

There will be no follow through with the vehicle noise ordinance enforcement.

FOLLOW UP ACTION:

Statistical assessments of the different vehicle permit categories to be reported and reviewed to determine the appropriate accommodations.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS:

Updated Vehicle Noise Ordinance Enforcement Administrative Procedure 2/3/15

Vehicle Noise Ordinance Enforcement Administrative Procedure

Purpose:

To establish an administrative policy for the enforcement timeline of Avalon Municipal Code Sec. 4-4.1713 Vehicle Noise as per direction of the Avalon City Council.

General:

Noise Limits for vehicles operated in the City of Avalon have been a part of the Avalon Municipal Code since 1977. In 2000 noise limits were updated to reflect the proliferation and impact of large vehicles (6,000 pounds or more) - 82 dB, motorcycles - 77 dB, and other motor vehicles - 74 dB. During the December 17, 2013 Council meeting the City Council directed staff to establish a policy to enforce this 14 year old ordinance, and the Administrative Procedure policy was adopted on January 7, 2014. No changes are proposed to the municipal code. However, instead of directing immediate enforcement and issuing violation infractions, City Council set forth a time table of enforcement to allow for education, notice and compliance to occur for the residents of Avalon.

Procedures:

Vehicles can be brought to Avalon City Hall for noise testing. A certificate will be issued after testing passing or failing the vehicle as it pertains to the noise ordinance.

Starting February 10, 2015 Vehicle Noise Testing will be offered by scheduled appoint only.

These appointments will be available for anyone who wishes to test their vehicle or a vehicle they are considering to purchase. No immediate consequences will be administered based on the results of this informative testing. However vehicles which fail the test will be noted and the list will be provided to Code Enforcement and the Los Angeles County Sheriff.

Starting April 2, 2015 any such vehicle which generates a sound level which is unreasonably loud, offensive, or excessive to a person with normal hearing sensitivity shall be in violation of the Avalon Municipal Code Sec. 4-4.1713 and shall be subject to a correction notice violation. Conclusive proof of violation or compliance will be conducted at a scheduled appointment at City Hall within the authorized time frame.

Vehicles which do not pass the test after receiving a citation will be subject to Avalon Municipal Code Sec. 4-4.1713 (c) Violations.

Vehicle Noise Testing will be scheduled for the different Types of Vehicle Permits as defined in AMC Sec. 4-4.1703.

With each permit type the administrative procedure time line will be updated and will reflect a testing, assessment and reporting time line presented to the Avalon City Council.

Vehicle Noise Ordinance Enforcement Administrative Procedure

Updated time table:

February 2015: Continue Vehicle Noise Testing for autoettes used for rental companies: over 120 total. Upon completion of testing all the rental vehicles the results will be assessed and presented along with follow up action recommendations to the City Council.

February 2015: Commercial Autoette vehicles begin testing.*

February 2015: Vehicle Noise Testing offered by scheduled appoint only for testing.

February-March 2015: Residential Autoette Annual Vehicle Permit registration.

April 2015: Residential Autoettes are subject to vehicle noise enforcement while in operation within the City of Avalon.

*Commercial Autoette vehicles will be noticed in their renewal letter 2 (two) months prior to the month their permit expires.

The original time table and past procedure-which can be implemented- was as follows:

December 17, 2013: Transportation Opportunities presentation given to the Avalon City Council. Council votes to direct staff to enforce the existing Vehicle Noise Ordinance.

January 7, 2014: Administrative Policy regarding Noise Ordinance enforcement presented to the City Council as part of the consent calendar.

February 1 – March 31, 2014: Annual vehicle registration takes place at Avalon City Hall. Each vehicle will be tested for compliance with the noise ordinance.

September 30, 2014: Last day to have vehicle retested for vehicle noise compliance before violation enforcement begins.

Vehicles can be brought to Avalon City Hall for noise testing. A certificate will be issued after testing passing or failing the vehicle as it pertains to the noise ordinance.

Vehicles that pass the noise test can be registered and receive a City of Avalon sticker as per standard procedure.

Vehicles that fail the noise test have six months from March 31, 2014, the last day of vehicle registration, to make necessary repairs to their vehicle before violation infractions are issued.

Beginning July, 2014 non late registering vehicles of the following makes and types are not required to go through vehicle noise testing as part of the annual City of Avalon residential vehicle registration permit: electric vehicles, Smart Car Fortwo, Mini Austi, Mini Cooper, 'porter' trucks – typically

Vehicle Noise Ordinance Enforcement Administrative Procedure

Mitsubishi, Vantage, Suzuki, Tiger, Fleet, etc. – or other full size style vehicles that fit within this category..

If a vehicle is of questionable noise levels, as described in AMC Sec. 4-4.1713 (a), or is unfamiliar to City Staff, it can be required to be tested for noise for registration as per this administrative policy. Furthermore, vehicles exempt from noise testing for registration are still subject to the Vehicle Noise Ordinance 4-4.1713.

Once a vehicle has passed the noise test the paperwork stating the vehicles compliance is applicable for the registration of that vehicle for the remainder of the permitted year. Thus, the sale of the vehicle does not necessitate a retest, as long as the proof of the current passing statement of results is presented when the new owner registers the vehicle with the City. However, it is strongly recommended that any vehicle desired to be bought with the intention of operating it within the city of Avalon be tested for noise prior to purchase. A current city permit on the vehicle and/or a copy of the Statement of Results from the current permit year are considered proof of taking the noise test.