

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

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SAN JOSE, CA 95001

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Filed: 10/7/99
49th Day: 11/25/99
180th Day: 4/04/00
Staff: Hale
Staff Report: 10/14/99
Hearing Date: 11/04/99

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Ventura

DECISION: Approval with Conditions

APPEAL NUMBER: A-4-SBV-99-224

APPLICANT: City of Ventura, Department of Public Works, Division of Maintenance Services

PROJECT LOCATION: Sandy beach and dunes adjacent to 27 street terminals known as the "Pierpont Community," from San Pedro Street downcoast to Marina Park, along the San Buenaventura State Beach, City of Ventura.

PROJECT DESCRIPTION: Grade and redistribute significant (but as yet unquantified by applicant) volume of sand from beach and dune areas next to San Buenaventura State Beach on the seaward side, and adjacent to 27 dead end road terminals (location above) on the inland side, and remove dune vegetation in same areas. Grading locations are within a 40-foot easement designated as "Parks" by, and owned by, the City of Ventura. Sand would be redistributed on and adjacent to San Buenaventura State Beach.

APPELLANTS: Commissioners Wan and Daniels

STAFF RECOMMENDATION:

Staff recommends that the Commission open and continue the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

Pursuant to §30621 of the Coastal Act, a hearing on an appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the subject decision was filed with the Commission on October 7, 1999. The only available Commission hearing within 49 days is the November 2-5, 1999.

In accordance with §13112 of the California Code of Regulations, on October 7, 1999, staff notified the City of Ventura planning department and the applicant verbally of the appeal and requested that all relevant documents and materials

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pertaining to the project be forwarded to the Commission. Some materials have been delivered by the applicant, but the administrative record, including the names and addresses of interested parties, testimony and identities of speakers, dates of public hearings, minutes, maps, land use designations, and most importantly, supplemental information from the applicant concerning grading, upon which the City's acting planning director stated she relied in determining that the grading would be minimal, and thereby declaring the project CEQA-exempt and in subsequently approving the project, have not yet been received by staff. Consequently, there was not sufficient time to analyze the subject project and prepare a staff report or recommendation for Commission action at the November 2-5, 1999 hearing. Therefore, pursuant to §13112, the Commission should open and continue the substantial issue hearing on Appeal 4-SBV-99-224 until all relevant materials are received. The substantial issue hearing will be scheduled for Commission action at the earliest possible hearing after the relevant materials are received.