

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
29 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

**W26a**

Hearing Opened: 11/04/99

49th Day: 11/26/99180th Day: 5/02/00Staff: Hale-V *ja*

Staff Report: 11/16/99

Hearing Date: 12/08/99

Staff Report: Appeal
Substantial Issue

Local Government: City of San Buenaventura

Local Decision: Approve with Conditions

Appeal No. 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 and seaward of 27 street terminals known as the "Pierpont Community," from San Pedro Street downcoast to Marina park, and adjacent to and paralleling San Buenaventura State Beach, City of Ventura.

Project Description: Grade sand from beach, dune, and vegetated dune areas that have accumulated next to the retaining walls and staircases and staircases at the referenced street terminals, and redistribute ("feather out") the graded sand seaward onto the State Beach, via vertical corridors through the dunes that either exist as low areas or would be created by the grading. Project would be undertaken with the use of bulldozers and other heavy equipment on the beach and dunes. The permit approved by the local government is an open-ended authorization for the public works department to undertake unlimited grading in the subject areas at any time in the future without further approvals, on a self-determined, "as needed" basis. Applicant has not quantified the amount of sand that would be relocated in the initial grading or on an annual basis.

Appellants: Commissioners Wan and Daniels.

Staff Recommendation:

Staff recommends that the Commission, after public hearing, determine that a **substantial issue** exists with respect to the grounds on which the appeal has been filed for the following reason: Pursuant to Section 30603(b)(1) of the Coastal Act the locally

approved development does not conform to the City of San Buenaventura certified Local Coastal Program (LCP). Specifically, the locally approved development does not conform to the policies of the City's LCP that are applicable to parks and environmentally sensitive habitat. In addition, the subject project is inconsistent with the access policies of the Coastal Act.

Staff Note: The staff report for the de novo hearing has also been prepared and placed on the Commission's agenda for consideration if the Commission finds that a substantial issue exists with respect to the stated grounds for the appeal.

Substantive File Documents:

City of San Buenaventura certified Local Coastal Program and Land Use Plan Map; Restoration Plan for Pierpont Community Dunes prepared by Rachel Tierney Botanical Consulting, dated August 9, 1991; Notice of Final Action dated September 12, 1999 and attached Administrative Coastal Development Permit ACDP-325A with conditions dated September 7, 1999; City of San Buenaventura hearing notices and project application, third party correspondence received as of the date of staff report publication; letters dated October 18 and November 3, 1999 from City of San Buenaventura staff to Commission staff and Commissioners, letter from Gary Timm, South Central Coast District Manager to Donna Landeros, City Manager of San Buenaventura, dated October 21, 1999.

I. OBJECTIONS OF APPELLANTS

The Appellants allege that the project is inconsistent with the City of San Buenaventura Local Coastal Program (LCP) as the result of inconsistencies between the proposed project and the following certified Land Use Plan Policies:

Sensitive Habitat

Policy 12.1 (the recovering dune fields should be evaluated for inclusion in the sensitive habitat overlay designation available in the LUP);

Policy 12.2 (new development should...eliminate or avoid conversion of biologically significant communities... and include an evaluation of measures to avoid or minimize the impacts on sensitive habitats (coastal dunes are a fragile, limited, and ecologically rare habitat along the California coastline);

Policy 12.3 (discourage use of invasive exotics as detailed by the California Native Plant Society – disturbance of the dune fields without the implementation of a planting and stabilization plan will further distribute the seedbank of invasive non-native species while disturbing the native dune vegetation that is present; Applicant proposes no planting or other dune stabilization measures in the affected areas);

Policy 12.4 (policy states that the City's Linear Park System adjacent to natural areas and the Ventura and Santa Clara Rivers should be landscaped with native species, to the extent feasible; - as noted in 12.3, the dunes would be disturbed but not landscaped

with native species in the project area, which is designated as a linear park on the certified LUP maps.

Parks and Sensitive Habitat within Parks

The Appellants further allege that the project is also inconsistent with the LCP policies specifically addressing Parks and the Linear Park System found on pages 25 through 27, Section III of the LCP (Land Use Element) (for example, on page 26 the LCP states in paragraph one that the linear parks system natural area designation applies to areas such as along barranca channels with natural values, or along beach areas where restoration of sand dunes may be appropriate. Page III-27 (Sensitive Habitat Overlay) notes dune vegetation, which would be adversely affected by the project, as an example of sensitive habitat areas that should be buffered against encroaching development or disturbances. In addition, the appellants believe the project is inconsistent with the policies set forth in LCP Section VIII-13 (Parks and Recreation), Policies 6.1 and 6.2 which require cooperative agreements and working relationships with the State Department of Parks and Recreation (among others), and the stabilization and/or preservation of resources...in coastal areas, particularly amenities (such as dunes) that have experienced significant impacts from natural forces. Policy 6.2 states that the City should employ necessary stabilization and /or preservation measures to ensure that such parks...do not suffer significant losses.

Policies requiring protection and preservation of coastal resources in public trust

Finally, the Appellants allege that the project is inconsistent with LCP Resource Management Policies found on Page VIII-11 of the LCP, including Policy 3.1 which requires that park and recreation areas be maintained so that the special and important natural...resources which they contain, and constitute a public trust, are protected and interpreted for the benefit of future generations. Development adjacent to these properties should be compatible with and not conflict with the purpose of protecting the nature of the park and/or recreation area, and Policy 3.2 which states that stewardship of natural...resources should be directed towards conservation, preservation, restoration, interpretation, and programming to the benefit of the resource and the public.

II. LOCAL GOVERNMENT ACTION and FILING of APPEAL

On September 7, 1999, the Administrative Hearing Officer of the City of San Buenaventura held a public hearing on the proposed project. At the conclusion of the public hearing, the Administrative Hearing Officer found the project as conditioned conformed with the Local Coastal Program and approved with conditions Administrative Coastal Development Permit No. 325A. The City states that the action was appealable to the City Council within a ten (10) day appeal period thereafter, however no appeals were filed with the City Council. On September 24, 1999, the South Central Coast Commission Office received a Notice of Final Action from the City for ACDP-325A dated

September 12, 1999. The ten (10) working day appeal period to the Coastal Commission therefore ended at 5:00 p.m. on October 8, 1999. Commissioners Wan and Daniels appealed the City's permit approval on October 7, 1999, within the statutory appeal period.

The City of Ventura initially argued that the Commissioners' appeal was not timely or properly made, stated that they were not obligated therefore to produce the requested administrative record, and implied that the approved development would proceed (see City's letter of October 18 attached). The Commission staff responded in a letter dated October 21 (also attached). The City decided not to ignore the appeal and did not perform the proposed grading pending the outcome of the appeal. The City's Director of Public Works continued to complain about the processing of the appeal in a letter dated November 3 (also attached), however. His procedural complaints were again evaluated, and verification was made by Commission staff that the appeal was properly and timely processed in accordance with Coastal Act and the Commission's regulations. The staff additionally verified the original field evaluation that no existing or potential flood control emergency was threatened by allowing the routine processing of the appeal.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within 300 feet of the top of the seaward face of a coastal bluff. Also, developments approved by the local government that are located within 100 feet of any wetland, estuary, or stream may be appealed. Furthermore, developments approved by counties may be appealed if they are not designated "the principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)]

The proposed project is a development approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach, and thus is appealable in accordance with the provisions of Coastal Act Section 30603 as noted.

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a *de novo* hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for the appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the *de novo* public hearing on the merits of the project.

A *de novo* public hearing on the merits of the proposed project relies on the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. (Staff notes that a number of letters have been received concerning the project and that these letters are attached hereto.) If a *de novo* hearing is held, testimony may be taken from all interested parties.

If the Commission hears arguments on the substantial issue question, the Commissioners must then vote on the matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to the conformity of the project with the policies of the City of San Buenaventura certified Local Coastal Program, pursuant to Public Resources Code Section 30625(b)(2).

Therefore, staff recommends a NO vote on the following motion:

MOTION:

I move that the Commission determine that Appeal No. A-4-SBV-99-224

does **NOT** raise a substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

IV. FINDINGS AND DECLARATIONS

A. Project Description

The proposed project consists of the grading of sand from beach, dune, and vegetated dune areas that have accumulated next to the retaining walls and public stairways at 27 consecutive street terminals and the subsequent redistribution ("feathering outward") of the graded sand seaward onto the State Beach, via vertical corridors through the dunes that either exist presently as low areas or that would be created by the grading. The proposed project would be undertaken with the use of bulldozers and other heavy equipment on the beach and dunes. The permit approved by the local government is an open-ended authorization for the public works department to undertake unlimited grading within the subject areas at any time in the future without further approvals, on a self-determined, "as needed" basis.

The Applicant has not quantified the amount of sand that would be relocated in either the initial grading or on an annual basis, however based on site visits, staff estimates that at least 5,000 cubic yards of material could be graded and redistributed in the first season of activity if the project is undertaken to the extent, and in the manner, authorized in the City's permit approval.

The proposed site is located adjacent to a beachfront portion of the City known as the "Pierpont Community" and extends from the San Pedro Street terminal at the beach to the beach at the Marina Park roadend. The beachfront lots located adjacent to the 27 roadends are mostly developed with one or two story single family residences, with the exception of Seaward Avenue which has both a hotel and a condominium complex on the beach front lots at the road's end, Marina Park, at the downcoast terminus, and an undeveloped area near the elementary school located inland of Martha's Vineyard Court previously proposed for a dune restoration area by the City of San Buenaventura in 1991.

The area between San Pedro (the street bordering the upcoast boundary of the project area and Marina Park at the downcoast project boundary, is punctuated offshore by a series of groins that trap sand and nourish the Pierpont Community Dunes area. The dune system is an ancient one that has experienced episodes of complete extinction due to grading policies implemented by the City and by individual homeowners in the past. The dune system readily rebuilds when protected from grading, however, as is happening at the present time. The dunes were last graded catastrophically in 1990/1991 without Coastal Commission foreknowledge of the City's plans, and corridors

between the proposed project areas and the sandy beach of San Buenaventura State Beach were graded again in 1997.

The City Department of Public Works contends that the dune field is an artificial one and is therefore not worthy of policy consideration and protection that would otherwise be afforded to a dune ecosystem, however early in its recovery cycle. Ample evidence exists, however, to prove that the area is in fact part of a much larger historic dune field that far predates existing development.

The City states that the project is intended to remove sand that has accumulated adjacent to the retaining walls separating the road terminals from the sandy beach, thus reducing the amount of sand drift that spills over into the street below and clogs the storm drains located within the streetends. Thus, the City staff characterizes the proposed grading as a flood control project. There are many streets within the proposed grading project that either do not have storm drains at the streetends at all, however, or do not have storm drains located within less than 50 feet of the streetends. In addition, there is evidence from staff field visits that the City streets are experiencing flooding from poor design and engineering of the streetbeds themselves, and that the sand drift is only one factor in the overall consideration of flood control in the Pierpont Community.

Ironically, it became very clear, and City staff have acknowledged, during staff site visits in concert with City staff, that the areas where the roadends are fronted by dune systems have far less sand drift than the roadends that are fronted by open, flat beach. It is the open areas that have the problematic accumulation of sand, and thus the most serious maintenance problems. This phenomenon strongly suggests that the Applicant's flood control and street maintenance objectives would be much better served by implementing a well prepared, comprehensive dune system management program that guides and stabilizes dune formation and stabilization through vegetation to achieve optimal habitat, physical protection of development from storm waves, and roadend protection from open beach sand drift accumulation. The strong possibility exists that disturbing the dunes to undertake short term maintenance objectives only exacerbates the problem. There is also evidence that during severe storm events with either high winds, high water, or both, the real problems with surges of sand entering the streetends and thereby the storm drain system would occur with or without the project approved by the City because such dynamic forces overtop the retaining walls even if the sand elevation has been reduced by grading.

The Commission also notes that the proposed project description in the City's record of approval and in the public notices is vague and ambiguous about the nature and extent of development the City proposes to undertake under the approved coastal development permit. The amount of sand to be graded and redistributed is not quantified, no map of the proposed grading footprints or relationship to dunes and dune vegetation was ever produced, and the verbal details of the physical parameters of the proposed project provided by City staff have changed slightly with each successive

meeting and site visit. This underscores the difficulty of interpreting, and thus enforcing, the underlying coastal development permit, including the extent of the approved project and thus of determining whether approved activities are undertaken in compliance with the applicable special conditions.

B. Substantial Issue Analysis

As stated in Section IIII of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its LCP are specific. In this case, the local coastal development permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

In the case of the beach and dune sand grading project approved by the City, the Commission finds that the Appellant's contentions raise valid grounds for appeal because the locally approved project does not conform to the certified LCP and the Commission finds therefore that a substantial issue does exist with respect to the grounds on which the appeal has been filed for the reasons set forth below.

1. Public Access

The Appellant alleges that the City approved the project in a manner that may adversely affect public access. The CDP approved by the City sets forth the following finding:

3. The proposed project would be in conformance with the public access and recreation policies of the Coastal Land Use Plan because it does not interfere with or limit the public access or availability of recreational opportunities and provide for protection of nearby development from potential flooding that would result due to excessive sand drifts existing improvements and systems.
4. The proposed project would be in conformance with all other applicable policies of the Coastal Land Use Plan and would not block public views or access to the coastline due to the work to be limited in time, no more than a two week period typically on an annual basis occurring during August to October and not altering the existing beach use of the area.

(ACDP-325A, Page 1, attached hereto)

The only associated special condition associated with this finding is as follows:

8. The maintenance activity approved herein shall be limited to a maximum period of two weeks for any one event.

(Page 2, ACDP-325A)

Coastal Act policies specifically protect public access:

Coastal Act Section 30210 provides that:

In carrying out the standards of Section 4 of the 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 provides that:

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.

Each of the 27 street terminals proposed for beachside grading contains a public staircase to the beach and dune area affected by the proposed grading. These vertical public access corridors lead directly to the State Beach seaward of the proposed project, and can only be reached by the general public by parking on a cross street that is located a distance of approximately 2 blocks away from the stairways. The stairways are not generally visible from the associated parking, and public parking is prohibited, with only a few exceptions, along the actual streets that lead to the beach (the 27 proposed for beach grading at the terminals). Therefore, beachgoers could park and walk some distance before realizing that a particular accessway was blocked by heavy equipment and sand grading operations.

Permit Special Condition 8 does not restrict the Applicant to beach grading at times (by virtue of season, month, hours, specific days of the week, avoidance of holidays or weekends, etc.) Although the permit condition states that grading shall be limited to a maximum period of two weeks "for any one event" the language is vague as to whether "any one event" would mean grading all 27 locations, or just one location. The findings cited above suggest the former, however the referenced findings offer a construction window that may be situated anywhere in the months of August, September, or October – months that offer prime beachgoing weather, part of the typical summer beach season, Labor Day weekend, etc. In summary, the permit, its findings, and special conditions are non specific, non binding in any enforceable way, and because the City staff have stated to Commission staff that private subcontractors of State Parks staff may variously perform some or all grading, it is not possible to assure that this significant disturbance on and adjacent to a popular state beach would not adversely affect public access. To the contrary, the beach grading and presence of heavy equipment on the beach would almost certainly adversely affect public access. In

addition, there are no provisions in the permit to ensure that the public is excluded from the active grading areas or that the areas will be monitored by personnel other than the grading operators to ensure that onlookers or pedestrians accessing the beach from other points of entry are not endangered by heavy equipment traversing the beach. If the City intends to close the beach area to the public to complete the work (and the permit is open ended to allow this work perennially), then the adverse effect on public access is obvious.

As cited above, Coastal Act Section 30210 does specify that maximum access and public recreation opportunities shall be provided consistent with public safety needs. The City cites potential flooding of the streetends if sand drifts into the storm drains at the ends of the streets adjacent to the beach and blocks the flow of stormwater. The City is, however, having good success with sweeping the sand away from most of the streetends with the usual methods: use of the City streetsweeping machines and occasional handlabor to finish up the job in areas the sweeper cannot reach. The purpose of the grading component is primarily to relieve the City of the expense or nuisance of hiring day laborers or public offenders who are working off their citations, according to City staff. Thus, the idea that public access must be balanced by the need to protect public safety (flooding) does not necessarily apply in this case because management alternatives do exist.

For example, it was only while conducting site visits with Commission staff after the permit was locally approved and the appeal of Commissioners Wan and Daniels filed, that the City staff discovered that concrete staircases they thought extended down below the present sand levels onto the beach and had assumed were simply buried by sand simply do not exist. It appears that the staircases on the upcoast half of the street terminals, where offshore groins are trapping the most sand and most effectively nourishing the beach, were designed to accommodate pretty much the existing level of sand. There are not buried stairs "down" to the sand, and grading down to three feet below the top of the retaining wall as the City had .

Thus, the proposed project is not only inconsistent with the affirmative policies of the Coastal Act protective of public access and recreation, but as designed by the City Public Works Department, the project would create public safety hazards by grading beach and dune sand adjacent to the beach side of the retaining walls and stairway platforms to levels that in many cases would result in a two or three foot deep dropoff from the top of the staircase to the graded sand levels proposed by the City.

LCP policy inconsistencies alleged by the Appellant:

2. Environmentally Sensitive Habitat

LUP Policy 12.1 provides that the Sensitive Habitat Overlay described in the Land Use Element should continue to be implemented in sensitive habitat areas.

Land Use Element Page III-27 sets forth the policy statement concerning the Sensitive Habitat Overlay and states in pertinent part:

The Sensitive Habitat Overlay category identifies those areas that contain rare or especially valuable habitats which could easily be disturbed or degraded by human activities or development.... Included in this category are wetlands, dune vegetation, ...etc.

... While the designation on the Land Use Plan Map represents the best available information in terms of species and habitat areas, the designations are not definitive and may need modification in the future. Sensitive habitat boundaries should be updated periodically to reflect changes in migration of species or discovery of new habitat areas.

The accreting dunes on the Pierpont Beach area contain significant vegetation and are clearly in a trend of forming and further stabilizing as vegetation becomes better established. While dune systems are always vulnerable to disruption by storm waves and other disturbance, there is extensive evidence (historic maps, as early as the 1850s, aerial photographs, personal accounts of longtime residents) that definitively show that the proposed project area has historically been a dune system and dunes have only been eliminated in the area when artificial grading or extreme storm events have removed them. Beach management practices at the time the Sensitive Habitat Overlay was developed and applied to specific lands in Ventura may have rendered the Pierpont Dunes temporarily unrecognizable. But the sand accretion trend, accented by the affect of the offshore groins, is so strong that in the absence of grading, the dune system clearly reestablishes itself in many areas of the proposed project.

Thus, the present dune system represents a fragment of an ecosystem that has been severely disturbed throughout California by human management practices and development along beachfront areas. Large tracts of California dunes have been permanently lost. The rarity of the habitat and the potential importance to native dune plant species of protecting, and where feasible restoring dune vegetation is echoed in the recognition of dune vegetation within the Sensitive Habitat Overlay policy of the certified LCP. The dunes warrant evaluation for application of the Overlay. The Applicant's proposal includes grading sand in areas where dunes have reestablished and vegetation is returning. While only a portion of the 27 beach and dune areas proposed for grading have established dune vegetation, it is clear that disturbing the fragile vegetation that has managed to become established in the highly disturbed habitat would not be consistent with the associated policies.

LCP Policy 12.2 requires among other things that development eliminate or avoid conversion of biologically significant communities and include an evaluation of measures to avoid or minimize the impacts on sensitive habitats. Coastal Commission staff ecologist John Dixon, PhD, has confirmed that coastal dunes are a fragile, limited, and ecologically rare habitat along the California coastline. There is no evidence in the

administrative record supplied by the City of Ventura that any alternative measures to avoid or minimize the impacts of the proposed project on sensitive habitats were considered. Therefore, the City's approval of the proposed project without the consideration of available alternatives is inconsistent with the requirements of LCP Policy 12.2.

Policy 12.3 requires that invasive exotic plant species as detailed by the California Native Plant Society be avoided. The Applicant's proposal will create disturbance in the forming and stabilizing dune system that will encourage the spread of the seeds of opportunistic invasive species that are already present on the dunes, because these species tend to be tolerant of disturbance and tenacious once established – thereby outcompeting the often slower growing or less robust native species and reducing the chances that the desirable natural vegetation will become established. Therefore, the Applicant's proposal to grade the dune and beach sand areas will actually encourage the further spread of the non-native plants present on the proposed sites, whereas a more comprehensive (but as yet not evaluated by the City) dune management plan could accomplish the directed accretion and stabilization of the dunes, including the use of native plants to reduce sand blow, etc. Further, the Applicant does not propose to plant any vegetation in the dune areas to mitigate the adverse effects upon dune vegetation that would be caused by the project. Thus, the Applicant's proposal is inconsistent with LCP Policy 12.3.

Policy 12.4 states that the City's Linear Park System adjacent to natural areas and the Ventura and Santa Clara Rivers should be landscaped with native species, to the extent feasible; - as noted in 12.3, the dunes would be disturbed but not landscaped with native species in the project area, which is designated as a linear park on the certified LUP maps.

3. Parks and Sensitive Habitat within Parks

The Appellants further allege that the project is also inconsistent with the LCP policies specifically addressing Parks and the Linear Park System found on pages 25 through 27, Section III of the LCP (Land Use Element) (for example, on page 26 the LCP states in paragraph one that the linear parks system natural area designation applies to areas such as along barranca channels with natural values, **or along beach areas where restoration of sand dunes may be appropriate.** (emphasis added) The restoration of sand dunes in the Pierpont area is appropriate considering the value of rare dune habitat noted above, and the physical benefits to homeowners along the beachfront lots of the buffer provided by significant dune systems when high surf and/or storm wave conditions arise. In addition, other remnants of this previously extensive and interconnected dune system are being actively and successfully restored by the State Department of Parks and Recreation immediately upcoast of the proposed project site (the Sanjon Barranca area) and the City itself has previously proposed to undertake a dune restoration project on an undeveloped site within the project area (Pierpont Community Dunes, Restoration Plan, prepared by Rachel Tierney Botanical Consulting

for the City of San Buenaventura, August 9, 1991.) This restoration plan was prepared to address a previous instance of bulldozing and leveling of dune areas along the Pierpont Community beach areas undertaken without the benefit of Coastal Development Permits.

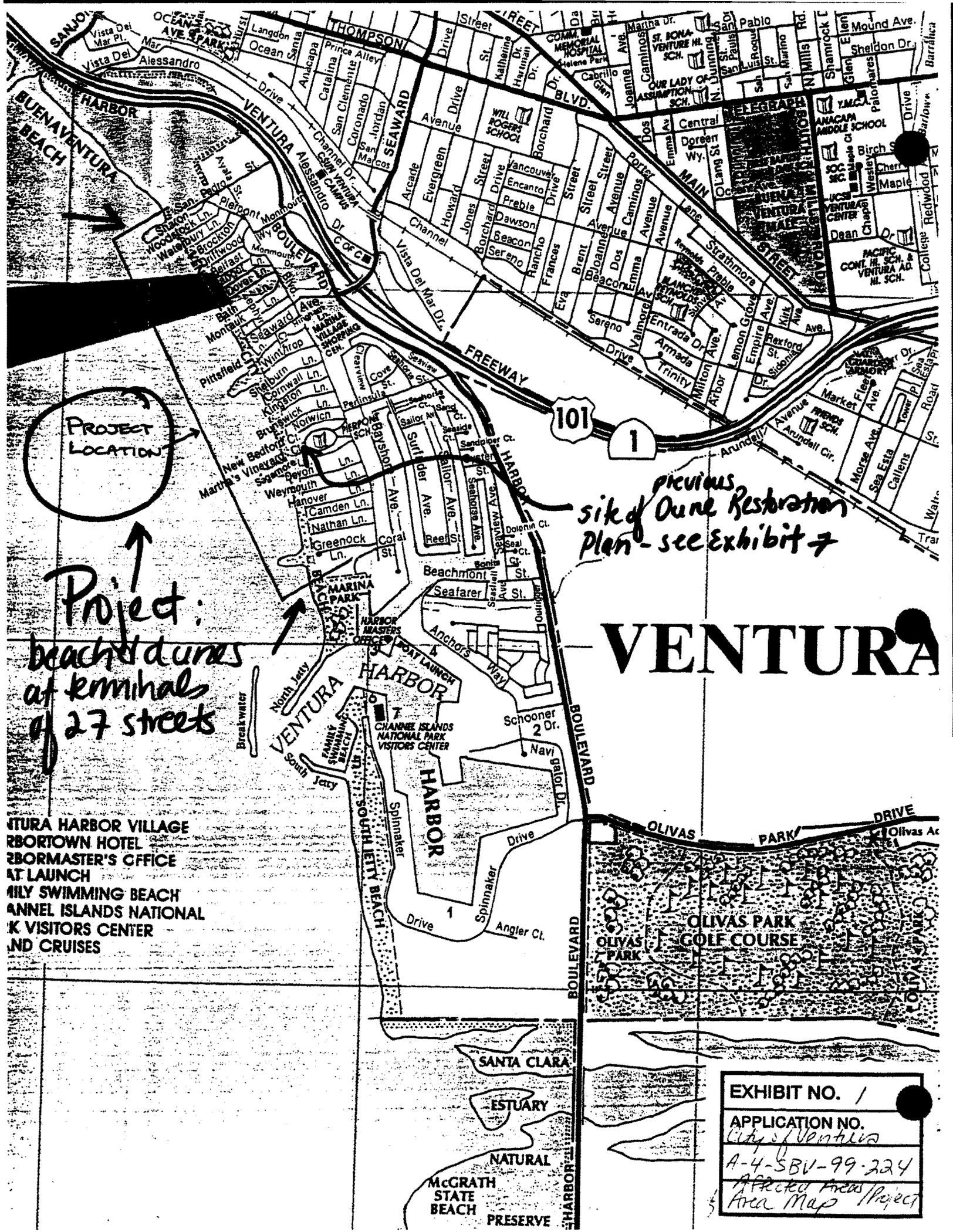
The Appellants also allege that the project is inconsistent with the policies set forth in LCP Section VIII-13 (Parks and Recreation), Policies 6.1 and 6.2, which require cooperative agreements and working relationships with the State Department of Parks and Recreation (among others), and the stabilization and/or preservation of resources in coastal areas, particularly amenities that have experienced significant impacts from natural forces. Policy 6.2 states that the City should employ necessary stabilization and /or preservation measures to ensure that such parks...do not suffer significant losses. These policies are applicable to the Pierpont Community Dunes, which have been subject in the past to unauthorized grading by individual homeowners and by City staff, and have additionally been subject to the unpredictable and occasionally catastrophic effects of storm wave attack. Thus, the City's action in approving a plan that will further disturb the reestablishing dune system without implementing any form of systematic dune management and stabilization is inconsistent with the referenced policies.

4. Policies requiring protection and preservation of coastal resources in public trust

Finally, the Appellants allege that the project is inconsistent with LCP Resource Management Policies found on Page VIII-11 of the LCP, including Policy 3.1 which requires that park and recreation areas be maintained so that the special and important natural...resources which they contain, and constitute a public trust, are protected and interpreted for the benefit of future generations. Development adjacent to these properties should be compatible with and not conflict with the purpose of protecting the nature of the park and/or recreation area, and Policy 3.2 which states that stewardship of natural...resources should be directed towards conservation, preservation, restoration, interpretation, and programming to the benefit of the resource and the public. The City's present approach to dune and beach grading for the benefit of short-term flood control projects is not consistent with the stewardship of this coastal resource required by the policies of the City's certified LCP.

5. Conclusion

For the reasons set forth above, the Commission finds therefore that the approval of the project is not in conformance with the public access standards of the City's certified Local Coastal Program and the Coastal Act, and in addition finds that the approval of the project is not in conformance with the applicable policies of the City's certified Local Coastal Program concerning Environmentally Sensitive Habitat Areas and Parks. The Appellants' contention does therefore raise a substantial issue with respect to the Parks, Public Access, and Environmentally Sensitive Habitat policies of the City's certified LCP and with the public access policies of the Coastal Act.



PROJECT LOCATION

Project:
beach & dunes
of 27 streets

previous
site of Dune Restoration
Plan - see Exhibit 7

VENTURA

VENTURA HARBOR VILLAGE
 PORTBORTOWN HOTEL
 PORTBORMASTER'S OFFICE
 BOAT LAUNCH
 FAMILY SWIMMING BEACH
 CHANNEL ISLANDS NATIONAL
 PARK VISITORS CENTER
 AND CRUISES

EXHIBIT NO. 1
APPLICATION NO.
 City of Ventura
 A-4-SBV-99-224
 Affected Areas Project
 Area Map Project

SANTA CLARA
 ESTUARY
 NATURAL
 McGRATH
 STATE
 BEACH
 PRESERVE

OLIVAS PARK
 GOLF COURSE
 OLIVAS PARK

~~4-SBV-44-002~~

CITY OF SAN BUENAVENTURA

CITY COUNCIL

September 12, 1999

RECEIVED
SEP 24 1999

James J. Friedman, Mayor
Ray Di Giulio, Deputy Mayor
Brian Brennan, Councilmember
Donna De Paola, Councilmember
James L. Monahan, Councilmember
Sandy E. Smith, Councilmember
Jack Tingstrom, Councilmember

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
South Central Coast District Office
89 S. California Street, Suite 200
Ventura, CA 93001

Re: Notification of Final Action: Case No. ACDP-325A & ACDP-368 City of San Buenaventura

Attached please find the City's final conditions of approval for the above referenced permit, along with the procedures for appeal of this action to your commission.

Should there be any questions regarding this matter please contact the City Planning Division at 805/654-7726.

Sincerely,



Marion Thompson
Associate Planner

Enclosure
Applicants:

ACDP-325A City of Ventura
Maintenance Services
P.O. Box 99
Ventura CA 93002

ACDP-368 J. Davidson
1325 Beachmont ST
Ventura CA 93001

EXHIBIT NO. 2
APPLICATION NO. <i>City of Ventura</i>
<i>A-4-SBV-99-224</i>
<i>Notice of Final Action</i>

*Re: Promenade
Beachfest Permit*

CITY OF SAN BUENAVENTURA

APPROVAL OF AN ADMINISTRATIVE
COASTAL DEVELOPMENT PERMIT AMENDMENT

CASE NO. ACDP-325A

BE IT RESOLVED by the Community Development Director as follows:

SECTION 1: An application for an Administrative Coastal Development Permit Amendment has been filed per Chapter 15.815 of the City of San Buenaventura Ordinance Code. The applications was filed by the City of Ventura Maintenance Services Division to provide regular maintenance to reduce the potential of flooding within the public right-of-way (a 40-foot width running perpendicular to the east/west Lanes within the Pierpont Community) zone Parks (P). This would be done with the use of a grader removing excessive sand drifts at the lane ends including at and around retaining walls, stairs, drainage outlets, etc. and against walls between the lanes on an as need basis. The sand would be feathered outward onto the Sate Beach in a manner to continue existing profiles and would not disturb existing stabilized vegetated dunes.

SECTION 2: Upon review of the applications and after notification as prescribed by the Zoning Ordinance, as well as consideration of testimony given at the hearing and other information received, the Community Development Director finds the following:

1. The proposed project would not significantly obstruct public views of the coastline, views from any public road or from a public recreation area because the redistribution of sand drifts would not alter the existing character and nature of use of the area as a public right-of-way and recreational beach area.
2. The proposed project would be compatible with the established physical scale and character of other improvements within the immediate vicinity because the existing public beach use would continue.
3. The proposed project would be in conformance with the public access and recreation policies of the Coastal Land Use Plan because it does not interfere with or limit the public access or availability of recreational opportunities and provide for protection of nearby development from potential flooding that would result due to excessive sand drifts existing improvements and systems.
4. The proposed project would be in conformance with all other applicable policies of the Coastal Land Use Plan and would not block public views or access to the coastline due to the work to be limited in time, no more than a two week period typically on an annual basis occurring during August to October and not altering the existing public beach use of the area.
5. The proposed project is of a kind permitted within both the Land Use Plan designation of Existing Urban me. underlying zoning are

EXHIBIT NO. 3
APPLICATION NO. <i>City of Ventura</i>
<i>A-4-SBV-99-224</i>
<i>ACDP 325A</i>

Page 1
Case No. ACDP-325A

Exhibit 3 pg. 1 of 5

appropriate and the existing Park (P) zoning in the area because the public beach use would not be altered or changed by this proposal.

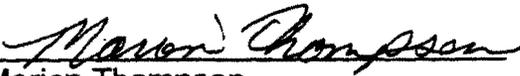
6. The proposal for regular redistribution of excessive sand drifts from the Shore Drive right-of-way would be Categorically Exempt per Class 1.c (maintenance of an existing right-of-way that includes minimum grading for safety purposes) of the California Environmental Quality Act Guidelines because the regular maintenance would reduce the risk of potential flooding and per Class 4.a (minor alterations which does not involve the removal of healthy vegetation) because existing stabilized vegetated dunes would not be altered.

SECTION NO. 3: Based on the above findings an Administrative Coastal Development Permit Amendment is hereby granted as set forth in Sections 1 and 2 above, subject to the following conditions:

1. This permit is granted for the land described in the application and any attachments thereto, and as shown on the plot plan labeled Case No. ACDP-325A, Exhibit "A," unless indicated otherwise herein.
2. Compliance with all conditions listed hereon shall be necessary. The Community Development Director may approve minor changes subject to Zoning Ordinance Chapter 15.805. Any substantial change will require the filing of an Application for Amendment.
3. All requirements of any law, ordinance, or regulation of the State, City of San Buenaventura, and any other governmental entity shall be complied with.
4. Within 60 days hereof, the applicant shall file with the Secretary of the Planning Commission written acceptance of the conditions stated herein on forms provided by the Planning Division.
5. Pursuant to no appeals being filed and all permit conditions being met, necessary permits may be issued after the expiration of applicable City and Coastal appeal periods.
6. All requirements set for as a part of permits or agreements with any other agency, including but not limited to the California State Department of Parks and Recreation, the State Department of Fish and Game, and U.S. Fish and Wildlife Service, shall be met and fully complied with.
7. The approval hereby is only for the redistribution of sand drifts located on the Shore Drive public right-of-way to be moved outward and does not include of permit the removal of sand from the area or the elimination or creation of dunes.
8. The maintenance activity approved herein shall be limited to a maximum period of two weeks for any one event.

9. Typically, Western Snowy Plovers, a federally listed species, are not found in the project area. Nonetheless, prior to the commencement of sand moving, the applicant shall consult with an acceptable bird authority knowledgeable about the species, to determine if Western Snowy Plovers are present. If Western Snowy Plovers are found within the project area, the City will suspend the project activities and contact the United States Fish & Wildlife Service immediately until the appropriate level of coordination is completed.

PASSED AND ADOPTED this 7th day of September 1999.


Marion Thompson,
Administrative Hearing Officer

PROCEDURES FOR APPEAL OF PROJECT TO THE COASTAL COMMISSION

In accordance with PRC Section 30603(a), an action taken by the City in granting or denying an Administrative Coastal Development Permit or a Coastal Development Permit may be appealed to the Coastal Commission in the following circumstances:

- a. The development approved by the City is between the sea and the first public road paralleling the sea or within 300 feet of the inland extend of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance, as indicated on the official City Appeals Zone maps.
- b. Development approved by the City, not included within paragraph (a) above, located on tidelands, submerged lands, public trust lands within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official City Appeals Zone map.
- c. Developments approved by the City, not included within paragraph (a) and (b) above that are located in a sensitive coastal resource area as indicated on the official City Appeals Zone map.
- d. Any development which constitutes a major public works project or a major energy facility within the meaning of the California Coastal Act.

Grounds for Appeal:

- (1) The grounds for an appeal shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in the California Coastal Act, including but not limited to the following:
 - a. The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
 - b. The development fails to protect public views from any road or from a recreation area to and along the coast.
 - c. The development is not compatible with the established physical scale of the area.
 - d. The development may significantly alter existing natural landform.
 - e. The development does not comply with shoreline erosion and geologic setback requirements.

(2) The grounds for an appeal of a denial of a permit defined in paragraph (d) above shall be limited to whether the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the California Coastal Act.

Any action taken on an Administrative Coastal Development Permit or Coastal Development Permit for development described in paragraphs (a), (b), (c), and (d) above shall become final after the 10th working day, unless an appeal is filed within that time.

CITY OF SAN BUENAVENTURA

CITY COUNCIL

October 18, 1999

RECEIVED

OCT 18 1999

Melanie Hale
South Central Coast Region
California Coastal Commission
89 S. California Street, Suite 2A
Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

James J. Friedman, Mayor
Ray Di Giulio, Deputy Mayor
Brian Brennan, Councilmember
Donna De Paola, Councilmember
James L. Monahan, Councilmember
Sandy E. Smith, Councilmember
Jack Tingstrom, Councilmember

Subject: Your faxed "Commission Notification of Appeal" received October 14

Dear Ms. Hale:

I am in receipt of the "Commission Notification of Appeal" (the "Notification") faxed to the City Planning Division on October 14. We have reviewed it and concluded that, for the reasons set forth below, no further formal action is required by the City. Primarily, this is because our records indicate that an appeal was not filed timely and properly for a City Council appeal hearing as required per the City's certified Local Coastal Plan (LCP). Because there was no filing for an administrative appeal before the Ventura City Council as required by the City's certified LCP, the matter cannot be appealed to or properly heard by the California Coastal Commission (CCC) - it is not ripe for appeal before the CCC.

The provision that applies to appeals of Coastal Permits issued for "appealable developments" [Section 15.830.130 (b)(1)], clearly indicates that an appeal to the CCC for an "appealable development" may only be taken "after the matter has been finally acted upon by appeal to the City Council." This is not only expressly required by the LCP's appeal provisions as approved by the CCC in the course of certifying the City's LCP, but also comports with generally accepted principles of administrative law requiring any appellant to exhaust available administrative remedies before seeking higher levels of appellate review.

Insofar as the Notification of October 14 could be treated by the City as an implied request for an appeal before the City Council, it would be both untimely and legally insufficient in form. It is untimely because it was not filed on or before September 17, 1999 as required by the City's certified LCP, specifically, Section 15.815.130(a)(1). The Notification indicates that an "appeal" was "filed" October 7, 1999. However, our records do not indicate an appeal was filed with the City by you or any of your colleagues or any two CCC members.

(3 PAGES)

EXHIBIT NO.	21
APPLICATION NO.	City of Ventura
	A-4-SBV-99-224
	Letter City to CCC Staff

Ms. Hale
October 18, 1999
Page 2

Moreover, because the City's LCP has been certified by the CCC, the potential grounds for an appeal are limited as set forth in Coastal Act (Public Resources Code) Section 30603(b) and Section 15.815.130 of the City's Implementation Plan. A faxed copy of an Appeal from Coastal Permit Decision was received the afternoon of Friday, October 15, 1999 and due to the quality of the document it is difficult to read and determined if such grounds of appeal are asserted.

The absence of any specific grounds of appeal makes it difficult, if not impossible, for a local agency such as the City to respond to an alleged appeal. Properly stated grounds of appeal are required in this instance not only for an appeal to be legally sufficient but also, one would think, as a matter of interagency comity, it is appropriate to give the City adequate notice of the nature of your objections.

The CCC approved, and implied consented to follow, the appeal procedures of the City's LCP when it certified the LCP as consistent with the Coastal Act. In general, there seems to be some misunderstanding on the part of your office as to the appeal procedures applicable to those local jurisdictions for which an LCP has been certified by the CCC and those without certified LCPs. The reference in the Notification is to an appeal being initiated under Coastal Act Section 30602, a statutory section which only applies to jurisdictions without certified LCPs.

The timelines applicable to the filing of administrative appeals under the City's certified LCP, like other such timelines applicable to public agency actions throughout California, are intended to provide necessary certainty and finality to significant government decision-making processes. As both a practical and legal matter, the legislative body of a local agency must be provided with an opportunity to review an administrative decision of any lower decision-making body in the context of an administrative appeal and avoid, if possible, the financial and administrative burdens of having its personnel hauled before an appellate tribunal without adequate notice of the nature of aggrieved party's objections and an opportunity to remedy them if warranted.

Because no administrative appeal before the local legislative body was timely and properly filed, and because no grounds of appeal have been presented indicating conformance with Section 30603(b), the matter cannot be appealed to or properly heard by the CCC. Consequently, the Administrative Hearing Officer's approval of ACDP-325A on September 7, 1999 is, for all purposes, final and presumptively valid and, therefore, cannot be "stayed" by subsequent action of the Commission as stated in the Notification.

You also request in the Notification that City documents relating to the issuance of ACDP-325A be sent to your office. Because the City contends that that no valid grounds or circumstances exist for a valid Coastal Commission appeal, we do not concede that such documents are properly requested or required under Title 14 California Code of Regulations Section 13112 as implied in the Notification. However, we are, in the spirit of good faith and interagency cooperation, treating that portion of the Notification as a public records request under the California Public Records Act

Ms. Hale
October 18, 1999
Page 3

(Government Code Section 6250 *et seq.*) and are providing copies of such City records to your office consistent with the Public Records Act.

As has been the City's policy, it is our intent to comply with the provisions of the Coastal Act. The City will continue to process Coastal Development Permit in conformance with its certified LCP. We have always worked cooperatively with the local staff of the CCC regional office and look forward to the continued relationship.

If you have any questions or concerns, do not hesitate to contact me at (805) 654-7726.

Sincerely,



Marion Thompson
Interim Planning Manager

Enclosure

cc: Gary Timm
Richard Bradley, Public Works
Jim Neuerburg, Assistant City Attorney

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641-0142



October 21, 1999

Donna Landeros
 City Manager
 City of San Buenaventura
 501 Poli Street
 P.O. Box 99
 Ventura, CA. 93002-0099

Re: Commission Appeal No. A-4-SBV-99-224; Local Permit No. ACDP-325A
 (City of Ventura, Maintenance Services Division)

Dear Ms. Landeros:

I am writing in response to the letter of October 18, 1999 from Marion Thompson, Interim Planning Manager, which responds to the City's receipt of notification of the above referenced Coastal Commission appeal of an Administrative Coastal Development Permit. The City approved the subject permit authorizing the City's Maintenance Services Division to grade and remove sand drifts at the end of 27 streets within the Pierpont Community adjacent to the State Beach. A Notice of Final Action of the City's approval dated September 12, 1999 was received by the Commission on September 24, 1999. The site of the proposed development is located within the Commission's appeal jurisdiction as indicated in the City's certified Local Coastal Program (LCP) and the City's Notice of Final Action for the project.

The City's letter of October 18 asserts that the Commission appeal was not properly and timely filed pursuant to the requirements of the City's certified LCP. Specifically, the letter cites Section 15.815.130(a)(1) which provides for the appeal of Administrative and Planning Commission approved Coastal Development Permits to the City Council and Section 15.815.130(b)(1) which provides for appeal of a Coastal Development Permit to the Coastal Commission after final action on appeal by the City Council. The City asserts that the Commission did not initially appeal the Administrative CDP to the City Council and, therefore, having failed to exhaust local appeals, lacks standing to appeal to the Coastal Commission.

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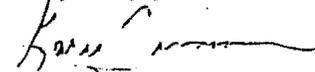
EXHIBIT NO. <i>5</i>
APPLICATION NO. <i>City of Ventura</i>
<i>A-4-SBV-99-224</i>
<i>Letter CCC staff</i> <i>to City staff (response to)</i>

The certified LCP code Section cited above relative to exhausting local appeals is not applicable to an appeal filed by the Coastal Commission itself. Section 13573(a) of the California Code of Regulations states that "an appellant shall be deemed to have exhausted local appeals for purposes of Section 13111 and shall be qualified as an aggrieved person where the appellant has pursued his or her appeal to the local appellate body as required by the local government appeal procedure ..." The Section goes on to establish certain exceptions. Section 13573(b), which applies here, provides that "where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals." This section clearly establishes the right of the Coastal Commission to appeal a project after receipt of the Notice of Final Action in all circumstances without prior participation in local government hearings.

The above referenced letter from Ms. Thompson raises additional concerns because it appears that the City intends to ignore the Commission appeal and implies that the project can commence despite the Commission appeal. Frankly, I am not aware of any previous situation where a local government has chosen to ignore an appeal of a CDP filed by the Coastal Commission. I am particularly concerned because in discussing the appeal and the City's letter with Ms. Thompson today she could not provide any assurance that the City would not proceed with development until resolution of the appeal by the Coastal Commission. I believe this would be an unwise decision by the City and urge you to refrain from commencing development at this point and to allow the appeal to run its course. Although the project has been appealed it may be ultimately approved as proposed or in a modified form.

We would be happy to meet with you or your staff to discuss this matter further and attempt to reach a resolution. Please feel free to call me at (805) 641-0142.

Very truly yours,



Gary Timm
District Manager

Cc: Chuck Damm
Melanie Hale
Sandy Goldberg
Marion Thompson, Interim Planning Manager
Richard Bradley, Public Works
Jim Neuerburg, Assistant City Attorney

CITY OF SAN BUENAVENTURA

November 3, 1999

CITY COUNCIL

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NOV 03 1999

California Coastal Commission
South Central Coast Area
89 South California Street, 2nd Floor
Ventura, CA 93001

James J. Friedman, Mayor
Ray Di Giulio, Deputy Mayor
Brian Brennan, Councilmember
Donna De Paola, Councilmember
James L. Monahan, Councilmember
Sandy E. Smith, Councilmember
Jack Tingstrom, Councilmember

APPEAL NO. A-4-99-224 (VENTURA BEACH SAND)

Dear Commissioners:

On October 21, 1999, the Public Works Department, Maintenance Division of the City of San Buenaventura received the Public Hearing Notice for the above items. The appeal is scheduled for hearing on Thursday, November 4, 1999 and the recommendation is for a continuance. This appeal relates an Administrative Coastal Development Permit (ACDP) that was granted by the City in accordance with its certified permit authority. The development proposed is the moving of sand on Shore Drive, a public right-of-way located in the City's Pierpont Beach community. This project is being undertaken to prevent flooding of public and private property. This letter is provided to the Coastal Commission as a response from the City of San Buenaventura regarding the appeal

According to the information provided, the purpose of the appeal is to invalidate the ACDP granted by the local jurisdiction. The City would first like to comment relative to the filing of the appeal. A public hearing was held and the permit approved on September 7, 1999. Notice of final local decision was mailed in the same fashion and to the same address that has been used for all previous permits processed by the City.

The Public Works Maintenance Division received phone notification from the Regional Coastal Commission staff that the notice of final local decision had not reached their office. Further, since the appeal period is based on date of receipt of that notice and since it was their intent to appeal the local decision, it was requested that the City delay re-sending the notice. This would provide the staff with additional time to file the necessary appeal.

Once the City became aware that the notice of final local decision had not been received a copy was hand carried to the Regional office on September 24, 1999. On September 30, 5 working days after receipt, opposed to the required 3 working days, Notice of Appeal Period was mailed to the City. Based on the September 24, 1999 date, the 10 working day appeal period ended on October 8, 1999. On October 14, 1999, a Commission Notification of Appeal was faxed to the City's P... Division

EXHIBIT NO. 6
APPLICATION NO. City of Ventura
A-4-SRV-99-224
Letter from City Staff to Commission

Office. This notification indicated that two Coastal Commissioners had filed an appeal on October 7, 1999.

Attempts were made to obtain a copy of the appeal so that the grounds for the appeal would be known. When originally requested, the City was informed that a copy of the appeal could not be provided because the file was being used to finish up some work. The following day a copy of the appeal was faxed. While the front page of the form was date-stamped as being received in the Coastal Commission Regional office on October 7, 1999, Section I is blank instead of listing the name and addressees of the appellant as indicated. Attached to the back of the form were two pages, both blank except for a signature on each page. These pages did not include a date of the signatures nor any indication that the individuals signing the form had knowledge of the information being included on the form.

The City has worked cooperatively with the Regional Coastal staff for many years. We look forward to continuing this working relationship. However, the City must also have a level of comfort that procedures will be followed. While, the discrepancies associated with this appeal filing may overall be minor, the City finds it appropriate to provide this background to frame the frustration we have experienced with this matter.

Even though we are concerned about the circumstances relative to the appeal filing, it is also our belief that the project does not raise substantial Coastal Act issues and should not be appealed by your Commission. Prevailing onshore winds cause sand to accumulate on Shore Drive, a public right-of-way. The sand piles up against City retaining walls where the street ends intersect Shore Drive. When the sand level raises to the height of the retaining walls, all future sand goes over the walls and into City street ends. Most of the streets have storm drains located behind the retaining walls. Flooding occurs when the storm drains become clogged with sand, so sand redistribution is necessary to prevent flooding of public and private property.

This project will utilize equipment to move sand away from the street ends, either pushing it laterally to adjacent low spots or towards the beach. Sand will not be placed near or within the mean high tide line and damage to the adjacent dunes is not a part of the project. Other than invasive ice plant, vegetation would not be removed. The existing dunes were established by a previous sand moving project. This is not a sensitive coastal habitat area. The sand will be moved between the dunes so it is kept on the beach, eliminating any sand from being transported out of the area. The initial work would typically be completed in one to two weeks.

Depending on the severity of the wind storms, this project needs to be performed each fall as part of our winter preparation. Work will take place on weekdays outside of the busy summer months. Flooding risk is decreased and this popular public recreational area in front of the dunes is renourished with sand. The Pierpont beach area is a public recreational beach that abuts a residential neighborhood that was established in the 1920's. When the City's Local Coastal Plan was certified, the Coastal Commission identified Shore Drive as a pedestrian access path along the beachfront. To prevent the sand moving process from an area that is intended as a public transportation corridor and a means of enhancing access to the coastline by the general public would seem to be in conflict to Coastal Act policies.

We have gained the endorsement of the State Parks Resource Ecologist, local Audubon Society members and the U.S. Fish and Wildlife Service. The Pierpont Community Council supports our project and approximately 20 homeowners attended our public hearing supporting the project. The only opposition has been from the Regional Coastal Commission staff. It is our understanding that it is their desire to create an additional dune restoration project on a public recreational beach.

It is disconcerting that Regional Coastal Commission staff has not recognized the timeliness and importance of our flood control project. The requested delay of the notice of final local decision to allow them more time to work on other projects is evidence of this lack of recognition. When we were notified of the appeal, the Regional staff requested a 49-day time extension for the Coastal Commission hearing. Since we would not consent to the extension, Regional Coastal staff is now recommending that the Coastal Commission grant the continuance.

This project does not contain significant Coastal Act issues. If the Coastal Commission elects to hear this matter, a continuance of the hearing from November 4th to some future undetermined date will cause further delays. These delays could result in missing this season's critical winter preparation, denying the basic principal of providing flood control to our citizens.

Based on the above, the City of San Buenaventura respectfully requests that the Coastal Commission find there are no substantial Coastal Act issues and determine to not hear this appeal. If a continuance is granted, we request that Regional Coastal staff be directed to work with the City staff to identify a solution that can be acceptable to all parties so that we can meet the needs of our citizens.

California Coastal Commission
November 3, 1999
Page 4

We look forward to receiving your decision on this matter. If you have any questions please contact Mark Watkins, Maintenance Manager at (805) 652-4518 or Marion Thompson, Interim Planning Manager at (805) 654-7726.

Sincerely,



Ronald J. Calkins
Public Works Director

cc: Gary Timm, South Central Coast Area
Bob Boehm, City Attorney
Marion Thompson, Interim Planning Manager
Donna Landeros, City Manager

RESTORATION PLAN

**PIERPONT COMMUNITY DUNES
CITY OF SAN BUENAVENTURA, CA**

August 9, 1991

(13 pages)

EXHIBIT NO. 7
APPLICATION NO. City of Vista
A-4-SBV-99-224
Dune Restoration Plan Pierpont Dunes

RESTORATION PLAN

**PIERPONT COMMUNITY DUNES
CITY OF SAN BUENAVENTURA, CA**

August 9, 1991

Prepared for:

**The City of
San Buenaventura, Ca.
P.O. Box 99
Ventura, Ca. 93002**

Prepared by:

**Rachel Tierney
Botanical Consulting
P.O. Box 1113
Santa Barbara, Ca. 93102
805.687.2203**

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1.0 Introduction

1.1 Existing Conditions and Purpose of Report

This report addresses the restoration and preservation of the Pierpont Community Dunes. The site covers approximately 19,550-square feet (.45 acre), and is located between New Bedford and Martha's Vineyard Courts, south of the Pierpont Elementary School (see Figure 1). Recent disturbance to the site includes the removal of vegetation and the bulldozing of the established sand dunes. The area is now a fairly level, sandy lot, devoid of plant cover.

The objectives of this Restoration Plan are to: 1) rebuild the dunes and 2) restore the vegetation on-site to a self-sustaining coastal dune community consisting of primarily native California plant species. To attain these goals, this report describes detailed instructions on: site preparation; dune recreation; availability and handling of plant material; temporary soil stabilization; weed eradication; short-term protection; performance criteria; and long-term maintenance.

The proximity of the site to the Pierpont Elementary School and its location within a small, residential neighborhood, offer a novel opportunity for community participation and an innovative, educational encounter with environmental restoration. In an effort to supply procedural information that applies to community participation **and/or** a contracted labor force, alternative planting and soil stabilizing methods are presented.

1.2 Plan Summary

The restoration program will begin by eliminating any debris deposited on-site. Low dunes will then be recreated following the natural pattern formed by the prevailing winds in the area. Seed common to the region prior to urbanization, and still seen in more pristine sites, will be purchased and/or collected in the wild. Vegetation will then be established by hydromulching, or hand-broadcasting and straw planting. Irrigation will be provided during the fall, winter and spring for at least 6 months, or until the first summer following planting. The site will be weeded and protected from excessive pedestrian traffic.

Restoration will be monitored to determine success, following a list of predetermined performance standards. If plant establishment is less than adequate, the procedure(s) will be reevaluated and the failure will be corrected.

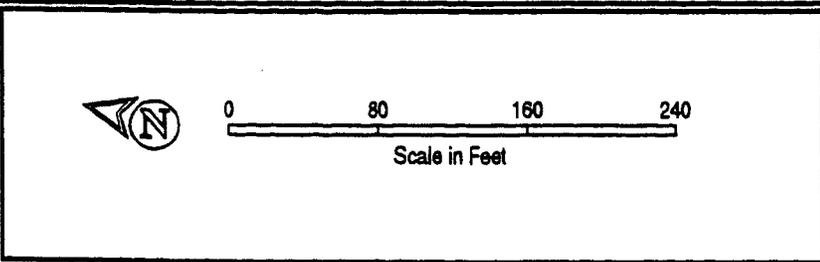
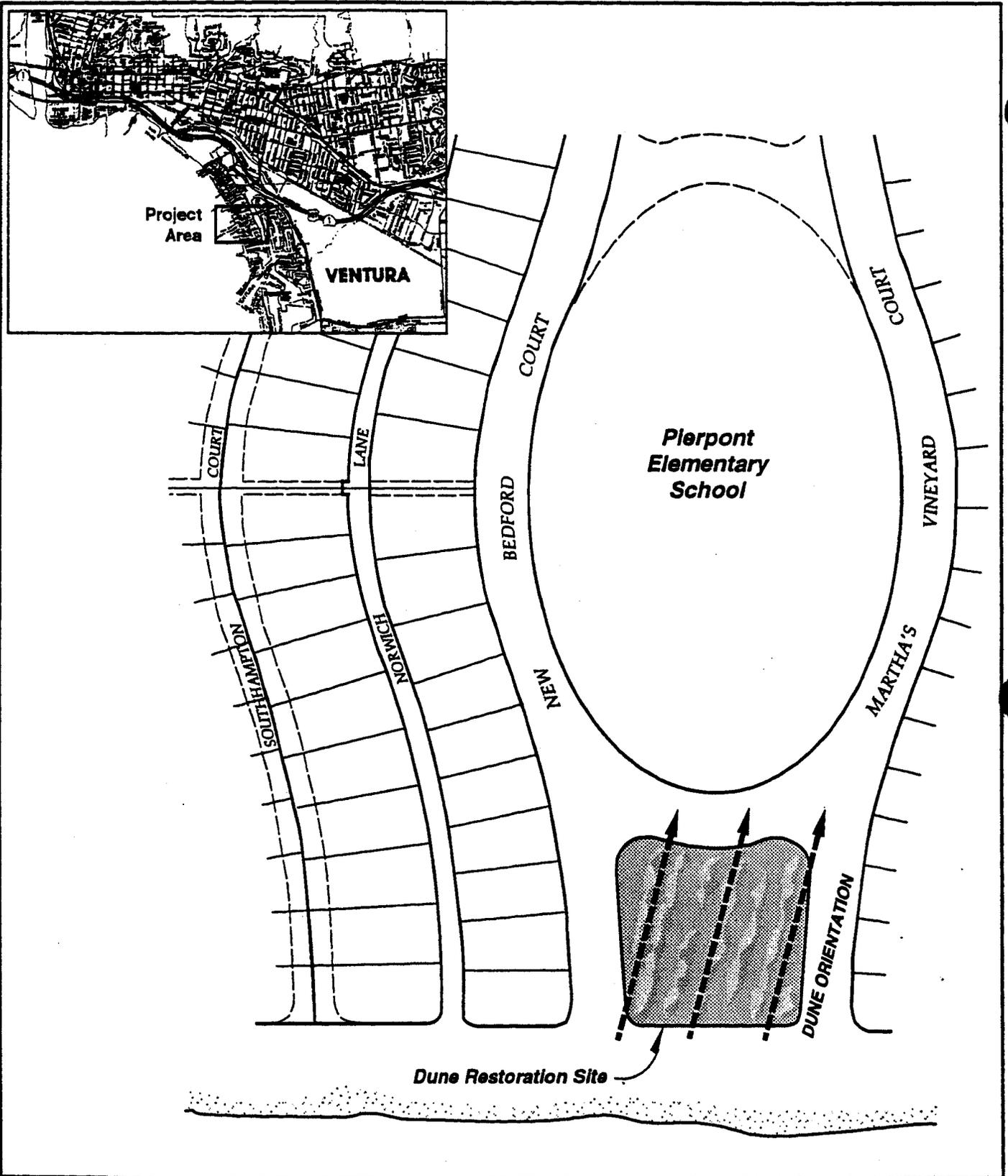
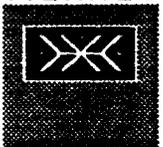


FIGURE 1
 Pierpont Community
 Dune Restoration Plan

SITE MAP

RACHEL TIERNEY

 BOTANICAL CONSULTING

2.0 Site Preparation

2.1 Initial Preparation

Cleanup of all debris (including glass and refuse) should be initiated prior to any restoration activity.

2.2 Dune Recontouring

In nature, sand dunes are formed parallel to the prevailing winds, and artificially-created dunes should be contoured to follow this pattern. In our area, prevailing winds are westerly (less frequently, from the southwest). The alignment of the dunes on-site will therefore be from west to east, almost perpendicular to the coast line. All artificially-created dunes should be formed parallel to each other (see parallel lines denoting dune placement in Figure 1).

Sand will be collected from material that has migrated away from the beach. Dunes shall be at least 10 feet in length and approximately 4 feet high. The actual height will be determined by the amount of material available. To avoid an artificial appearance, the length and alignment of each dune should vary. The final slope of the dunes will be determined by the nature of the soil itself. Typically, sand will not be stable with a slope over 30%.

3.0 Revegetation Plan

The following section describes two alternative methods for seed procurement and two techniques for distributing the seed and temporarily stabilizing the dunes.

An irrigation system and protective fencing (described in Section 4.0) should be installed after dune recontouring, and prior to revegetating the site.

3.1 Planting Mix - Seed vs. Seedlings

I recommend the use of native **seed** over seedling outplants. Plants grown in place from seed will be stronger, have a deeper root system and ultimately require less water than their transplanted counterparts. In addition, nursery stock of dune species are difficult to locate and would most likely have to be specially grown, adding to the cost of restoration.

Native seed may be collected from nearby sources, or purchased from wildland-seed suppliers. However, one or two of the species that make up the prescribed seed mix will probably not be available commercially due to low demand (see Table 1). Also, it is important to realize that purchased "native" seed has most likely been collected from other regions and is therefore genetically less suitable for the particular climate of the Ventura coast. In addition, seed is occasionally mislabeled, and species, or more commonly, varieties other than the true native strains are delivered. Specially collected native seed, on the other hand, is a very time consuming and expensive undertaking. The convenience of using

commercial seed may outweigh the botanical benefits of genetically-intact plant material, especially in an isolated, urban setting. A third alternative would be to only collect seed that is not available from seed suppliers. If a completely purchased seed mix is desired, commercially-unavailable species may be omitted. The total rate of applied bulk seed should be adjusted if any species are eliminated.

The seed prescription is listed in Table 1. This mix combines species normally located in both the fore- and back-dune of natural settings. The size of the site does not warrant separating seeds into back- and fore-dune groups. Plants uniquely adapted to a micro-environment will establish naturally. If the site was larger, individual seed mixes for individual areas might be more appropriate.

3.2 Timing

Planting should commence with the beginning of the winter rains, even though irrigation will be supplied. Mid-November is typically ideal, although seeding should occur when the ground is thoroughly wet. A good rule of thumb is plant after the first rainfall of at least 1 inch within a 24 hour period. However, seed may also be sown after an irrigated soaking.

3.3 Planting Methods

Three criteria must be met for a successful dune planting regime: 1) seed must be evenly distributed; 2) seeds must be worked into the soil; 3) the soil must be temporarily stabilized until plants are establish. Two methodologies, hydroseeding (with cover crop) and broadcast seeding (with straw planting), have been proven successful in meeting these three objectives. A discussion of both procedures follows.

HYDROSEEDING

This method consists of mixing seed, fiber mulch, fertilizers and tackifier in a large tank of water, creating a thick slurry. The mix is then sprayed directly onto the soil, where it forms a thin coat on the surface. The quickly-germinating cover crop of annual grasses will provide temporary soil stabilization until the native species are established. The cover-crop grasses should not persist in sand.

Advantages

- Hydroseeding is the most effective means of evenly distributing seeds over a large area.
- This method of seeding is fast; the entire site can be completed in a half-day.

TABLE 1

Recommended Seed Prescription for Pierpont Community Dunes

<u>SPECIES</u>	<u>APPLICATION RATE</u> (lbs/acre)	<u>LIVE SEED/LB</u>	<u>PRICE/LB¹</u>
Sticky Sand Verbena (Abronia maritima)	4	10,000	\$ 55
Sand Verbena (Abronia umbellata)	2	?	\$ 55
Beach Bur (Ambrosia chamissonis)	4	11,000	\$ 50
Brewer's Saltbush (Atriplex lentiformis breweri)	2	225,000	\$ 8
Beach Saltbush (Atriplex leucophylla)	2	?	\$ 30 (estimated)
Beach Morning Glory (Calystegia soldanella)	2	?	N/A ²
Beach Primrose (Camissonia cheiranthifolia)	2	3,000,000	\$ 35
California Poppy (Eschscholzia californica)	1	200,000	\$ 10
Heliotrope (Heliotropium curassavicum)	2	50,000	\$ 48
Succulent Lupine (Lupinus succulentus)	1	12,000	\$ 12
Sea Lavender (Limonium californicum)	2	5,000 (variable)	\$ 28
TOTAL BULK lbs/acre	24	(Increase seeding rate by 50% if hand-broadcast)	

¹ Seed prices quoted July 29, 1991; S & S Seeds, Carpinteria, CA.

² N/A = Not available commercially; seed must be collected.

Disadvantages

- Hydroseeding may have a higher initial cost compared to hand-broadcasting.
- Occasionally, in very high winds, the thin layer of hydromulch may blow off in a sheet. (However, once the cover crop has germinated, this will not be a problem.)
- Hydroseeding does not incorporate seed into the soil. Unless the surface is kept moist, seeds may dry up and die as they emerge, before roots are deeply established. This problem can be avoided by working the larger seeds (*Abronia*) an inch or two into the soil before spraying, and by keeping the surface of the soil damp until seedlings are established.

Specifications: 2,000 lbs/acre (with 24 lbs/acre of native seed and 1 lb [total] of a mixed cover crop of equal volumes of Blando Brome (*Bromus rubens*) and Zorro Fescue (*Vulpia megalaura*). Italian or annual ryegrass should **not** be used as a cover crop.

Seed should not sit in the tank for more than 1/2 hour before spraying, as this has shown to decrease germination. The hydroseeded area should not be disturbed (i.e. walked on, weeded) until the early summer, when native plants are several inches tall. Disturbance prior to seedling establishment will increase wind erosion and loss of seed.

Acacia, a landscaping and erosion control contractor in Santa Barbara, recently provided a quote of \$.045/square foot or about \$ 1000.00 for a half acre of hydroseeding. Water must be available at the site.

BROADCAST SEED WITH STRAW PLANTING

In this alternative, native seed is hand-broadcast without the addition of a cover crop. Instead, handfuls of straw are "planted" in the sand at intervals (specified below and illustrated in Figure 2). The upright bundles of planted straw form an immediate windbreak at the soil surface, decreasing wind erosion.

Unlike hydroseeding, this method often results in spotty seed distribution and requires that additional seed be broadcast.

This method is also labor intensive. Estimates for the Pierpont site are in the range of 3-4 days work for 2 people (or 6-8 days total). Additional time (or manpower) would be required for broadcasting seed. A cost evaluation between the initial expense of hydroseeding and the labor costs of this method will help determine the most appropriate course of action.

Another possible suggestion is the involvement of the public in the straw-planting effort. The technique can be easily taught and mastered with public participation from neighborhood residents and/or the nearby elementary school. At Asilomar State Beach, public participation for straw planting has been very successful. Over 150 volunteers showed up to "plant" a small site on Earth Day in 1990, and the 3/4 acre project was completed in 2 hours! Of course this large response was due, in part, to the Earth Day event. However, even a much smaller showing would probably provide all the labor needed.

Advantages

- Immediate soil stabilization is expected.
- Seed is buried more efficiently by light raking than by hydroseeding.
- The planted straw bundles are visually attractive and they immediately designate the "planted area", making initial disturbance by foot traffic less likely.

Disadvantages

- Distribution of seed will be spotty.
- More seed will be needed than with hydroseeding. (Increase rate of seeding by 50%.)
- This method is labor intensive, and therefore costly, unless volunteer labor can be found.

Specifications: Hand broadcast 36 lbs Pierpont Dune Seed Mix per acre. Rake very lightly into the sand

- The planted straw bundles are visually attractive and they immediately designate the "planted", making initial disturbance by foot traffic less likely.

Approximately 15-20 bales of straw will be needed for the Pierpont Community Dune site. Handfuls of straw are simply "planted" upright in a scooped out depression in the sand. Bundles should be planted to 1/2 their length, at 1-foot centers.

3.4 Irrigation

Supplemental irrigation will be necessary, even if planting is done during the rainy season. Once the seed has imbibed water, it must not dry out until adequate roots are developed. The **only** way to assure success is by installing a temporary, impact-sprinkling system. If the seed is planted when the soil is fully wetted, frequent irrigation, lasting only 10-15 minutes will maintain the proper moisture in soil. The timing of irrigation will vary, depending on the natural rainfall. During dry periods, and especially while roots are just emerging, sprinkling should be scheduled several times a day. The site will need to be visited often to determine the proper amount of irrigation during the first few weeks.

After the seedlings emerge, irrigation should decrease in frequency and increase in duration. One irrigation period per week should be adequate. However, here again attention to the specific needs of this project will bring about the best outcome.

Irrigation should continue for about 6 months. If seed is planted in November, irrigation would cease in May, coinciding with the beginning of the natural dormant period for the species (Moss, 1990). If irrigation continues throughout the summer months, the plants will tend to develop a greater shoot area than the young root systems can supply. By the next rainy season, irrigation should not be needed.

The native seedlings should begin to emerge after 2 months. After 3 months the dunes should be covered with an assortment of species, although Iceplant will most likely be dominant. This is unavoidable, due both to the number and the viability of seed produced and stored in the soil.

Figure 2

Photographs Depicting "Straw Planting" at Asilomar State Beach



Close-up of "planted" straw bundles at 1-foot centers.

"Planted" straw bundles delineate walkways prior to seedling emergence.



4.0 Initial Maintenance

Like any garden, the most important maintenance activities at the dunes will be supplying adequate water (described in the preceding section) and weeding. Protection from foot traffic is also essential within a dune system, as this plant community is especially vulnerable to long-term damage from pedestrians. Attention paid to the development of the community within the first year is vital to the success of the project.

4.1 Weed Eradication

Although many non-native species occur within the area, two of them (Iceplant and European Beachgrass) are especially invasive on sand and will require removal if they become established. Iceplant (*Carpobrotus edulis*) will most likely emerge at the site, and may appear to be the most abundant seedling. This plant can reproduce easily from both seed and vegetative segments. Because of this ability, all parts of the plant must be thoroughly removed from the site. This plant will not flower for at least one year. Removal in the summer, after native species can be identified and avoided, is suggested.

These species can be removed either mechanically or chemically. However, if weeding is initiated early and done properly, the need for chemical eradication will not be necessary. Young plants may be removed by hand. If plants are allowed to grow, mechanical removal will most likely leave behind segments that will root and multiply.

Vegetative material has also been successfully destroyed with the application of a 2% solution of Round-Up. Application of the herbicide on this species can be carried out at any time of year. However, best results will be obtained in the spring, while the plant is, metabolically, most active. April is typically the optimal month to spray, although during a severe drought year, an earlier application may be advisable (Silberman, 1990).

Application of Round-Up should be performed by a person knowledgeable in herbicide use and native plants. Care must be taken to avoid herbicide contact with desirable species that have also established, and therefore spraying should only be attempted during periods of low wind (less than 10 miles per hour). The person directing the spray must be familiar with the plant species, and must be able to readily distinguish the targeted species from other plants growing in the dunes. A red dye added to the herbicide solution will make it possible to monitor the procedure.

The herbicide's outward effect on the plant (chlorosis) is usually evident within about one week. A minimum of 14 days is required to assure that the plant is entirely dead, and material should not be disturbed before this time. Occasionally, a second application of herbicide is necessary. However, if seeding is not scheduled until the following fall, previously treated Iceplant, suspected of needing a second application of herbicide, may be left in place for a month or more. This will give the chemical more time to affect the plant, and may eliminate an unnecessary reapplication.

If chemical removal is required, the preferred procedure would be to spray the Iceplant in the spring, and leave it in place until just prior to seeding in the late fall. The dead material will act as a mulch, and help prevent wind erosion, much the same as the living material does.

European Beachgrass (*Ammophila arenaria*) has proven to be much more difficult to eradicate. Using the recommended 2% solution of Round-Up, large scale eradication efforts on Vandenberg Air Force Base and Asilomar State Beach were unsuccessful, even after several, thorough applications (Human, 1990; Moss, 1990). However, early detection and removal will eliminate the need for extensive eradication efforts.

Sea Rocket (*Cakile maritima*) is also a very common, introduced coastal species that occurs on sandy soils. This plant is not as invasive as the preceding two species, and may be left on-site if it does not interfere with native plant establishment.

4.2 Protection From Pedestrian Traffic

Exclusion of all foot-traffic is important during the first stages of restoration. Temporary fencing, if used, should remain in place for at least one year, or until seedlings are established. Signs, educating the public to the project, will promote cooperation. Straw planting would also aid in designating safe "pathways" through the seeded dunes.

5.0 Long-Term Maintenance

To determine the effectiveness of the restoration effort, the site should be monitored on a yearly basis for at least five years. During this annual evaluation, success can be documented, and failures can be caught in the early stages. Remedial actions can be developed and implemented, and these new measures can be evaluated the following year. Generally, success is based on an increase in dune stabilization, a decrease in the density of invasive weeds (Iceplant and European Beachgrass), an increase in the diversity (number of different species present), and the percent cover (area) of native species.

Monitoring should be conducted in the spring, when annual species will be most evident. A monitoring checklist is presented in Table 2. Details for performance criteria may be altered after the first year, when specific problems can be identified.

A suggested schedule for all work items, is presented in Table 3.

Beach defenders worried about city's plans for Pierpont

November 11, 1999
Page 11

by Simon Read

A city plan to address wind-swept sands in the Pierpont beach community is causing some waves with the California Coastal Commission and the Ventura County chapter of the Surfrider Foundation.

Sand in that area has been blowing onto nearby streets and

“The people at Pierpont have nature’s sandbags to protect them. They’re a lot better off than residents at other beaches.”

— **Brian Brennan**

the properties of residents who live along the beach. Residents have also voiced concern over the fact that the beach is not visible from their homes because of the growing sand dunes, said Ventura City Councilmember Brian Brennan.

About three weeks ago, city planners submitted an administrative permit application to the Coastal Commission detailing their plan to redistribute the sand. At that time, the Coastal Commission put the plan on hold.

Brennan said a similar task was

undertaken about 10 years ago. “That was done before the Coastal Commission knew what was happening,” said Brennan, a strong advocate for local beaches. “It’s ironic this has come up at a time when we’re looking at a four to six million dollar project to get sand back at Surfer’s Point, which is just up the road.”

The plan, a project of the city’s Public Works Department, did not go before the City Council. Nevertheless, Brennan said he too is concerned about possible ill effects the sand grading and redistributing could have on the beach.

“We’re trying to rebuild the beaches naturally,” he said. With increased sea levels and human obstructions, such as housing developments, causing widespread beach erosion, Brennan said, Pierpont residents ought to consider themselves lucky to have the sand.

“People are sandbagging in Seal Beach and Orange County to prepare for winter storms,” Brennan said. “The people at Pierpont have nature’s sandbags to protect them. They’re a lot better off than residents at other beaches.”

However, sand blowing onto the street does present some problems, said Brennan. “It can start to clog the storm drains, and that can lead to other serious problems. So it’s all interconnected. But I think people need to look at the big picture.”

“I think it’s ironic that we have beach erosion problems all over the state,” said Paul Jenkin, chair of



Dunes tower over a retaining wall meant to keep sand out of the street.

Ventura’s Surfrider Foundation, “and here are these people with so much sand that it’s blowing into the streets. The dunes are actually the best form of shore protection the property owners down there could have.”

Melanie Hale, a coastal analyst with the California Coastal Commission, echoed similar sentiments, adding the city’s permit was unclear as to how much sand would be graded and redistributed.

“We have these dunes, and if you [grade] in 27 different areas there is certainly going to be some sort of significant impact — something other than minimal — we

just don’t know what,” Hale said.

There are 27 residential streets in the Pierpont community that dead end at San Buenaventura Beach on the Seaward Avenue side. Retaining walls at the end of these streets are supposed to prevent sand from spilling over onto the roadways. However, sand dunes have piled-up higher than the walls, making many of the man-made barriers ineffective.

Mark Watkins, the city’s public works’ manager, dismissed the concerns as poor communication between the city and the Coastal Commission.

“Most of it is just a misunderstanding,” said Watkins. “At the end

of the streets are storm drain catch basins. When sand comes over the wall it can cause flooding at the end of the streets. We just want to prevent the sand from coming over. There was some misunderstanding about what we’d be doing. There was talk of regrading the dunes and doing more substantial work than what we’re looking at doing.”

Watkins said public works officials met with Coastal Commission representatives on Tuesday at the Pierpont area to discuss the plan and show exactly what it is the city wants to do.

“I think everything should be sorted out at the December Coastal Commission meeting,” he said.

EXHIBIT NO. 8
APPLICATION NO. City of Ventura
A 4. Sub 99-284



City of San Buenaventura
 Planning Division
 P.O. Box 99
 Ventura, CA 93002-0099

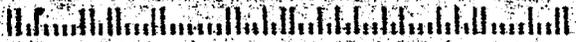


PUBLIC HEARING - ADMINISTRATIVE HEARING OFFICE
 Date: TUESDAY 07-SEP-99 Time: 5:00 P.M.
 Place: CITY HALL, 501 POLI ST, CONFERENCE ROOM 224
 Case(s): ACDE 325A
 Applicant: CITY OF VENTURA
 Project Location: PUBLIC RIGHT OF WAY BE SHORE DRIVE AT TERMINUS
 OF LANES IN PIERPONT COMMUNITY
 REQUEST: Application for an Administrative Coastal Development Permit to provide
 for excess sand removal away from public walls, walks, streets, alleys,
 storm drain inlets and private property to be distributed throughout
 the public right of way along the beach side of the wall for street
 between Greenock Lane to San Pedro Lane.

RECEIVED

FOR INFORMATION CALL (805) 654-7726
 SOUTH CENTRAL COAST DIST OFF
 022-0-222-222 4,847
 CALIFORNIA COASTAL COMMISSION
 SOUTH CENTRAL COAST DIST OFF
 89 S. CALIFORNIA ST #200
 VENTURA, CA 93001

*Requested
 submission
 9/1/99*



3/28/99
EXHIBIT NO. 9
APPLICATION NO.
City of Ventura
A-4-SBU-99-224
City notice of Project

CITY OF SAN BUENAVENTURA

CITY COUNCIL

James J. Friedman, Mayor
 Ray Di Giulio, Deputy Mayor
 Brian Brennan, Councilmember
 Donna De Paola, Councilmember
 James L. Monahan, Councilmember
 Sandy E. Smith, Councilmember
 Jack Tingstrom, Councilmember

18312 - Pierpont Beach Sand Relocation Project
San Francisco office
more completed
will work with other agencies
real in place
provide beach
state parks
will be more of
state parks

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 SEP 07
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 SEP 07

COURTESY NOTICE

September 3, 1999

PIERPONT BEACH SAND RELOCATION PROJECT

High sand accumulations at the City's Pierpont Beach retaining walls are causing sand to blow over the walls and into the streets. Sand in the streets can clog storm drains and may create conditions that lead to flooding. The goal of our project is to keep the sand off the streets, thereby reducing the risk of flooding.

The project will be similar to the work done in September of 1997. We will lower the beach sand level at the retaining walls and push it short distances to low spots on the beach. We anticipate that the work will begin on September 10 and conclude by September 24.

Please call me at 652-4582 if you have any concerns or questions.

Richard Bradley
 RICHARD BRADLEY
 Administrative Analyst

- masonry retaining walls
- top of ret. wall, then blow over
- 12-16' wide streets - men gutter drains
- sand clogs the drainage system

will bring in one dozer (med. sized) & a bobcat near the wall
to push out a bit, then dozer moves sand to nearest low spot
clear 10-15' around wall - working at Virginia Gardner -
City has an easement 15' 40 feet of beach, then to high tide
= State Parks - Virginia - avoid disturbed dunes
- walk through at Tasha Munn

PUBLIC HEARING NOTICE

CITY OF SAN BUENAVENTURA

Publish August 27th 1999

Furnish affidavit after completion
of publications.

Jana Macanie
Planning Division
City of Ventura

PUBLIC HEARING - ADMINISTRATIVE HEARING OFFICER

Date: TUESDAY 07-SEP-99 Time: 5:00 P.M.

Place: CITY HALL, 501 POLI ST, CONFERENCE ROOM "E"

Case(s): ACDP-325A

Applicant: CITY OF VENTURA

Project Location: PUBLIC RIGHT-OF-WAY OF SHORE DRIVE AT TERMINUS
OF LANES IN PIERPONT COMMUNITY

REQUEST:

Application for an Administrative Coastal Development Permit to provide for excess sand removal away from public walls, walks, streets, alleys, storm drain inlets and private property to be distributed throughout the public right of way along the beach side of the wall for street between Greenock Lane to San Pedro Lane.

FOR INFORMATION CALL: (805) 654-7726

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call 654-7893 or through the California Relay Service. Notification 48 hours in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Pursuant to the California Government Code, please take notice as follows: If you challenge the action described in this notice in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City of San Buenaventura at, or prior to, the public hearing.



RECEIVED

AUG 03 1999

HOUSING /
REDEVELOPMENT

RECEIVED

We're Making Ventura a Better Place

DATE: July 30, 1999

TO: Marion Thompson, Interim Planning Manager

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

FROM: Richard Bradley, Maintenance Services Division Administrative Analyst **RB**

RE: ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT APPLICATION
FOR PIERPONT BEACH SAND MOVING

Please process the attached Administrative Coastal Development Permit application to move sand within the Pierpont Beach area. Prevailing winds cause sand drifts to accumulate on City property, against walls, fences and in the streets. Sand clogs the storm drain inlets. The sand moving is necessary to prevent flooding of City streets and residential property. Additionally, numerous residents have complained about the sand.

We propose to gain access to the northern beach section via San Pedro Street. The southern stretch of beach will be accessed via Martha's Vineyard Court. Using a dozer and/or a loader, we will move sand accumulations on City property to adjacent low spots. For the instances when no low spots are available, we will feather the sand onto adjacent State Beach areas. We will not work within the high tide line. State Parks staff has approved our project.

The work will begin within 60 days after notice to proceed is received from the Planning Division. Work to remedy the existing sand drifts should be completed within 30 days. Due to the continuing nature of the sand accumulation, we are applying for an ongoing permit to enable more frequent, smaller projects to be performed as needed.

Call me at extension 4582 if I may answer any questions or provide additional information. I will be on vacation from August 2 through August 20. In my absence, please contact Mark Watkins at extension 4518.

Cc: Mark Watkins, Maintenance Services Manager
Attachment

2 pages

EXHIBIT NO. <i>10</i>
APPLICATION NO. <i>City of Ventura</i>
<i>A-4-SBU-99.224</i>
<i>Public Works</i> <i>CDP Application</i>

STAFF USE ONLY

PROJECT CONTROL NO. _____

- | | | | |
|--|----------------|--|----------------|
| <input type="checkbox"/> Environmental Assessment | Case No. _____ | <input type="checkbox"/> Tentative Tract Map | Case No. _____ |
| <input type="checkbox"/> Comprehensive Plan Amendment | _____ | <input type="checkbox"/> Tentative Parcel Map | _____ |
| <input type="checkbox"/> Annexation | _____ | <input type="checkbox"/> Minor Lot Line Adjustment | _____ |
| <input type="checkbox"/> Change of Zone to _____ | _____ | <input type="checkbox"/> Administrative Variance | _____ |
| <input type="checkbox"/> Use Permit | _____ | <input type="checkbox"/> RGMP Allocation | _____ |
| <input type="checkbox"/> Planned Development Permit | _____ | <input type="checkbox"/> RGMP Set Aside | _____ |
| <input type="checkbox"/> Major Variance | _____ | <input type="checkbox"/> Historic Preservation | _____ |
| <input type="checkbox"/> Coastal Development Permit | _____ | <input type="checkbox"/> Development Agreement | _____ |
| <input checked="" type="checkbox"/> Administrative Coastal Dev. Permit | _____ | <input type="checkbox"/> Other | _____ |
| <input type="checkbox"/> Parking Approval | _____ | | |
| <input type="checkbox"/> Design Review | _____ | | |

APPLICATION WILL NOT BE ACCEPTED WITHOUT ORIGINAL SIGNATURE OF PROPERTY OWNER

I. PROPERTY INFORMATION:

- A. Street address (or general location/name of streets next to property)
Beach area between San Pedro Street and Greenock Lane
- B. Assessor's parcel number _____
- C. Existing zone _____ Proposed zone (if a change is proposed) _____
- D. Lot size (square feet or acres)
 Gross _____ Net _____ (Net area does not include land to be dedicated for public purposes such as for public streets or parks.)
- E. Lot features (sloping, flat, next to a Barranca, etc.) Beach, dunes and sand sloping to the ocean
- F. Amount of grading proposed (in cubic yards) Ongoing project; sand will be relocated on site

II. LAND USE INFORMATION:

- A. How is this property used NOW Public beach, recreation
- B. How WILL this property be used Public beach, recreation
- C. How are adjacent properties used North Beach South Beach
 East Residential West Beach
- D. Are there any restrictions (deed restrictions, easements, etc.) which affect the property and, if so, what are they None
- E. Describe your project Use dozers and loaders to move sand away from streets and City property
- F. If this is a request for a Variance, is it for setback parking lot coverage h
 other (explain) Ongoing maintenance of public facilities.

III. ENVIRONMENTAL INFORMATION:

- A. Is this property identified in the Hazardous Waste Substances Sites List which was prepared by the State Office of Planning and Research? (That List is available at the Planning Division public counter)



Surfrider Foundation
Ventura County Chapter

RECEIVED
NOV 04 1999

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Melanie Hale
California Coastal Commission
89 S California St.
Ventura, CA 93001

RE: City of Ventura Dune Grading

Dear Ms Hale,

I just learned of the City of Ventura permit application for grading the dunes in Pierpont beach. The Surfrider Foundation has concerns about this permit, which runs counter to our mission to restore and maintain healthy beaches in Ventura County. In this era of increasing beach erosion due to rising sea levels, global warming, and human interruptions to natural sediment transport, it is ironic that beachfront property owners complain of having too much sand.

The recently reestablished dunes in Pierpont Bay represent a tiny fraction of the once extensive dune field upon which these homes were built. Because this poorly planned coastal development did not allow sufficient setback from the beach and dune environment, these homes are potentially in great danger from storm damage. The existence of the Corps of Engineers Pierpont groin field has helped stabilized the shoreline, although periodic beach nourishment is still required to maintain the beach width. Extreme storm events will always present the threat of damage to this beach community.

We recognize that the best protection for these oceanfront homes is the existence of a healthy dune field. The extent that these dunes have accreted is a sign that sufficient sand is available to naturally maintain these dunes. The city proposal to maintain a graded beach at each road end would only serve to funnel the wind, exacerbating the problem of sand blowing back onto the streets. Bulldozing and removing these dunes would be detrimental both to the community, which would lose the benefit of natural shore protection, and to the city, which would incur increased ongoing maintenance costs.

The Ventura County Chapter of the Surfrider Foundation recommends that a more natural dune maintenance solution be worked out between local property owners and the City of Ventura. We propose that planting native dune grasses would help maintain the position of the dunes and minimize blown sand. Much of this work could be accomplished through volunteers from the Surfrider Foundation, the California Native Plant Society, and other local groups.

We urge the Commission to deny the City of Ventura proposal to remove dunes from Pierpont beach, and require alternative solutions that will enhance the health of the beach and provide natural protection to these oceanfront properties.

Sincerely,

Paul Jenkin
MS Ocean Engineering
Chair, Surfrider Foundation - Ventura County Chapter

239 W. Main Street - Ven

(7 letters)

EXHIBIT NO. 11
APPLICATION NO. City of Ventura
A-4-SBV-99-224
Letters supporting Appeal - deposited to Project

Melvin Greenblatt MD
3017 Seahorse Avenue
Ventura CA 93001-4248
(805) 642-2741
Email: mgreenblatt@mindspring.com

Melanie Hale, Coastal Program Analyst
California Coastal Commission
South Central Coast Area
89 South California St. Suite 200
Ventura CA 93001

RECEIVED
NOV 10 1999
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

November 09, 1999

Dear Ms. Hale,

I oppose the grading of the San Buenaventura State Beach as proposed in Permit Number A-4-SBV-99-224. I request that this letter be made a part of the public hearing on this matter.

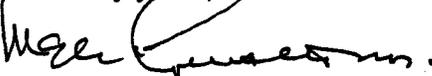
Grading of these dunes will materially affect wildlife and botanical habitat. The dunes form a distinct ecosystem that supports nesting, sheltering and food source for several shoreline bird species including, but not limited to, Least Terns, Burrowing Owl and Snowy Plovers. In addition several species of plants thrive in the microclimates created the dunes. These plants stabilize the sandy beach and prevent damage to public and private structures by limiting sand erosion and deposits.

Devolving the decisions concerning coastal preservation to local authorities such as the Public Works Department of this or any other city undermines the authority and mandate of the Coastal Commission and raises the distinct possibility of decision making based primarily on short term local political pressures. This is clearly the case in the present matter.

The owners whose homes front on the Sanbuenaventura State Beach use dubious and self serving arguments for dune removal and grading of the beach. They are prepared to sacrifice valuable biologic habitat merely to provide a view from their living rooms.

The decision to regrade the beach is not in the public interest and I urge the Commission to reject it.

Sincerely yours,



Melvin Greenblatt MD
Former Head, Conservation Committee
Ventura Audubon Society

TO: Melanie Hale
California Coastal Commission
89 So. California St., 2nd floor
Venture, California 93001

As property owners of 1184 Shelburn Lane, Ventura, California, were are opposed to the removing sand dunes and vegetation on the proposed areas so noted. These dunes were put there as an act of G-D., and the ecology is necessary for the coast. We feel that the city of Ventura can come up with a better solution such as moving the storm drains. They could also have youthful offenders and D.U.I.'s help keep the streets clean. The other beach areas of the country pride themselves with sandy dunes, vegetation, birds, and all other natural habitats. The dunes also act as a natural barrier to protect the homes in the area during heavy storms. Help us save the natural beauty of our coastal beaches so that when the next generation comes along they too can enjoy what we have enjoyed.

We would also appreciate to have the January hearing on this matter scheduled closer to Ventura.

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NOV 02 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Thank You,

Marcha & Stanley Zusman

MARCHA & STANLEY ZUSMAN

4545 Densmore Avenue

Encino, California 91436

7
948 Woodstock Lane
Ventura, CA 93001
805.643.5018

November 4, 1999

Melanie Hale
California Coastal Commission
South Central Coast Area
89 South California St., Suite 200
Ventura, CA 93001

RECEIVED
NOV 05 1999
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Ms. Hale,

I recently was made aware of a proposal for a permit (A-4-SBV-99-224) which would allow the City's Public Works Department to grade portions of the beach along Ventura's lanes. After speaking with many long time residents of the area, I believe approving this permit would be a mistake. If allowed to proceed, the beach would be threatened by further erosion and the lanes would be subject to additional flooding.

I have lived on one of the lanes for the last two years and believe that the dunes serve a valuable purpose. It seems strange that the dunes on the state beach are being restored while this proposal seeks to eliminate the same part of that shared ecology.

Additionally, I am requesting information from you concerning all further hearings on this important matter.

Respectfully,



Martin Streim

8 dated 11 29 99

GBS FAX

Date 11/04/99 11:30 AM

Number of pages including cover sheet 1

TO: *Coastal Meeting*

FROM: *Donald Gloisten
GBS Financial
15233 Ventura Blvd., Suite
404
Sherman Oaks, CA 91403*

Phone
Fax Phone *(310) 399-2504*

Phone *(818) 788-6210*
Fax Phone *(818) 789-7143*

REMARKS: Urgent For your review Reply ASAP Please Comment

Re Ventura City Public Works Maintenance Services

I am an owner of two properties in Pierpoint Beach area (1082 Driftwood and 1181 Shelbourne). I oppose the sand relocation proxy.



Notice: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the U.S. Postal Service.

Members NASD, MSRB & SIPC

exhibit 11 pg. 5

1001 Sharon Lane
Ventura, CA 93001

November 7, 1999

California Coastal Commission
South Central Coast Area
89 S. California #200
Ventura, CA 93001

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NOV 09 1999

Re: permit #A-4-SBV-99-224

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Melanie Hale, Coastal Program Analyst

For the following reasons, we oppose any removal of the dunes:

- 1) Over the years, we have observed that the dunes protect against high tides and sand blowing into the street.
- 2) We believe the vegetated sand dunes hold down the sand and thus favor the efforts to re-establish endemic plants.
- 3) To save taxpayer money (for removal of sand from the street).

Please keep the dunes. Please maintain the beach between the houses and the dunes. AND please restore the dune which was located between Sharon Lane and San Pedro - the dune that was accidentally and erroneously removed by a city employee one unhappy day. Since that dune was removed, we've had flooding and sand in our lane.

We live at the end of Sharon Lane, first house on the beach, and thus have firsthand experience with the huge piles of sand that frequently blew into the street before the beach was reconfigured in 1991 to eliminate the sand-at-the-end-of-the-lanes problem. (see photos from my "house album.") The sand-at-the-end-of-the-lanes required regular removal by the city - at some expense to the city, I should think.

Additionally, we feel it is inappropriate to give the city open-ended authorization for future sand distribution.

Thank you for your kind attention.

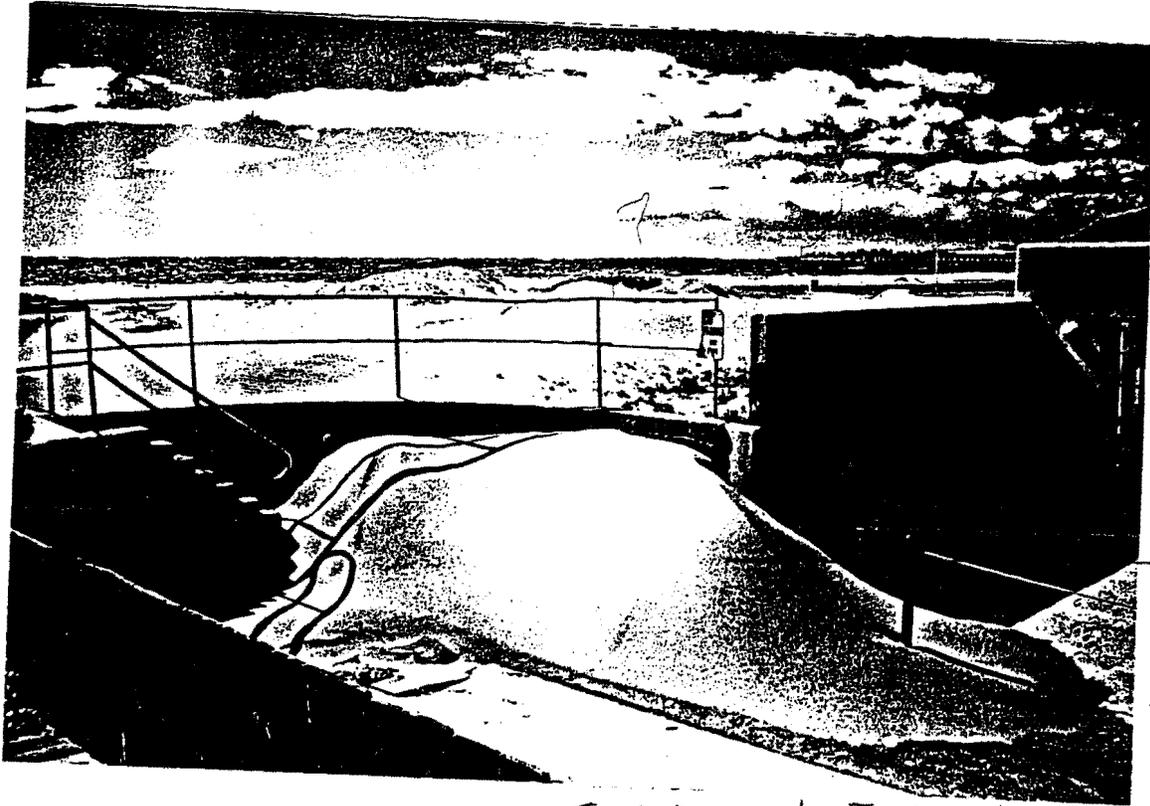
Respectfully,

Faith Henkin

Melvyn L & Faith M Henkin
1001 Sharon Ln
Ventura CA 93001-3845

Exhibit 11 pg. 6

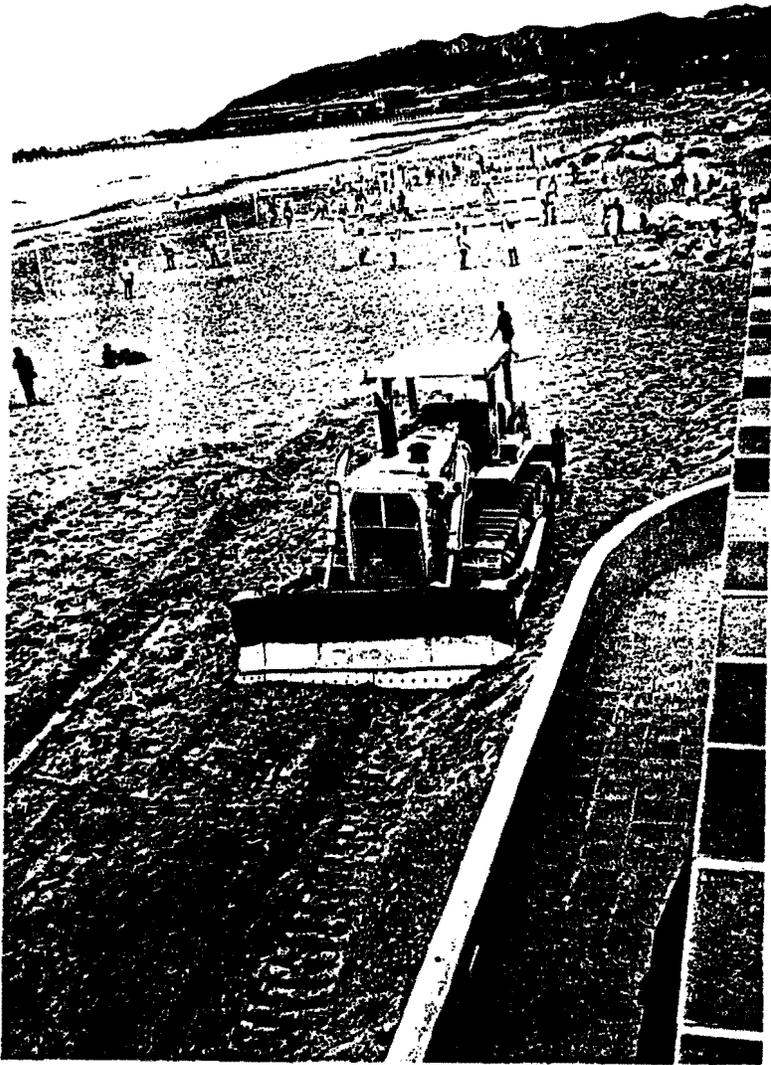
12/90



→ This is our house

→ this is sand at the end of the street

SAND Dunes! This should delight RON GOLDMAN 12/90



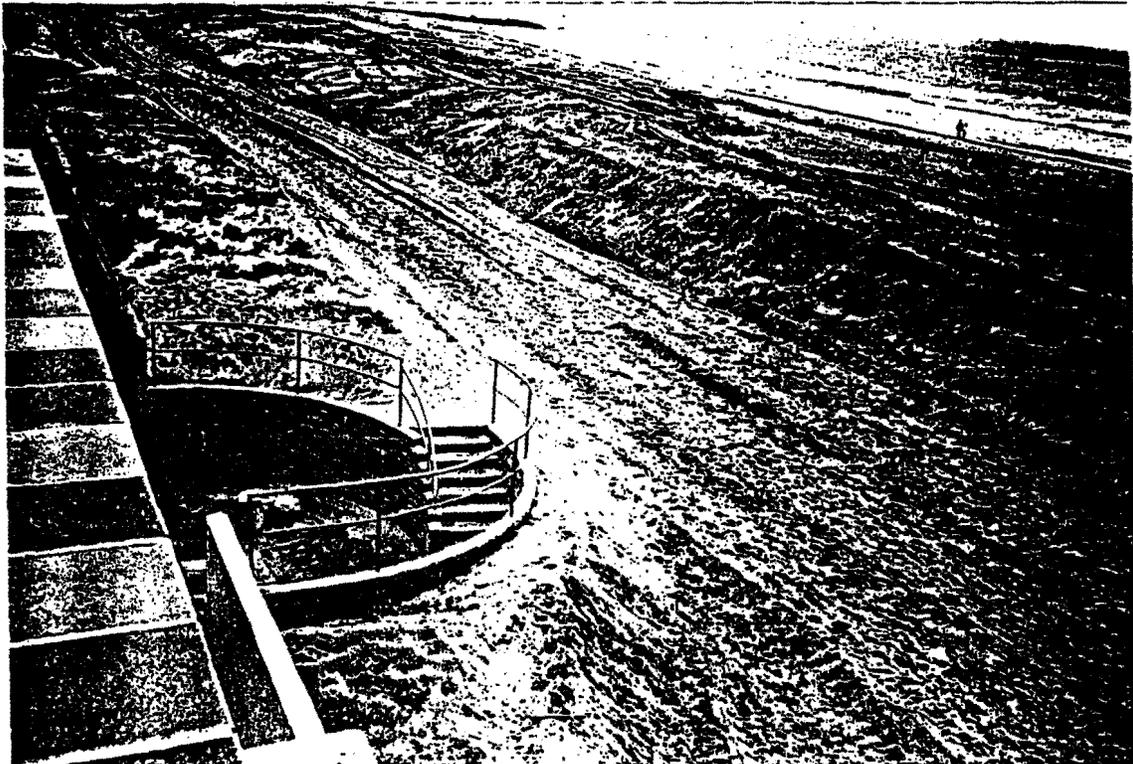
UNITED STATES
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

NOV 09 1999

RECEIVED

RE-SHAPING THE BEACH
 AN ATTEMPT TO REDIRECT
 THE SHIFTING SANDS

May 1991



NOTE

after the 5/91 re-direct, the sand at the end of street problem was

Exhibit 11 pg. 66 Contact

November 8, 1999

Coastal Commission
89 South California St.
Second floor
Ventura, California 93001

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NOV 09 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Attention: Melane Hale

To whome it may concern:

I want to object to the proposed removal of the sand dunes on Pierpont Beach. Our family has a beachfront house there. I think the sand dunes are pretty with the plants that cover them and bloom in the spring they beautify the beach, protect the houses and occupants from the brunt of the stiff winds we can get there. Also, with global warming it's a good idea to keep a barrier there.

There must be some other way to prevent sand from getting on the street. The letter from the City of San Buenaventura dated September 3, 1999 had no mention of sand dunes. They only said they were going to "lower the beach sand level at the retaining walls and push it short distances to low spots on the beach."

Thank you for considering my opinion.

Sincerely
Elizabeth Bauer.

Blake & Susanne Wilson

419 Tico Rd.

Ojai, Ca. 93023

(805) 646-4656 fax (805) 646-2634

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NOV 04 1999

November 3, 1999

re: A-4-SBV-99-224

Hearing Thursday November 4, 1999 at the FOUR POINTS HOTEL
CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

Hon. Sarah Wan
Hon. Paula Daniels
California Coastal Commission

via Fax: (310) 399-2504

re: Support against the proposed removal of sand from beach front in Ventura

Dear Madams:

Last year, we purchased a beach front home at 1081 Driftwood Lane in Ventura with high expectations of enjoying beach living and coastal access. One of the primary reasons we acquired the property was because of the pristine nature of the sand dunes accumulated near of our property. The coastal Commission has a long-standing policy to preserve California beaches in their natural state of habitat.

One can easily see the extent to which the Commission has embraced a policy to restore the beaches by examining many locations in Ventura along the bike paths at the State Beach and along the extended portion of Surfer's Point. For years there has been an enforced program of orange plastic fencing surrounding and protecting the beach habitat in an attempt to keep the beaches in their natural state. Notwithstanding the unsightliness of the orange fences, the public has nurtured a mutual respect and tolerance for the plastic borders which are providing for a slow, long restoration of flora and fauna native to our California shores. The public feels such an effort and expense are well worth the sacrifice.

Your proposal to grade the sand drift areas between the beach front road terminals and the State Beach appears to be in contradiction of the Commission's policy to preserve and protect the beaches.

As residents we enjoy and respect the dunes and the sand for what they are: a natural extension of the environment in its pristine condition. Removing the dunes will not serve the restoration program, nor will it serve any practical purpose in reducing nature's perpetual propensity to deposit more sand. The beach will do whatever it will do. No amount of grading will offer any permanent remedy of sand removal.

Besides, it affords the best protection possible against the advancing sea during winter storms. It is the sand which provides the best protection from flooding and water damage. Removal of the sand would invite more public expenditure in providing assistance and flood repair to residents who currently enjoy the benefits of the deterrent effects of the dunes against ocean water encroachment.

For the reasons of safety and protection, and because of the continuing benefits to the environment of our coastal society, we urge you not to vote for the plan to remove the beach front sand in Ventura. Thank you.

Sincerely,

Blake Wilson,
Commissioner (ret.)
Redevelopment Commission, City of Ojai

Susanne Wilson
and Susanne Wilson

3 letters

EXHIBIT NO. 12
APPLICATION NO. City of Ventura
A-4-SBV-99-224
Letters opposing appeal of supporting City's proposal

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

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NOV 01 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Permit Number : A-4-SVB-99-224

Dear Sirs:

We are the owners of a house at 1115 Bangor Lane, Ventura. Our home is at the dead end terminal of the street and is very susceptible to build-up of blowing sand. We have, at our own expense, had to have sand removed and hauled to another area of the beach when it built up to the point of threatening to collapse our home. I enclose two photographs taken in 1990 to show how the sand will build up left unchecked.

We have also on many occasions had difficulty accessing the house as sand drifted over the end of the street and covered the storm drain and street. The City of Ventura has had to send street sweeping trucks after storms to clear the street, but I don't know whether or not the drainage system has been compromised by the accumulated sand. We will probably find out some wet winter.

We are very sensitive to any concerns about sand removal and/or grading of the sand. It must be kept in mind that Pierpont Beach is not a wilderness or undeveloped area. It is surrounded on four sides by a manmade marina and breakwater, stone jetties, paved and graded streets and landfill from the building of the 101 Freeway.

The prevailing winds will continue to bring sand landward. It will either end up in the streets and be cleared away and used as garbage landfill, or it can, as the City wants to do, be removed and redeposited as fill where it is needed on recreational beaches. This may have to be done every few years, as the same kind of maintenance a homeowner does in mowing grass as it grows too high: dealing with the problem without materially changing the nature of it.

We are concerned that the maintenance of the beach and the streets by the city continue, because if not, our home will again be facing build-up of sand that could become catastrophic. Sand is now beginning to drift into the streets over the barriers, which may have a devastating impact to flood control when the winter rains begin.

We hope you will allow the City to implement the Grading and Redistribution plan as soon as possible.

Sincerely, Carolyn P. Hiller & Stephen E. Hiller, M.D.

Carolyn P. Hiller *Stephen E. Hiller, M.D.*

11
Dr. Thomas F. Golden
Deborah L. Golden
6041 Bridgeview Drive
Ventura, Ca 93003

California Coastal Commission
South Central Coast Area
89 South California St. Suite 200
Ventura, CA 93001

10-28-99

Dear Sirs:

We recently bought a beachfront house at 1085 Driftwood Lane on Pierpont Beach in Ventura. We demolished the old house and plan to design and build a new home on the beachfront lot. We are having a problem with our house design due to the very high sand dunes in front of our lot. These dunes are forty feet in front of our property. They range from 8'6" to 13'2" as shown in the enclosed Beach and Site Survey. The elevation of these dunes seriously impairs the view which we were hoping to enjoy from our new home, but more importantly we believe they could represent a safety hazard for our teenage children. It is important to be able to see whose on the beach before we enter and exit our property. It is impossible to see to the other side of the dunes at street level at this point. We encourage you to allow the city of Ventura to grade the beach out to 40 feet to a grade approximately 5 feet above street level. Thank you for your time and consideration of this matter.

Sincerely,

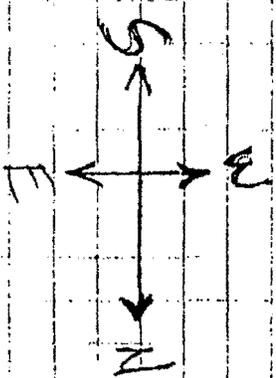
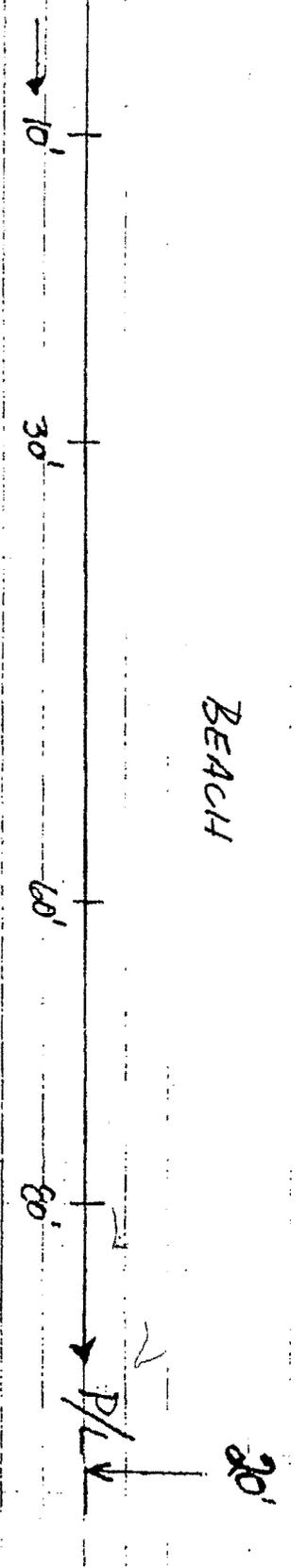
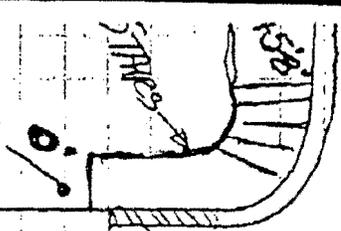
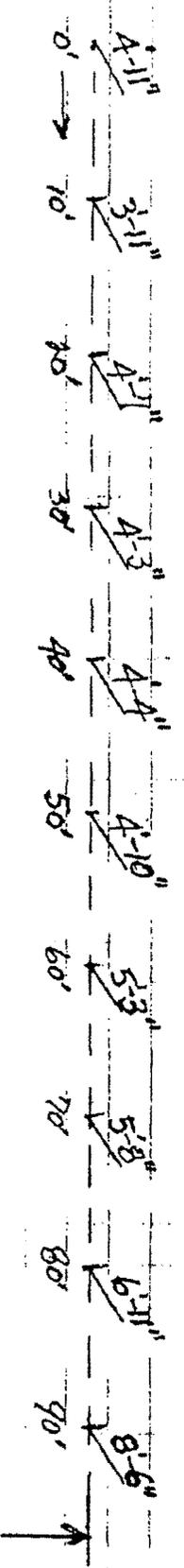
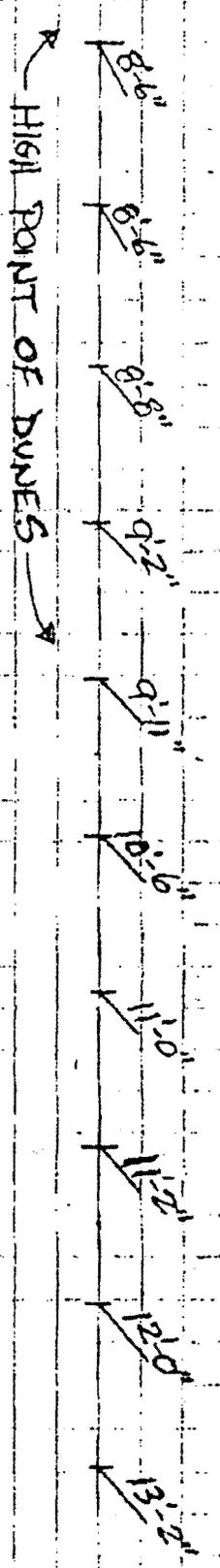
 Deborah Golden

Thomas F. Golden, MD
Deborah Golden

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OCT 29 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

BEACH + SITE SURVEY



1085 DRIFTWOOD

RECEIVED

OCT 29 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date: October 27, 1999
To: California Coastal Commission
South Central Coast Area
89 S. California Street, Suite 200
Ventura, Ca., 93001
Re: Permit Number A-4-SBV-99-224

As I understand the City's proposal, it seems to have a beneficial purpose, but it comes at the wrong time of the year.

I would like to suggest that the City follow the practice of many California beach cities. They annually berm the sand up to protect the residents and City facilities in the winter time and smooth it down for summer time when storm damage would not be a likely event.

Please keep me advised of future hearings on this matter.

Ronald M. Wilson
1275 Norwich Lane
Ventura, CA., 93001-4001

(1 letter)

EXHIBIT NO. 13
APPLICATION NO. City of Ventura
A-4-SBV-99-224
Letter of interest position una leak