CALIFORNIA COASTAL COMMISSION

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



ITEM: Th14g

Filed: 49th Day:

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Staff:

MH-V

Staff Report: 1/13/99

Hearing Date: 2/4/99 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO:

4-98-293

APPLICANT:

City of San Buenaventura

PROJECT LOCATION:

Ventura Pier, California Street/Harbor Blvd.,

Ventura, Ventura County

PROJECT DESCRIPTION: Construct an 80 foot long by 70 foot wide, approximately 5,600 sq. ft. octagonal extension on the existing Ventura Pier to replace a 423 foot long portion of the pier previously destroyed by storm damage, including replacement of portions of existing, weakened timber pilings in the existing section of the pier with steel pilings.

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: U.S. Army Corps of Engineers, Provisional Letter of Permission (File No. 99-50001-TW), dated November 6, 1998; City of Ventura review of proposal and CEQA determination of non-applicability, dated October 20, 1998.

of the proposed project with special conditions regarding construction responsibilities and debris removal, additional approvals, and assumption of risk. The outermost section of the Ventura Pier was severely damaged by storm waves in December of 1995. The proposed project will add an octagonal extension designed to better withstand severe weather conditions and to add more usable space for public recreation. The proposal will also reinforce the existing portion of the pier by replacing weakened timber pilings with steel pilings.

The existing pier contains a restaurant, a snack and bait shop, and public restrooms, all of which are located on the landward end of the pier. These facilities will remain open during the construction. Only the outer 200- to 400- linear feet of the approximately 1,500 foot pier will be closed or partially closed during construction, which will be undertaken from March through approximately December, 1999. All construction staging

and related activities, including material storage, will take place in the construction area or from barges. Adequate coastal access parking exists adjacent to the pier and in nearby public parking lots to ensure that parking needs of the 6-person crew will not adversely affect coastal access. As conditioned, the project poses no potential adverse effects to marine resources.

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

- 1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration</u>. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. Special Conditions

1. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that during project construction: (1) No machinery or materials shall be allowed in the intertidal zone or on the sandy beach at any time with the exception of activities required to remove and install the offshore pilings for the pier; (2) the permittee shall remove from the ocean, beach, and pier any and all debris that may result from project-related activities and shall ensure that such debris is properly disposed of at a licensed facility authorized to accept such wastes; (3) all construction equipment and materials shall be stored in the affected area of the pier, and shall not be stored on the adjacent sandy beach or in areas designated for public parking; (4) construction equipment and materials shall not be placed where they pose a hazard to the public; and (5) it is the responsibility of the applicant and the applicant's agents to ensure that construction staging and operations authorized by this permit approval are at all times undertaken in a manner that protects public health and safety.

2. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- (a) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, tsunami waves, flooding, and wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- (b) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Other Required Approvals.

Prior to the issuance of the coastal development permit, the applicant shall provide evidence that all other necessary authorizations or approvals have been obtained, or submit evidence that no such approvals or authorizations are required.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The City of San Buenaventura ("City") proposes to construct an addition to the existing pier damaged by storm waves in December of 1995. The pier is owned by the City and is located at San Buenaventura State Beach (See Exhibit 1).

The pier has a long history of destruction by the forces of storm waves. Originally constructed in 1872, it was first destroyed by waves in 1877, and has experienced varying degrees of wave damage since that first reconstruction. In 1986, for example, the pier was severely damaged by storm waves and closed for over a year while funds were sought for repairs. The City' project engineer, Rick Raives, states that the new, octagonal design is expected to be far more stable, and thus to perform more reliably over time than the long, traditional designs extending directly seaward that have been constructed, and re-constructed, in the past.

The applicant proposes to construct an 80 foot long by 70 foot wide, approximately 5,600 sq. ft. octagonal extension on the existing Ventura Pier to replace a 423 foot long portion of the pier previously destroyed by storm damage, and to reinforce the existing pier by replacing existing weakened timber pilings with steel pilings. Only the outermost 200 to 400 feet of the approximately 1,500 foot long pier would be affected by the construction. This portion of the pier may be closed intermittently for the entire construction period. The visitor-serving uses on the landward portion of the pier, including a restaurant, bait and snack shop, and public restrooms will remain open during the entire construction period.

The proposed construction will be undertaken by driving the new steel support piles using either barge-mounted or pier-mounted equipment. A 6-person crew will undertake construction during an approximately nine month period commencing in March 1999. All materials and equipment will be stored on the affected portion of the pier. No construction or staging activities will take place on the sandy beach, and no beach or parking closures, or any other impediments to public access will result from the proposal, except for the partial or complete closure of the outermost portion of the existing pier, as stated above.

The specific activities set forth in the project description are shown in Exhibit 3.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states (in part):

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Coastal Act Section 30220 provides that:

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

Coastal Act Section 30221 provides that:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Sections 30210, 30211, and 30212 provide that maximum access and recreational opportunities shall be provided, consistent with public safety and the protection of coastal resources. Specifically, Sections 30210 and 30212 of the Coastal Act provides that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, and that maximum access shall be provided for all people consistent with public safety needs, the need to protect public rights, the rights of private property owners, and the need to protect natural resource areas from overuse. Sections 30220 and 30221 of the Coastal Act requires coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas, to be protected.

The City proposes to construct the pier addition and reconstruction by means of staging activities undertaken directly off the affected, outermost portion of the pier, or by bargemounted crane and pile-driving equipment. The approximately 6-person construction crew would park in the existing public parking areas adjacent to San Buenaventura State

Beach. Adequate parking exists at the state beach, and at the City's nearby public parking structures to ensure that this use of coastal access parking will not adversely affect public coastal access or recreation. In addition, the applicant does not proposed to stage or undertake any construction activities, or store any materials or debris, in any sandy beach or parking area utilized by the public for coastal access or recreation. Special Condition 1, Construction Responsibilities and Debris Removal, specifically sets forth these restrictions and addresses additional City and City-agent responsibility for ensuring public safety during staging and construction activities on or near the pier.

The existing restaurant, snack and bait shop, and public restrooms on the pier will remain open throughout construction. Public access to most of the pier will be unaffected by the proposed project. Construction activities will only affect up to 400 feet of the outermost section of the pier. The length of the existing pier is approximately 1,500 linear feet. Thus, the proposed project will not adversely affect the public recreation use of the pier.

Moreover, the purpose of the proposed project is to enhance public access and recreational opportunities associated with the pier. The project will also enhance the pier's stability, thereby improving the pier's ability to withstand severe surf conditions. The reinforced pier would thereby be expected to endure untoward conditions posed by natural hazards, thus enhancing the pier's expected life and thereby enhancing its value for associated coastal recreation.

Therefore, the Commission finds that as conditioned by Special Condition 1 to ensure that construction activities do not adversely affect public coastal access or recreation, that the proposed project is consistent with the public access and recreation provisions of Coastal Act Sections 30210, 30211, and 30212. In addition, and as noted above, the pier is an important source of coastal recreational opportunities. The proposed project, by virtue of enhancing the pier's size and longevity, is consistent with the provisions of Coastal Act Sections 30220 and 30221 protective of public coastal recreation.

C. Coastal and Marine Resources

Section 30230 of the Coastal Act states that:

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

Section 30231 of the Coastal Act states:

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

organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30233(a) states in part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

The proposed project includes the construction of an 80 foot wide by 70 foot long, octagonal extension of the existing pier, and the replacement of approximately 38 weakened timber piles with steel pipe piles in the existing pier. The existing structures on the pier, including a restaurant, bait and snack shop, and public restrooms will be retained and access to these facilities will not be interrupted by the construction activities. Only the seaward 200 to 400 feet of the existing 1,500 foot pier would be affected by the proposed project. The Commission also notes that the proposed project is intended to support the type of coastal dependent visitor serving facility that is permitted in open coastal waters.

The proposed project includes the removal of and replacement of existing, weakened wood pilings and the construction of an extension of the pier that replaces a portion of the pier that was lost to storm waves in December, 1995. Therefore, the proposed project does constitute "fill" within the meaning of Section 30233 of the Coastal Act. The Commission notes, however, that the proposed fill project (replacement of existing pilings) is specified as an allowable use under Coastal Act Section 30233(a)(4) (i.e., recreational piers providing public access and recreational activities) when adverse effects to the marine environment are minimized.

The project area contains three types of marine habitats: hard substrate (including pilings and rock); soft bottom (sand and silt) and the water column and water surface. Construction activities will be conducted from the existing pier or from barges and will continue for a period of approximately nine months, commencing in March or April of 1999. The proposed project would not significantly alter the quantity or quality of any of

these types of habitats, and therefore will not have any significant effects on the marine environment within the project area.

However, the Commission notes that the proposed development will result in a temporary disturbance of the marine environment and increased turbidity due to construction activity. To ensure that effects to the marine environment are minimized from the proposed development, Special Condition 1 requires the applicant to agree that no machinery will be allowed in the intertidal zone at any time with the exception of the installation of the pilings for the pier and that all debris resulting from the construction period is removed from the ocean and beach area.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the requirements of Coastal Act Sections 30230, 30231, and 30233.

D. Coastal Hazards

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located on the Ventura shoreline, an area which has been demonstrated by virtue of the past history of the pier's destruction by storm waves, as being subject to significant, and unavoidable natural hazards. Hazards common to coastal areas include wave attack and flooding, and rarely, tsunami waves. In addition, the construction of piers over water, and where access by emergency response vehicles is limited and difficult, renders them unusually susceptible to destruction by fire.

The applicant's agent, Senior City Engineer Rick Raives, states that the octagonal design of the proposed pier extension is substantially more stable under severe storm wave conditions than the narrow, linear design that has been built during past pier reconstruction efforts. The pier's history demonstrates that the linear design has been inadequate. Therefore, the proposed project will increase the pier's stability and as designed has been deemed adequate by a qualified engineer to withstand the predictable forces that will occur during the useful life of the renovated pier.

Notwithstanding the above, however, the Commission notes that proposed development will extend into an area exposed to wave attack and flooding that in the past have caused significant damage to development along the California coast. The Coastal Act recognizes that development, such as the stabilization and restoration of the Ventura Pier,

may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right, or in this case the City's right, to use its property. The potential for such damage is demonstrated by the fact that the pier has often been partially or completely destroyed by storm damage throughout its history.

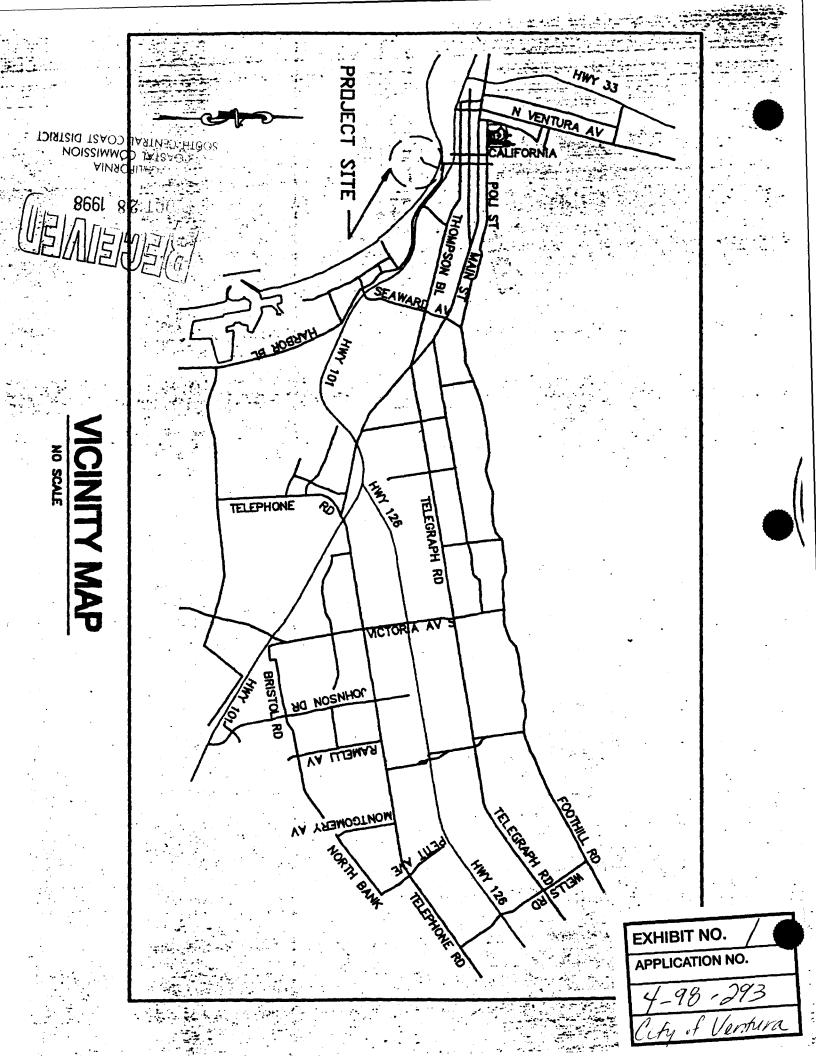
As such, the Commission finds that due to the unforeseen possibility of wave attack, flooding, and fire, the applicant shall assume these risks as a condition of approval. Because the risk of harm cannot be completely eliminated, Special Condition Two requires that the applicant: (i) acknowledge that the site may be subject to hazards from storm waves, flooding, and fire, (ii) assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project

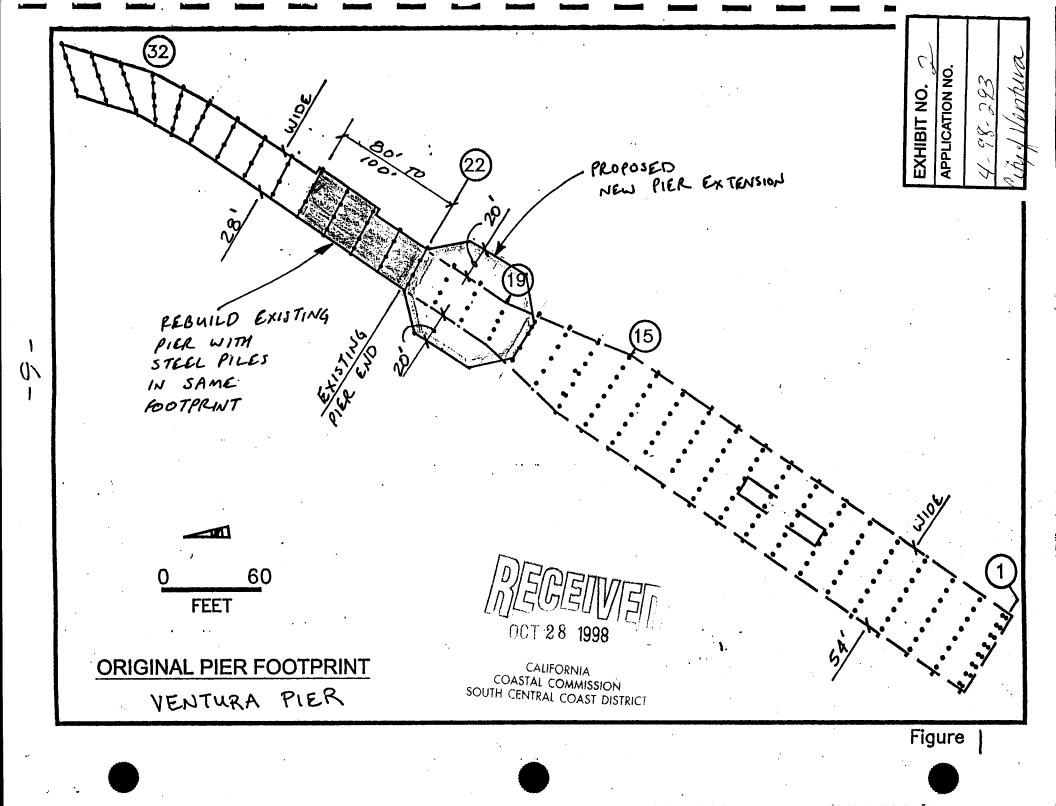
The Commission therefore finds that the proposed development, as conditioned, is designed to minimize risks to life and property and assure stability and structural integrity and is consistent with and adequate to carry out the requirements of Coastal Act Section 30253.

E. <u>CEQA</u>

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

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.







TPROJECT MEMORANDUM

2201 DUPONT DRIVE, SUITE 620, AR

620 ARYINE, CA 92715 (714) 752-15 D) C (744) 752-838

OCT 28 1998

City of San Buenaventura Ventura Pier Extension Job Number 605-21

CALIFORNIA
COASTAL COMMISSION

To:

Rick Raives

SOUTH CENTRAL COAST DISTRIC

RECEIVED

From: Jon Moore

OCT 2 3 1998

Date: October 28, 1998

CITY OF SAME SUBMANISHTURA ENGINELIS' OF FICE

Re: Information packet for resource agencies

cc:

File

Rick:

The following information is furnished for your use in preparing a permit application package for the resource agencies. The following data represents the current status of the proposed new pier improvements and modifications.

New Pier Extension

New deck surface area beyond Bent 22
Minimum bent replacement
New 16"-diam pipe piles driven 25' min. below mudline
(approx. pile tip elevation -50', MLLW)

4,640 sf less 496 sf opening Bent Nos. 23,24,25, and 26 22 batter piles; 24 plumb piles

Additional Proposed Work

Replace existing 16 timber piles, 4 pile caps, and bracing between and including Bent Nos. 27 and 30 (80 linear feet) with steel pipe piles and W14x120 pile cap. Drive 8 new batter piles and 8 new plumb piles.

Strengthen area between Bent Nos. 31 and 34. Replace existing 22 timber piles, 4 pile caps, and bracing with 16"-diameter steel pipe pile and W14x120 steel wide flange cap as funding allows. Work would entail driving at least 12 batter piles and 8 plumb piles.

Construction Notes

Work shall be performed using conventional "over the top" methods or barge moun



NOBLE CONSULTANTS

City of San Buenaventura October 28, 1998 Page -2-

driving equipment. If constructed from the existing pier, a 65-ton truck mounted crane with a D36 hammer may be used. If the contractor elects to do some of the pile driving and steel erection work from the water, floating barges and tender tugs would be employed. Some drilling within the piles' annular space may be required to achieve tip elevation if areas of the harder subsurface formational soils are encountered.

Approximately nine months of construction time will be required to mobilize, procure materials, and perform the demolition, pile driving, structural framing, and finish carpentry tasks.

Attachments:

Preliminary drawings of proposed work

Existing pier end plan New pier extension New pile plan

New extension plan detail Typical sections: new extension

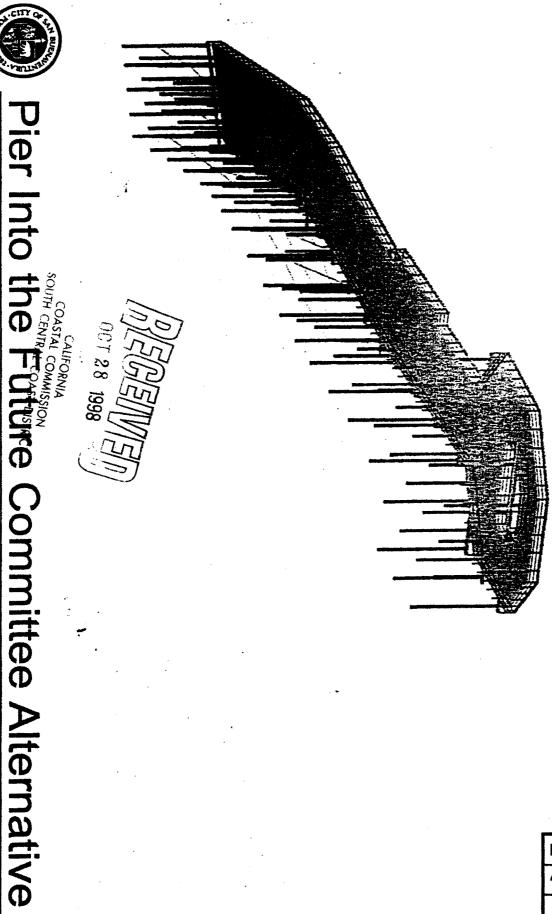
EXHIBIT NO. 3

APPLICATION NO.

4.98-293

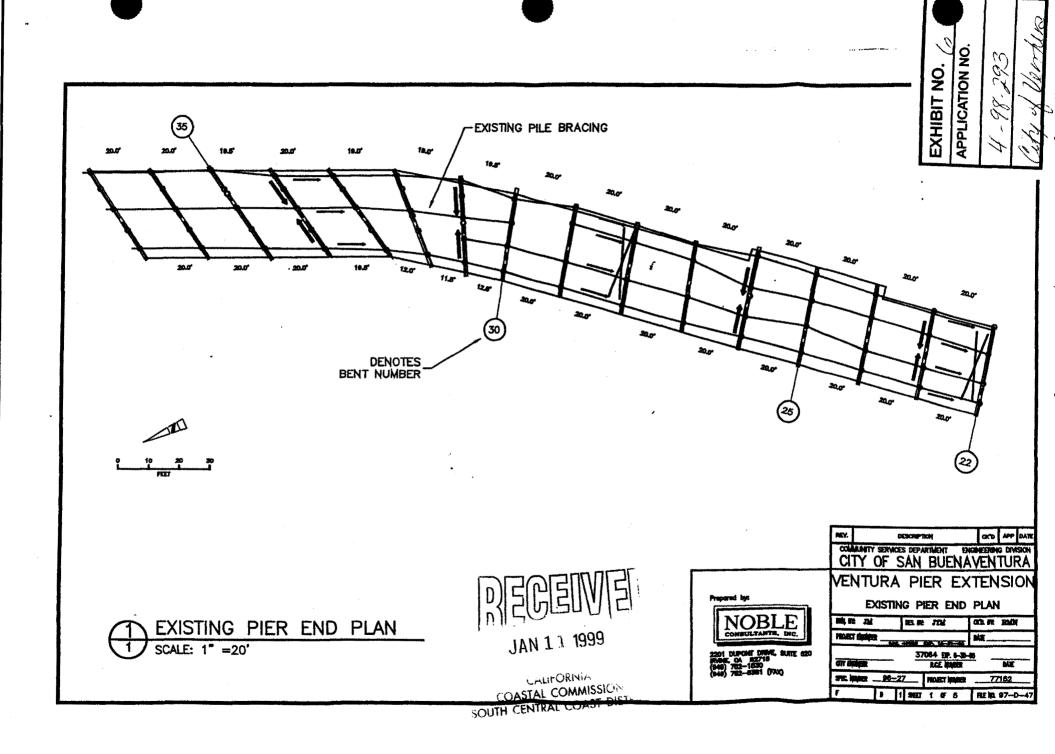
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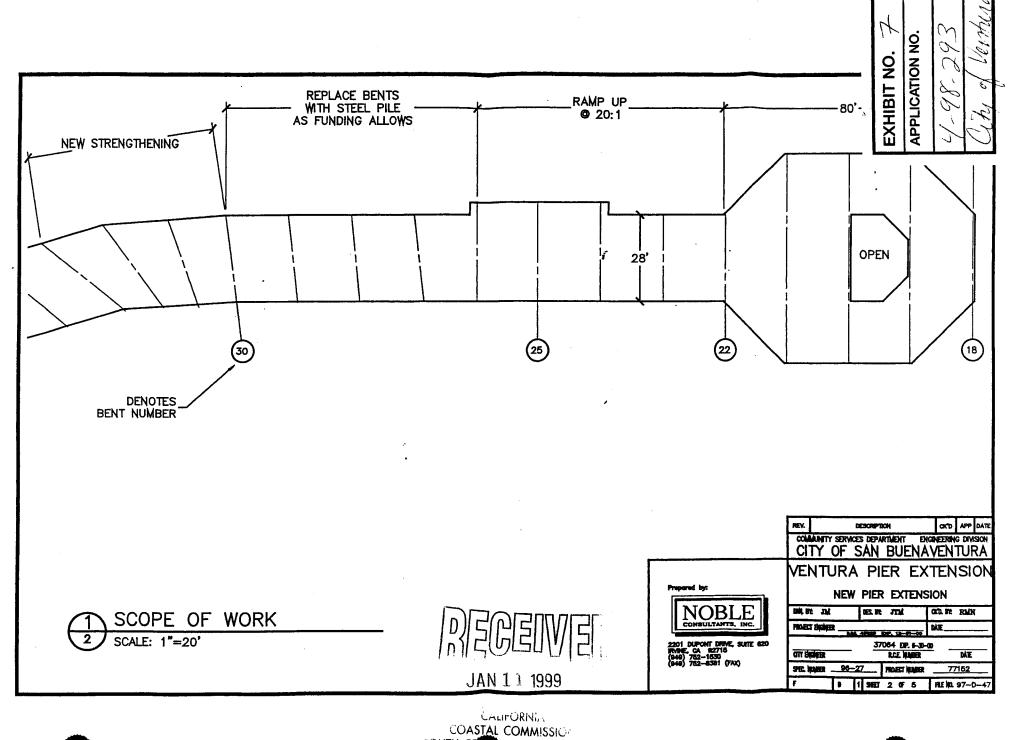




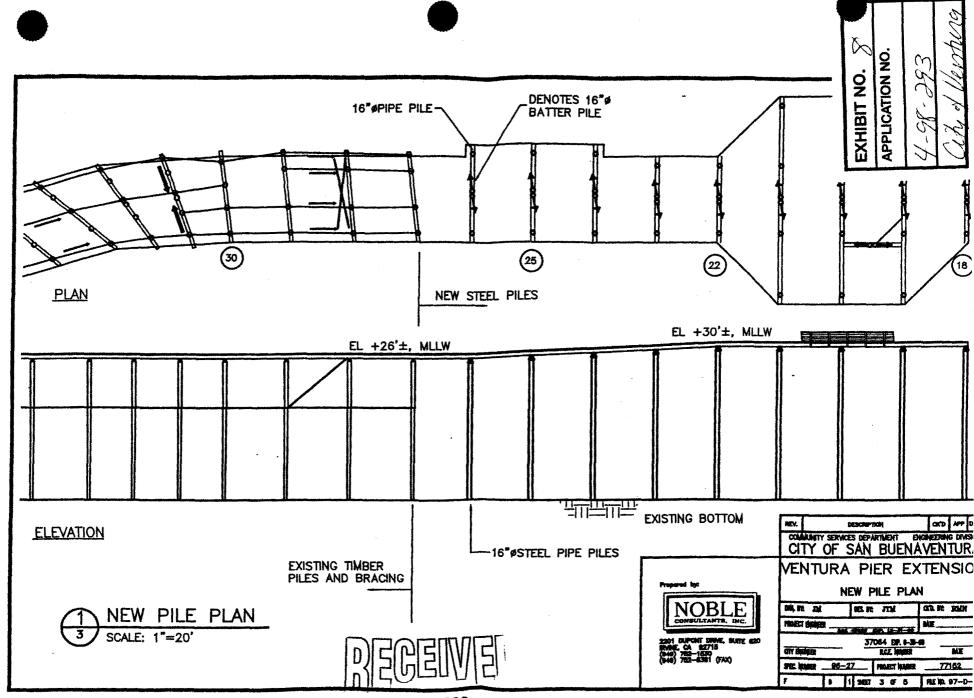
SECTION VIEW - 3D PERSPECTIVE

EXHIBIT NO. APPLICATION NO. d Ventura



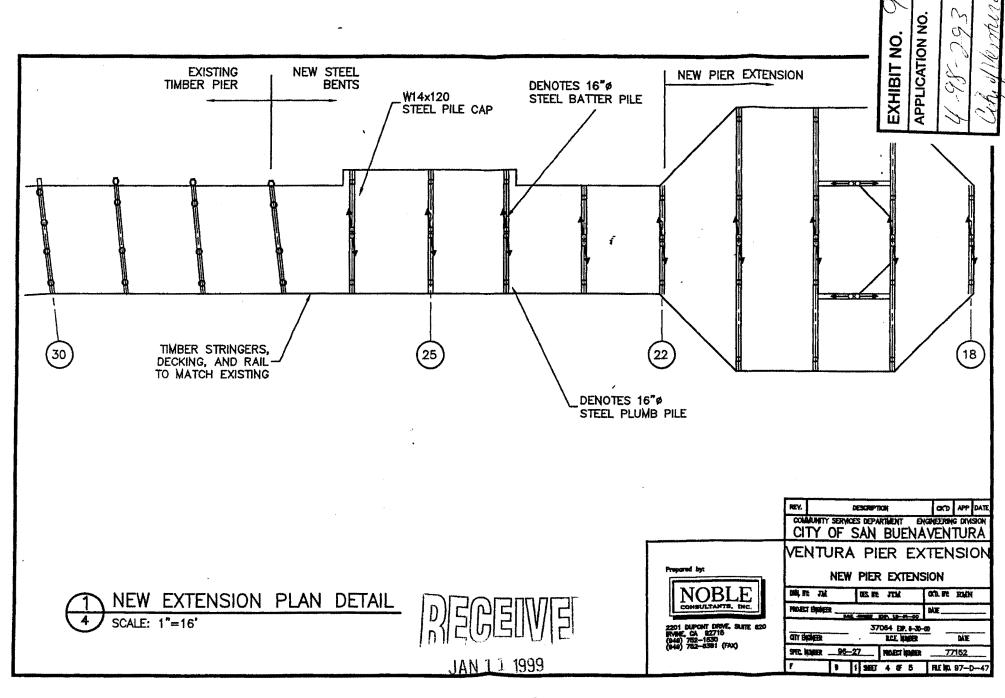


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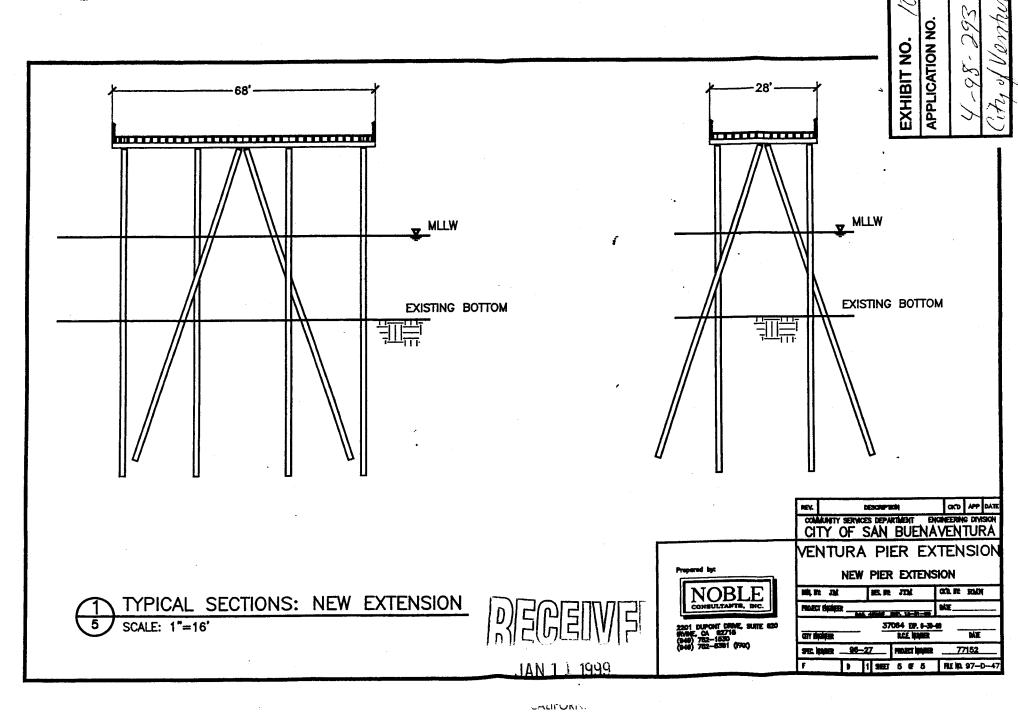


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