

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-12-071

Applicant: City of Ventura Department of Public Works

Location: Parcel 73-0-231-040, located at Surfer's Point Beach, south of Shoreline Drive and Figueroa Street, City of Ventura, Ventura County.

Project description: Removal of exposed construction debris and the placement of a maximum of 9,600 cubic yards of cobble material, 4 inches to 18 inches in diameter, and 5,000 cubic yards of sand over a 5-year period along an 800 foot segment of Surfer's Point Beach in the City of Ventura.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with **nine (9) special conditions** regarding (1) evidence of required approvals, (2) project timing and terms of permit, (3) interim public access program, (4) cobble quality and size, (5) sediment analysis, monitoring and deposition, (6) removal of excavated debris, (7) operations and maintenance responsibilities, (8) conformance with the requirements of other resource agencies, and (9) assumption of risk.

The City of Ventura Department of Public Works is proposing a 5-year opportunistic cobble and sand nourishment project, which would include placement of a yearly maximum of 4,800 cubic yards of cobble material and a 5-year total maximum of 9,600 cubic yards, as well as placement of a yearly maximum of 1,000 cubic yards of sand and a 5-year total maximum of 5,000 cubic yards along an 800 foot segment of Surfer's Point Beach. The cobble material would range in size from 4 inches minimum to 18 inches maximum in diameter, with no more than 5% of the material placed to exceed 12 inches in diameter. Cobble would be placed as an approximately 50 foot wide and 6 foot thick blanket, which would be sloped 4:1, extending from approximately 2 feet below the level of the existing adjacent multiuse path to approximately 40 feet seaward of the mean high tide line. An approximately 2 foot thick layer of sand would be placed on top of the cobble material, thereby raising the top of the cobble berm to the existing path level, and would extend approximately 10 to 15 feet seaward of the path.

On the project site and adjacent areas, there is construction debris (concrete, etc.) that was placed in the past and is periodically exposed by wave action. The applicant proposes to remove all exposed debris from the cobble and sand nourishment area just prior to each nourishment event.

The proposed nourishment project is located at the terminus of Figueroa Street, south of Shoreline Drive, and adjacent to the Ventura County Fairgrounds, within the City of Ventura. The Surfer's Point shoreline extends approximately 2,200 feet west from the project site, terminating at the mouth of the Ventura River. The segment of public beach where the subject nourishment is proposed is characterized predominately by cobble and sand. Located immediately landward of the project site is a shorefront area that has been developed with a public multiuse pathway that extends both east and west from the project site, restrooms, an outdoor shower, and a parking lot.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Ventura, the proposed project will be located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Ventura LCP as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map
Exhibit 2 – Aerial Photograph
Exhibit 3 – Proposed Project Plan
Exhibit 4 – Representative Cross Sections
Exhibit 5 – Site Photograph

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 4-12-071 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter Three of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter Three. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Evidence of Required Approvals.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director's satisfaction that the applicant has obtained all necessary final approvals, assessments and permits from the Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game, and the California State Lands Commission.

2. Project Timing and Terms of Permit.

BY ACCEPTANCE OF THIS PERMIT, THE APPLICANT AGREES THAT:

- A. Cobble deposition and debris removal shall occur in each of the permitted years only on weekdays in the period after Labor Day and before March 31st, excluding holidays and weekends. Sand deposition activities shall occur in each of the permitted years only on weekdays, after the completion of the cobble placement, and before Memorial Day, excluding holidays and weekends.
- B. Cobble deposition shall not exceed a yearly maximum of 4,800 cubic yards, or a 5-year permit term maximum of 9,600 cubic yards.
- C. Sand deposition shall not exceed a yearly maximum of 1,000 cubic yards, or a 5-year permit term maximum of 5,000 cubic yards.

3. Interim Public Access Program

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition site and/or staging area(s) shall be maintained during all project operations. Where public paths or bikeways shall be closed during active operations, a person(s) shall be on-site to detour traffic.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, plans for staging and storage of equipment. Public parking areas shall not be used for staging or storage of equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required for the staging of equipment, machinery and employee parking shall be used. At each site, the number of public parking spaces utilized shall be the minimum necessary to implement the project.

- C. The applicant shall post each construction site with a notice indicating the expected dates of construction and/or beach closures.

4. Cobble Quality and Size.

BY ACCEPTANCE OF THIS PERMIT, THE APPLICANT AGREES THAT the rock material used to construct the cobble blanket shall be relatively round in shape, of similar coloration and composition, and shall be no smaller than 4 inches in diameter and no larger than 18 inches in diameter. Gravels and smaller cobbles (less than 4 inches in diameter) shall be excluded from the blanket. A minor amount of cobble blanket material, no more than 5% by volume, may be greater than 12 inches, but no greater than 18 inches, in diameter. All unsuitable materials that are detected within the cobble placement area, such as brush, debris, sharp rocks, or other materials inconsistent with public safety shall be separated and disposed of at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

5. Sediment Analysis, Monitoring and Deposition.

An engineer(s) or environmental professional(s) with appropriate qualifications acceptable to the Executive Director shall conduct testing of any sand materials to be deposited at the project site consistent with the following:

- A. Sampling Frequency: Samples shall be collected from both the receiver site and the source site(s). For the receiver site, at least one sample shall be collected on the sandy beach area. For the source site(s), samples shall be collected throughout the source area, with one (1) sample per 0.5 acres, and a minimum of five (5) samples per source site for contaminant testing and a minimum of three (3) samples per source site for all other sediment testing. For the source site samples, the boring depth shall extend to the anticipated excavation depth.
- B. Grain Size: Physical analysis shall be conducted on representative samples of each source material proposed for placement and on the sample from the receiver site. The material shall be analyzed for consistency with the U.S. Army Corps of Engineers (ACOE)/Environmental Protection Agency (EPA), State Water Resources Control Board and California Regional Water Quality Control Board (RWQCB) criteria for beach replenishment. Deposition of source material shall occur consistent with the following:
 - 1. Source material meeting all applicable federal and state beach nourishment requirements, and for which an average of 75% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited below the mean high tide for the purpose of beach nourishment.
 - 2. Source material meeting all applicable federal and state beach nourishment requirements, and for which an average of 90% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited above the mean high tide line for the purpose of beach nourishment.

3. Source material that does not meet the applicable physical, chemical, color, particle shape, debris, and/or compactability standards for beach replenishment shall not be used.
- C. Contaminants: Based on U.S. EPA Tier I analyses results, Tier II bulk chemical analysis shall be conducted on representative composite samples of each source material proposed for placement at the Surfer's Point deposition site. The material shall be analyzed for consistency with EPA, ACOE, State Water Resources Control Board and RWQCB requirements for beach replenishment. At a minimum, the chemical analysis shall be conducted consistent with the joint EPA/Corps Inland Testing Manual. If the ACOE / EPA, State Water Resources Board or RWQCB determine that the sediment exceeds Effects Range Medium (ER-M) contaminant threshold levels according to the NOAA Screening Quick Reference Tables (SQUIRTs), the materials shall not be placed at the site.
- D. Color: Color classification shall be conducted on representative samples of sand material proposed for placement on the project site. The color shall reasonably match the color of the receiving beach.
- E. Particle Shape: Particle shape classification shall be conducted on representative samples of sand material proposed for placement at the project site. The source material shall consist of a minimum of 90% rounded particles (i.e., maximum of 10% angular particles).
- F. Debris Content: A visual inspection of the source location shall be conducted to determine the presence and types of debris such as trash, wood, or vegetation. The amount of debris within the material shall be estimated, as a percentage of the total amount of source material. Prior to placement of sand at the project site, all such debris material shall be separated from the sand (by mechanical screening, manual removal or other means) and taken to a proper disposal site authorized to receive such material.
- G. Compactability: Chemical and visual inspections of the source location shall be conducted to determine the presence of elements such as iron oxides which can compact to form a hardpan surface. Source material with compactable material shall not be placed at the project site.

The results and analysis of the testing shall be submitted for the review and approval of the Executive Director no later than 30 days prior to commencement of sand nourishment activities. Source material that does not meet the applicable physical, chemical, color, particle shape, debris, and/or compactability standards for beach replenishment shall not be placed on the project site.

6. Removal of Excavated Debris.

PRIOR TO COMMENCEMENT OF DEVELOPMENT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all debris removed from the existing project site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of material. If the

disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

7. Operations and Maintenance Responsibilities.

BY ACCEPTANCE OF THIS PERMIT, THE APPLICANT AGREES to comply with the following construction-related requirements:

- A. The applicant shall not store or place any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be stored or placed in the intertidal zone at any time.
- B. Construction equipment shall not be cleaned on the beach or in the adjacent beach parking areas.
- C. Construction debris and sediment shall be properly contained and secured on site with best management practices to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
- D. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- E. During construction activities authorized pursuant to this permit, the applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when the presence of such unsuitable material/debris can reasonably be attributed to the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

8. Conformance with the Requirements of the Resource Agencies.

The applicant shall comply with all permit requirements, and mitigation measures of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

9. Assumption of Risk.

BY ACCEPTANCE OF THIS PERMIT, THE APPLICANT ACKNOWLEDGES AND AGREES (i) that the site may be subject to hazards from storm waves, tsunamis, surges, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted

development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

PRIOR TO COMMENCEMENT OF DEVELOPMENT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The City of Ventura Department of Public Works is proposing a 5-year opportunistic cobble and sand nourishment project, which would include placement of a yearly maximum of 4,800 cubic yards of cobble material and a 5-year total maximum of 9,600 cubic yards, as well as placement of a yearly maximum of 1,000 cubic yards of sand and a 5-year total maximum of 5,000 cubic yards along an 800 foot-long segment of Surfer's Point Beach. The cobble material would be between 4 inches and 18 inches in diameter, with no more than 5% of the material placed to exceed 12 inches in diameter. The applicant estimates that the average size of cobble to be used will be somewhere between 8 and 10 inches in diameter. Cobble would be placed in segments as an approximately 50 feet wide and 6 feet thick blanket, which would be sloped at a 4:1 angle, extending from approximately 2 feet below the level of the existing adjacent multiuse path to approximately 40 feet seaward of the mean high tide line. An approximately 2 foot thick layer of sand would be placed on top of the cobble material and would extend approximately 10 to 15 feet seaward of the path, thereby raising the top of the cobble berm to the existing path level and increasing the area of useable beach.

The proposed nourishment project is located at the terminus of Figueroa Street, south of Shoreline Drive, and adjacent to the Ventura County Fairgrounds, within the City of Ventura. The Surfer's Point shoreline extends approximately 2,200 feet west from the project site, terminating at the mouth of the Ventura River, as seen in Exhibit 2. Located immediately landward of the project site is a shorefront area that has been developed with a public multiuse pathway that extends both east and west from the project site, restroom, outdoor shower, and parking lot. The segment of public beach where the subject nourishment is proposed is characterized by cobble and sand.

At its meeting in August of 2000, the Commission approved Coastal Development Permit (CDP) 4-00-158 with special conditions. This permit allowed for an experimental beach nourishment

project, which consisted of the placement of up to 8,000 cubic yards of cobble material along a 450 foot segment of Surfer's Point Beach. Cobble was placed in the form of a cobble blanket 4 feet to 8 feet thick and 50 feet to 70 feet wide, immediately upcoast of the location of the currently proposed nourishment project. This project has since provided nearly 10 years of shoreline protection. Additionally, the Surfer's Point Managed Retreat project was approved by the Commission at its November 2006 meeting. This project, which is located upcoast of the nourishment project approved by CDP 4-00-158, included the stabilization and restoration of approximately 1,800 linear feet of beach, demolition of shoreline development, and the realignment of the multiuse pathway in order to address shoreline erosion, as seen in Exhibit 2.

On the project site and adjacent areas, there is construction debris (concrete, etc.) that was placed in the past and is periodically exposed by wave action. Prior to construction of the currently proposed nourishment project, existing debris, including large segments of asphalt and concrete, would be removed from the project site by an excavator. Track mounted loaders would then spread and form the newly deposited cobble material into the shape of the proposed blanket. As described above, sand would then be deposited on top of the cobble blanket in order to raise the cobble blanket to the level of the existing upper beach and multiuse path.

The cobble material for the currently proposed project would be opportunistically sourced, however, all cobble deposited would be substantially similar in quality and size to the cobble which naturally exists along the Surfer's Point coastline. The applicant proposes to place sand currently stockpiled on an inland site ("River Haven" site) that was previously removed from Pierpont Beach by the City under a one-time nuisance abatement order. There is currently no CDP in place to remove additional sand from Pierpont Beach, so it is not clear that this can be a source of sand for nourishment at Surfer's Point in the future.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Ventura, the proposed project will be located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Ventura LCP as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

B. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected.

Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213 of the Coastal Act states, in part:

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

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Policy 15.10 of the City of Ventura LUP states:

The City shall continue to ensure maximum public access consistent with public safety and fragile coastal resources. To carry out its intent, the City shall implement the policies of this Comprehensive Plan.

Coastal Act Section 30210 and Coastal Act Section 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30212(a) of the Coastal Act provides that adequate public access to the sea be provided in new development projects. Coastal Act Section 30213 protects

and encourages lower cost visitor and recreational facilities and Section 30220 protects coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas for such uses. City of Ventura LUP Policy 15.10 protects maximum public access consistent with public safety and fragile coastal resources.

The applicant proposes to place, over 5-years, a maximum of 9,600 cubic yards of cobble and 5,000 cubic yards of sand along an 800 foot segment of the Surfer's Point Beach, south of Shoreline Drive, and adjacent to the fairgrounds, within the City of Ventura. Along this portion of coastline, episodic periods of storm and high-surf have driven erosion and have therefore decreased the stability of the cobble and sand beach naturally present. In order to preserve the continued use of the recreational amenities located landward of the project site, the proposed nourishment project is necessary.

However, past Commission review of shoreline projects designed to forestall erosion has shown that individual and cumulative adverse effects on public access from such projects can include encroachment on lands subject to the public trust, thus physically excluding the public; interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas; overcrowding or congestion of such tideland or beach areas; and visual or psychological interference with the public's access to and the ability to use public tideland areas.

The applicant has indicated that the existing public access amenities within the vicinity of the project site are not adequately protected from wave action. The applicant's engineers have found that placement of a cobble blanket, which would be composed of cobble material similar to the cobble naturally occurring at the project location, would serve to mimic natural processes that forestall erosion and would therefore provide protection for improvements while minimizing adverse effects to public access that are normally associated with shoreline armoring projects.

Nonetheless, short term impacts to public access and recreation may occur during the brief periods of cobble and sand deposition and blanket formation. The Commission notes that avoiding construction during high-use periods would reduce adverse impacts to public access. The peak recreational use of this area is during the summer season, between Memorial Day and Labor Day and construction during this period would adversely impact public access and recreation. Additionally, given the mild climate, the Surfer's Point area may attract extensive public visitorship on any given weekend outside the peak use period. Because the area is subject to higher levels of public use during weekends, construction activities during these times would result in significant adverse impacts to public access.

The applicant proposes to reduce public access and recreation impacts by restricting the project implementation schedule to weekdays during off-peak periods each year. **Special Condition Two (2)**, limits rock deposition to only weekdays after Labor Day and before March 31st, therefore ensuring that disruption of the public beach will be concentrated within times of off-peak public use, and that peak summer dates, weekends, and holidays are avoided. Further, Special Condition Two (2) limits the deposition of sand to occur only on weekdays, excluding weekends and holidays, after completion of the cobble placement and before Memorial Day, so

that a maximum amount of sand, and therefore largest sandy beach area, may be present for the summer season.

Lastly, in order to ensure the safety of recreational users of the project site and to ensure that interruptions to public access are minimized, the Commission requires the applicant to submit an interim public access plan, pursuant to **Special Condition Three (3)**, to the Executive Director for review and approval. Special Condition Three (3) requires a description of the methods (including signs, fencing, posting or security guards, etc.) by which safe public access shall be maintained during all project operations. The public access plan shall provide that public parking areas shall not be used for staging or storage of equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required for the staging of equipment, machinery and employee parking shall be used. Finally, Special Condition Three (3) also requires the applicant to post all construction sites with a notice indicating the expected dates of construction.

Therefore, as conditioned, the proposed project is consistent with Coastal Act Policies 30210, 30211, 30212, 30213, and 30220, and Policy 15.10 of the City of Ventura LUP.

C. MARINE RESOURCES AND WATER QUALITY

Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health

Section 30240 of the Coastal Act States:

(a) Environmentally sensitive habitat areas shall be protected against a significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which

would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Resources Goal No. 3 of the City of Ventura LUP states:

Assure that any development of the coastal zone preserves and maintains the natural assets of the shoreline.

Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. Further, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. Resources Goal No. 3 of the Certified City of Ventura Local Coastal Program mandates that development preserve and maintain the natural assets of the shoreline, such as quality of offshore waters and other marine resources.

The Surfer's Point shoreline extends approximately 2,200 feet west from the project site, terminating at the mouth of the Ventura River. The segment of public beach where the subject nourishment is proposed is characterized predominately by cobble and sand. However, construction materials and other debris were placed in this area over time. As a result of past erosion, large pieces of asphalt and cement have been exposed and incorporated into the intertidal zone. The applicant has proposed to remove this existing debris from the project site prior to the placement of any cobble or sand. The proposed removal of this debris will improve the marine environment in the area so long as the debris is disposed of properly. So, to ensure that impacts to marine resources and water quality are minimized, **Special Condition Six (6)** requires that the applicant shall provide evidence to the Executive Director of the location of the disposal site for all debris removed from the project site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material.

The proposed beach nourishment would be located in and adjacent to coastal waters. Construction of any kind, adjacent to or in coastal waters, has the potential to adversely impact marine resources and water quality through the introduction of pollutants associated with construction. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species by interfering with their ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine

resources and water quality, **Special Condition Seven (7)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

The applicant proposes to place material currently stockpiled on an inland site (“River Haven” site) that was previously removed from Pierpont Beach by the City under a one-time nuisance abatement order. Although the sand proposed for deposition originates from a location down coast of the project site, it has been stored at a City of Ventura stockpile location, and thus has the potential to have been contaminated by chemicals, other sediments, or debris. Additionally, there is currently no CDP in place to remove additional sand from Pierpont Beach, so it is not clear that this can be a source of sand for nourishment at Surfer’s Point in the future. To avoid potential marine resource and water quality impacts associated with the proposed sand deposition activities, the chemical, biological, and physical characteristics of the sand deposited must be evaluated through the sediment sample analysis described in **Special Condition Five (5)**. Any sand that contains contaminants or is otherwise unsuitable for placement at Surfer’s Point (for grain size, color, particle shape, debris content, or compactability criteria) shall not be placed on the project site.

In addition, **Special Condition One (1)** and **Special Condition Eight (8)** are required to ensure that the applicant complies with all permit requirements and mitigation measures of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30230, 30231, and 30240, as well as Resources Goal No. 3 of the City of Ventura LUP.

D. HAZARDS AND GEOLOGIC STABILITY

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard*
- (2) *Assure stability and structural integrity, and neither create or contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction or protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Policy 15.3 of the City of Ventura LUP states:

New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards. All new development will be evaluated in conjunction with the City's Safety Element of this Comprehensive Plan, and for its impacts to and from geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation measures shall be required where necessary.

Coastal Act Section 30235 specifically provides that shoreline protective devices must be permitted only when both of the following two criteria are met: (1) the device is required to serve coastal-dependent uses or to protect existing structures or public beaches provided that these areas/structures are in danger from erosion and (2) the device is designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Additionally, Section 30253 of the Coastal Act mandates that new development shall minimize risks to life and property in areas of high geologic and flood hazard. Policy 15.3 of the certified LUP mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic and flood hazard.

The proposed project involves the placement of a 5-year total maximum of 9,600 cubic yards of cobble and 5,000 cubic yards of sand along an 800 foot segment of Surfer's Point Beach. The cobble material would be between 4 inches and 18 inches in diameter, with no more than 5% of the material placed to exceed 12 inches in diameter. Cobble would be placed as an approximately 50 feet wide and 6 feet thick blanket, which would be sloped 4:1, extending from approximately 2 feet below the level of the existing adjacent multiuse path to approximately 40 feet beyond the mean high tide line.

The proposed project is located in an area subject to storm waves and erosion. The tidal environment is dynamic and there are risks associated with development in such areas. Adjacent to the project site, storm waves have caused erosion of the backbeach and damage to the existing parking lot and multiuse path. Erosion at the project site has caused an approximately 4 foot to 5 foot drop from the elevation of the multiuse pathway down to the beach. Through the addition of cobble and sand which is of similar composition to that which exists at the project site, the intent of the proposed project is to reduce damage from both storm waves and erosion and to maintain

the composition and presence of the existing beach. Therefore, **Special Condition Four (4)** ensures that the cobble material deposited is of similar composition, coloration, and size to the cobble material which is naturally present on the subject beach. Further, **Special Condition Two (2)** ensures that the amount of cobble and sand deposited at the project location does not exceed the designated maximum quantities proposed.

Ample evidence exists that all beachfront locations in the Ventura County area are subject to an unusually high degree of risk due to storm waves and surges, high surf conditions, erosion, and flooding. The subject site, even after the completion of the proposed project, will continue to be subject to the high degree of risk posed by the hazards of oceanfront development in the future. The Coastal Act recognizes that development, such as the proposed project, even as designed and constructed to incorporate the recommendations of the applicant's coastal engineer, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the public benefit of maintaining the multiuse pathway, restroom, outdoor shower, and parking lot on the project site.

In this case, the Commission finds that due to the possibility of tsunamis, storm waves, surges, and erosion the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition Nine (9)**, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the development it protects, and will effectuate the necessary assumption of those risks by the applicant.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30235 and 30253, and Policy 15.3 of the City of Ventura LUP.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff

report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

Substantive File Documents

Noble Consultants Project Memorandum regarding the 2001 Wave Runup Analysis, dated November 16, 2012; Noble Consultants Shoreline Analysis dated October 18, 2001; Adopted Mitigated Negative Declaration, EIR-2238, dated July 2000; Addendum to the Mitigated Negative Declaration, EIR-2238, dated May 2001; Correspondence from Joe McDermott regarding the project description, dated November 9, 2012.



Project Location

Exhibit 1
4-12-071
Vicinity Map



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Exhibit 2
4-12-071
Aerial Photograph

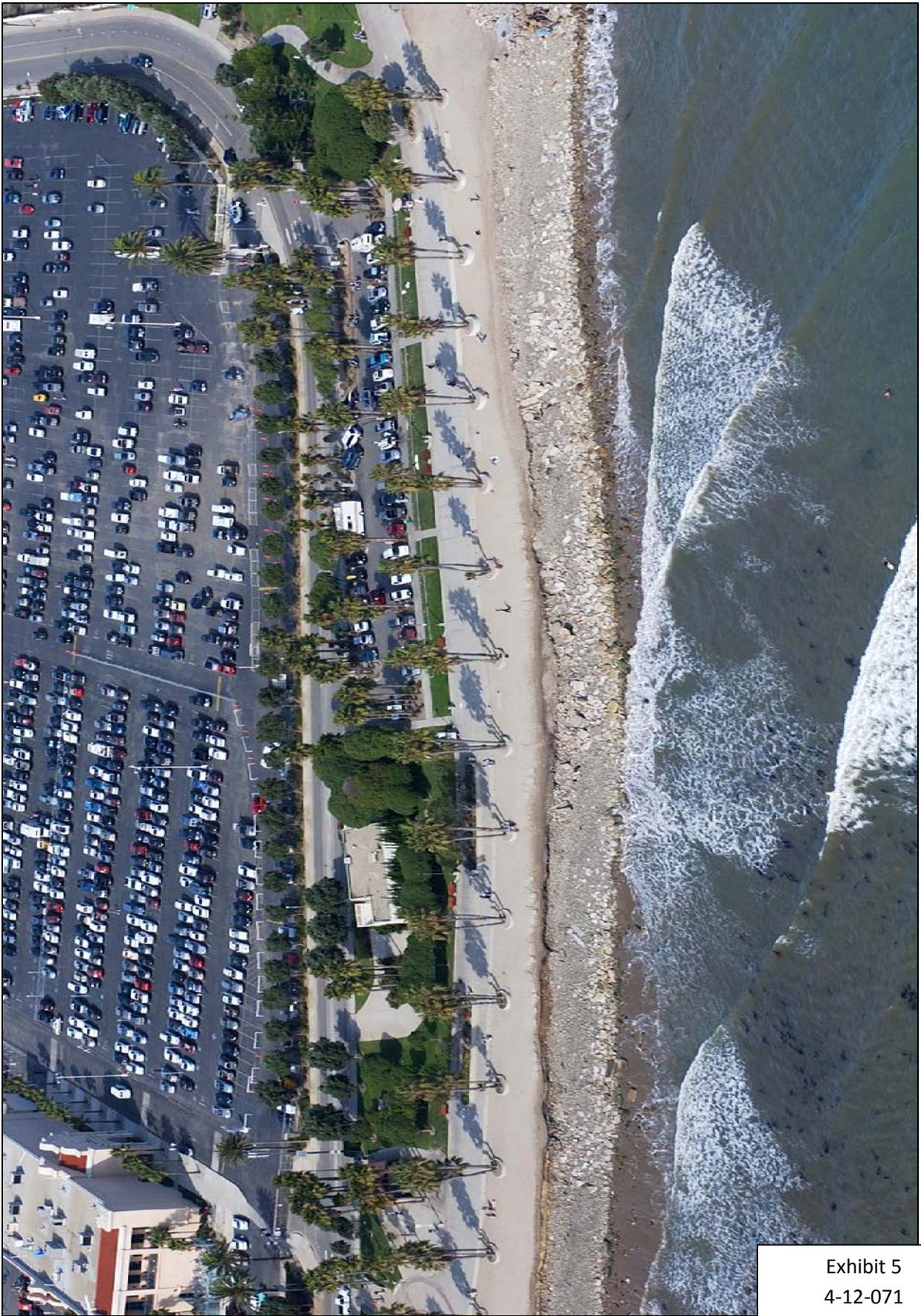


Exhibit 5
4-12-071
Site Photograph