

CALIFORNIA COASTAL COMMISSION

THIRD CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800

Permit Application No.: **4-01-195**

Date:

February 14, 2002

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RECORD PACKET COPY

ADMINISTRATIVE PERMIT**APPLICANT:** Philescene Supple**AGENT:** Paul Secretò**PROJECT****DESCRIPTION:**

Demolish and remove existing 12 ft. 6 in. by 8 ft. 7 in. deck and construct a new 12.5 by 11-foot deck over the Ventura Keys waterway, including a 3 foot high guardrail. No piles, footings or any structural elements will be placed in the waterway or on the rip-rap escarpment.

PROJECT**LOCATION:**

2936 Sailor Avenue, City of San Buenaventura (Ventura County)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, March 6, 2002
 9:00 am
 Hyatt Regency Monterey
 One Golf Course Drive
 Monterey, CA 93940-4908

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
 Executive Director

By: Shana Gray
 Title: Coastal Program Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See pages five.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The proposed development is located in the Ventura Keys, within the city limits of San Buenaventura, immediately north of the Ventura Harbor (Exhibits 1). The Ventura Keys waterways encompass an area of 32 acres and consist of three channels trending in a general north/south alignment (channels 1, 2, and 3) and a larger connecting channel to the south which ties the other three channels together and provides a link to Ventura Harbor (Exhibit 2). The Ventura Keys take seaward access from the mouth of the Ventura Harbor and are fringed with private recreational boat docks associated with residential development.

The sides of the waterways are bounded by private easements reserved for boat docks for the 302 adjacent waterfront residential parcels. The easement areas occupy about half of the water surface of the waterways. Generally, each channel (channels 1, 2, and 3) spans 160 feet from property line to property line, with 45-foot easements on either side of the waterway (see Exhibit 3). This configuration allows for a 70-foot wide public access corridor within the center of the channel. The

Ventura Keys waterways were constructed in the early 1960s shortly after the excavation of the Ventura Harbor. The waterways were developed with retaining walls and rip-rap along the banks for stabilization.

The applicant proposes to demolish and remove an existing 12 ft. 6 in. by 8 ft. 7 in. deck and construct a new 12.5 by 11-foot deck over Channel 2 of the Ventura Keys waterway, including a 3 foot high guardrail (Exhibits 4). The proposed deck configuration is similar in function and design to other residential decks in the immediate vicinity, and remains within the 45 foot easement. The proposed deck will attach to an existing gangway leading to an existing dock used for private boating related purposes. The lot contains an existing single family residence and is bordered on both sides by decks of the size proposed. No grading and no changes to existing support structures embedded in the rip-rap revetment at the foot of the lot are proposed. In addition, there would be no placement of new structures within the waters of the Ventura Keys. Because no new piles are proposed, no fill of coastal waters will occur.

No environmentally sensitive habitat areas have been identified in the project area. However, California brown pelicans (*Pelecanus occidentalis*), federally-listed as endangered, are year-round "residents" of the harbor area. The pelicans are known to rest on structures in the Ventura Harbor and occasionally feed in the area. However, sufficient additional resting and feeding areas are available in the vicinity. This project is not anticipated to adversely impact brown pelican habitat.

B. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters 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.

The proposed project is located in and over the waters of the Ventura Keys. The Ventura Keys connect with the waters of Ventura Harbor and the marine environment of the Pacific Ocean. The Chapter 3 policies of the Coastal Act are the standard of review for development proposed in coastal waters, including the above mentioned water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

The proposed development will occur over and in the water. Construction, of any kind, adjacent to or in coastal waters has the potential to impact marine resources. The Ventura Keys waterways provide an opportunity for water oriented recreational activities and also serve as habitat to marine

organisms. Risks to coastal recreational activities and marine habitat are inherently linked to water quality issues.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition One (1)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition 1 requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible.

Therefore, only as conditioned to minimize construction related impacts during construction, does the Commission find the proposed project consistent with Section 30230 and 30231 of the California Coastal Act.

C. Local Coastal Program

The proposed project area lies within the limits of the City of Ventura, but falls within the Commission's area of retained original permit jurisdiction along the Ventura Keys waterways. The Commission certified the Local Coastal Program for the City of San Buenaventura (Land Use Plan and Implementation Ordinances) in 1981 (Ventura Harbor segment) and 1983 (balance of Ventura). The Harbor LCP was incorporated into the balance of the City's LCP in 1990. The City's LCP contains policies and standards for siting and design of new development and protection of marine habitats. The application before the Commission is for development within the Commission's retained jurisdictional area, and therefore the standard of review applied by the Commission in considering the proposed project is the Coastal Act. The Commission notes that its review of the proposed project discloses no conflicts with any of the policies of the City's certified LCP, including those policies regarding marine habitat, shoreline access, and recreation.

D. California Environmental Quality Act (CEQA)

Section 13096(a) of title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications 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 Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- (b) Any and all construction material will be removed from the site within 10 days of completion of construction.
- (c) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- (d) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- (e) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day. The floating boom shall be placed in such a way as not to block boating traffic within the waterway.
- (f) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- (g) Wood preservatives or other chemicals that may come into contact with the waterway shall not be used unless such preservatives or other treatments are approved for marine use by the California Department of Fish and Game.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

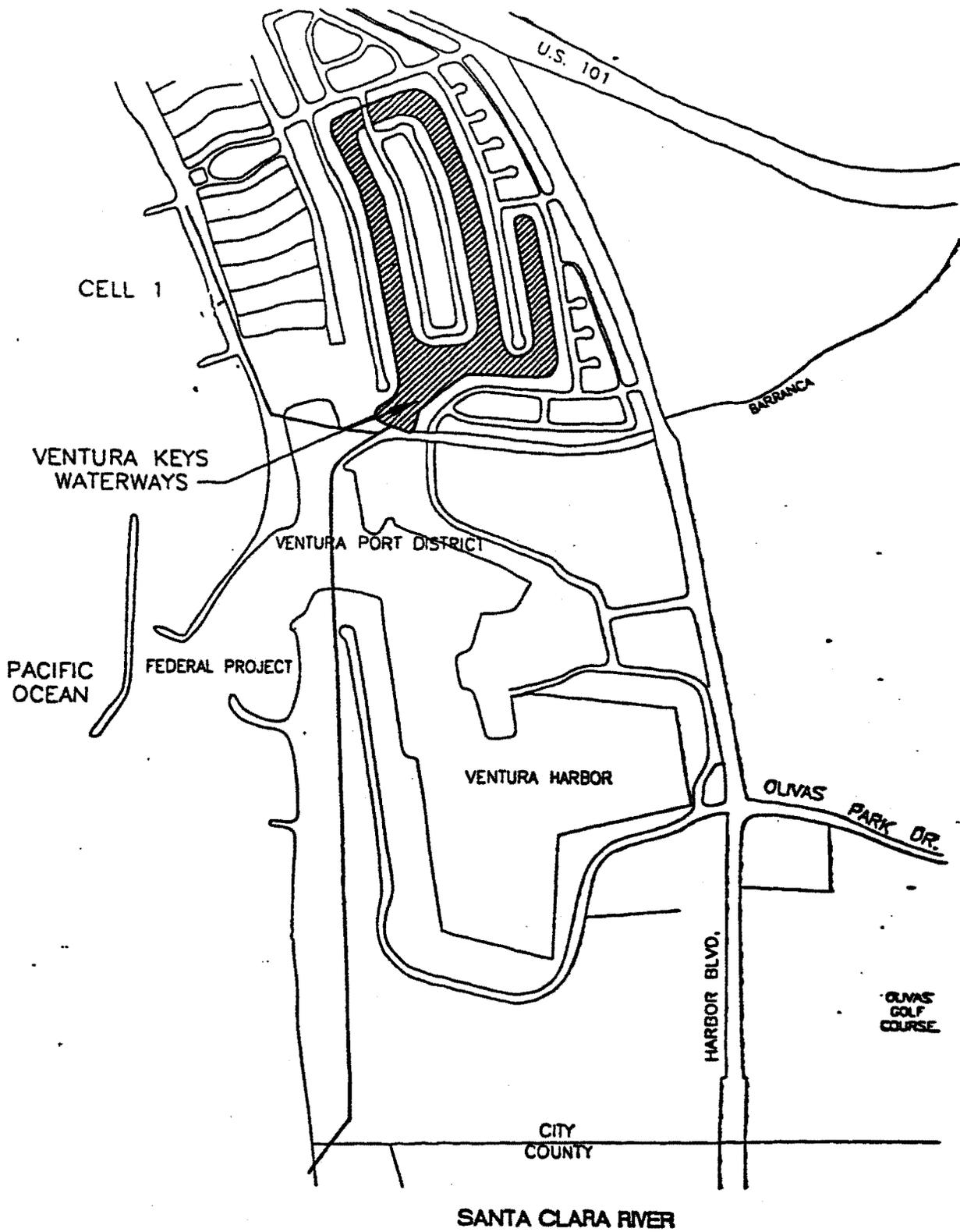
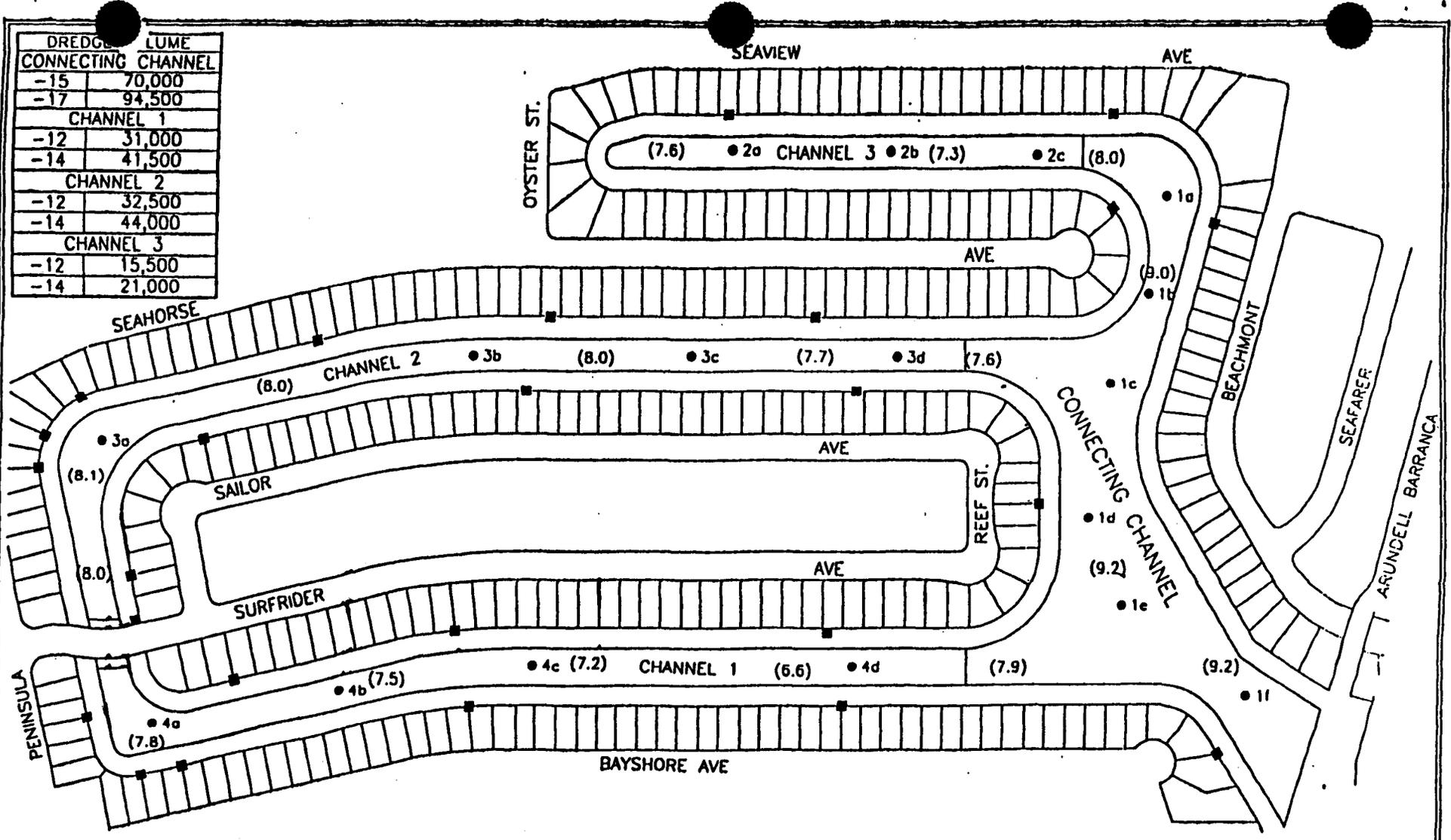


EXHIBIT 1
4-01-195
Vicinity Map

DREDGE	VOLUME
CONNECTING CHANNEL	
-15	70,000
-17	94,500
CHANNEL 1	
-12	31,000
-14	41,500
CHANNEL 2	
-12	32,500
-14	44,000
CHANNEL 3	
-12	15,500
-14	21,000



LEGEND

IMENT SAMPLING LOCATION

(8.0) CONDITION SURVEY DEPTHS AUGUST 1996 IN FEET (MLLW)

□ EASEMENT BORDER



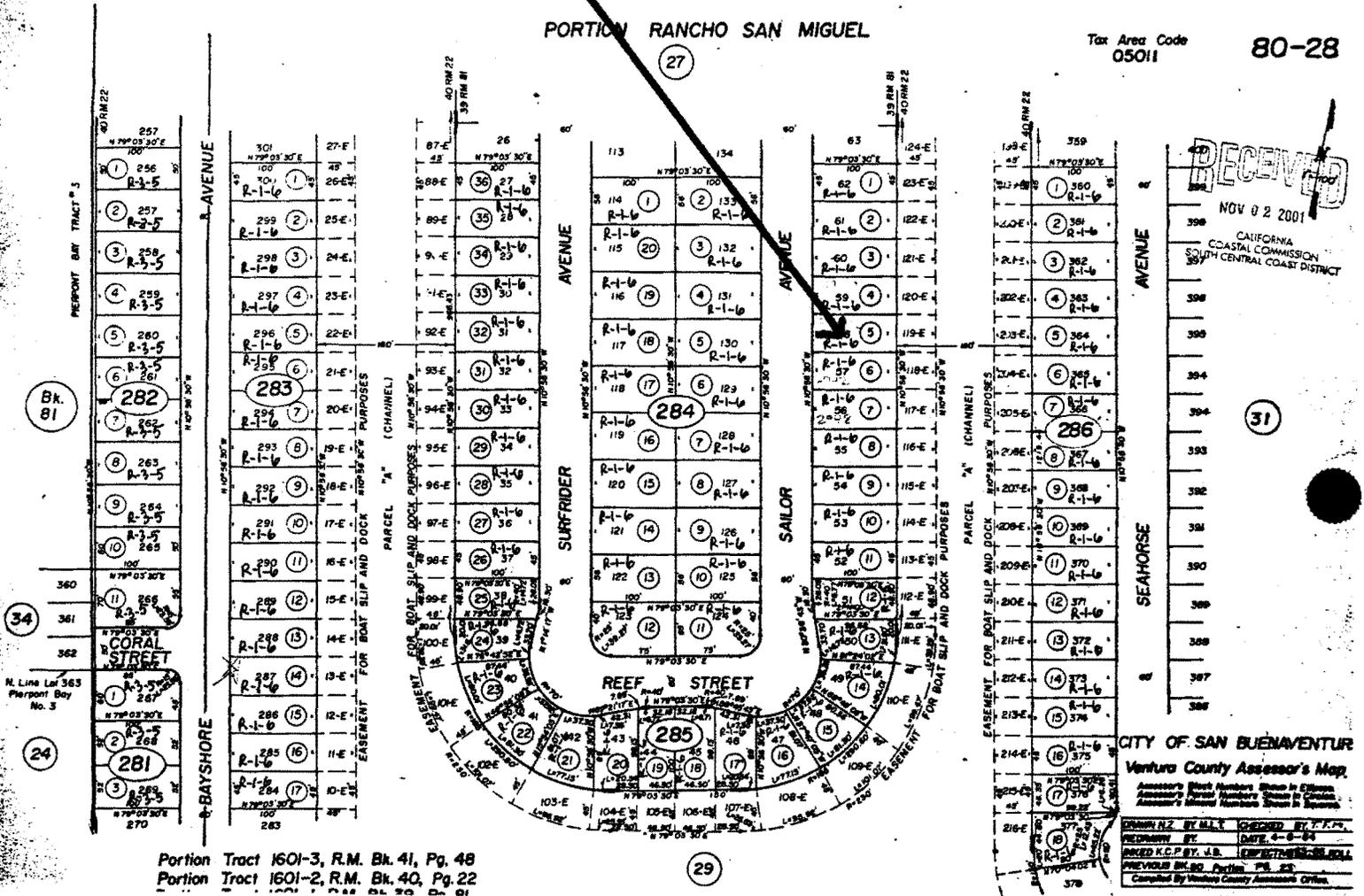
EXHIBIT 2
4-01-195
Ventura Keys Map

Project Site

PORTION RANCHO SAN MIGUEL

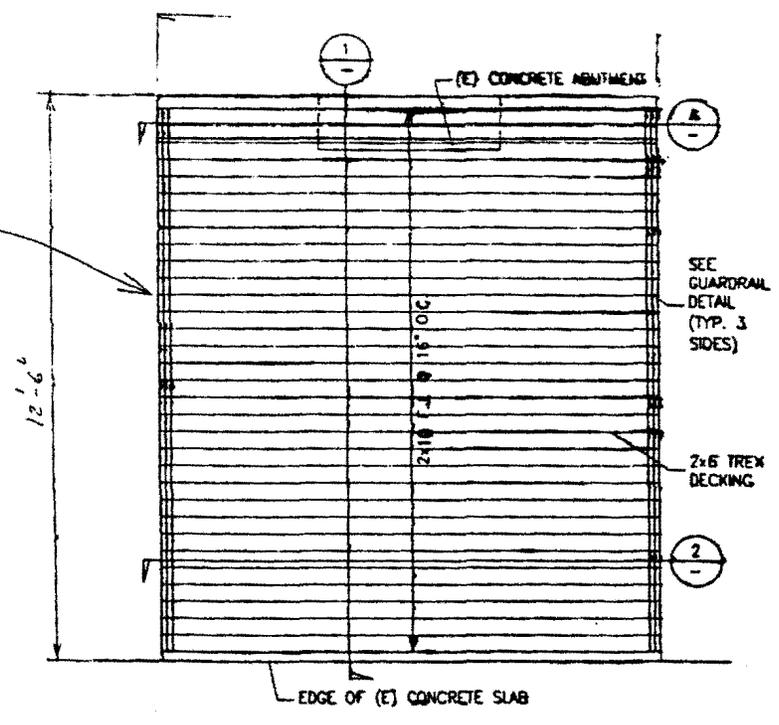
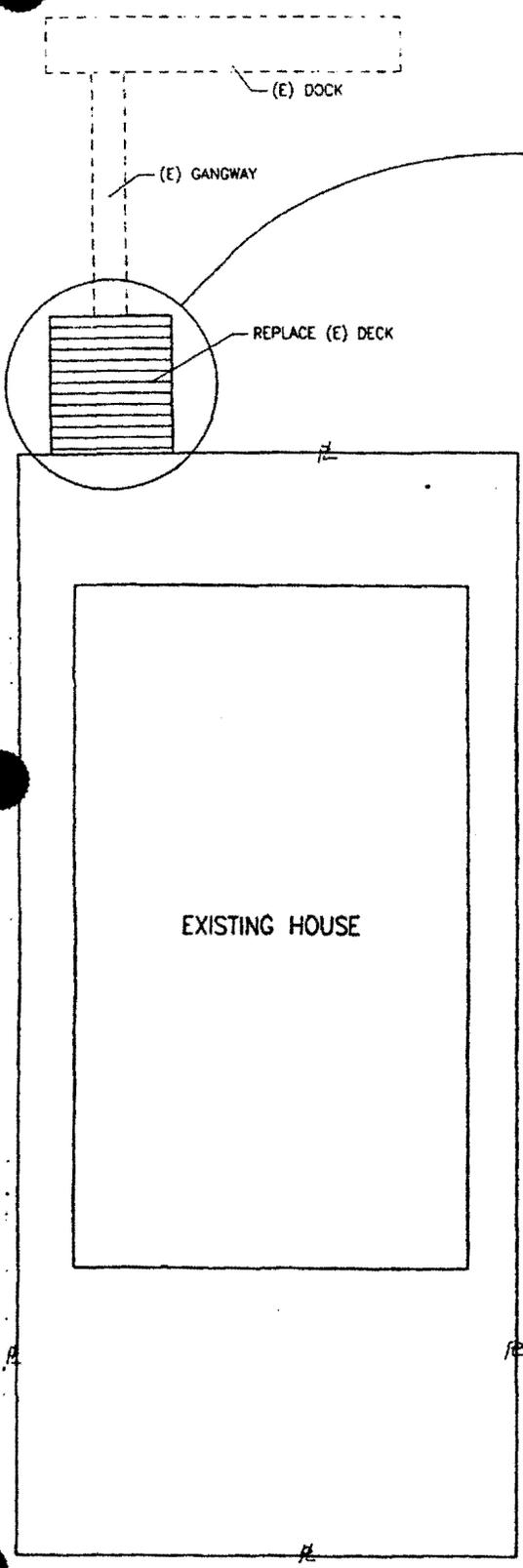
Tax Area Code 05011

80-28



Portion Tract 1601-3, R.M. Bk. 41, Pg. 48
Portion Tract 1601-2, R.M. Bk. 40, Pg. 22

EXHIBIT 3
4-01-195
Parcel Map



PARTIAL PLAN
Scale: 1/2" = 1'-0"

 **PLOT PLAN**
Scale: 1/8" = 1'-0"

