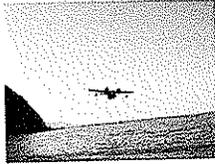


C E S A



Catalina Eucalyptus Sumner Alliance

December 3, 2014

CESA
PO Box 2544
Avalon, CA 90704



VIA EMAIL AND HAND DELIVERY

Denise Radde, City Clerk
City Clerk
City of Avalon
PO Box 707
Avalon, CA 90704

RE: Appeal to the City Council of the City of Avalon of actions taken by the Planning Commission on November 19, 2014 regarding Vons Company's New Commercial Development on an Unspecified Parcel bordered by Sumner, Catalina, and Beacon Streets

Dear Mrs. Radde:

This appeal is filed on behalf of CESA, a group of residential homeowners and hotel owners who will suffer significant deleterious impacts to our health, safety, welfare and quality of life and reduced property values should the Vons Project, as proposed and approved, proceed. We therefore hereby challenge and file this appeal to the City Council of Avalon, of all approvals and positive actions taken by the Planning Commission on November 19, 2014 with regard to the Vons Project.

This appeal is filed based on all of the grounds specified in the many letters filed and oral comments made in opposition to the Mitigated Negative Declaration, the monitoring plan, and the permits, conditions and variances that were granted or which appear to have been conditionally granted. We ask that the City Council hear the appeal *de novo* as permitted under the Avalon Municipal Code.

We are filing the Appeal Notice at this time in order to strictly conform to the fifteen day period set forth in the Avalon Municipal Code, measured from the date of the Planning Commission meeting at which the vote to adopt the Mitigated Negative Declaration and to

approve various permits and use applications was made. It is unclear to what extent the City Attorney's announced plan to draft a resolution or resolutions "memorializing" the Planning Commission's vote has on the finality of the Planning Commissions' votes. This continuing lack of clarity and failure to conform to CEQA substantive and procedural laws makes it extremely difficult for the average person to understand and exercise their rights.

Enclosed please find a check for the \$922 appeal fee.

Sincerely,

*The Executive Committee
for CESA*

Catalina Eucalyptus Sumner Alliance

cc: Chatten-Brown & Carstens LLP

Enclosure

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December 3, 2014

Via Hand Delivery

Denise Radde
City Clerk

City Council, City of Avalon
P.O. Box 707
410 Avalon Canyon Road
Avalon, CA 90704

Re: Appeal to City Council of Planning Commission Determinations on
Mitigated Negative Declaration, CUP, CDP, and MMRP for Vons Grocery
Store, 234 Sumner Avenue, APN: 7480-016-009

Dear Ms. Radde and Honorable Councilmembers:

Pursuant to Public Resources Code section 21151, the Catalina Sumner Eucalyptus Alliance (CESA) hereby appeals the Planning Commission's decisions to grant approvals and entitlements for a proposed Vons store at 234 Sumner Avenue ("the Project") to the City Council. Public Resources Code section 21151 requires that the City permit CESA to appeal the Planning Commission's determinations regarding the Project's compliance with the California Environmental Quality Act (CEQA) to the highest elected decisionmaking body in the City.

Despite the information contained in the presentation given by the Project representative, the mitigated negative declaration (MND) prepared by the City failed to adequately analyze and disclose the Project's potential significant impacts on the environment. For example, the MND failed to disclose the baseline for analysis with regard to several impact areas, including noise, greenhouse gas emissions, and water supply. Without information regarding noise generation, greenhouse gas emissions, and water use of the existing Vons stores, the MND's conclusions that the proposed Project will not increase these impacts lack support. Further, with regard to some impact areas, the MND claims that certain impacts will be mitigated by the Project, but few concrete and enforceable mitigation measures are included in the MND or the Project conditions.

As the City has not made any minutes, resolutions, or Planning Commission Actions publicly available since the November 19, 2014 meeting, CESA is unable to

further specify the entitlements that are being appealed to the City Council.

This appeal is based on the letters submitted by CESA on November 12, 2014, the other letters contained in this packet, and the oral testimony given by CESA members and other members of the public discussing the MND's failure to analyze and mitigate the Project's potential impacts on Avalon and the flats and requesting the imposition of more specific and enforceable mitigation measures.

I. Alternative Project Sites Remain Available.

Nearly all of the Project's public opposition and its potentially significant impacts are derive from its siting at the busy corner of Beacon and Sumner, very close to residences, vacation rentals, a bed and breakfast, and a small motel. Many of these potential impacts could be eliminated if the Project is moved to another location.

For example, it does not appear that the City has considered renovation and retrofitting of the existing Vons sites. At the Planning Commission hearing, the Project representative mentioned this as a possibility, stating that if the proposed Project is not approved, "we will do serious improvements to the sandwich layout that we have in our existing store now." This option must be explored further, preferably in an environmental impact report (EIR).

Another feasible alternative that could reduce the Project's adverse impacts on noise, traffic, and quality of the visitor experience, while providing for a new, larger store, involves reconfiguration of the Project site parcel. The new market could be flipped nearer to the existing "Little Vons" store into a downtown location nearer to the beach and existing visitor services such as the Tour Plaza and those located on the pier. Refrigerated trucks could head in and back out into loading bays from the Tour Plaza, instead of the Beacon Street artery. Entrances and exits would be available onto both Sumner and Catalina Avenues. Plenty of parking space is available. If more space is required for the Tour Plaza or the "future park" included in early Project drawings, those uses could be accommodated at the other end of the parcel where the Project is now proposed.

II. An Environmental Impact Report is Required.

As discussed in greater detail in the November 12, 2014 CESA letter attached as Exhibit A, a fair argument exists that the Project will have significant impacts on the environment that have not been mitigated, especially with regard to water use, greenhouse gas emissions, noise, and traffic – both traffic safety and congestion. However, the MND fails to disclose the Project's contributions to any of these impact areas, concluding without evidence that one store will be less impactful than two. As made available to the public prior to the November 19 Planning Commission hearing,

concrete and enforceable mitigation measures were not included in the Project to reduce its greenhouse gas emissions, noise emissions, and potential for traffic congestion. While several potential measures to reduce noise associated with the loading bays were discussed at the Planning Commission hearing, including a fully enclosed loading bay, loading hours, and disabling of vehicle reverse warning sounds, it does not appear to have been determined if any of these measures are feasible. An EIR is therefore required.

The MND's failure to provide detailed information and mitigation for the Project's potential environmental impacts may have occurred because the Project simply has not yet been designed. But if this is the case, then it is premature for the City to grant entitlements and approvals for building the Project. Useful environmental analysis cannot be conducted until sufficient detail about the Project is known. That detail does not appear to have been a part of the environmental review process conducted here. At the meeting, the Project representative displayed renderings depicting skylights designed to decrease energy use and greenhouse gas emissions. Nothing in the MND or proposed conditions of approval mentioned these skylights. These project design features must be included in the environmental review so that their effectiveness can be analyzed, and so that they can be included as enforceable and mandatory portions of the Project. The City must repeat, or at the very least, update, its environmental review once the Project has been designed.

III. The City Has Not Evaluated the Environmental Impacts of Proposed Conditions of Approval.

Prior to the Planning Commission meeting, additional Project conditions were proposed in an effort to reduce the Project's impacts on traffic congestion and parking. These conditions included additional 1-hour parking restrictions on streets adjacent to the Project site, as well allowing grocery carts to leave the immediate supermarket area. As detailed in several letters and public comments at the hearing, the MND failed to analyze the potential impacts of these changes to the Project. Those residing on streets impacted by the new 1-hour parking restrictions will be displaced to nearby blocks, thereby increasing the parking impacts on those streets. The MND also does not evaluate the aesthetic and blight impacts of permitting grocery carts to be used throughout town. Until Vons implemented the system used at the current stores, grocery carts littered the streets, with significant adverse impacts on aesthetics in town. As Avalon relies almost wholly on tourist revenue, this potentially significant impact is especially important here and requires analysis in an EIR. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; CEQA Guidelines s. 15126.4.)

IV. The Project Cannot Go Forward Without Concrete and Enforceable Mitigation Measures to Reduce Known Project Impacts.

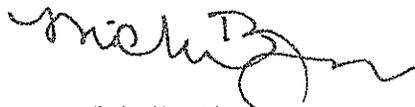
Although the conditions of approval actually issued by the Planning Commission have not been made publicly available, it is clear that the Project does not include sufficient concrete and enforceable mitigation measures to permit its approval with an MND. (Pub. Res. Code 21081.6(b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445 ["mitigation measures must be feasible and enforceable"]).

The Project's potential noise impacts are particularly important to those residing and conducting business on streets surrounding the Project site. Additional mitigation measures for noise that must be adopted by the City include, but are not limited to:

- Restrictions on construction during the tourist season: As Avalon's busy season is relatively short, construction of the Project could reasonably be restricted to months when tourist visitation is lower. The Project site is adjacent to a bed and breakfast, and small hotel, and a great many short-term rental properties.
- Restrictions on construction on weekend mornings: The City permits construction after 8 a.m. on Saturdays. Loud construction noise at 8 a.m. will be jarring to island visitors who have enjoyed Avalon's nightlife, as well as to island residents who work in tourist-serving businesses.
- Funding for triple-paned windows and noise retrofits: It is common for noise-producing Projects to provide funding for noise retrofits of affected homes and businesses.

Thank you for your consideration of this matter. CESA's members look forward to discussing the Project with the City Council.

Sincerely,



Michelle Black, on behalf of
CESA

CHATTEN-BROWN & CARSTENS LLP

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July 28, 2015

Via Hand Delivery and Email: dradde@cityofavalon.com

Ms. Denise Radde
Chief Administrative Officer/City Clerk
City of Avalon
P.O. Box 707
410 Avalon Canyon Road
Avalon, CA 90704

City Council,
City of Avalon
P.O. Box 707
410 Avalon Canyon Road
Avalon, CA 90704

Re: Appeal of Actions Taken on November 19, 2014 regarding Proposed Vons
Grocery Store; Mitigated Negative Declaration, CUP, CDP, and MMRP for Vons
Grocery Store, 234 Sumner Avenue

Dear Ms. Radde and Honorable Councilmembers:

We submit these comments on behalf of Appellant Catalina Eucalyptus Sumner Alliance (CESA). CESA is composed of residents, small businesses, and property owners who have come together to preserve the charm and character of 'the flats', Avalon's central neighborhood. "The flats" currently exists as an eclectic mixture of houses and small businesses that co-exist and complement each other. Everyone in Avalon wants and deserves a better grocery shopping experience. However, it is the City's job to ensure that its quest to procure a better Vons does not destroy existing neighborhoods and businesses. As proposed, in the previous and the revised mitigated negative declaration (MND), the Vons Project will irreversibly alter the character of the flats by imposing one of the City's largest buildings on a block otherwise characterized by low-rise buildings and the golf gardens, increasing traffic congestion at the busiest intersection in Avalon, and walling off residences and businesses on Catalina Avenue into a narrow canyon, among other impacts. These impacts are not fully mitigated as required by the California Environmental Quality Act (CEQA) for a project that relies on an MND. Just as important, this appeal hearing comes as the City evaluates strategies designed to avoid Stage III water rationing and as other construction projects are stalled due to a lack of water for construction and operation. Until the City's long-term water outlook has changed significantly, the Project cannot be approved.

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Additionally, CESA's appeal is of the Planning Commission's actions taken on November 19, 2014. These actions conditionally approved the Project based upon the 2014 MND. However, the notice on the City's website for the August 4, 2015 hearing states:

In connection with the appeal of the adopted Mitigated Negative Declaration and Mitigation Monitoring Plan, the City Council will consider adopting a revised Mitigated Negative Declaration that was circulated for public comment earlier in 2015, after the filing of the present appeal, and which addresses public comments on the adopted Mitigated Negative Declaration.

(City of Avalon website, <http://www.cityofavalon.com/controls/NewsFeed.aspx?FeedID=883>.) A hearing has not yet been held on the revised MND. The Planning Commission has not had an opportunity to review the changes to the Project and to evaluate any revisions to the proposed mitigation measures and conditions of approval. Considering that the Planning Commission voted to require that Vons evaluate enclosed loading bays in order to reduce the Vons Project's impacts on residents and businesses of Catalina, Eucalyptus, and Sumner Avenues, any changes to the Project should be presented to the Planning Commission before they are presented to the City Council for final approval. Thus, the City should consider this appeal separately. If the City denies this appeal, only then is it appropriate for the City Council to consider a new environmental document and revised Project.

I. The Revised MND Does Not Remedy the Project's Failure to Comply with CEQA.

Although CESA appreciates the City's revision of the Mitigated Negative Declaration prepared for the Project, the revised MND fails to ameliorate the concerns raised in CESA's November 12, 2014 letter to the Planning Commission. This letter is attached for the Council's review as Attachment 2. CESA's primary concern is that the Applicants and City have chosen to continue with a MND instead of admitting that the Project will have significant adverse environmental impacts on the City and the flats and preparing an environmental impact report (EIR). An EIR would include a discussion of project alternatives and locations, as well as a comparative analysis of the environmental impacts of those alternatives.

In order to go forward with an MND and comply with CEQA, the City and Applicant must have included feasible and enforceable mitigation measures that reduce all of the Project's likely significant environmental impacts below the applicable thresholds of significance. However, based on the documents that are currently available, this has not yet occurred.

For example, with regard to aesthetics and the Project's impacts on Catalina Avenue, the Project proposes a solid wall along the entirety of the Project's Catalina Avenue frontage. Based on the story poles placed on the site, this wall will be as tall or taller than many of the buildings currently located on Catalina Avenue. As articulation is limited, the Project will result in the creation of a tall, bleak corridor on Catalina Avenue. Views of the island's ridgelines from homes and businesses along Catalina Avenue will be destroyed, including public views from Catalina Avenue. The revised MND contains no mitigation for these impacts and, instead, dismisses these valid concerns entirely. (Revised MND, Explanations, pp. 1-2.) The only

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mitigation measure included in the Project relates to nighttime lighting. Building articulation is not adjusted, and no heed is paid to the building's mass. Thus, the MND has failed to disclose or mitigate the Project's significant aesthetic impacts.

Likewise, the MND fails to include any mitigation measures aimed at protecting sensitive receptors located near the Project site from construction noise. Many primary residences, vacation homes, and other places of lodging are located directly across Beacon Street, Sumner Avenue, and Catalina Avenue from the Project site. These sensitive receptors will not be adequately protected by construction restrictions that end at 8:00 a.m. and prohibit construction only on Sundays. Avalon's economy is based on tourism, and the City must protect the tourist experience. These impacts could potentially be mitigated with prohibitions on construction until 10:00 a.m. and on Saturdays.

The Project also presents difficulties with regard to water supply. As discussed previously and in other letters submitted to the City on this Project, the water right transfer proposed to satisfy this Project does not comply with the City's rules or time limits for transferring water rights. The desalination expansion under consideration has not been fully funded, and the Project's approvals and construction permits are not tied to the desalination plant's delivery of new water supplies. Further, the exploratory deep water wells proposed by the Island Company have not yet been sunk, and the results of their investigation are not yet available. At this time, it is speculative whether these wells will be able to produce sufficient water to both stave off Phase III water restrictions and enable the future growth envisioned by the Island Company. Also, the environmental impacts and aquifer recharge rates of these wells have not yet been determined, and their availability for the Project cannot be assumed.

CESA appreciates the inclusion of mitigation measures aimed at protecting nesting birds on the same block as the Project. However, CESA is concerned about efforts to drive the night herons away from the eucalyptus trees adjacent to the Project. The MND's mitigation measures protecting these birds are meaningless if the night herons and other species utilizing the trees at the golf gardens are removed from their habitat.

Although CESA understands that July 28 is the deadline to submit comments that will be included in the City's materials for the August 4, 2015 hearing, the staff report and proposed conditions of approval for the Project have not yet been released to the public. CESA reserves the right to submit additional comments to the City once these documents have been released and evaluated.

II. The Island Company Commissioned a Study of Alternatives That Determined the Project Site Would Negatively Affect Nearby Properties.

CESA members recently discovered a Santa Catalina Island Company-commissioned study of alternative locations and configurations for the Vons Project and for redevelopment of two parcels in downtown Avalon, prepared by Katalyst. (Attachment 1.) This study included four alternatives and configurations for the proposed Vons store, and assessed reuse of the existing Vons buildings, expansion of Little Vons, the current proposed site at Beacon and Sumner, and a storefront on Sumner Avenue. While the study did not assess the potential

environmental impacts of each alternative site and configuration, the study did foreclose alternatives based on noncompliance with the Island Company's future development plans. The proposed Project is closest to the Study's Alternative 1. (Attachment 1, pp. 7-13.) In the list of pros and cons developed for Alternative 1, the Island Company's consultants determined that a Vons store in the current location "[h]as potential negative impacts to residential property values adjacent to Vons." (Attachment 1, p. 13.) Thus, any claims that the Project will improve property values are without support. The Island Company is aware that the Project may negatively impact its neighbors.

The Study also notes the proposed Project site's isolation and detachment from other retail uses and the likely difficulty of stretching the retail corridor up Sumner through the existing residential uses. (*Ibid.*) Thus, the Study agrees that the existing neighborhood is chiefly residential, despite the Project site's zoning. Finally, the Study notes the difficulty of placing a large grocery store along a park since the consultants were "not aware of any analogs where grocery stores are a primary frontage in a park or where it is done well." (Attachment 1, p. 13.) These are important considerations for the City as it considers the appropriateness of this Project location and how the proposed Vons will integrate into the neighborhood.

III. The Project is Improperly Segmented From the Island Company's Plaza Redevelopment Project, in Violation of CEQA.

In addition to a new Vons store, the Island Company-commissioned study provided for:

- The repositioning of the Tour Plaza transit facilities;
- The inclusion of new workforce, single occupancy housing, as well as marking rate housing;
- Complimentary new retail one block in from and parallel to Front Street, to create a loop retail experience connecting the two largest hotels;
- A new public park space;
- A major parking facility; and
- General amenities that expand upon the concept of Avalon being a "resort without walls."

Attachment 1, p. 2. The study claims that, "Through this broader vision, the proposed Vons site, as well as additional site locations within the study area, are able to be evaluated to understand how best to integrate Vons." (*Ibid.*) Additionally, "Each alternative creates a *comprehensive development plan* around each Vons' location that provides the greatest economic value for existing and future development." (*Ibid.*, emphasis added.) Thus, the Island Company clearly envisions a comprehensive development plan that includes a Vons. The City's failure to require analysis of this entire development plan violates CEQA.

CEQA requires environmental review to evaluate the "whole of a project" and not simply its constituent parts when determining whether it will have a significant environmental effect. (CEQA Guidelines § 15003(h).) This ensures that, "environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263.) As the Santa Catalina

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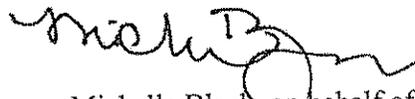
Island Company-commissioned study makes clear, the Vons Project is part of a much larger project. Each of these projects will have environmental impacts alone and in combination with the Vons Project that are not discussed in this MND. And the elimination or replacement of the golf gardens would have significant impacts on aesthetics, since they comprise the City's primary tree canopy. The entirety of this comprehensive development plan, including the Vons, the extension of Third Street through the plaza to create Main Street, and new housing, parking, and retail must be studied in a single environmental impact report.

IV. The Katalyst Study Demonstrates the City's Improper Precommitment to a Vons Location Along Beacon Street Between Catalina and Sumner Avenues.

The study of alternatives commissioned by the Santa Catalina Island Company begins with the explanation, "The study was initiated by a deal with Vons to locate a new 19,098 square foot grocery store and support surface parking lot along Beacon Street between Catalina and Sumner Avenues." In *Save Tara v. City of West Hollywood*, the California Supreme Court held: "[W]e apply the general principle that before conducting CEQA review, agencies must not 'take any action' that significantly furthers a project 'in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.'" (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 138, citations omitted.) As this study obviously predates the City's 2014 and 2015 MNDs, and as the City has not yet formally approved the Project, any preexisting "deal with Vons" for a grocery store and surface parking along Beacon Street between Catalina and Sumner Avenues improperly committed the City to the Project prior to the completion of environmental review. Under these circumstances, "Rather than a 'document of accountability' [citation], the EIR may appear, under these circumstances, a document of post hoc rationalization." (*Id.* at 136.)

The residents and businesses of CESA respectfully requests that the City take their future well being and quality of life into account as it continues to review this important Project. While everyone in Avalon wants and deserves an improved grocery experience, the proposed Project will adversely impact the residents and businesses of the flats. If the City votes to approve this Project in its current location, the members of CESA ask that the City mitigate the Project's impacts due to construction, aesthetics, traffic congestion, parking, and noise to the greatest extent feasible.

Sincerely,



Michelle Black, on behalf of
the Catalina Eucalyptus Sumner Alliance

- Enclosures
1. Katalyst Design Alternative Study
 2. CESA letter to Planning Commission, November 12, 2014

Honorable Councilmembers
City of Avalon
July 28, 2015
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November 12, 2014

Via U.S. Mail and email: planning@cityofavalon.com

Ms. Amanda Cook
Planning Director, City of Avalon
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Avalon, CA 90704

Planning Commission, City of Avalon
P.O. Box 707
410 Avalon Canyon Road
Avalon, CA 90704

Re: Mitigated Negative Declaration, Variance, CUP, CDP, and MMRP for
Vons Grocery Store, 234 Sumner Avenue

Dear Ms. Cook and Honorable Planning Commissioners:

We submit this letter on behalf of the Catalina Eucalyptus Sumner Association (CESA). CESA is composed of residents, small businesses, property owners who have come together to preserve the charm and character of 'the flats', Avalon's central neighborhood. "The flats" currently exists as an eclectic mixture of houses and small businesses that co-exist and complement each other. Although no real project description is provided in the City's environmental documents, the Project appears to propose a 34-foot tall, 23,044-square foot full-service grocery store, restaurant, bar, and café on Beacon Street between Catalina and Sumner Avenues (the Project). The Project site has served as the City's only nursery and a parking lot and is developed only with a small, single-story building at the corner of Catalina and Beacon previously used for nursery operations. The Project's environmental documentation fails to disclose the sizes of the existing Vons locations, resulting in the failure of the MND to use a proper environmental baseline and precluding any real comparison of existing and with-Project conditions.

Members of CESA have many concerns about the Project's location at what is already the busiest and most dangerous intersection in town. Despite its commercial designation, the site is closer to homes than the current grocery store site. In fact, the

Project proposes to dock delivery adjacent to residences in the flats. The Project will also introduce new sources of noise, light, and odors to these homes, as well as to nearby lodging tourism-serving businesses, including bed and breakfasts, vacation rentals, motels. Over 100 Avalon residents and visitors have signed petitions opposing the relocation of the Vons store to the Project site.

Due to the difficulty of fitting the Project's components on this site and its adverse impacts on the flats, the City has previously rejected its use for a replacement grocery store. Despite this, alternative sites to the Project were never seriously considered during this iteration of the grocery store discussion, and the community has been largely barred from participating in decisions about the town's only grocery store until now. Alternative sites proposed by community members that have not been evaluated in the environmental process include remodeling the existing Vons sites and sites along Avalon Canyon Road nearer to future residential developments. The insufficiency of the proposed mitigated negative declaration (MND) and the Project's inconsistencies with adopted land use plans are discussed in greater detail below.

Additionally, CESA asks the City to carefully consider the impacts of the proposed Project on local businesses. Unlike the existing Vons stores, the Project would include a restaurant, bar, and café. Since Vons began selling alcohol in Avalon, several long-held, local liquor stores have been forced to close. Similar impacts on independent cafes, bars, and restaurants can be expected if the new Vons is permitted to sell coffee and prepared food. The last few years have already been tough on the island's tourist-serving businesses. The Project will only increase these stresses, likely driving additional independent businesses out of the market and reducing the charm and variety of options available to Avalon residents and tourists.

I. The City's Use of a Mitigated Negative Declaration Instead of an EIR Violates the California Environmental Quality Act.

The California Environmental Quality Act (CEQA) requires the City to evaluate the Project's potential environmental consequences in an environmental document to foster informed and environmentally-friendly decisionmaking by City leaders, to encourage disclosures to the public, and to promote public participation in City processes. Here, the City chose to prepare a mitigated negative declaration for the Project, instead of an environmental impact report (EIR), despite the Project's almost assured impacts on traffic congestion and safety and additional impacts discussed below. As proposed, the mitigated negative declaration prepared for the Project fails to satisfy the requirements of the California Environmental Quality Act. More investigation into the Project's foreseeable impacts must occur, and more feasible and enforceable mitigation is required before the Project may be lawfully approved.

A lead agency prepares an initial study in order to determine whether an EIR, a negative declaration, or an MND is the appropriate environmental review document. (14 CCR § 15365, herein “CEQA Guidelines”.) “All phases of project planning, implementation, and operation must be considered in the initial study.” (CEQA Guidelines § 15063(a)(1).) The initial study must consider whether any aspect of a project, either individually or cumulatively, may cause a significant adverse impact. (CEQA Guidelines § 15063(b)(1).) The purpose of the initial study is to provide the lead agency with adequate information regarding a project to determine the appropriate environmental review document and “documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment.” (*Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal. App. 4th 1156, 1170, citations omitted.)

There must be a basis within the record to support the conclusions reached by the initial study. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1201.) “Where an agency. . . fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate.” (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal. App. 4th 1591, 1597, citations omitted.) Failure to adequately analyze all of a project’s potentially significant impacts or provide evidence to support conclusions reached in the initial study is a failure to comply with the law.

When a project may have a significant impact on the environment, it necessitates the preparation and certification of an EIR, not an MND. “[S]ince the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) Courts emphasize that the fair argument standard is a “low threshold” test for requiring the preparation of an EIR. (*No Oil, supra*, 13 Cal.3d 68, 84.) Review is de novo, with a “preference for resolving doubts in favor of environmental review.” (*Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1110, emphasis added; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602-1603.)

A. The Project’s Size and Scale is Out of Character for the Surrounding Neighborhood.

The MND entirely fails to consider the Project’s potentially detrimental impacts on the flats, instead concluding that the Project’s aesthetic impacts will be offset because the Project will be more attractive than the existing dirt lot and will include landscaping. This is problematic for several reasons. Including height added to avoid the floodplain,

the Project will be 34-feet high and 23,044 square feet in size. This building will be much larger than surrounding areas, including the Golf Gardens (which contain only the ticket office) and adjacent housing across Beacon Street. The Project will therefore be out of scale and character with the neighborhood, which is called "the flats" for a reason. With regard to the landscaping referenced in the MND, 92 percent of the grocery lot will be covered, so it appears unlikely that landscaping will be able to screen views of this 34-foot-tall building. The current drought situation also prevents the availability of water to maintain landscaping.

At 34 feet higher than the existing Project site, the building will also obscure treasured public views of the hills from Catalina and Sumner Avenues, as well as private views of the hills from homes and businesses located on those streets. These views will be replaced by views of a grocery store, parking lot, and refrigerator units. CEQA requires consideration of the loss of these views and mitigation of any impacts. (*Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400.)

Away from the lights of Los Angeles, Catalina is known for its dark sky and stargazing. The Project admits that it will introduce additional nighttime lighting to the site, including façade lighting, streetlights, parking lot lighting, security lighting, way finding lighting, and automobile headlights. This is also a significant impact that must be mitigated. Residents of the flats and visitors to the island will lose views of the stars that contribute to the island's appeal. The MND concludes that impacts will be less than significant because the Project will adhere to the City's municipal code. No mitigation is proposed, nor are specifications or standards for the Project's lighting are not included. Accordingly, no evidence supports the conclusion that lighting impacts will not be significant. An EIR must be prepared.

B. The Project's Impacts on Traffic, Safety, and Emergency Response Times Are Significant.

The Project will utilize intersection of Beacon Street and Sumner Avenue as its entrance and exit. This intersection is heavily traveled, as it is on the route to the Mole, the route to Metropole to access the Casino, and the route needed to access residences and businesses on front street (Crescent Avenue), Descanso, Hamilton Cove, and the interior.

The intersection of Beacon and Sumner is also dangerous, as it is a blind intersection. It is not a traditional 90-degree angle, 4-way stop. Even in a golf cart, which has far fewer blind spots than a typical vehicle, it is frequently difficult or impossible to determine whether the intersection is clear to cross until a vehicle is already in the path of oncoming traffic. Accidents and near-accidents are very, very common.

This intersection will be even more dangerous with trucks using the intersection and increased traffic as residents of northern areas of town travel to reach the grocery store.

The use of this intersection for the Project's ingress and egress also brings the potential for traffic obstructions as groceries fall off the backs of golf carts accelerating uphill on Beacon or Sumner, a uniquely Avalon problem not disclosed or mitigated in the EIR. The intersection is blocked due to this type of obstruction at least once per day with the Vons in its current location. These instances will only increase as residents of the City's northern hillier areas off Marilla and Whitley must travel to the flats for groceries.

The MND fails to disclose the Project site's unique traffic circulation problems or provide any analysis of their potential impacts or how they could be mitigated. Instead, in reliance on "project features", such as relocation of a stop sign and the installation of a crosswalk, that should be considered mitigation measures, the MND concludes that the Project will not have significant impacts on traffic circulation and safety. The Court of Appeal recently held that features such as these project design features must be considered mitigation measures when they are relied upon to reduce a project's impacts. (*Lotus v. Dep't of Transp.* (2014) 223 Cal. App. 4th 645.) Environmental review must disclose the Project's potential impacts, without mitigation measures, so that the public and decisionmakers may fully evaluate the efficacy of proposed mitigation. (*Ibid.*) Furthermore, CEQA requires mitigation measures to be concrete and enforceable. CEQA does not tolerate attempts to sweep important public safety issues "under the rug." (*Concerned Citizens of Costa Mesa v 32nd Dist. Ag. Ass'n.* (1986) 42 Cal. 3d 929, 935.)

Other traffic problems not disclosed or mitigated include:

- Near-exclusive reliance on the Level of Service standard, which is almost entirely inapplicable to a City such as Avalon, which does not contain any stoplights;
- By repositioning the stop sign on Sumner Avenue, no traffic control will exist for vehicles traveling from City Hall and Tremont Street until the Project parking lot. This will result in blockages of traffic as vehicles try to enter on Beacon Street.
- Foot races, triathlons, and motorcycle races all use Sumner & Beacon as their finish lines. During these times, vehicles are encouraged to stay home. How will the grocery store accommodate this if the only entrance requires the use of Beacon Street? The traffic study never took this into consideration;
- Traffic cameras used for the traffic study were located so as to understate existing traffic patterns. Moreover, a commenter should not be required to "ferret out" information in technical appendices of an EIR. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2005) 40 Cal.4th 412, 442.)

Information from the traffic study should have been disclosed in the MND and was not; and

- The Project will interfere with fire access and emergency response times if this busy intersection is blocked by congestion.

C. Noise Impacts Are Significant, With Significant Impacts on Land Use.

As anyone who has ever spent time at the corner of Beacon Street and Sumner Avenue knows, it is incredibly loud. Residents must close all windows and doors in order to carry a conversation or hear the television. Needless to say, sleeping through the night is difficult. The intersection is plagued by high levels of golf cart traffic, shouts of people walking home from nighttime establishments, and the loud beeps of garbage trucks, construction vehicles, and other large vehicles that pass through the area. In recognition of the incredible noise produced by golf carts, the City has recently implemented noise limits for their operation. Studies have long recognized the health dangers that high levels of noise have on humans by interrupting sleep, interfering with speech, and increasing anxiety.

According to the U.S. Environmental Protection Agency, exposure to high noise levels presents a “health risk in that noise may contribute to the development and aggravation of stress related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches... Growing evidence suggests a link between noise and cardiovascular problems. There is also evidence suggesting that noise may be related to birth defects and low birth-weight babies. There are also some indications that noise exposure can increase susceptibility to viral infection and toxic substances.”¹

Potentially deadly cardiovascular impacts can be triggered by long-term average exposure to noise levels as low as 55 decibels.² Exposure to even moderately high levels of noise during a single 8 hour period triggers the body’s stress response. In turn, the body increases cortisol production, which stimulates vasoconstriction of blood vessels that results in a five to ten point increase in blood pressure. Over time, this noise-induced

¹ EPA Noise Effects Handbook, <http://www.nonoise.org/library/handbook/handbook.htm>, incorporated by reference; see also EPA *Noise: A Health Problem* <http://www.nonoise.org/library/epahlth/epahlth.htm#heart%20disease>, incorporated by reference.

² World Health Organization Media Centre, http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008_1?language [elevated blood pressure and heart attacks], incorporated by reference; <http://whqlibdoc.who.int/hq/1999/a68672.pdf> [finding demonstrated cardiovascular impacts, including ischemic heart disease and hypertension after long-term exposure to 24 hour average noise values of 65-70 dBA], incorporated by reference.

stress can result in hypertension and coronary artery disease, both of which increase the risk of heart attack death.³ Studies on the use of tranquilizers, sleeping pills, psychotropic drugs, and mental hospital admission rates suggest that high noise levels cause adverse impacts on mental health.⁴

High noise levels also have dramatic developmental impacts on small children, many of whom might one day reside in the Project. Children who are exposed to higher average noise levels have heightened sympathetic arousal, expressed by increased stress hormone levels, and elevated resting blood pressure.

In addition to the health and quality of life of residents, noise levels adversely affect tourism-dependent businesses that provide lodging. At a June 2014 City meeting, the owner of the Metropole Hotel described 25 years of refunding money to hotel guests who were so disturbed by the noise generated by the existing Vons store, associated equipment, and truck movements, that they could not sleep. Despite repeated requests and complaints, Vons never engaged with him to cooperate or resolve these problems.

The Project will introduce additional noise due to traffic, as the trips to two grocery stores all redirected to one location; additional noise due to loading and reversing of trucks; and additional noise due to refrigerator units, at the very least. But this noise is never quantified. The MND concludes that because the Project will not double traffic trips and because the City does not have standards regulating the other types of noise that may be emitted, impacts will not be significant. This conclusion lacks support. The MND never discloses existing or predicted levels of noise, so it cannot be determined if the increases will be significant, regardless of the threshold of significance used. Additionally, the fact that an emitted noise may not be regulated by City ordinance does not prevent its emission from being significant. In fact, it is likely that the existing noise levels at the Project site already exceed safe levels and those permitted by the City, World Health Organization, and public health experts. Thus, any additional noise impact will be cumulative and must be disclosed, analyzed, and mitigated. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1024-1025; *Kings*

3 Attachment 1, Excerpts of World Health Organization, Guidelines for Community Noise, p. x and pp. 47-48. The report is available in its entirety online at <http://whqlibdoc.who.int/hq/1999/a68672.pdf>; see also, Maschke C (2003). "Stress Hormone Changes in Persons exposed to Simulated Night Noise". *Noise Health* 5 (17): 35-45. PMID 12537833, <http://www.noiseandhealth.org/article.asp?issn=1463-1741;year=2002;volume=5;issue=17;spage=35;epage=45;aulast=Maschke>, incorporated by reference; Attachment 2, Franssen EA, van Wiechen CM, Nagelkerke NJ, Lebret E (2004). "Aircraft noise around a large international airport and its impact on general health and medication use". *Occup Environ Med* 61 (5): 405-13. doi:10.1136/oem.2002.005488. PMID 15090660.

4 Attachment 1, p. x. and pp. 48-49.

County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 718.)

The MND includes noise mitigation measures, but since the Project's likely levels of impact are never disclosed, the decisionmakers cannot evaluate the effectiveness of these measures. Additionally, these mitigation measures are not concrete or enforceable, as required. (Pub. Res. Code 21081.6(b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445 ["mitigation measures must be feasible and enforceable"].) MM-Noise 1 claims that the Project's mechanical system will meet the County Noise Standards, but commitment is not made to any specific method of achieving these standards. Further, given the short distance between refrigerator units and homes, it is unclear whether these systems could possibly attenuate noise sufficiently. MM-Noise 1.2 states that the loading area will be enclosed. Based on the site plan, this is not possible. This mitigation measure also cannot prevent the beeps emitted by delivery trucks as they reverse into position onto Beacon Street, a move that essentially requires execution of a U-turn. Until the trucks enter the speculative enclosed loading dock, significant noise impacts will result. The Project's noise impacts will almost certainly remain significant. Preparation of an EIR is required.

D. Air Quality and Odors are Inadequately Discussed.

The MND fails to include information necessary to supporting its conclusions that all Project impacts will be mitigated. For example:

- The MND asserts that fugitive dust will be controlled, but no source of reclaimed water is currently available on the island.
- The MND fails to include the senior housing complex on Beacon Street as a sensitive receptor.
- Project trash will be stored in a room along the loading dock driveway that does not appear large enough to accommodate a store of the size.

E. Biological Resources were not Analyzed.

The MND claims that the Project will not have significant impacts on biological resources because the site is located in an existing urbanized area. However, the Project is located adjacent to the Golf Gardens and many tall trees used by birds and other wildlife whose nesting and foraging might be adversely impacted by construction and operation of the site and by the introduction of nighttime lighting to the site. In particular, the MND omits any mention of the black crowned night heron that has nested in trees adjacent to the Project site for many years. Black-crowned night herons have been declining in California and are rare on the Channel Islands. (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=1581>.) Any impacts to this nursery should be analyzed and mitigated. Absent an inventory of the birds and other

wildlife present in adjacent trees and the golf gardens that might be disturbed by Project construction and operation, the MND lacks support for its conclusion that impacts to biological resources are insignificant.

F. Cultural and Historic Resources Have Been Associated with the Site.

The Project will remove an existing building that was formerly used for Avalon's previous "Tent City," an irreversible and unmitigable impact on a historic resource. The MND concludes that MM-Cultural-1, which requires future engagement of an archaeological monitor who will prepare a future monitoring plan. This mitigation measure entirely fails to mitigate the loss of the historic resource located on the site, rendering the Project's historic impact significant. An EIR is required. Additionally, the mitigation measure is improperly deferred, because standards and plans will not be formulated until after Project approval. "Impermissible deferral of mitigation occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236.)

G. The Project's Greenhouse Gas Emission Analysis is Inadequate.

The MND's discussion of greenhouse gas emissions (GHG) assumes, without any evidence, that the Project's single grocery store will use less energy than the existing Vons stores, thereby preventing significant impacts. However, the Project never quantifies the existing stores' GHG generation or that expected from Project construction and operation. It is likely that the new, larger store, with its expanded restaurant, café, and bar uses, will generate as much if not more emissions than the existing stores. This is especially true given the amount of GHG emissions associated with constructing a new store. The two existing stores will not generate any construction emissions. Further, all construction on Catalina Island requires importing construction materials and equipment from the mainland by hydrocarbon-fueled barge, meaning that construction on Catalina causes an especially high emission of GHGs.

Additionally, compliance with AB 32 requires the State of California to decrease its GHG emissions 80 percent below 1990 levels by 2050. (MND p. 12.) This will require the implementation of energy-efficiency mitigation measures such as rooftop solar, Energy Star appliances, and lights that automatically shut off when not in use. As proposed, the Project does not contain any mitigation, resulting in a Project that will have significant unmitigated impacts due to GHG emissions. Catalina relies exclusively on the burning of hydrocarbons to generate electricity. Specifically, Southern California Edison generates "electricity for Catalina Island using six diesel generators and 23 propane-powered microturbines, and we distribute that power using three distribution circuits that serve the entire island." (See, Southern California Edison Website,

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https://www.sce.com/wps/portal/home/customer-service/faqs/catalina-island/lut/p/b1/hc9BDoIwEAXQs3gA6UAJlmUxCEUUCQaxG4OmVhKkiESub0lcadTZzeT9ZD7iqEC8KR-VLPtKNWU97tw5mCSgIcuAEc8lwLxl7JuxBWvP0mCvAXwZCv_yO8TfyBLbmtj-NplbMLPNDxDnMw2CLM03OYQr_AJuAH4YJcCCbYqB4RTWGaUYwHmBH09GiMtaHXXhnYd417bdjY7VaHPEROqLOItOdMZF3XtUDMNgSKVkLYyTuqL2WkDFp_nwhJ5Mn_DD4dQ!!/d14/d5/L2dBISevZ0FBIS9nOSEh/?from=catalina, hereby incorporated by reference.) An EIR is required.

H. No Water is Available for Project Construction or Operation.

The California Supreme Court has declared, “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to the problem of supplying water to a proposed land use project. Decision makers must, under the law, be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the [project] will need.” (*Vineyard, supra*, 40 Cal.4th at 431, internal citations and quotations omitted.) By simply relying on an undisclosed allocation from Southern California Edison, the MND fails to provide any analysis of the Project’s potential impacts on the City’s dire water situation.

Catalina Island is almost entirely dependent on rainfall for its water supply, save for contributions by the Pebbly Beach desalination plant during emergencies. Almost all of the island’s freshwater supply is held in the Middle Ranch Reservoir, which holds 1,149 acre-feet of water. Catalina is one of the locations most impacted by the state’s continuing drought. Conditions are the driest in 123 years. (Avalon Bracing for Even More Severe Water Restrictions, Los Angeles Times, June 1, 2014, <http://www.latimes.com/local/la-me-catalina-drought-20140602-story.html>, herein incorporated by reference.) Stage 1 water rationing was triggered in June 2013 when the reservoir fell below 600 acre-feet. Stage 2 water rationing was triggered on August 11, 2014, when the reservoir fell below 300 acre-feet. As of October 16, the reservoir level was at 277 acre-feet. State 2 water rationing requires mandatory 25 percent reductions in water use. (See, Southern California Edison Fact Sheet, **Exhibit A**.)

In response to these restrictions, many hotels have shut down or reduced occupancy, and visitors to the island have been asked to bring their own linens or to curtail showering until they return to the mainland. Restaurants are prohibited from serving fresh water unless on request. When requested, water is bottled water imported from the mainland. Lawns all over Avalon have long since gone brown, and much of the remaining landscaping is being hand watered with reused greywater. Island camps are relying on water trucks. Wells have gone dry; others can no longer be used due to saltwater intrusion. While Avalon’s reductions in water use are to be commended, they are insufficient to offset the Project’s water needs, particularly the water needed during

construction. The Southern California Air Quality Management District's fugitive dust rules require frequent watering. Projects currently under construction on the island have been required to bring water trucks from the mainland for this purpose.

Despite this, however, the MND does not even declare the Project's potential water impacts to be potentially significant. Instead, it claims there will be "No Impact" because the Project will utilize a pre-existing water allocation of 0.28 acre-feet from Southern California Edison. (MND pp. 24-25.) First, no evidence of this allocation is provided; nor is there evidence that a private party has a legal right to obtain a specific "water allocation." Residents and businesses have State 2 drought allocations based on a 25 percent reduction of their 2013 water use, but this is not a legal entitlement. Second, based on the lack of actual water available in Avalon, the water supply claimed by the MND appears to be no more than "paper water," entitlements which exist in contract, but which are not available to actually serve a project. "[T]he future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ('paper water') are insufficient bases for decisionmaking under CEQA. [Citation.] An EIR for a land use project must address the impacts of *likely* future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability. [Citation.]" (*Vineyard Area Citizens, supra*, at 432.)

Without support, the MND also claims that the Project will not have a significant impact on water supply because the Project will consolidate two separate grocery store sites into one building. "As such, the amount of water consumption...is projected to be less than the current two-store condition." (MND p. 25.) Zero support is provided for this important assumption. Construction of a new store will consume copious and undisclosed amounts of water that the existing stores will not. Further, since the proposed Project will be so large and will provide restaurant, bar, and café services not currently provided by the existing stores, the Project's water use will likely exceed that of the existing stores. The required landscaping will also require water that is not currently used at either existing store. An EIR must be prepared that discloses the existing Vons' water use, the amount of water that will be needed from construction, the sources of this water, and the impacts of providing this water. If water will be trucked from the mainland to the barge, the greenhouse gas emissions associated with this and the truck trips needed for this endeavor must be disclosed and mitigated in this EIR.

This Project cannot be built without having a significant impact on water supply in Avalon. This impact is both direct and cumulative. The Project's impacts on Avalon's water supply – and the impacts of obtaining alternate supplies in the current drought – must be thoroughly analyzed in an EIR.

I. The Project May Have Significant Impacts Related to Hazards and Hazardous Materials that Have Not Been Disclosed or Mitigated in the MND.

The MND claims, “a hazardous materials survey has been performed” and that any materials identified will be removed. (MND p. 12.) However, this study has not been disclosed to the public or to decisionmakers. Further, it is unknown whether this survey was conducted on both the grocery and parking parcels. The entire site has been used as long term parking and likely has hydrocarbon contamination that must be disclosed and properly remediated under California law. Additionally, the parking parcel has a history of additional automotive uses that have likely resulted in additional contamination. Without proper study of the site, the MND’s conclusion of no significant impact lacks substantial evidence.

J. Hydrology and Water Quality Issues.

In order to comply with requirements for building in the 100-year floodplain, the Project’s building pads will be raised two feet above Sumner Avenue and four feet above Catalina Avenue. While this may protect the Project from the impacts of flooding, the MND fails to disclose the potential impact that the Project will have on nearby properties in the event of a flood event. Like the k-rails that were erected after the 2007 fires to redirect dangerous mud flows away from homes and businesses, the Project will act as a berm and redirect floodwaters away from both it and the Golf Gardens’ existing drainage system. Further analysis of whether these redirected floodwaters will endanger residents or businesses along Catalina, Beacon, and Sumner is required before a conclusion of no significant impact may be supported. The City “cannot hide behind its own failure to gather relevant data” on the Project’s potential flood impacts. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.)

The MND’s discussion of the potential for inundation by seiche, tsunami, or mudflow also lacks substantial evidence. The justification for the finding of no significant impact is that the Project is located over one mile inland. (MND p. 16.) The Project is located less than one block from the Pacific Ocean. This conclusion must be revised and supported in an EIR.

K. The MND Fails to Disclose or Analyze the Cumulative Impacts of other Developments Under Consideration by the City.

The MND fails to properly analyze the Project’s foreseeable cumulative impacts. For example, the MND does not account for traffic, noise, and other impacts of other developments being considered by the City. These developments include proposals for

additional residences in Avalon Canyon, the museum complex that is currently underway, and the facilities that will be developed on sites vacated by the two existing Vons stores. Under CEQA, “[A]ny future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for the purposes of cumulative impact.” (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, at 1127-28.)

II. The City Cannot Make the Findings Required to Grant a Variance for the Project.

Since the Project will cover 92 percent of the lot, a greater percentage than is otherwise permitted by the City, the applicant has requested a variance to permit parking on an adjacent parcel owned by another entity.

The California Government Code permits variances from the terms of the City’s zoning ordinances only:

[W]hen, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

(Government Code § 65906.) Pursuant to state law and to the Avalon Municipal Code, the City cannot grant a variance unless it makes specific findings that (1) there are exceptional circumstances or conditions applicable to the property; (2) the strict application of the zoning code would result in practical difficulties or unnecessary hardship; (3) the granting of the variance will not be materially detrimental to the public welfare; and (4) the granting of the variance will not be contrary to the objectives of the zoning code. (Avalon Municipal Code § 9-8.405.) Further, the City’s findings when granting a variance must be supported by substantial evidence. (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515-18.) Substantial evidence is defined generally defined as “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Public Resources Code § 21080(e)(1).) Substantial evidence supporting a finding is not “argument, speculation, unsubstantiated opinion or narrative, [or] evidence that is clearly inaccurate or erroneous.” (Public Resource Code § 21080(e)(2).)

The City’s findings for granting a variance for the Project cannot be supported by substantial evidence and therefore the variance cannot be granted.

a. The Strict Application of the Zoning Code Would Not Result in Practical Difficulties or Unnecessary Hardship.

The application for the variance claims that denial of a variance would cause unnecessary hardship because “the Project cannot proceed without the parcel utilized for parking being considered as part of the grocery store developed parcel.” Although CESA agrees with this concept, no evidence has been provided for why the applicant cannot purchase the parcel that is required for the Project’s parking or downsize the proposed grocery store so that the parcel can accommodate the required parking area. In a town of only 4,000 year-round residents, a grocery store of this size is not necessary.

b. There Are No Exceptional Circumstances or Conditions Applicable to the Property.

The application claims that exceptional circumstances exist that do not apply to other neighborhood property because Vons’ budget for the Project only allocated sufficient funding for the grocery parcel. There is nothing unique about this situation. Many people have been prevented from realizing projects because they could not afford to purchase the property required. Anyone seeking to obtain entitlements based on the square footage of two parcels must control both parcels. Moreover, this argument appears to boil down to either a claim that Vons could not afford to purchase both parcels from the Island Company or that it chose not to purchase both parcels. It is difficult to believe that a corporation of Vons’ size cannot afford to purchase the parking lot parcel. A variance cannot be granted simply because the applicant chose not to purchase the amount of land needed to construct the Project. The parking parcel owner is the co-applicant, and this is an issue of purchase price more appropriately worked out between co-applicants. Neither of these considerations presents an exceptional circumstance for which the City should grant a variance from its land use controls.

c. The Granting of the Variances would be Materially Detrimental of the Public Welfare.

According to the variance, “the intended use for the both parcels is unchanged.” This is not true. While the parking parcel itself will remain used for parking, it will be finished and reconfigured. More importantly, the variance will permit the construction of a grocery store, restaurant, bar, and café on the Project site, which is a change in use from the site’s current use as a nursery and parking. Also, as detailed above, the Project will have significant adverse impacts on residents and businesses in the flats in ways that are materially detrimental to the public welfare. The proposed use of Beacon Street as the Project entrance and exit and the increase in traffic at the intersection of Beacon Street and Sumner Avenue is inherently unsafe.

d. The Granting of the Variance Would be Contrary to the Objectives of the Zoning Code.

The City's zoning code was established to promote compatibility in land uses and to discourage conflict resulting from incompatible land uses. This includes the location of dense, massive, and tall buildings next to single-story single family homes, as well as increases in quality of life impacts on businesses catering to the City's tourism industry. The City's planning documents were adopted to protect the general health, welfare, and comfort of Avalon residents and the prosperity of tourism. Granting these variances would permit a Project that does not properly protect the health and welfare of the City's residents, and that would damage tourism. As substantial evidence does not support the findings required for a variance, the Planning Commission cannot grant this variance.

III. The City Cannot Make Required Findings for Issuance of the Conditional Use Permit.

The Project requires a conditional use permit (CUP) to allow its proposed restaurant, bar, and café uses. Section 9.8-4.4 of the Avalon Municipal Code requires the Planning Commission to make certain findings, supported by substantial evidence:

- 1) The proposed conditional use shall conform with and carry out the certified Land Use Plan for the area.
- 2) The nature, condition, and development of adjacent uses, buildings and structures shall be considered and no proposed conditional use shall be permitted where such use will adversely affect or be materially detrimental to said adjacent uses, buildings and structures.
- 3) The site for a proposed conditional use shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this chapter or as required as a condition in order to integrate said use with the uses in the neighborhood.
- 4) The site for a proposed conditional use shall be served by highways and streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.
- 5) The proposed conditional use shall be consistent with and carry out the purpose and intent of the underlying zone.

The City cannot make findings (2), (3), and (4). First, as discussed above, the Project's commercial zoning belies the area's nearby residential uses. The flats is a dense residential neighborhood, and adjacent homes across Catalina and Sumner Avenues and

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Beacon Street will be adversely affected by the Project's noise, traffic generation (and traffic noise), as well odors generated by grocery trash. Vacation rentals and lodging uses will be especially affected by early morning and late-night beeps from delivery trucks as the sleep of island visitors is interrupted. Second, the site is inadequate in size to accommodate the proposed uses, ingress and egress, loading, landscaping, and parking. This is conclusively demonstrated by the request for a variance from the City's lot coverage requirements to accommodate Project parking. The inability to fit the Project on this site is why the Vons was not located on this site decades ago. Third, the Project's circulation plan is dangerous and inadequate. The non-standard design of the intersection of Beacon and Sumner would require near U-turns for traffic exiting onto Beacon away from Sumner Avenue – at a blind intersection that already experiences multiple collisions and near-collisions per day. The loading dock location will also require delivery truck drivers to execute expert and potentially impossible maneuvers in reverse. As the City cannot make the required findings for the required CUP, it must be denied.

Conclusion

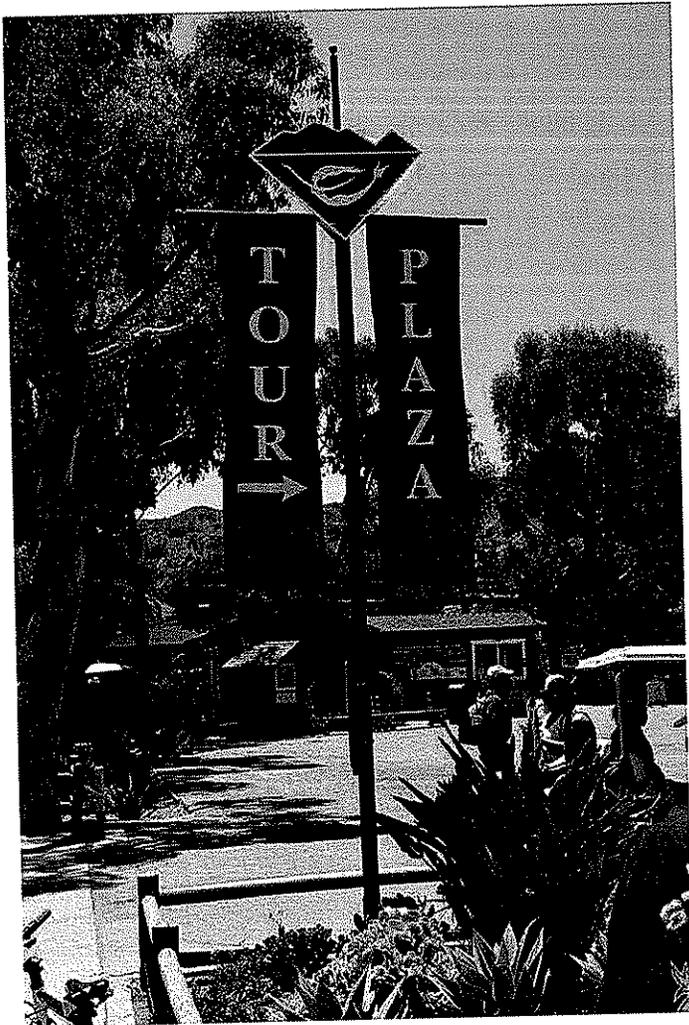
For the reasons described above, we respectfully request that the City deny the Project's approvals. Additionally, we request that the Project undergo subsequent or supplemental environmental review addressing its potentially significant environmental impacts on area traffic, noise, land use, and human health before required entitlements are granted or reinstated. Thank you for your consideration of these comments, and we look forward to the outcome of the November 19, 2014 hearing on this matter.

Sincerely,



Michelle Black, on behalf of
CESA

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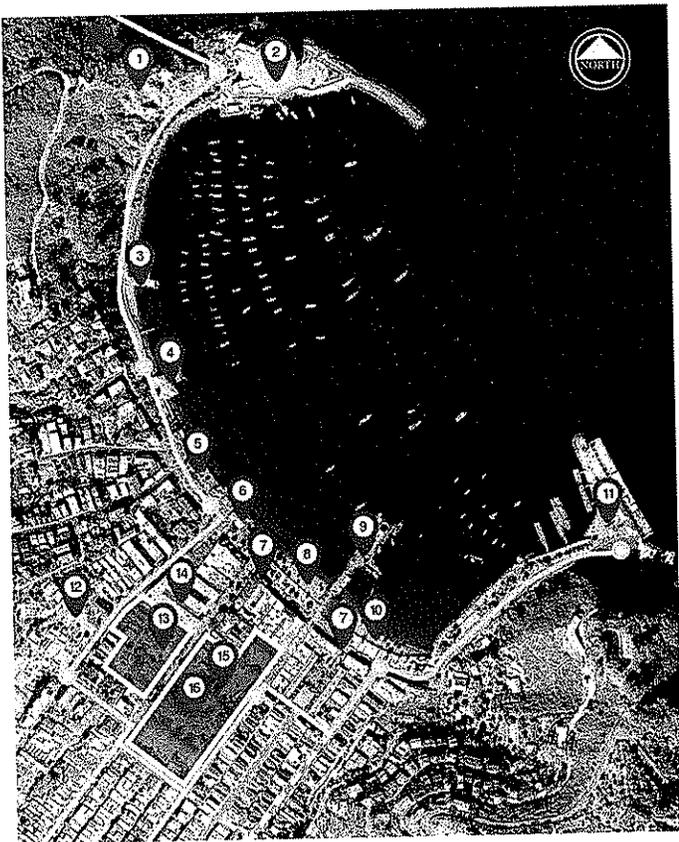
Project Description

Develop several design alternatives to create the highest and best use for two redevelopment sites totally approximately 4.6-acre in the core of Downtown Avalon on Catalina Island. The study was initiated by a deal with Vons to locate a new 19,098 square foot grocery store and support surface parking lot along Beacon Street between Catalina and Sumner Avenues. With limited available land for new development in downtown, each alternative sets a broader vision for the entire site that has the ability to be phased over time. Each alternative includes the following elements:

- The repositioning of the Tour Plaza transit facilities
- The inclusion of new workforce, single occupancy room (SRO) housing, as well as market rate housing, to address housing needs on the island
- Complimentary new retail one block in from and parallel to Front Street, the main waterfront retail and commercial promenade along the beach, to create a loop retail experience connecting the two largest hotels
- A new public park space
- Maximizes parking, including a major parking facility
- General amenities that expand upon the concept of Avalon being a "resort without walls"

Through this broader vision, the proposed Vons site, as well as additional site locations within the study area, are able to be evaluated to understand how best to integrate Vons. Each alternative creates a comprehensive development plan around each Vons' location that provides the greatest economic value for existing and future development. Each plan includes public open space and public realm improvements that respect and enhance the unique character of Avalon.

Site Location & Context



Points of Interest

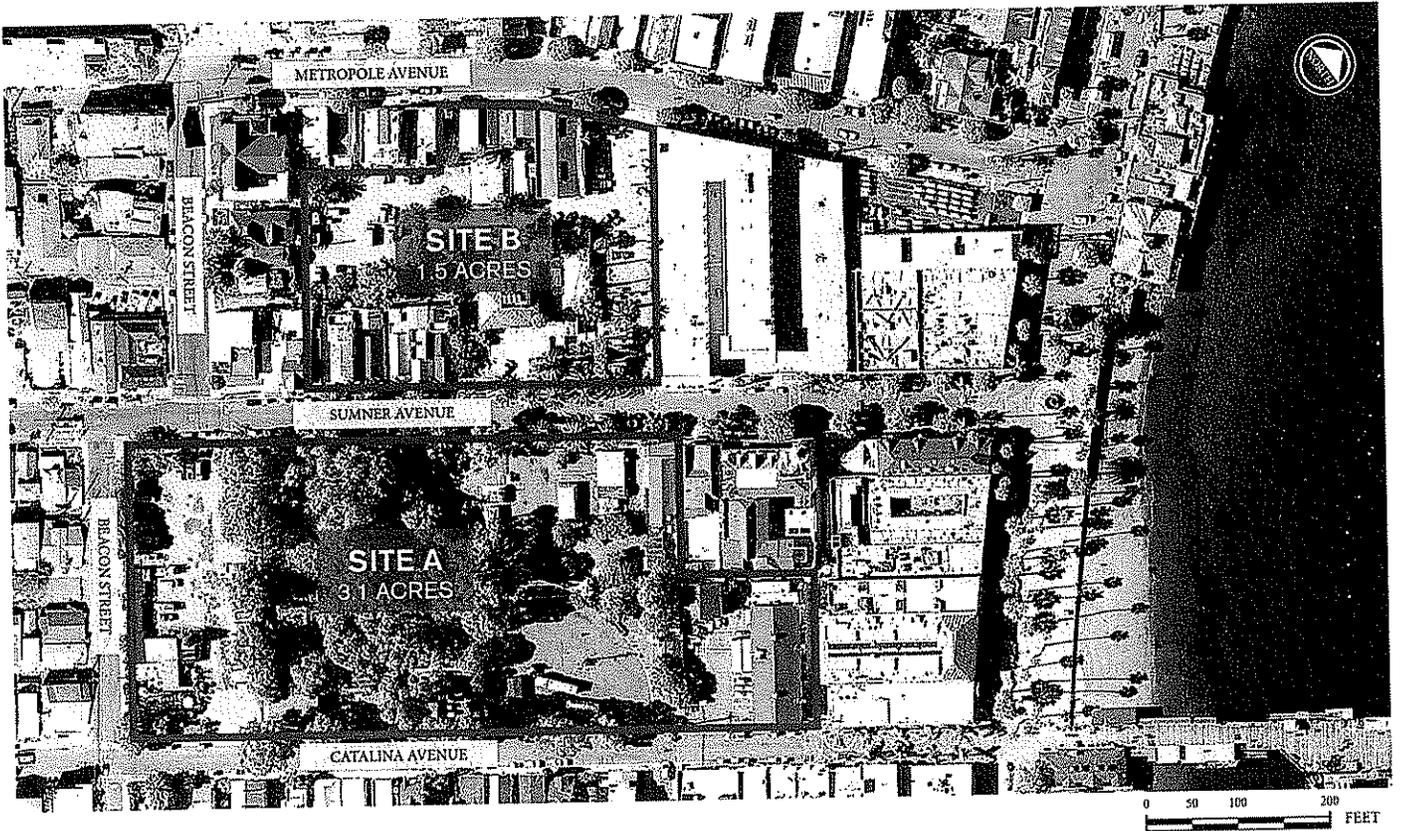
1. Descanso Beach & Hamilton Cove
2. Casino (Current Catalina Island Museum, Avalon Theater, Casino Ballroom)
3. Catalina Island Yacht Club
4. Tuna Club
5. Step Beach
6. Bluewater Avalon
7. Front Street (Pedestrian-Only Walkway)
8. Middle Beach
9. Green Pleasure Pier
10. South Beach
11. Boat Terminal
12. Future Catalina Island Museum
13. Library & Police Station
14. Hotel, SCICO Office, & Post Office Arcade
15. Tour Plaza
16. Golf Gardens Miniature Golf Course



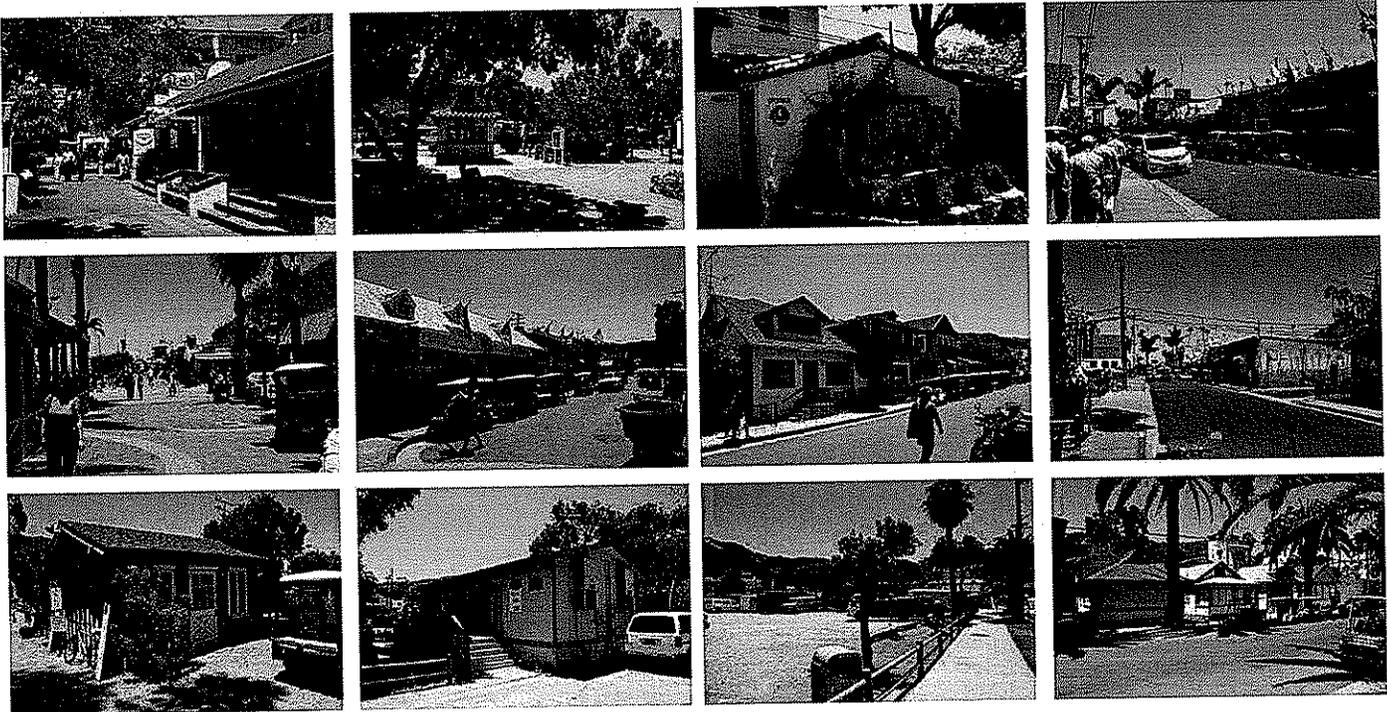
Tour Plaza Master Plan Study Area



Avalon Trolley Route & Stop Locations



Site Context Imagery



1500 N. AKA Medford Ave #100
Apt. 202 - 95014

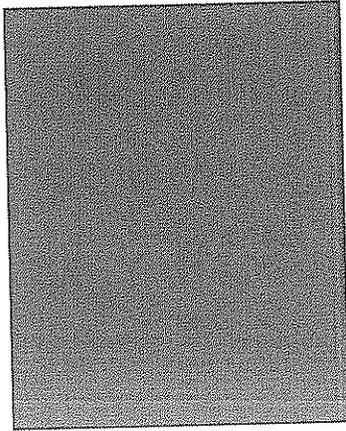
Site Context Imagery



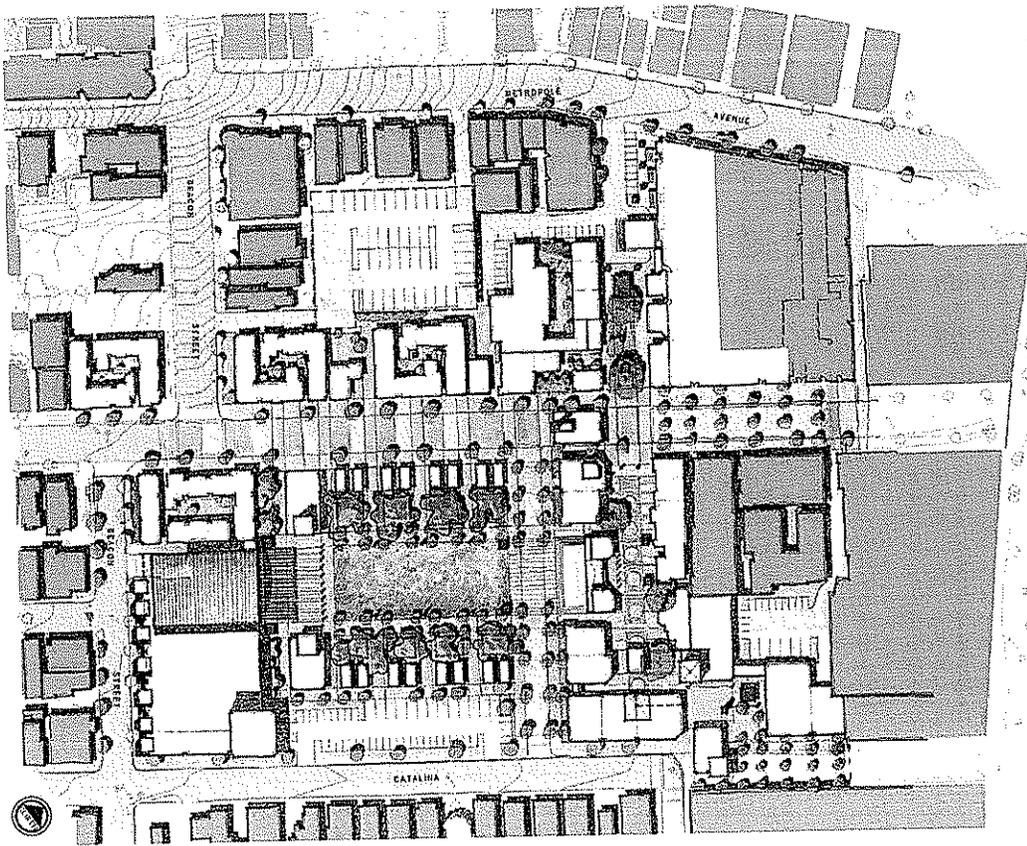
FLOOR PLAN AND EXTERIOR PLAN SECTION
 ARCHITECT: KATA:YST

Tour Plaza Master Plan

DESIGN ALTERNATIVES 1



Alternative 1 Illustrative Plan

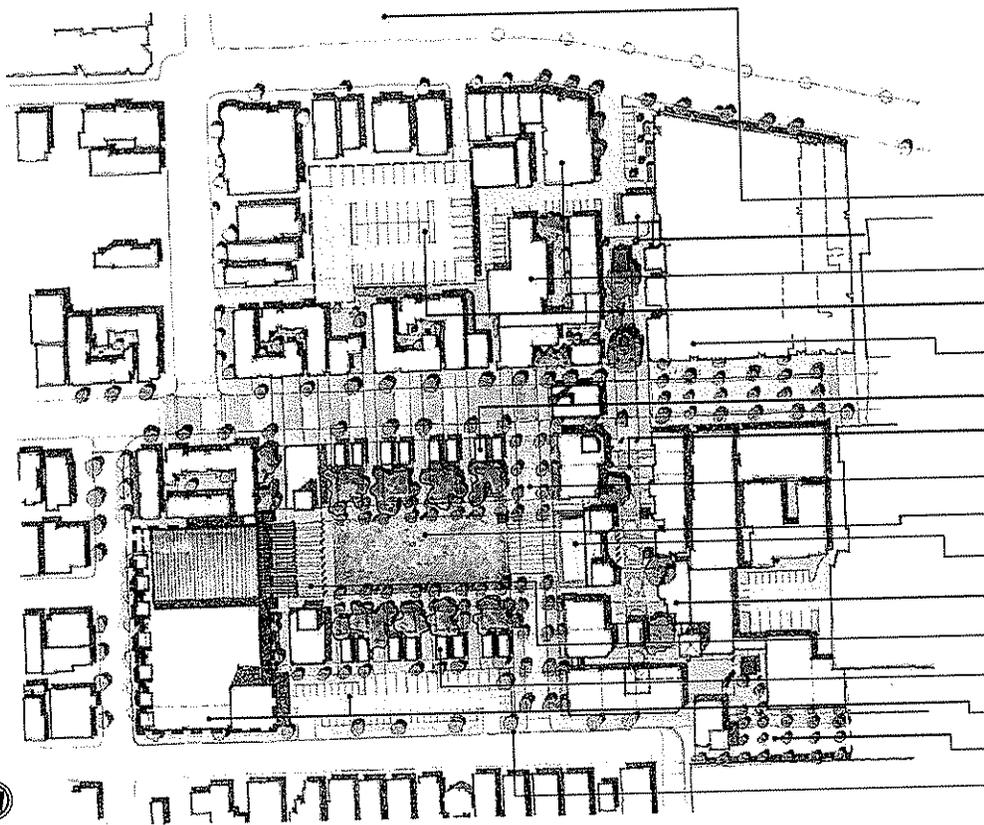


Noli Plans



PLAN PACK BASED UPON 2015/16
Aerial Data

Alternative 1 Plan Components



- Future Catalina Island Museum
- Hotel Vehicular Dropoff
- SCICO Offices
- Two-Story Parking Facility (Utilizing Natural Grade Changes)
- Hotel Lobby w Laminate Retail
- Preserved Mature Trees from Mini-Golf Course
- Main Street (Mixed Use Ped Zone)
- Tour Transit Street
- Public Park
- Outdoor Performing Arts Pavilion
- Preserved Public Restrooms
- Farmers Market Plaza (Vons Activator)
- Business Incubators
- Vons & Surface Parking Lot
- Expanded Ped Zone Terminate by Retail Pavilion
- Existing Avalon Trolley Stop



FLOOR PLAN MASTER PLAN STUDY
ALTERNATIVE 1
2017-10-10-17

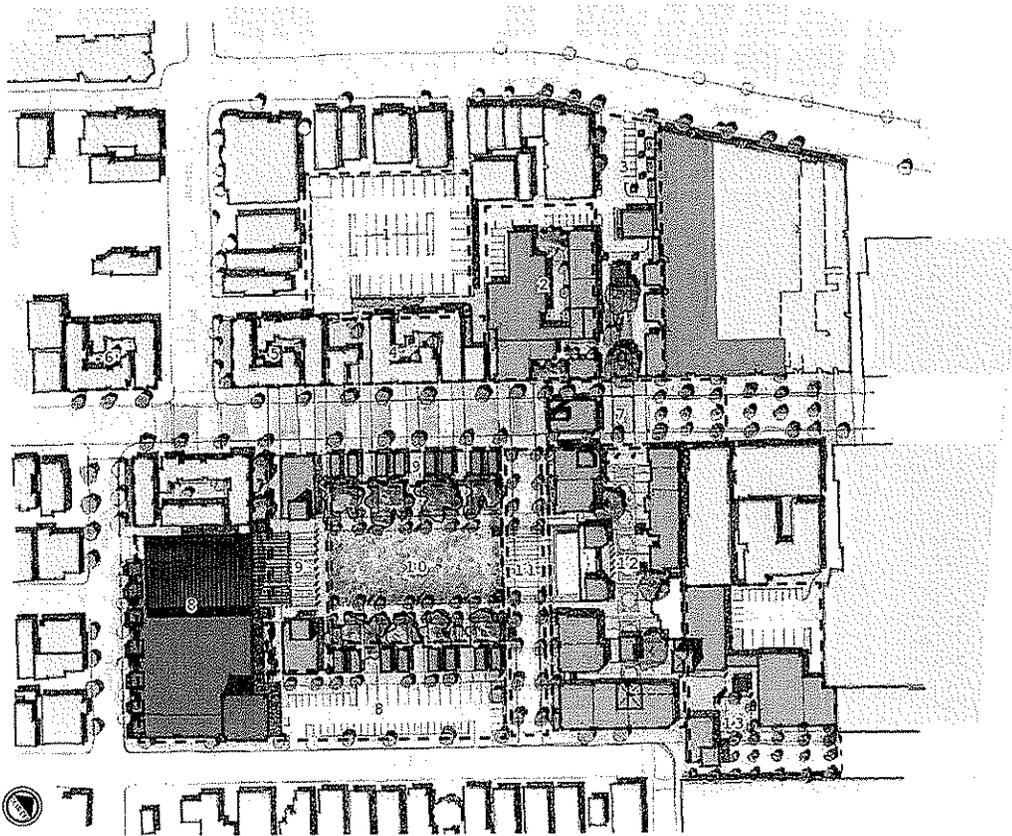
Alternative 1

Land Use Plan



LEGEND:

-  VONS GROCERY STORE
XX SF
-  RETAIL
XX SF
-  RESIDENTIAL
XX SF
-  OFFICE
XX SF
-  HOTEL
XX SF
-  BUSINESS INCUBATORS
XX SF
- XX TOTAL SF**



Alternative 1 - Land Use Matrix

Site A			Site B		
Area 1	Vons	19,098 sf Vons Store	Area 8	Retail	-
	Retail	2,400 8 Incubator Units	SCICo Owned	Residential	-
	Residential	34 Park Units		Parking	163 129 Golf, 34 Car
	Parking	52 40 Golf, 12 Cars	Area 9	Retail	3,000 sf Retail
	Public	-	Existing	Office	4,000 sf Office
Area 2	Retail	2,400 8 Incubator Units	City/County	Parking	16 Golf
	Retail	3,000 sf Retail	Area 10	Retail	2,000 sf Retail
	Residential	-	SCICo Owned	Parking	9 Golf
	Public	-		Public	2,500 sf Hotel Drop Off
Area 3 - Park	Retail			Public	4,500 sf Plaza
	Public	26,000 sf Park	Area 11	Retail	1,200 sf Retail
Area 4 - Transit	Retail	-	SCICo Owned	Residential	34 SRO
	Residential	-	Area 12	Residential	34 SRO
	Public	12,000 sf Transit St	Area 13	Residential	34 SRO
Area 5	Retail	10,000 sf Retail	Area 14	Retail	1,000 sf Retail
	Retail	-	SCICo Owned	Public	12,000 Ped Plaza
	Residential	-	Subtotal		30,200
	Public	3,400 sf Performance Building & Stage	Totals		
	Public	10,000 sf Pedestrian Plaza	Vons		19,098 sf
Area 6	Retail	6,500 sf Retail	Retail		33,000 sf
	Retail	-	Office		4,000 sf
	Residential	-	Public		80,400 sf
	Parking	19 13 Golf, 7 Cars	Subtotal		136,498 sf
	Public	7,500 sf Plaza	Residential		136 Units
Area 7	Retail	1,500 sf Retail Pavillion	Parking		259 206 Golf, 53 Cars
	Public	2,500 sf Public Plaza			
Subtotal		106,298			

Alternative 1 - Pros & Cons

Pros

Vons

- Utilizes existing site for proposed Vons grocery store: currently under negotiations
- Repositions the grocery store while maintaining proposed gross square footage to place main entry of Vons and its surface parking on Catalina Ave
 - Creates urban frontage for Vons on Catalina Ave
 - Provides a larger surface parking lot than was proposed in last grocery store scheme for Vons
 - 24 more spaces (Originally included: 19 autoette spaces [golf carts or vehicles under 56 inches] and 5 full size car spaces & Plan proposes: 36 autoette spaces and 15 full size car spaces)
- Vons grocery store and parking lot placement has minimal impacts to existing mini-golf site, allowing it to remain until relocated and the area is open for redevelopment
- Anticipates creating a market plaza edge to the public park when Mini-Golf course is relocated to provide a farmer's market feel to edge of Vons and a more civic/public edge to park
 - Needs to be planned into the design of the Vons to allow for future activated edge
- Allows for the creation of a workforce housing (SRO) building on the backside of Vons at the corner of Beacon Street and Metropole Avenue

Main Street

- Creates a pedestrian-only main street parallel to Front Street, creating a retail/commercial loop from Catalina to Metropole Ave
 - Provides a vista terminus to pedestrian area leading from the pier to direct traffic away from predominantly residential housing on Catalina Ave
 - Preserves most of existing retail buildings, including part of the existing Vons Express building, and public restroom facilities
 - Provides infill retail, restaurant, commercial, and outdoor space protected from the ocean breeze, especially in the evening
 - Includes an outdoor performance stage wrapped by retail
 - Small stage area facing Main Street
 - Large stage facing future public park

Transit Facilities

- Provides a linear transit street on the backside of Main Street facing the Mini-Golf Site & future public park
 - Street treated as a part of the park
 - Curb-side parking for various tour vehicles
 - Use of outdoor performance stage as staging area for tours
 - Easy access to retail and public restroom facilities on Main Street
 - Street closed to vehicular traffic in evening and for events in the park

Public Park/Mini-Golf Site

- Creates a centralized park linking Vons/farmers market plaza to outdoor performing arts venue and Main Street
 - Two retail/restaurant pavilions framing both ends of farmers market plaza
- Line by small business incubators in the park
- Preserve some of the trees around small business incubators but removes trees to create a programmable events/recreation lawn

SCICO Block

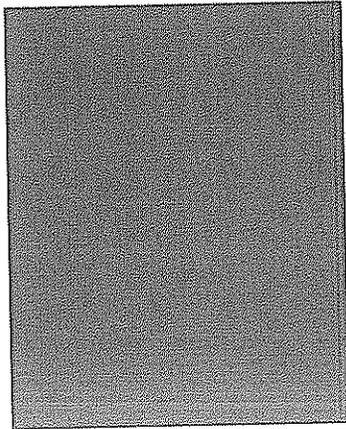
- Utilizes grade change internal to the block to locate a two story parking structure accessed from Sumner and Metropole Avenues
 - Includes
 - Proposed car/cart share: Golf carts and autoettes provided for all single room occupancy workforce and rental housing
 - Eliminates need and cost for parking
 - Promotes use of car/cart share program, bicycles, trolley, or walking
 - Gains more land for development of housing in the core of Avalon
 - Relocates SCICO offices to library complex freeing up ground floor for commercial and hotel uses
 - Focuses SRO/Rental Housing along Sumner Avenue
 - Consider prefab construction methods for housing
 - Provide no parking for housing utilizing car/cart share program
 - Consider at minimum a two story housing development to increase density

Cons

- Proposed Vons grocery store site puts a large format building and surface parking lot facing existing housing impacting 3 streets (Catalina Ave, Beacon St, and Sumner Ave)
 - Building needs to have facade treatments that breakdown the scale of building and attempt to create a more positive edge to existing residences
 - Has potential negative impacts to residential property values adjacent to Vons
- Vons as a more isolated use detached from primary retail areas
 - Stretching support retail toward Vons and Beacon Street may be challenging, especially with existing residential uses along Sumner Avenue
- Requires buy-in from Vons to rework design scheme to accommodate what's proposed in Alternative 1
- To integrate Vons into the overall development requires Vons to take on a civic frontage to a park
 - Not aware of any analogs where grocery stores are a primary frontage in a park or where it is done well

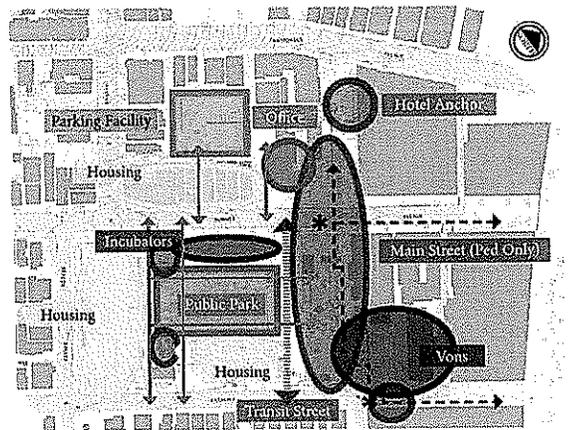
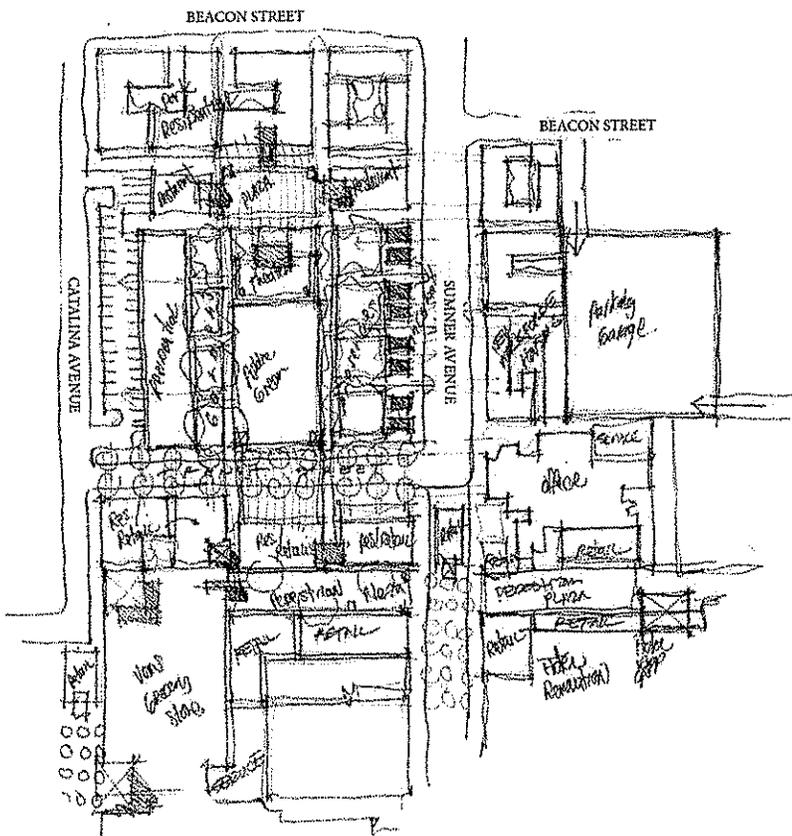
Tour Plaza Master Plan

DESIGN ALTERNATIVES 2



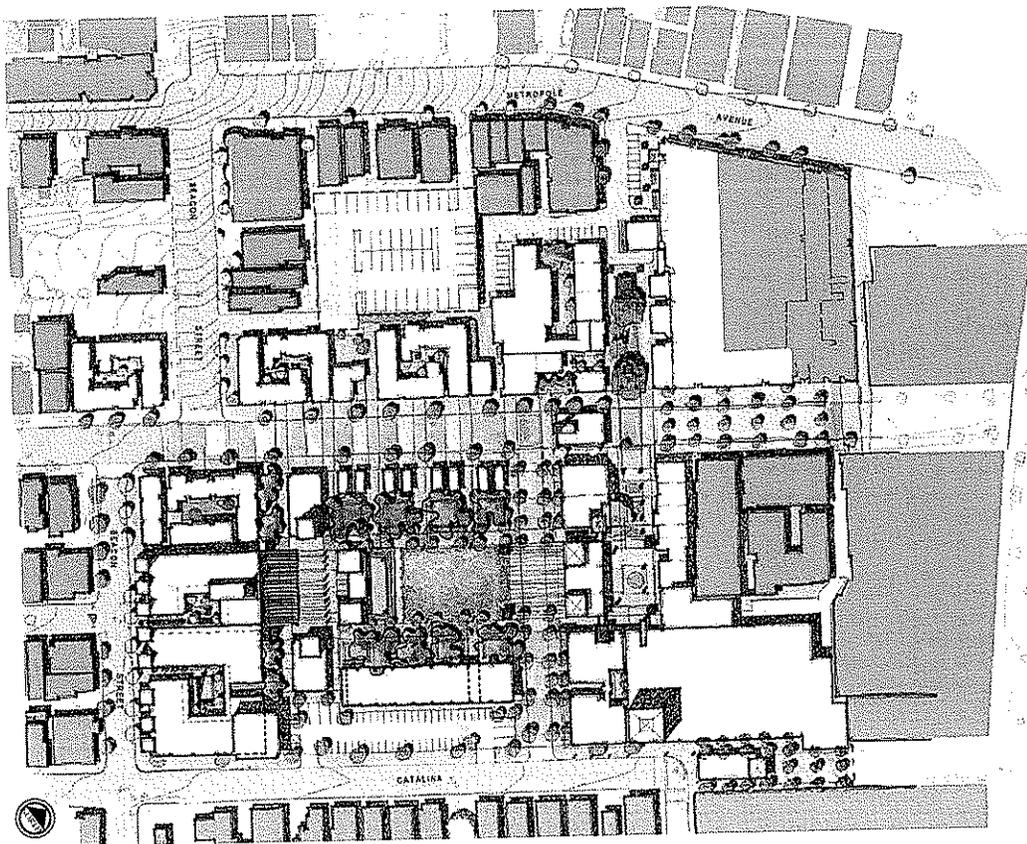
Alternative 2

Concept Sketch & Diagram

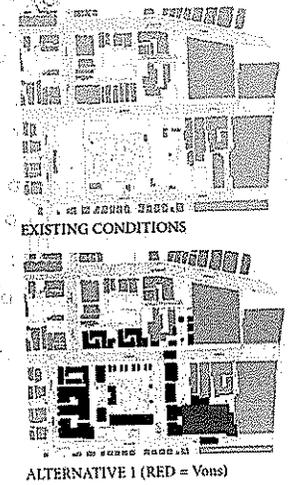


Alternative 2 Illustrative Plan

0 50 100 200
FEET

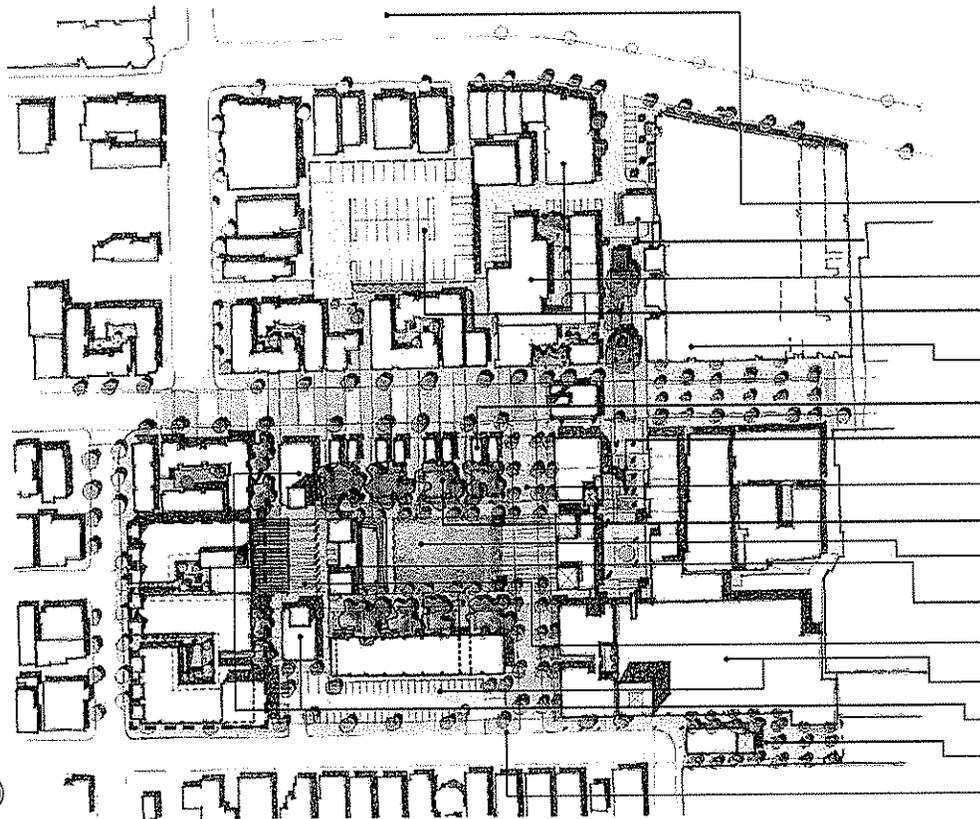
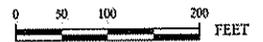


Noli Plans



Alternative 2

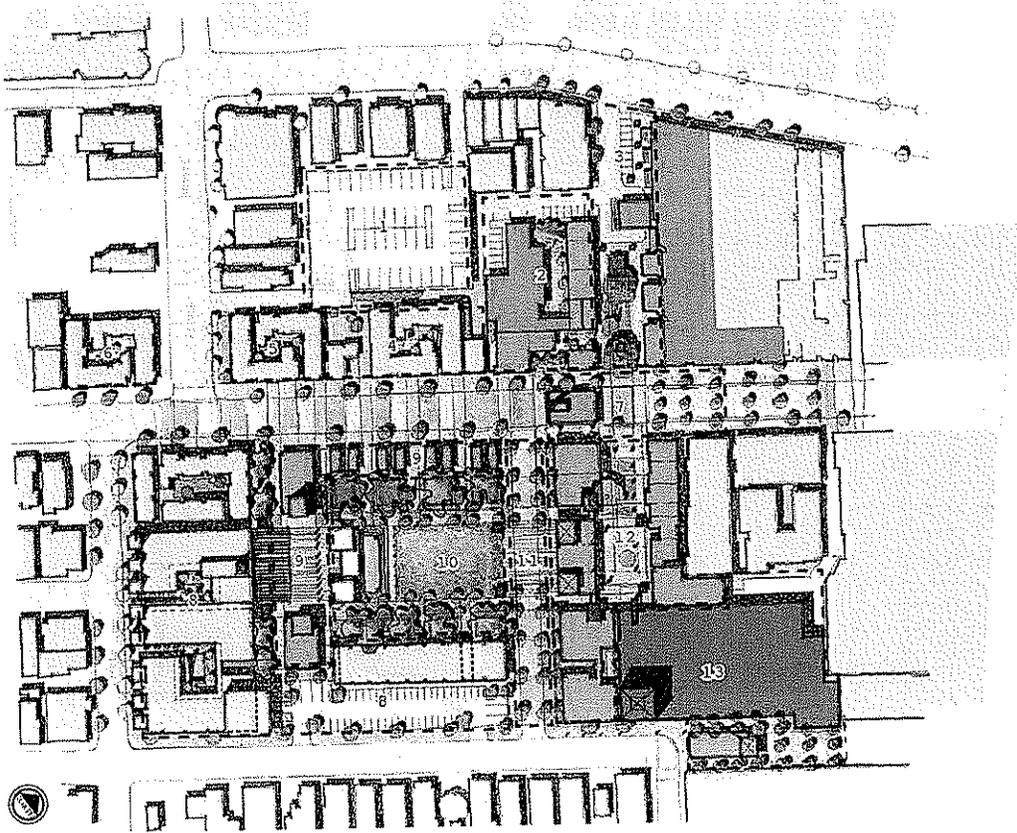
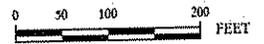
Plan Components



- Future Catalina Island Museum
- Hotel Vehicular Dropoff
- SCICO Offices
- Two-Story Parking Facility (Utilizing Natural Grade Changes)
- Hotel Lobby w Laminate Retail
- Business Incubators
- Main Street (Mixed Use Ped Zone)
- Tour Transit Street
- Preserved Mature Trees from Mini-Golf Course
- Public Park
- Outdoor Performing Arts Pavilion
- Farmers Market Plaza (Vons Activator)
- Vons & Surface Parking Lot
- Park Restaurants/Cafes
- Expanded Ped Zone Terminate by Retail Pavilion
- Existing Avalon Trolley Stop



Alternative 2 Land Use Plan



LEGEND:

-  VONS GROCERY STORE
XX SF
-  RETAIL
XX SF
-  RESIDENTIAL
XX SF
-  OFFICE
XX SF
-  HOTEL
XX SF
-  BUSINESS INCUBATORS
XX SF

XX TOTAL SF

Alternative 2 - Land Use Matrix

Site A			Site B		
Area 1	Retail	-	Area 8 SCICo Owned	Retail	-
	Retail	-		Residential	-
	Residential	110 Park Units		Parking	163 129 Golf, 34 Car
	Parking	52 40 Golf, 12 Cars		Area 9 Existing City/County	Retail
Area 2	Public	-	Office	4,000 sf Office	
	Retail	2,400 8 Incubator Units	Parking	16 Golf	
	Retail	3,000 sf Retail	Area 10 SCICo Owned	Retail	2,000 sf Retail
	Residential	-	Parking	9 Golf	
Area 3 - Park	Public	3,400 sf Performance Building & Stage	Public	2,500 sf Hotel Drop Off	
	Public	24,000 sf Park	Public	4,500 sf Plaza	
Area 4 - Transit	Retail	-	Area 11 SCICo Owned	Retail	1,200 sf Retail
	Residential	-	Residential	34 SRO	
	Public	12,000 sf Transit St	Area 12	Residential	34 SRO
Area 5	Public	11,500 sf Retail	Area 13	Residential	34 SRO
	Retail	-	Area 14 SCICo Owned	Retail	1,000 sf Retail
	Residential	25 Park Units	Public	12,000 Ped Plaza	
	Public	7,000 sf Public Plaza	Subtotal		30,200
Area 6	Public	-	Totals		
	Vons	19,098 sf Vons Store	Vons		19,098 sf
	Retail	-	Retail		25,600 sf
	Residential	-	Office		4,000 sf
Area 7	Parking	-	Public		75,400 sf
	Public	7,500 sf Plaza	Subtotal		124,098 sf
	Retail	1,500 sf Retail Pavillion	Residential		237 sf
	Public	2,500 sf Public Plaza	Parking		240 194 Golf, 46 Cars
Subtotal		93,898			

Alternative 2 - Pros & Cons

Pros

Vons

- Similar to Alternative 3, locates Vons in the vicinity of existing Vons Express
- Vons is more tied into existing retail fabric
 - Terminus of new Main Street
 - Visible signage from pedestrian connection to pier on Catalina Avenue
- Additional retail added on the face of Vons facing the Transit Street and Main Street
 - Need to only articulate entry onto Main Street & long façade facing Catalina Avenue and pedestrian spine connection to pier
- Pushing Vons box further into Main Street allows for a jump ramp to be created to park on the roof of Vons
- Also provides surface parking lot next to Vons, similar to Alternative 1

Main Street

- Creates a pedestrian-only main street parallel to Front Street, creating a retail/commercial loop from Catalina to Metropole Ave
 - Provides a retail pavilion as the vista terminus to pedestrian area leading from the pier on Catalina Ave
 - Provides infill retail, restaurant, commercial, and outdoor space protected from the ocean breeze, especially in the evening

Transit Facilities

- Provides a linear transit street on the backside of Main Street facing the Mini-Golf Site & future public park
 - Street treated as a part of the park
 - Curb-side parking for various tour vehicles
 - Easy access to retail and public restroom facilities on Main Street
 - Street closed to vehicular traffic in evening and for events in the park

Public Park/Mini-Golf Site

- Creates a centralized park linking outdoor performing arts venue to Main Street
 - Two retail/restaurant pavilions framing both ends of farmers market plaza
- Includes an outdoor performance stage flanked by retail facing the park
- Line by small business incubators in the park
- Preserve some of the trees around small business incubators but removes trees to create a programmable events/recreation lawn
- Includes new residential fronting onto the park on both Beacon Street and Catalina Avenue

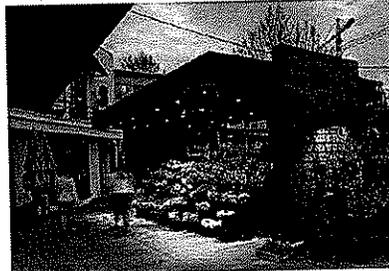
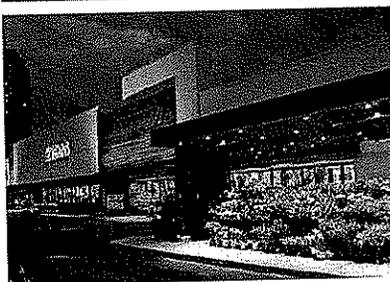
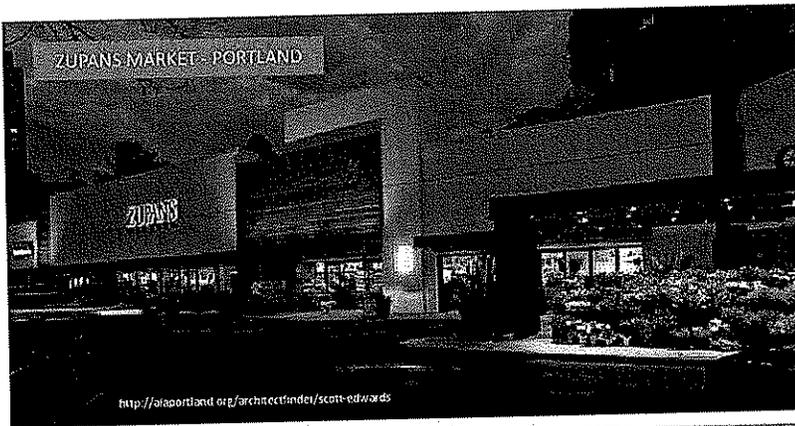
SCICO Block

- Utilizes grade change internal to the block to locate a two story parking structure accessed from Sumner and Metropole Avenues
 - Includes
 - Proposed car/cart share: Golf carts and autoettes provided for all single room occupancy workforce and rental housing
 - Eliminates need and cost for parking
 - Promotes use of car/cart share program, bicycles, trolley, or walking
 - Gains more land for development of housing in the core of Avalon
- Relocates SCICO offices to library complex freeing up ground floor for commercial and hotel uses
- Focuses SRO/Rental Housing along Sumner Avenue
 - Consider prefab construction methods for housing
 - Provide no parking for housing utilizing car/cart share program
 - Consider at minimum a two story housing development to increase density

Cons

- Although wrapped by retail facing Main Street, the long face along Catalina Avenue blocks off any direct connectivity to Main Street from the pedestrian spine linking from the pier, where all other alternatives do
- Removes existing retail buildings, including the public restroom facilities to make room for Vons facilities
- Vons, while an anchor, has a dominant presence on Main Street which requires attention to maintain the intimate size and scale of retail in Avalon
- The park does not engage Main Street as well as Alternatives 1 and 4

Alternative 1 & 2 - Grocery Store Analogs



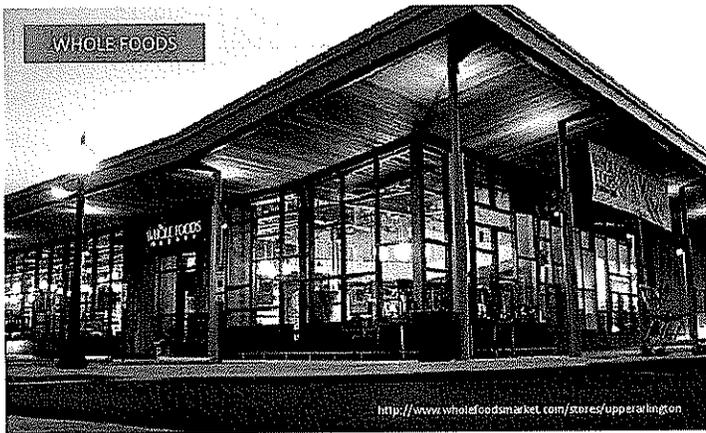
<http://www.lndoarch.com/zupans/E2%80%99s-markets-portland-oregon.html/zupans01/>

<http://www.lndoarch.com/zupans/E2%80%99s-markets-portland-oregon.html/zupans02/>



PLAZA EAST OF PLAZA WEST
ALSO TO BE BUILT

Alternative 1 & 2 - Grocery Store Analogs



<http://postgradproblems.com/whole-foods-employee-hilariously-blasts-company-in-resignation-letter/>



<http://southpark-charlotte.com/whole-foods-south-park/>

Characteristics for Vons

1. Iconic & Artful Architectural Treatment

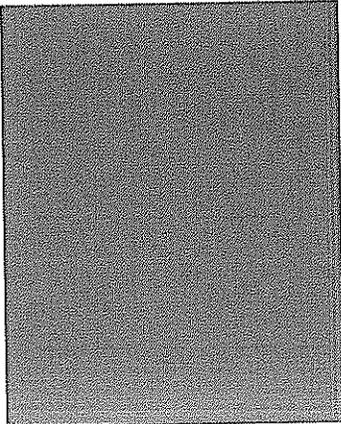
- Vertical & Visual Elements (Signage, Tower Features, Etc.)
- Interesting Material Choices
- Storefront Creating Urban Edge
- Mural Walls
- Quality Landscaping & Screening Elements (Hide Service Area)

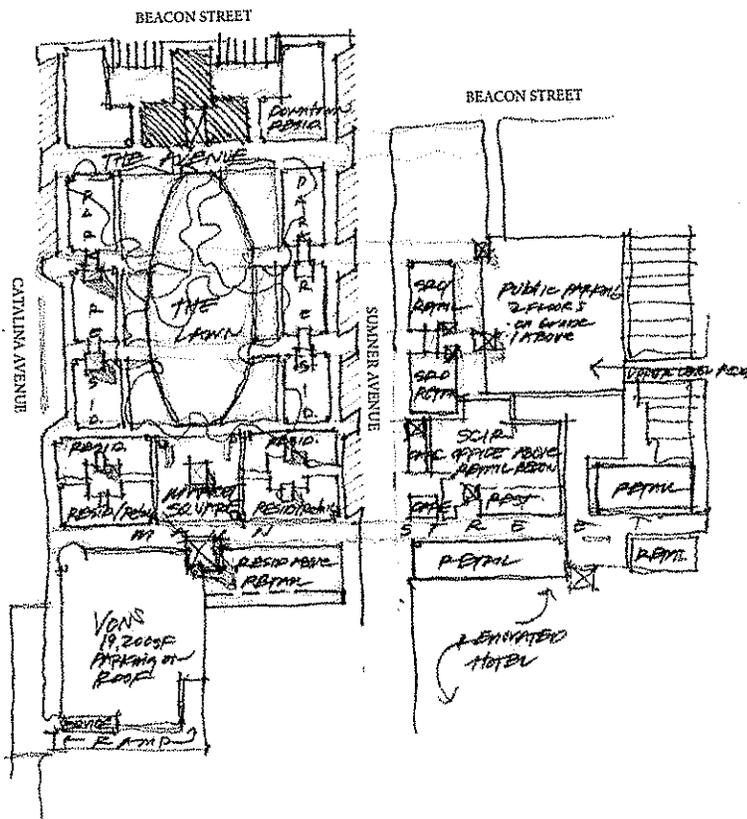
2. Building As An Activator

- Multiple Points of Entry
- Operable Doors - Building Part of the Outdoors
- Outdoor Merchandising and Dining Areas (Produce, Flowers, etc.)

Tour Plaza Master Plan

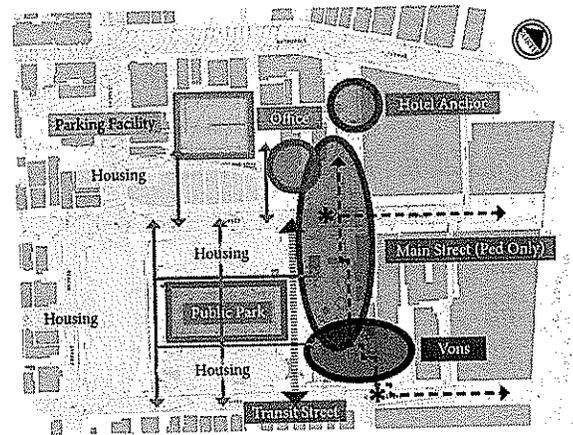
DESIGN ALTERNATIVES 3



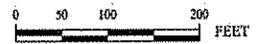


Alternative 3

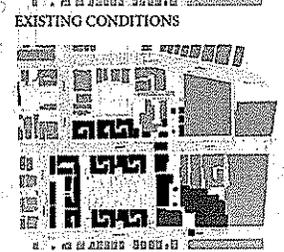
Concept Sketch & Diagram



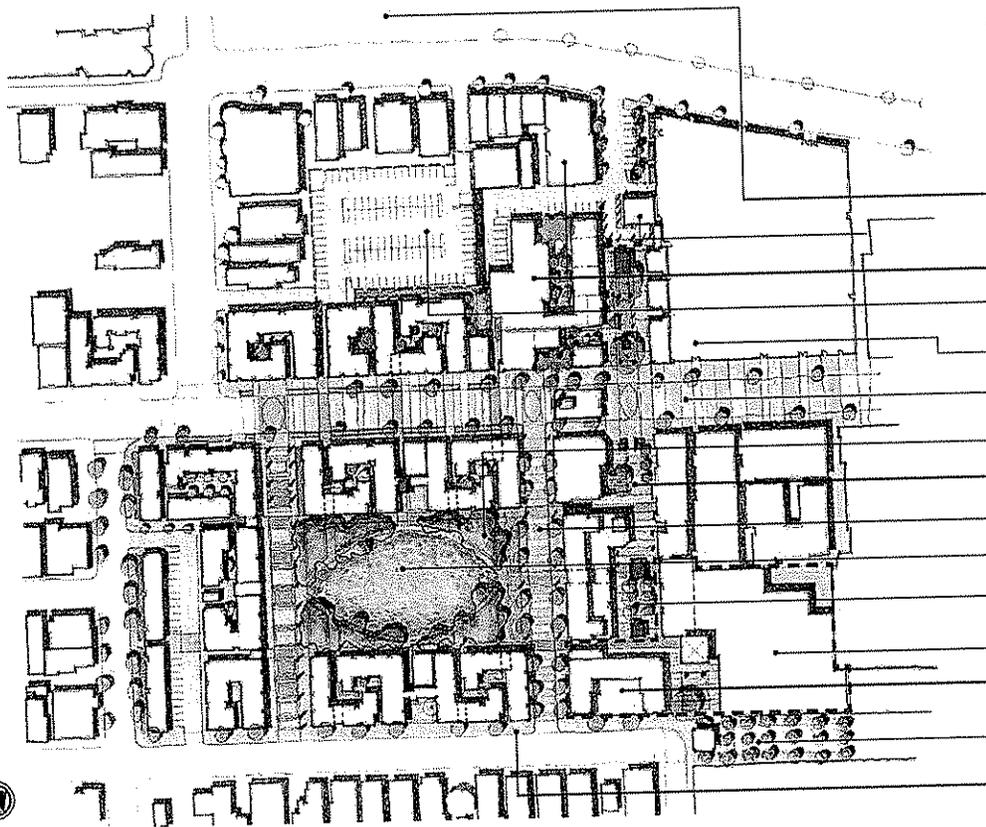
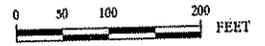
Alternative 3 Illustrative Plan



Noli Plans



Alternative 3 Plan Components

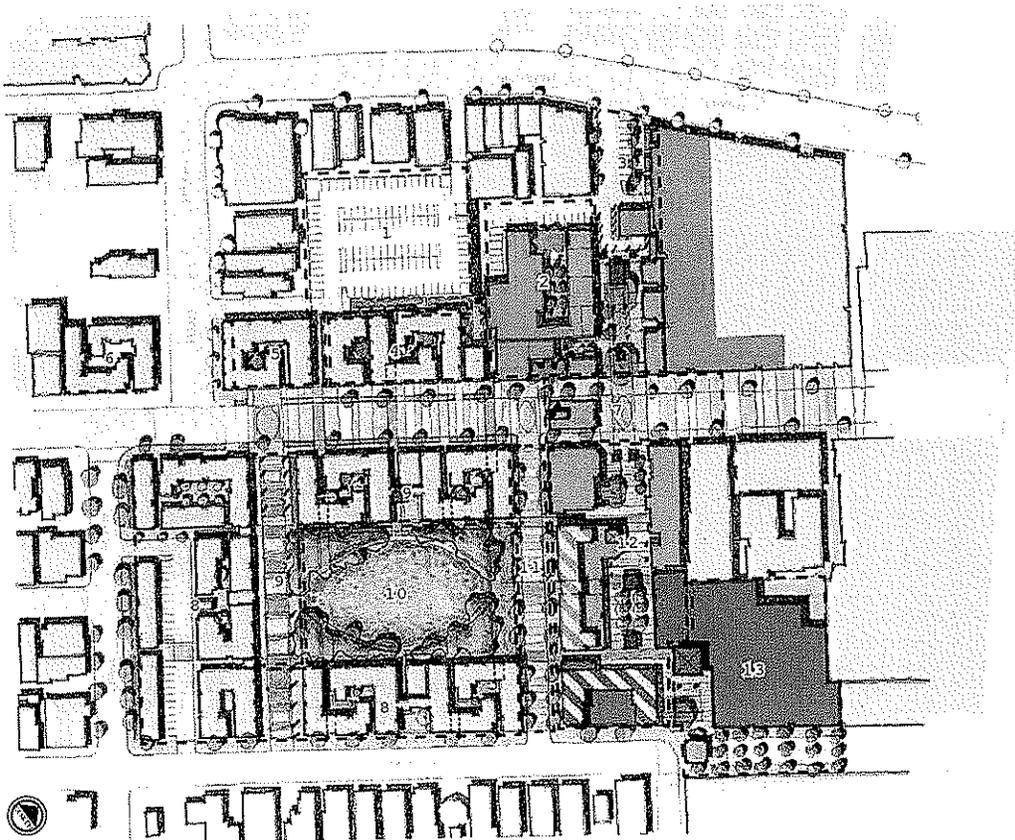
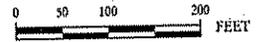


- Future Catalina Island Museum
- Hotel Vehicular Dropoff
- SCICO Offices
- Two-Story Parking Facility (Utilizing Natural Grade Changes)
- Hotel Lobby w Laminate Retail
- Expanded Ped Zone to Main Street
- Preserved Mature Trees from Mini-Golf Course
- Main Street (Mixed Use Ped Zone)
- Tour Transit Street
- Public Park
- Main Street (Mixed Use Ped Zone)
- Vons (Main Building)
- Residential over Vons Farmers Market (Produce/Deli/Bakery)
- Expanded Ped Zone Terminate by Retail Pavilion
- Existing Avalon Trolley Stop



12-14-2014 PLAN SHEET
2014-01-20 11:11 AM

Alternative 3 Land Use Plan



LEGEND:

-  VONS GROCERY STORE
- XX SF
-  RETAIL
- XX SF
-  RESIDENTIAL
- XX SF
-  OFFICE
- XX SF
-  HOTEL
- XX SF
-  BUSINESS INCUBATORS
- XX SF

XX TOTAL SF

Alternative 3 - Land Use Matrix

Site A			Site B		
Area 1	Retail	-	Area 8 SCICo Owned	Retail	-
	Retail	-		Residential	-
	Residential	110 Park Units		Parking	163 129 Golf, 34 Car
	Parking	22 22 Golf		Area 9 Existing City/County	Retail
	Public	-		Office	4,000 sf Office
Area 2	Retail	-		Parking	16 Golf
	Retail	-	Area 10 SCICo Owned	Retail	2,000 sf Retail
	Residential	44 Park Units		Parking	9 Golf
	Public	9,600 sf public gardens		Public	2,500 sf Hotel Drop Off
		Public		4,500 sf Plaza	
Area 3 - Park	Retail	-	Area 11 SCICo Owned	Retail	1,200 sf Retail
	Public	24,000 sf Park		Residential	34 SRO
Area 4 - Transit	Retail	-	Area 12	Residential	34 SRO
	Residential	-	Area 13	Residential	34 SRO
	Public	12,000 sf Transit St	Area 14 SCICo Owned	Retail	1,000 sf Retail
		Public		12,000 Ped Plaza	
Area 5	Vons	4,000 sf Vons Store 2	Subtotal		30,200
	Retail	11,000 sf retail	Totals		
	Residential	22 Park Units	Vons		19,098 sf
	Public	7,000 sf Ped Plaza	Retail		20,100 sf
Area 6	Public	-	Office		4,000 sf
	Vons	15,098 sf Vons Store 1	Public		82,100 units
	Retail	400 sf Café	Subtotal		125,298 sf
	Residential	-	Residential		278 sf
Area 7	Parking	-	Parking		210 154 Golf, 56 Cars
	Public	8,000 sf Plaza			
	Retail	1,500 sf Retail Pavillion			
	Public	2,500 sf Public Plaza			
Subtotal		95,098			

Alternative 3 - Pros & Cons

Pros

- Similar to Alternative 4, Alternative 3 creates the greatest opportunities and housing densities around the public park with the combination of SRO and rental housing
 - No parking provided
 - Car/Cart Share Program within a 5 minute walk of all new housing proposed

Vons

- Locates Vons on site where existing Vons Express is located
- To minimize the impacts a large format grocery store box, Vons consists of two building clustered next to each other
 - Vons is more tied into existing retail environment
 - Currently is operating out of two facilities, but concentrates the facilities into a singular location
 - Creates a Farmers Market Pavilion and Main Grocery Store
 - Main Grocery Store building utilizes existing Vons Express Building and builds new space onto it.
 - Houses dry goods
 - Creates a Vons Market Pavilion terminating Main Street for produce, bakery, and deli
 - Walls consisting of sliding doors that allow the building to become open to Main Street for a more outdoor experience
- Both facilities can continue to service grocery store needs until new buildings are completed

Main Street

- Creates a pedestrian-only main street parallel to Front Street, creating a retail/commercial loop from Catalina to Metropole Ave
 - Provides a vista terminus to pedestrian area leading from the pier to direct traffic away from predominantly residential housing on Catalina Ave
 - Provides infill retail, restaurant, commercial, and outdoor space protected from the ocean breeze, especially in the evening
 - Includes an new SRO/Rental Housing over retail on Main Street

Transit Facilities

- Provides a linear transit street on the backside of Main Street facing the Mini-Golf Site & future public park
 - Street treated as a part of the park
 - Curb-side parking for various tour vehicles
 - Easy access to retail on Main Street
 - Street closed to vehicular traffic in evening and for events in the park

Public Park/Mini-Golf Site

- Creates a centralized park fronted by new SRO/rental residential uses
- Preserve some of the trees to create a buffer between new housing and the public park
 - Removes trees to create a programmable events/recreation lawn

SCICO Block

- Utilizes grade change internal to the block to locate a two story parking structure accessed from Sumner and Metropole Avenues
 - Includes
 - Proposed car/cart share: Golf carts and autoettes provided for all single room occupancy workforce and rental housing
 - Eliminates need and cost for parking
 - Promotes use of car/cart share program, bicycles, trolley, or walking
 - Gains more land for development of housing in the core of Avalon
 - Relocates SCICO offices to library complex freeing up ground floor for commercial and hotel uses
 - Focuses SRO/Rental Housing along Sumner Avenue
 - Consider prefab construction methods for housing
 - Provide no parking for housing utilizing car/cart share program
 - Consider at minimum a two story housing development to increase density

Cons

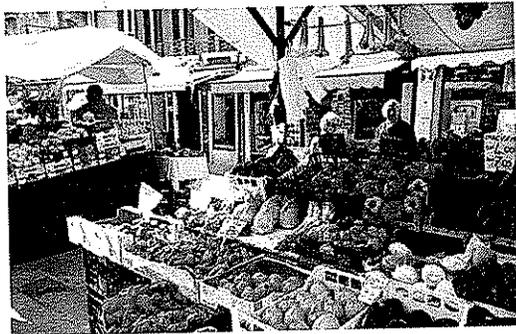
- The proposed square footage needed for Vons has to be satisfied in multiple buildings versus one.
- Removes existing retail buildings, including the public restroom facilities to make room for Vons facilities
- Vons, while an anchor, has a dominant presence on Main Street which requires attention to maintain the intimate size and scale of retail in Avalon
- Provides no adjacent parking facilities for grocery store and requires a different approach to typical grocery shopping experience
 - Park and walk, while appropriate in similar island or small town communities across the country and world, not as common a practice for grocery stores in Avalon or the states. Poses a convenience issue.
 - Carry your own rolling grocery bags or carts similar to what people do at a farmers market
- While the outdoor performance venue provided a more public transition from Main Street to the public park, the mixed use residential buildings may create the impression of a more privatized park
 - Park does not engage Main Street as well as Alternatives 1 and 4
- Transit Street may not create the best edge for all of the residential proposed on Main Street and the Public Park
- The residential surrounding all edges of the park hides the park giving the impression that it is more private than public
 - May need to eliminate housing fronting park along Sumner to open park up

Alternative 3 - Grocery Store Analogs



FLOOR PLANS AVAILABLE FROM STUDIOS
425.421.1222 WWW.KATAYST.COM

Alternative 3 - Grocery Store Analogs



PLAZA MARKET PLAN 01/07
8/2004 2:00 PM EST

Characteristics for Vons

1. Grocery Store As Multiple Venues

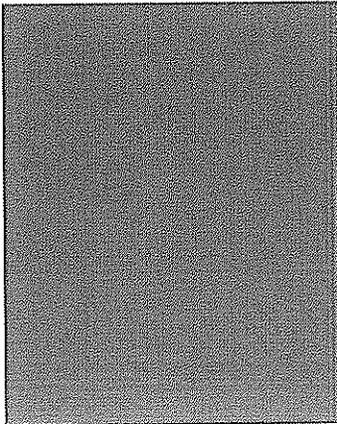
- Smaller Collection of Buildings rather than One Large Retail Box
- Similar Condition to What Exists Today with Vons but Concentrates in Same Location
- Sensitive to Avalon Scale

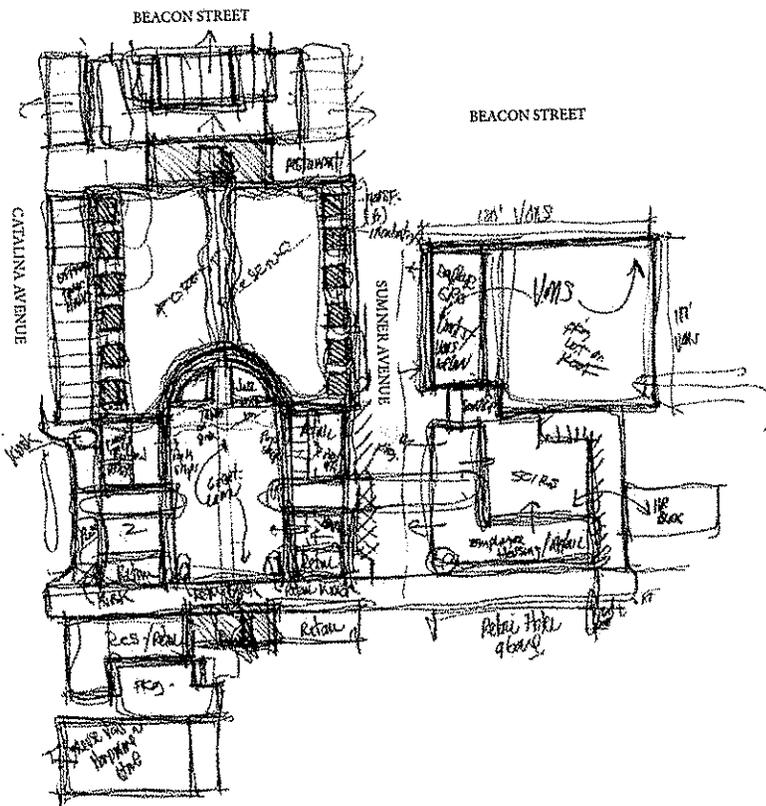
2. Building As An Activator

- Some Grocery Departments Function as Storefronts Facing Out Versus Focused In - Part of and Anchor to the Main Street Experience (Ex. Ability to Access Deli from Main Street allowing Grab-and-Go Lunch to Take to the Park or Beach)
- Stand Alone Farmers Market Venue Similar to How Pike Market Operates in Seattle to Create a destination pavilion where produce becomes a unique outdoor experience
- Structure has Operable Doors to Make Part of Avalon Pedestrian Retail Experience

Tour Plaza Master Plan

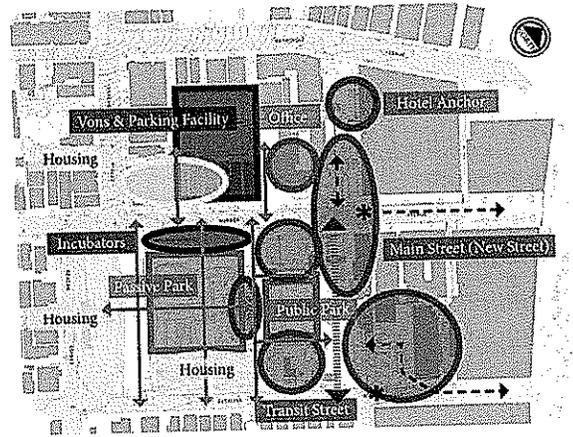
DESIGN ALTERNATIVES 4



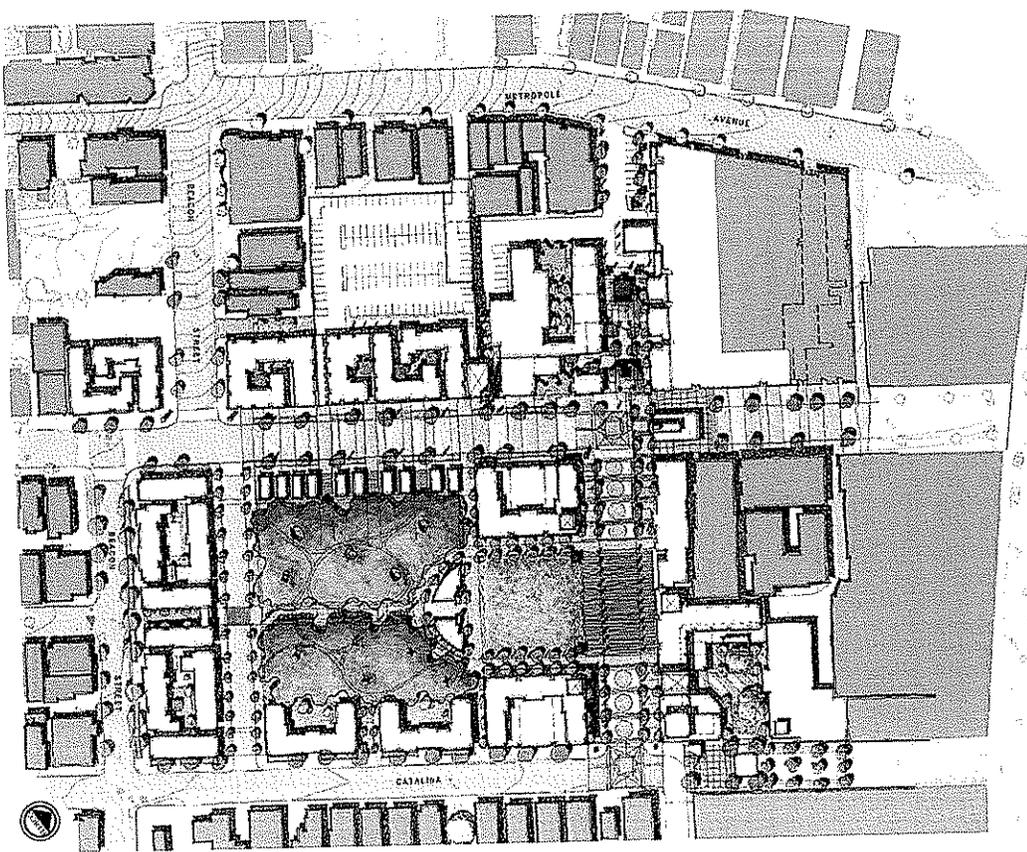
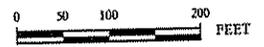


Alternative 4

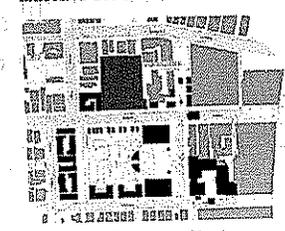
Concept Sketch & Diagram



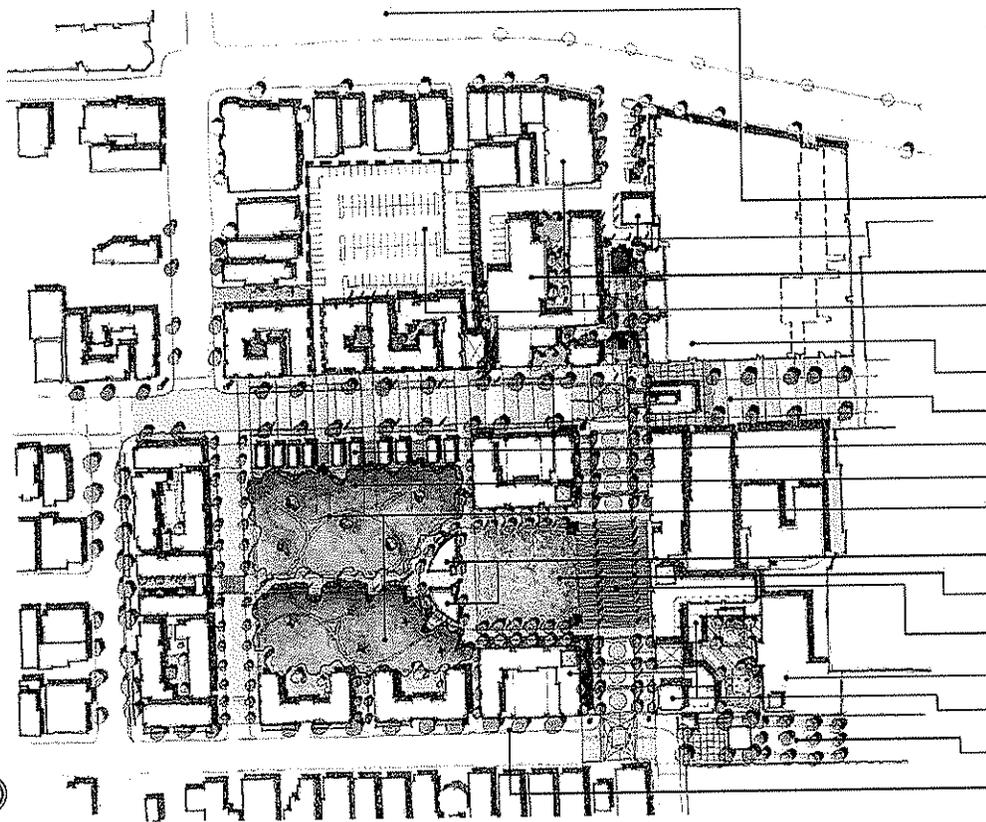
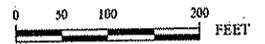
Alternative 4 Illustrative Plan



Noli Plans



Alternative 4 Plan Components



- Future Catalina Island Museum
- Hotel Vehicular Dropoff
- SCICO Offices
- Vons Grocery Store w/ Residential Above Along Summer Ave (Parking on Roof - Access from Metropole)
- Hotel Lobby with Laminate Retail
- Expanded Ped Zone to Main Street
- Business Incubators in the Park
- Mixed Use (Residential over Retail)
- Passive Park (Preserved Mature Trees from Mini-Golf Course)
- Retail Pavilions
- Public Park (Events Space)
- Mixed Use Main Street (Incl. Tour Transit Dropoff)
- Retail Building
- Mixed Use - Residential over Retail
- Expanded Ped Zone Terminate by Retail Pavilion
- Existing Avalon Trolley Stop

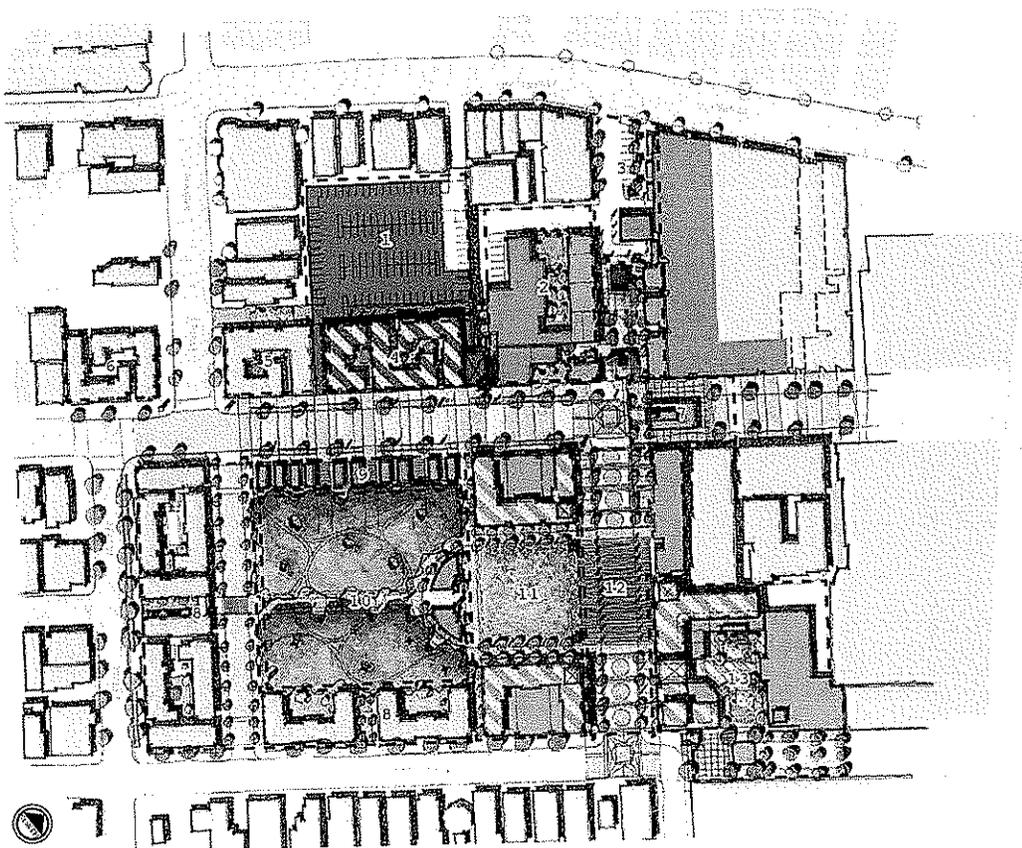
Alternative 4 Land Use Plan



LEGEND:

-  VONS GROCERY STORE
- XX SF
-  RETAIL
- XX SF
-  RESIDENTIAL
- XX SF
-  OFFICE
- XX SF
-  HOTEL
- XX SF
-  BUSINESS INCUBATORS
- XX SF

XX TOTAL SF



Alternative 4 - Land Use Matrix

Site A			Site B		
Area 1	Retail	-	Area 8 SCICo Owned	Vons	19,098 sf Vons
	Retail	-		Residential	44 SRO Units
	Residential	110 Park Units		Parking	108 108 Golf on Roof
	Parking	30 20 Golf, 10 Cars		Area 9 Existing City/County	Retail
Public	9,600 sf Residential St	Office	4,000 sf Office		
Area 2	Retail	3,000 10 Incubator Units	Parking	16 Golf	
	Retail	-	Area 10 SCICo Owned	Retail	2,000 sf Retail
	Residential	-		Parking	9 Golf
Public	-	Public		2,500 sf Hotel Drop Off	
Area 3 - Park	Retail	800 sf Retail	Public	4,500 sf Plaza	
	Public	32,000 sf Tree Reserve	Area 11 SCICo Owned	Retail	1,200 sf Retail
Area 4 - Transit	Retail	10,000 sf Retail	Residential	34 SRO	
	Residential	24 Park Units	Area 12	Residential	34 SRO
	Public	12,000 sf Town Square/Green	Area 13	Residential	34 SRO
Area 5	Retail	3,000 sf Retail	Area 14 SCICo Owned	Retail	1,000 sf Retail
	Retail		Public	12,000 Ped Plaza	
	Residential		Subtotal		49,298
	Public	7,000 sf Main St/Transit	Totals		
	Public	10,000 sf Public Plaza	Vons		19,098 sf
Area 6	Retail	10,000 sf Retail	Retail		35,900 sf
	Retail	400 sf Café	Office		4,000 sf
	Residential	20 Park Units (Over retail)	Public		99,600 units
	Parking		Subtotal		158,598 sf
	Public	7,500 sf Plaza	Residential		300 sf
Area 7	Retail	1,500 sf Retail Pavillion	Parking		163 153 Golf, 10 Cars
	Public	2,500 sf Public Plaza			
		109,300			

Alternative 4 - Pros & Cons

Pros

Vons

- Locates Vons on the SCICO block site utilizing grade to put the Vons on the ground floor accessed from Sumner Avenue, and parking on its roof accessed from Metropole Avenue.
 - Provides proximal parking for the grocery store
 - Urban treatment to grocery store with residential above facing onto Sumner Avenue
 - Opportunity to treat the front of the grocery store as an activated frontage or utilize a European model where access is provided through a loop, where the entrance and exit are on separate sides allowing for retail to front the street
- Reduces the impact a large format retail box has within a smaller building context in the heart of Avalon, by burying it internal to the site (hiding three of the four facades)
- Vons' proposed location is adjacent to strong retail experience with good visibility, but not a dominant presence on Main Street's retail experience

Main Street/Transit Facilities

- Creates a vehicular main street parallel to Front Street, with broad sidewalks creating a retail/commercial loop from Catalina to Metropole Ave
 - Provides a vista terminus to pedestrian area leading from the pier to direct traffic away from predominantly residential housing on Catalina Ave
 - Provides infill retail, restaurant, commercial, and outdoor space protected from the ocean breeze, especially in the evening
 - Includes an new SRO/Rental Housing over retail on Main Street
- Provides a staging area in front of the public park and on the same side of the public park to minimize negative impacts to retail and restaurants on Main Street
 - Street treated as a part of the park but better integrated with Main Street experience and commercial uses
 - Curb-side parking for various tour vehicles
 - Easy access to retail on Main Street
 - Street closed to vehicular traffic for events in the park

Public Park/Mini-Golf Site

- Creates a centralized park with an Events Lawn and Passive Park
 - The Events Lawn fronts on Main Street and becomes the programmable public space for concerts, events, movie nights, etc.
 - Flanked by mixed use buildings along Catalina and Sumner Avenues
 - Two retail pavilions terminate the Events Lawn and serve as the transition point to the Passive Park
 - The Passive Park preserves almost all of the existing mature trees within the mini-golf course to create a shaded passive park and garden surrounded by residential on Catalina Avenue and Beacon Street, and business incubators on Sumner Avenue.
 - Central promenade cutting through the center linking Beacon Street to the Events Lawn and Main Street

- Passive Park allows for land banking that allows for the size of the Passive Park to be reduced as necessary to accommodate future development in the core

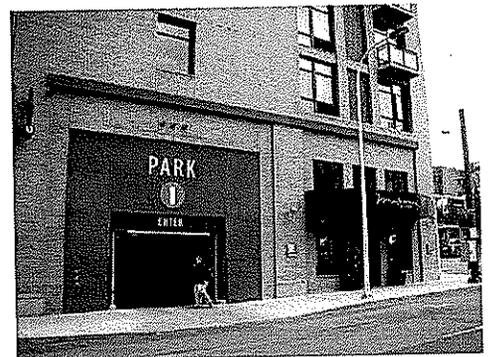
SCICO Block

- Utilizes grade change internal to the block to locates Vons with parking on the roof accessed from Metropole Avenue
 - Includes
 - Proposed car/cart share: Golf carts and autoettes provided for all single room occupancy workforce and rental housing
 - Eliminates need and cost for parking
 - Promotes use of car/cart share program, bicycles, trolley, or walking
 - Gains more land for development of housing in the core of Avalon
 - Relocates SCICO offices to library complex freeing up ground floor for commercial and hotel uses
 - Focuses SRO/Rental Housing along Sumner Avenue including in a mixed use condition above Vons
 - Consider prefab construction methods for housing
 - Provide no parking for housing utilizing car/cart share program
 - Consider at minimum a two story housing development to increase density

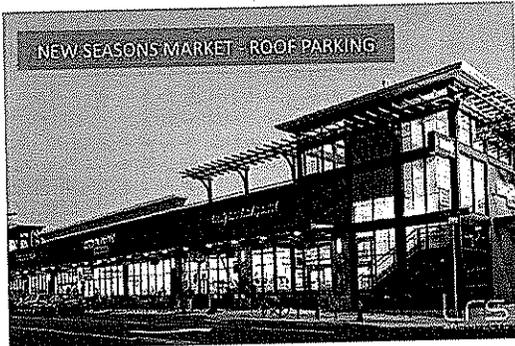
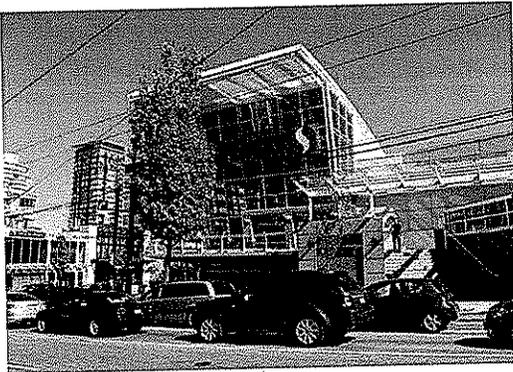
Cons

- Needs to convince Vons to accept residential and parking above, which requires more cost structurally
- To accommodate Vons in this condition, the current deal would have to be revisited and existing SRO housing demolished before able to move forward with new Vons grocery store.
- Removes some of existing retail buildings on and around Main Street, including the public restroom facilities to create new retail environment
- Depending on frequency and staging time for existing resort transit tour vehicles, may have a negative impact on the pedestrian and retail Main Street experience
- Vehicular traffic and speed may have negative impacts of the pedestrian experience on Main Street and crossing the street

Alternative 4 - Grocery Store Analogs



Alternative 4 - Grocery Store Analogs



NEW SEASONS MARKET - ROOF PARKING
ARCHITECT: KATAYST

Characteristics for Vons

1. Building As An Activator

- One Main Grocery Store Facade by Utilizing Natural Grade Changes to Bury Three Sides of Large Grocery Store Box
- Most Sensitive Treatment to Avalon Scale while Meeting Large Footprint Need of Vons
- Visibility on Park while Proximal to Main Retail Areas on Front Street and New Main Street

2. Mixed Use Grocery Store Development

- Mixed Use Building Along Sumner Avenue with Residential Over Vons Grocery Store
- Grade Change Allows for Parking on the Roof of Vons Accessed from Metropole Avenue to Leverage Large Surface Area of Vons Building
- Service Access Internal to Block

<http://www.itsarchitects.com/market-sectors/retail/new-seasons-market-hawthorne/>

Land Use Matrix Executive Summary (All Alternatives)

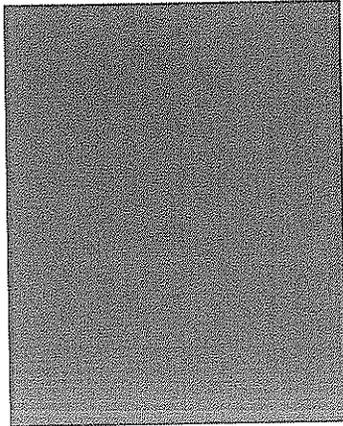
Site A Plan		Plan 1	Plan 2	Plan 3	Plan 4
Area 1	Retail	29,098 sf Vom Store	-	-	-
	Retail	2,000 # Incubator Units	-	-	110 Park Units
	Residential	34 Park Units	110 Park Units	110 Park Units	30 20 GoF, 20 Cars
	Parking	52 40 GoF, 12 Cars	52 40 GoF, 12 Cars	21 22 GoF	9,600 sf Residential St
	Public	-	-	-	3,000 sf Incubator Units
Area 2	Retail	2,000 # Incubator Units	2,000 # Incubator Units	-	-
	Retail	3,000 sf Retail	3,000 sf Retail	04 Park Units	-
	Residential	-	-	9,600 sf public gardens	-
	Public	-	-	-	800 sf Retail
Area 3 - Park	Retail	-	3,400 sf Performance Building & Stage	-	-
	Public	28,000 sf Park	21,000 sf Park	24,000 sf Park	32,000 sf Tree Reserve
Area 4 - Transit	Retail	-	-	-	10,000 sf Retail
	Residential	-	-	-	23 Park Units (Over retail)
	Public	12,000 sf Transit St	12,000 sf Transit St	12,000 sf Transit St	12,000 sf Town Square/Green
Area 5	Retail	10,000 sf Retail	13,500 sf Retail	4,000 sf Vom Store 2	3,000 sf Retail
	Retail	-	-	11,000 sf Retail	-
	Residential	-	25 Park Units	22 Park Units	-
	Public	3,400 sf Performance Building & Stage	7,000 sf Public Plaza	7,000 sf Ped Plaza	7,000 sf Main St/Transit
	Public	10,000 sf Pedestrian Plaza	-	-	10,000 sf Public Plaza
Area 6	Retail	6,500 sf Retail	10,098 sf Vom Store	18,098 sf Vom Store 1	30,000 sf Retail
	Retail	-	-	400 sf Cafe	400 sf Cafe
	Residential	-	-	-	20 Park Units (Over retail)
	Parking	19 13 GoF, 7 Cars	-	-	-
	Public	7,500 sf Plaza	7,500 sf Plaza	8,000 sf Plaza	7,500 sf Plaza
Area 7	Retail	1,500 sf Retail Pavilion	1,500 sf Retail Pavilion	1,500 sf Retail Pavilion	1,500 sf Retail Pavilion
	Public	2,500 sf Public Plaza	2,500 sf Public Plaza	2,500 sf Public Plaza	2,500 sf Public Plaza
Subtotal		106,298 sf	93,298 sf	85,098 sf	109,300 sf
Site B Plan					18,098 sf Vom
Area 8	Retail	-	-	-	11 SRO Units
SCICo Owned	Residential	-	-	-	108 GoF on Roof
	Parking	163 129 GoF, 34 Cars	163 129 GoF, 34 Cars	263 129 GoF, 34 Cars	3,000 sf Retail
Area 9	Retail	3,000 sf Retail	3,000 sf Retail	3,000 sf Retail	4,000 sf Office
Existing	Office	4,000 sf Office	4,000 sf Office	4,000 sf Office	16 GoF
City/County	Parking	16 GoF	16 GoF	16 GoF	2,000 sf Retail
Area 10	Retail	2,000 sf Retail	2,000 sf Retail	2,000 sf Retail	9 GoF
SCICo Owned	Parking	9 GoF	9 GoF	9 GoF	2,500 sf Hotel Drop Off
	Public	2,500 sf Hotel Drop Off	2,500 sf Hotel Drop Off	2,500 sf Hotel Drop Off	4,500 sf Plaza
	Public	4,500 sf Plaza	4,500 sf Plaza	4,500 sf Plaza	1,200 sf Retail
Area 11	Retail	1,200 sf Retail	1,200 sf Retail	1,200 sf Retail	34 SRO
SCICo Owned	Residential	34 SRO	34 SRO	34 SRO	34 SRO
Area 12	Residential	34 SRO	34 SRO	34 SRO	34 SRO
Area 13	Residential	34 SRO	34 SRO	34 SRO	34 SRO
Area 14	Retail	1,000 sf Retail	1,000 sf Retail	1,000 sf Retail	1,000 sf Retail
SCICo Owned	Public	12,000 Ped Plaza	12,000 Ped Plaza	12,000 Ped Plaza	12,000 Ped Plaza
Subtotal		30,200	30,200	30,200	49,298



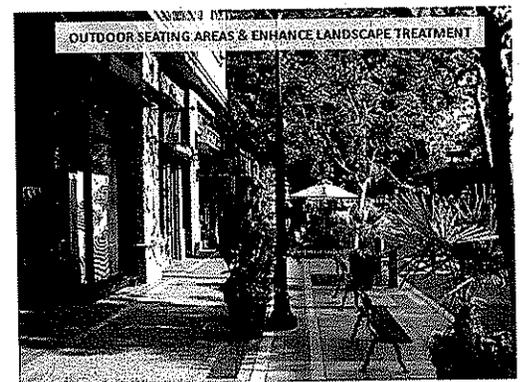
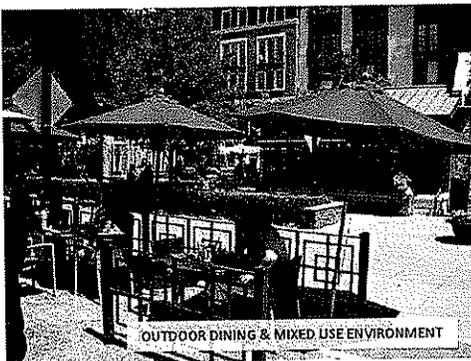
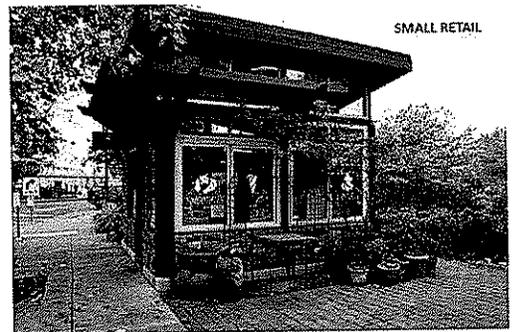
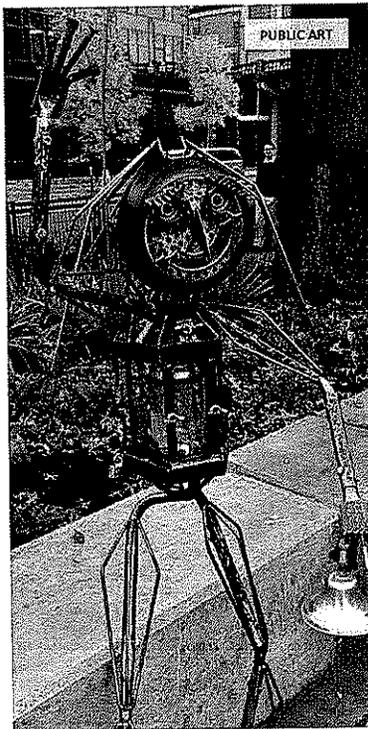
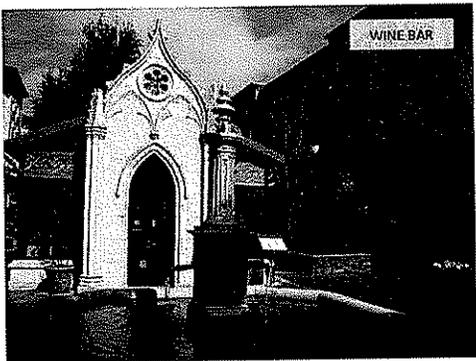
	Plan 1	Plan 2	Plan 3	Plan 4
Totals				
Vans	19,098 sf	19,098 sf	19,098 sf	19,098 sf
Retail	33,000 sf	29,600 sf	20,100 sf	35,900 sf
Office	4,000 sf	4,000 sf	4,000 sf	4,000 sf
Public	80,000 sf	75,000 sf	\$21,100 sf	89,600 sf
Subtotal	136,098 sf	124,098 sf	125,298 sf	158,598 sf
Residential	138 units	277 units	278 units	300 units
Parking	259 208 Golf, 53 Cars	340 294 Golf, 46 Cars	220 234 Golf, 56 Cars	183 193 Golf, 30 Cars

Tour Plaza Master Plan

CHARACTER IMAGERY

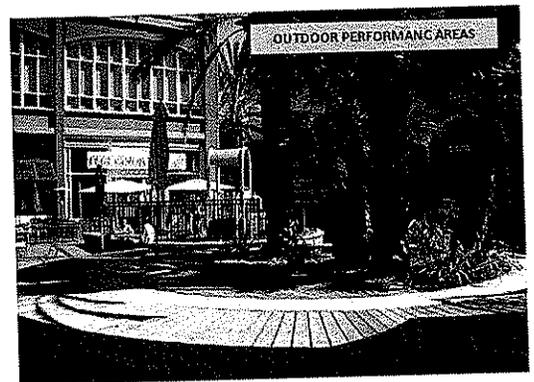
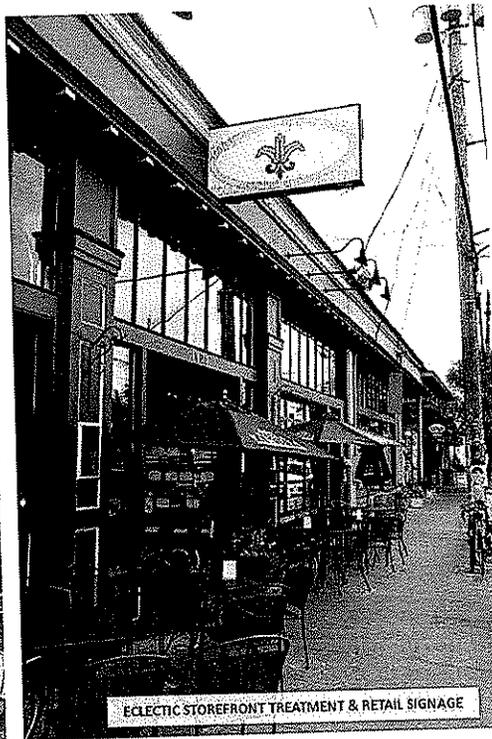
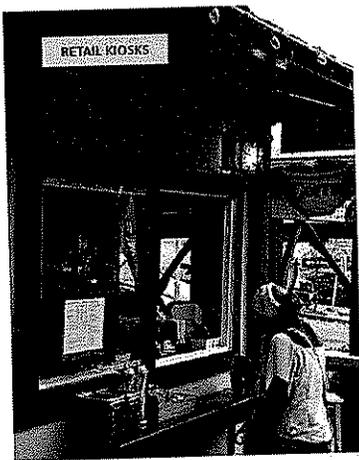


Character Imagery - Main Street



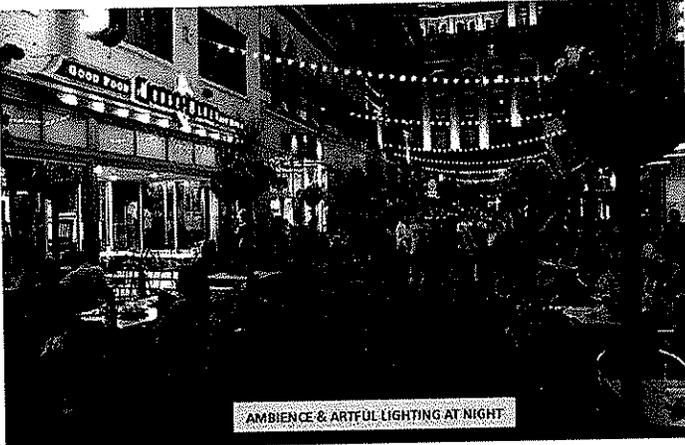
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 April 2014 Report

Character Imagery - Main Street

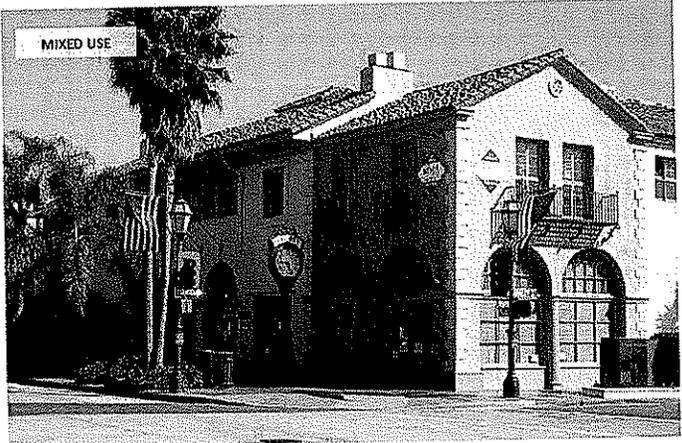


100% PAPER RECYCLED
 50% POST CONSUMER WASTE

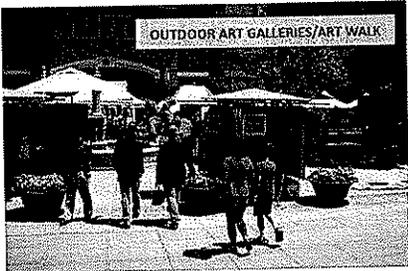
Character Imagery - Main Street



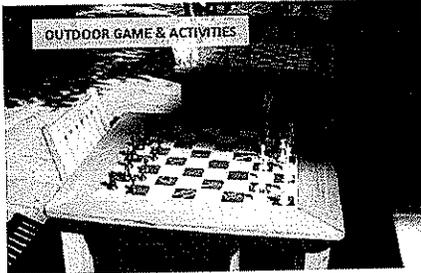
AMBIENCE & ARTFUL LIGHTING AT NIGHT



MIXED USE



OUTDOOR ART GALLERIES/ART WALK

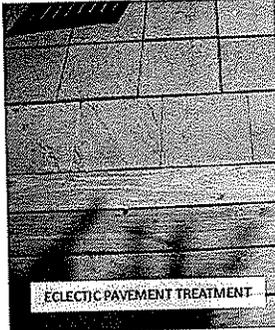
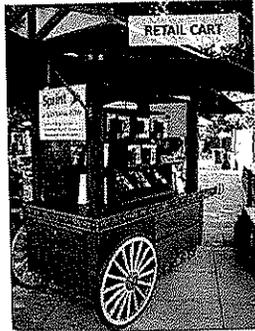
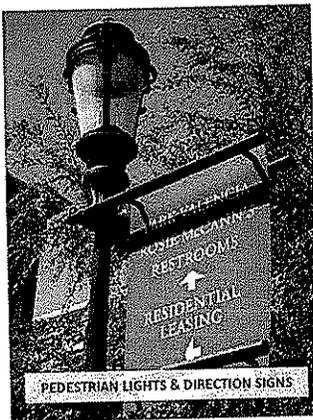
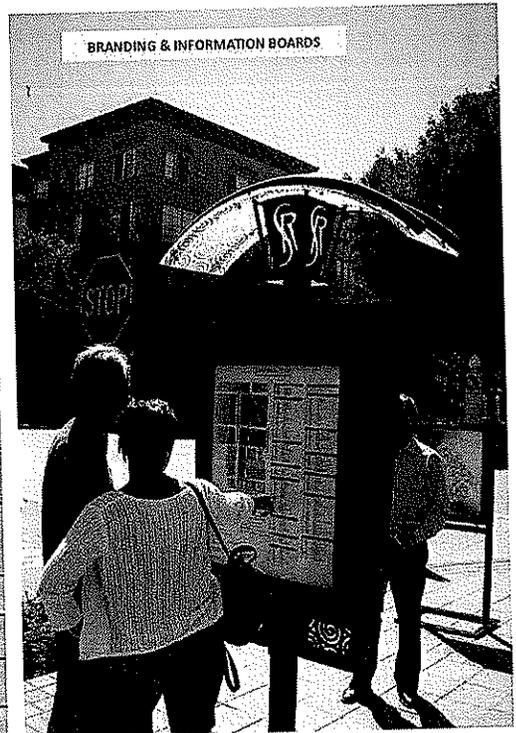
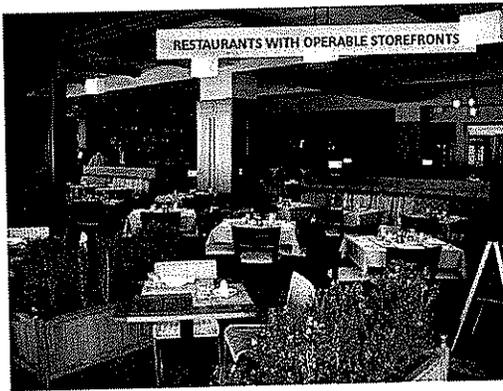


OUTDOOR GAME & ACTIVITIES



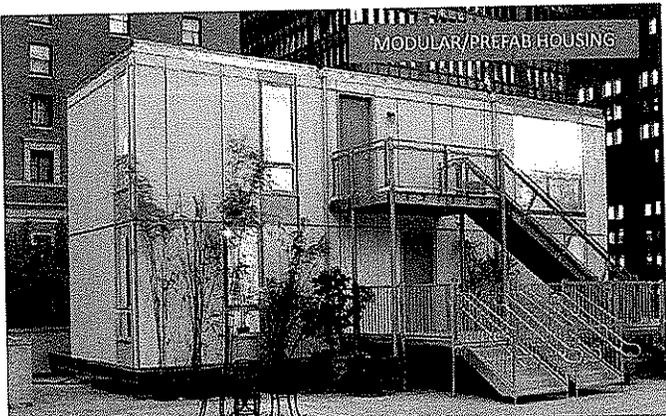
SHADED OUTDOOR LOUNGING SPACES

Character Imagery - Main Street

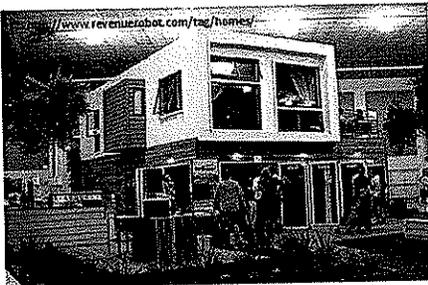


SOUL PARK MASTER PLAN DESIGN
 8.2011 2014 10/18/18

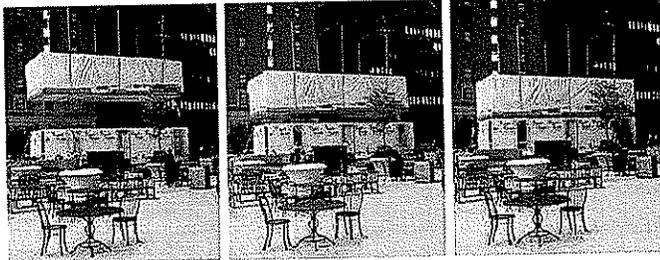
Character Imagery - SRO & Market Rate Housing



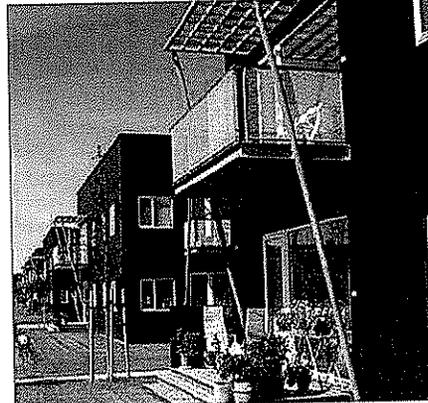
http://mithun.com/projects/project_detail/inhabit_modular/



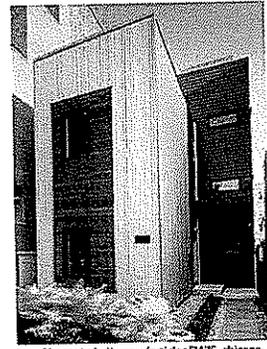
<http://www.revenuebot.com/tag/homes/>



<http://www.architizer.com/projects/inhabit-modular-apartments/>



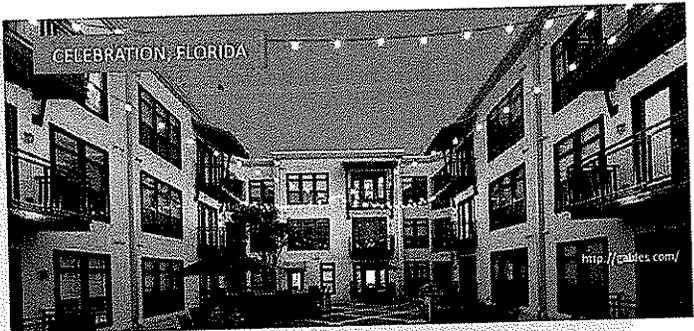
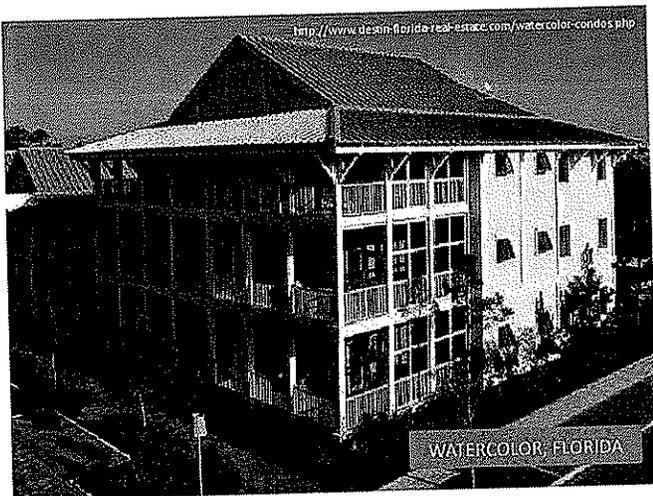
<http://www.planet-tech.com/content/boklo-mass-produced-eco-friendly-modular-apartments>



<http://www.bobvila.com/articles/2475-chicago-first-prefab-modular-house/>

1000 PLAZA MANHATTAN STREET
 SUITE 1200 NEW YORK

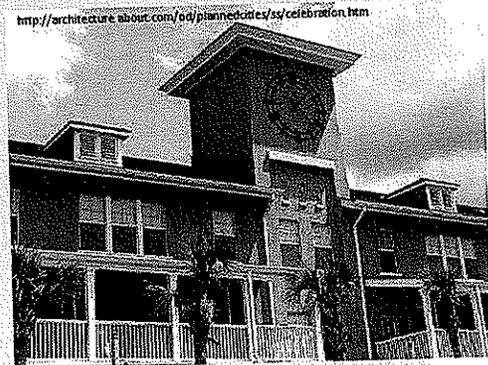
Character Imagery - SRO & Market Rate Housing



<http://www.destin-florida-real-estate.com/watercolor-condos.php>

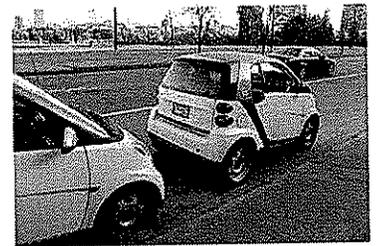
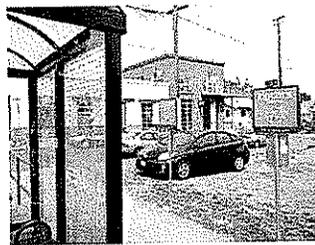
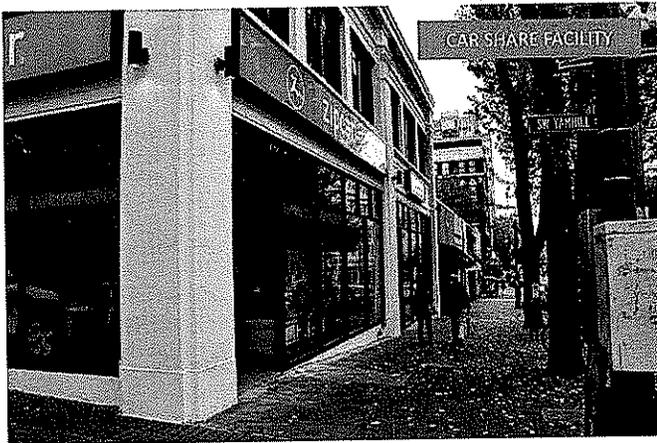


<http://www.watercolorvacationhomes.com/vacation-rentals/two-bedroom/>



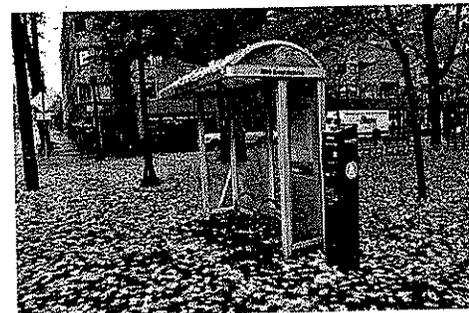
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Character Imagery - Transit Street & Car Share

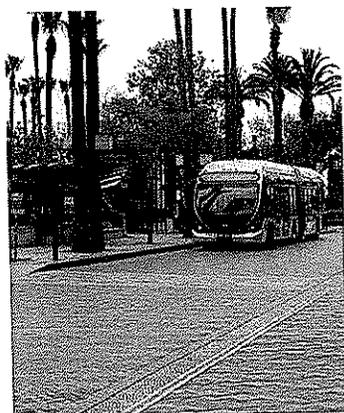
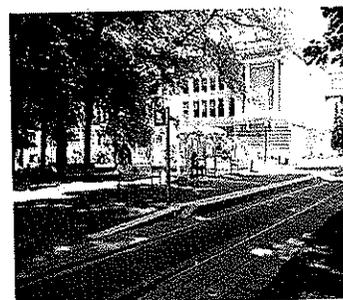
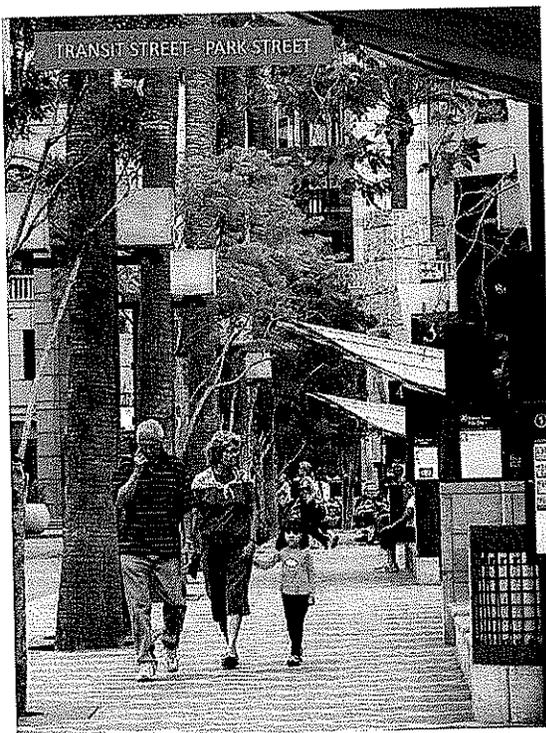


BLUE PLAZA INTERPLAN GROUP
August 2009, 10/10/09

Character Imagery - Transit Street & Car Share



EURO PLAZA MASTER PLAN STUDY
APRIL 2011 - 12/11/11

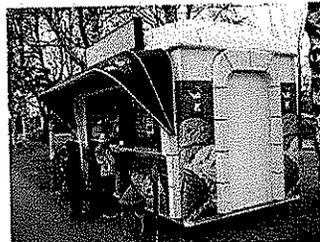


Character Imagery - Public Park

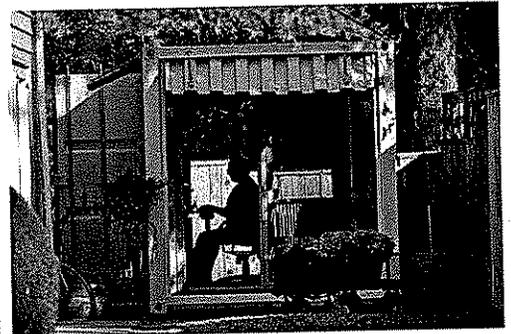
JRS



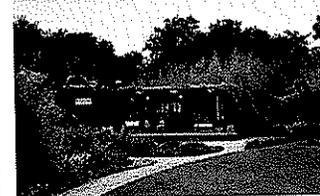
<http://inhabitat.com/muvbox-fast-food-shipping-container-restaurant/>



http://www.alibaba.com/product-gs/576771034/prefab_grocery_kiosk_booth_for_coffee.html



http://www.oregonlive.com/hg/index.ssf/2009/12/a_steel_cargo_container_become.html



<http://www.inspirationgreen.com/container-homes.html>



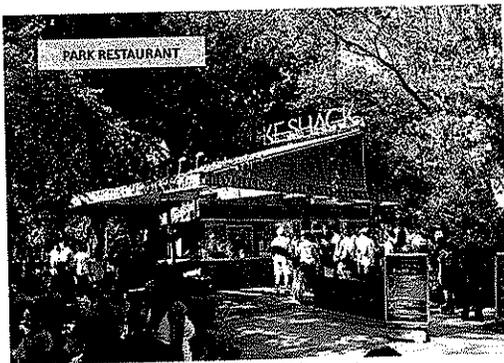
<http://curbed.com/archives/2011/07/28/corrugated-steel-shipping-containers-do-double-duty-as-housing.php>



<http://landscapevoice.com/ohio-city-farm/>

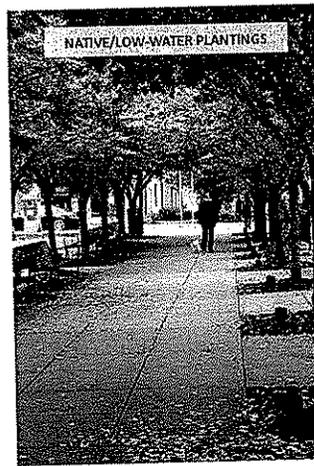
Public Park Transition Plan Study
August 2010 (Version 1.0)

Character Imagery - Public Park

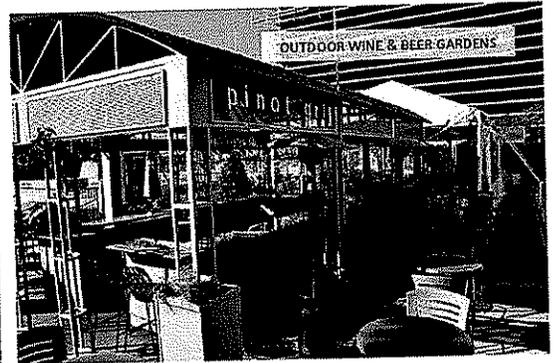


PARK RESTAURANT

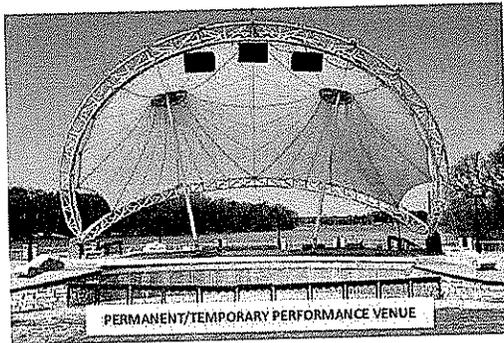
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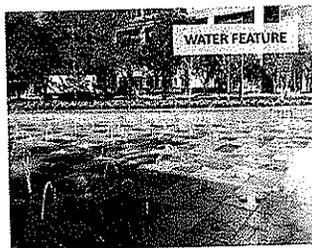
NATIVE/LOW-WATER PLANTINGS



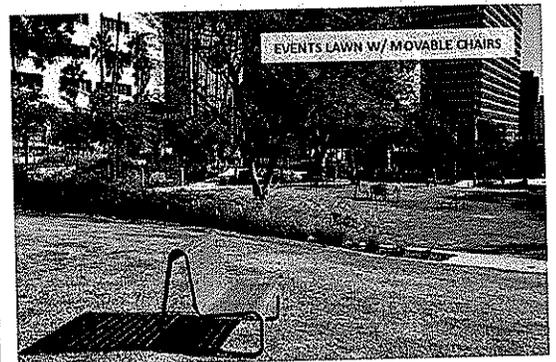
OUTDOOR WINE & BEER GARDENS



PERMANENT/TEMPORARY PERFORMANCE VENUE



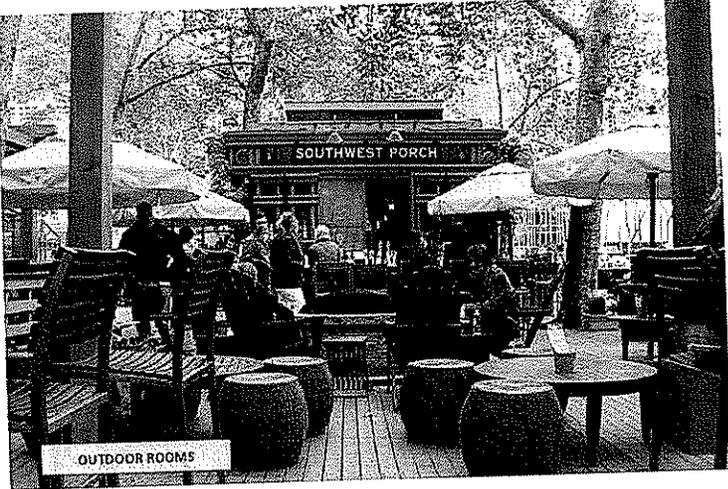
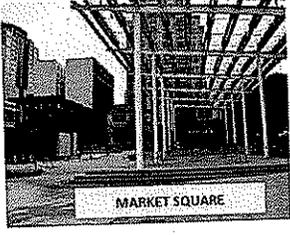
WATER FEATURE



EVENTS LAWN W/ MOVABLE CHAIRS

FLOR PLANT MASTER PLAN 2010
 8/20/10 12:00 PM

Character Imagery - Public Park



BLUE PLAZA PHOTOGRAPHY BY JON
ALLEN - 2010-2011

SANTA CATALINA
ISLAND COMPANY

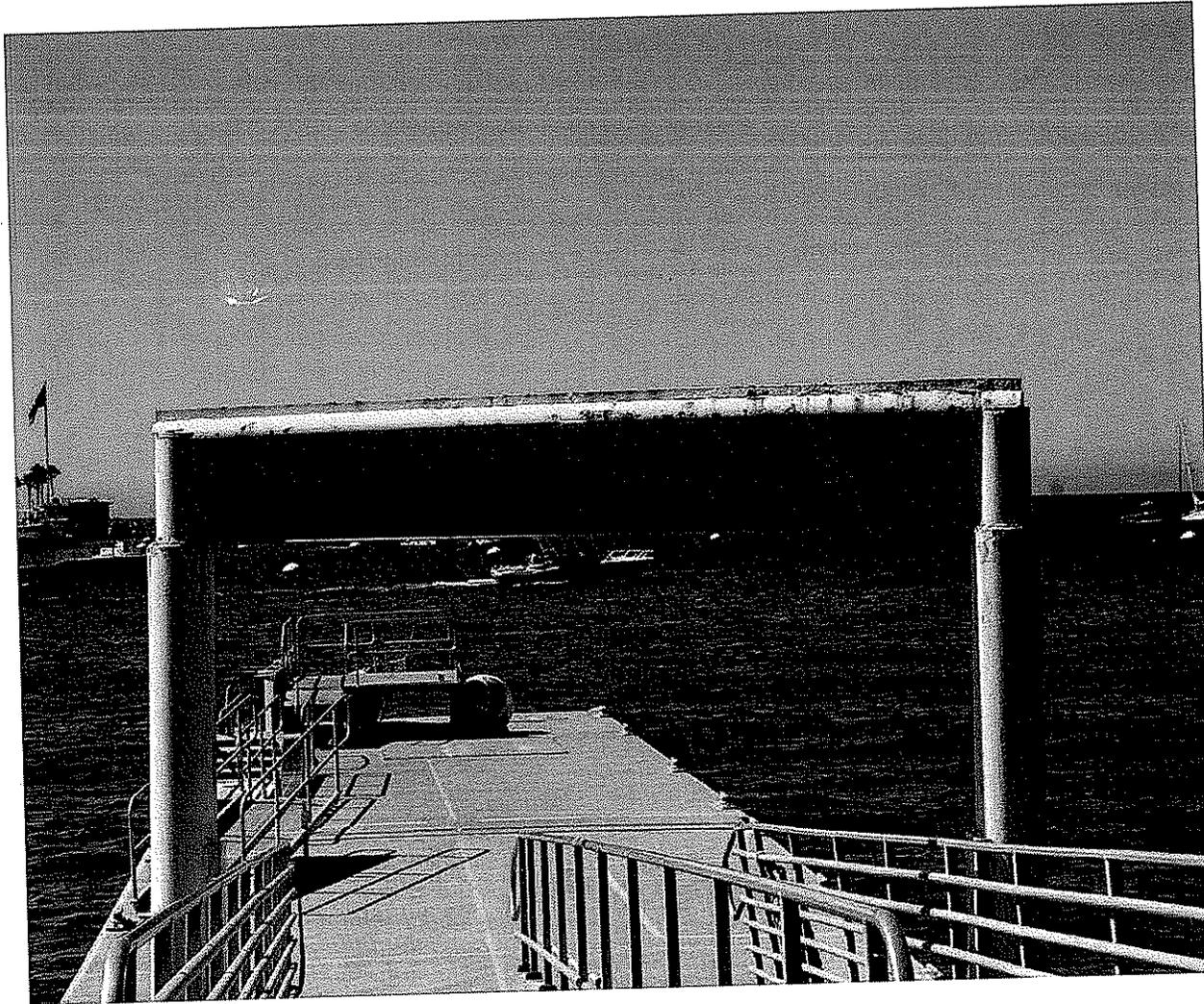


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www.katalystinc.com
Contact: Richard J. Flierl, ASLA
richard.flierl@katalystinc.com



CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 12

ORIGINATING DEPT: Planning

CITY MANAGER: RAH

PREPARED BY: Amanda Cook

SUBJECT: Consideration of a Water Conservation/Rationing Planning and Building Application Policy and Direction to Clarify Policy by Amendment to Municipal Code

RECOMMENDED ACTION(S): That the City Council adopt the proposed Water Conservation/Rationing Planning and Building Application Policy and Direct Staff to Clarify the Municipal Code.

BACKGROUND: The City has the responsibility of processing entitlement applications and issuing ministerial permits for development during all stages of water conservation. Under the Administration Section of the City's Municipal Code, the Code provides that "no application for any project which creates any additional living or transient units shall be approved unless the Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City." Technically, speaking, and read literally, this section only applies to development that involves the creation of additional housing units and not commercial developments where, as a condition of approval, the City requires additional housing units to be constructed.

In the past, the City as a matter of policy has not processed, let alone approve, applications when there was not water allocation. The Planning Commission discussed this policy at the September 24 meeting and decided to recommend that the City allow all applications for entitlements, including those involving housing units, to be processed even when no water allocations are available. Further, the Planning Commission recommended that owners of properties be allowed to construct the buildings, even if no water allocations existed, as long as the certificate of occupation were not issued until water was available and any required fire protection services, ie. sprinklers, were provided.

If the City Council approves this policy, staff will implement it and will return with an ordinance allowing housing units to be constructed as long the protections discussed in the policy were implemented.

The Policy reads as follows:

Water Conservation/Rationing Planning and Building Application Policy

WHEREAS, Southern California Edison (SCE) serves as the urban water supplier for and to the City of Avalon; and

WHEREAS, the City of Avalon seeks to coordinate with SCE in its administration of planning applications and/or ministerial permits for development projects.

NOW, THEREFORE, the City Council of the City of Avalon (the City) does hereby adopt the following policy:

During any stage of water conservation/rationing as defined by SCE where SCE prohibits new water allocations or prohibits connections to its water system,

- The City Department of Planning and Building will accept and process applications for entitlement(s) for development, whether or not a fresh water allocation is provided at the time the application is filed.
- The City Department of Building and Planning will process applications for building permits, whether or not a fresh water allocation is provided at the time the permit is issued, only if any of the following applies to the work being permitted:
 - 1) The project does not require installation of a fire sprinkler system;
 - 2) The project does require a fire sprinkler system and SCE confirms in writing they will provide sufficient fresh water to charge the sprinkler system while the structure is unoccupied; or
 - 3) The applicant has certified that no connection to SCE's fresh water system is necessary because the applicant will supply all fresh water and that all discharge permits into the sewer system have been received prior to the commencement of construction.
 - 4) No water allocation is needed for the Project.

The City Department of Building will only issue a certificate of occupancy if SCE provides proof of water allocation or the appropriate discharge permits have been issued.

FISCAL IMPACTS: No Fiscal Impact

GOAL ALIGNMENT: To be determined.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Several projects that have Planning entitlements will not be able to begin construction and applications for additional residential units that require water allocations will not be able to be processed..

FOLLOW UP ACTION: Implement the Policy and amend the Municipal Code.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act.

ATTACHMENTS: None

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 13

ORIGINATING DEPT: Planning

CITY MANAGER: RA

PREPARED BY: Amanda Cook Planning Director

SUBJECT: Consideration of a Water Conservation/Rationing Planning and Building Application Policy

RECOMMENDED ACTION(S): That the City Council review the current Water Conservation/Rationing Planning and Building Application Policy and advise staff of any changes.

BACKGROUND: The City has the responsibility of processing entitlement applications and issuing ministerial permits for development during all stages of water conservation. The City Council reviewed the Water Policy at the October 7, 2014 meeting and adopted the current policy. The Policy is attached as Exhibit A.

Currently the City has several projects that are proceeding with construction under this policy. The projects are listed below:

- Catalina Island Museum
- Six new single family dwellings at Hamilton Cove
- New single family dwelling on Olive
- New duplex on Olive
- Second unit/remodel on Clarissa
- Second unit/remodel on Upper Terrace

FISCAL IMPACTS: None

GOAL ALIGNMENT: Fresh Water Resources.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: None

FOLLOW UP ACTION: None

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act.

ATTACHMENTS:

- Water Conservation/Rationing Policy
- October 7, 2014 Staff report

Exhibit A

Water Conservation/Rationing Planning and Building Application Policy

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 - 4) No water allocation is needed for the Project.

The City Department of Building will only issue a certificate of occupancy if SCE provides proof of any required water allocation and/or any appropriate discharge permits have been issued.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: _____

ORIGINATING DEPT: Planning

CITY MANAGER: _____

PREPARED BY: Amanda Cook

SUBJECT: Consideration of a Water Conservation/Rationing Planning and Building Application Policy and Direction to Clarify Policy by Amendment to Municipal Code

RECOMMENDED ACTION(S): That the City Council adopt the proposed Water Conservation/Rationing Planning and Building Application Policy and Direct Staff to Clarify the Municipal Code.

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FISCAL IMPACTS: No Fiscal Impact

GOAL ALIGNMENT: To be determined.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Several projects that have Planning entitlements will not be able to begin construction and applications for additional residential units that require water allocations will not be able to be processed..

FOLLOW UP ACTION: Implement the Policy and amend the Municipal Code.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act.

ATTACHMENTS: None