

**CALIFORNIA COASTAL COMMISSION**

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

Permit Application No.: **4-02-035**

Date:

March 20, 2002

Page 1 of 7

**ADMINISTRATIVE PERMIT**

**APPLICANT:** Mr. and Mrs. Jim Eisenhart

**RECORD PACKET COPY****PROJECT****DESCRIPTION:**

Construct cantilevered deck, 4 ft. x 28 ft. gangway, and 8 ft. x 35 ft. dock on piles in the Ventura Keys waterway, for boating related purposes. The deck will be secured by a new footing landward of the rip-rap and cantilevered 8 ft. over the waterway. The project includes two 12" diameter piles for the boat dock.

**PROJECT****LOCATION:**

996 Peninsula Street, 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:

Friday April 12, 2002  
 9:00 am  
 Radisson Santa Barbara  
 1111 East Cabrillo Blvd.  
 Santa Barbara, CA

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: Bonnie Luke  
 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 six and seven.

**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 construct a concrete deck cantilevered 8 ft. over the waterway, 4 ft. by 28 ft. gangway, and 8 ft. by 35 ft. dock on piles in the Ventura Keys waterway (Exhibits 4 – 5). The dock will only be used for boating related purposes. The dock will be supported by two 12- inch piles within the waterway.

The boat slip and dock easement associated with the subject parcel extends 45 feet from the property line, over the existing rip-rap escarpment out into the waterway. The development would extend approximately 27 ft. from the property line into Channel 2 of the Ventura Keys waterway. The proposed deck, gangway, and dock configuration is similar in function and design to other residential docks in the immediate vicinity, and remains within the 45 foot easement. The dock will be secured by two 12-inch diameter pilings.

The deck will be secured by a new footing landward of the existing rip-rap and cantilevered 8 feet, partially over the waterway (see Exhibits 4-5). The decks of the neighboring parcels are cantilevered over the waterway and supported by foundations embedded in the existing rip-rap revetments bordering the keys.

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 and the species is known to have a high tolerance of human activities. 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.

The proposed dock project will allow for the long term berthing of boat(s) by the homeowner. Some maintenance activities if not properly regulated could cause adverse impacts to the marine environment. Certain maintenance activities like cleaning and scraping of boats, improper discharges of contaminated bilge water and sewage waste, and the use of caustic detergents and solvents, among other things, are major contributors to the degradation of water quality within boating facilities. As mentioned above, the Ventura Keys waterways provide a home for marine habitat and also provide opportunity for recreational activities. As mentioned above, these waterways connect with the waters of Ventura Harbor and ultimately the Pacific Ocean.

To minimize the potential that maintenance activities would adversely affect water quality, the Commission finds it necessary to impose **Special Condition Two (2)** which requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. Such practices that the applicant shall follow include proper boat cleaning and maintenance, management of solid and liquid waste, and management of petroleum products, all of which associated with the long term berthing of the boat(s) (more thoroughly explained in Special condition 2 of this permit).

Therefore, only as conditioned to minimize construction related impacts during the initial construction phase and to follow the Best Management Practices listed in Special Condition 2, does the Commission find the proposed project consistent with Section 30230 and 30231 of the California Coastal Act.

### **C. Diking, Filling, Dredging Open Coastal Waters**

Section 30233 of the Coastal Act addresses fill of open coastal waters:

*(a) 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 Coastal Act limits the fill of open coastal water to specific, enumerated uses and also requires that any project which results in fill of open coastal waters provide adequate mitigation and that the project be the least environmentally damaging alternative. The proposed project includes installation of two 12" diameter piles. The piles required by the proposed project constitute fill of coastal waters.

a. Allowable Use

Section 30233(a)(4) of the Coastal Act allows fill of open coastal waters, such as the Ventura Keys waterway, for recreational boating purposes. The proposed project, a boat dock, constitutes a recreational boating facility. Thus, the project is an allowable use under Section 30233(a)(4).

b. Least Environmentally Damaging Alternative

The applicants propose to construct a rectangular dock at the end of the gangway (ramp). In conjunction with the proposed project, two 12" diameter piles are proposed to be installed. The proposed piles would be placed at the two landward corners of the dock. This is the minimum number of piles necessary to adequately support and anchor the dock. The proposed project will use the minimum number of piles thereby minimizing the amount of fill needed to support the proposed allowable use. Thus the project as proposed is the least environmentally damaging alternative.

c. Adequate Mitigation

Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. Placement of the proposed piles in conjunction with the proposed project will displace bottom habitat. However, the pilings will provide new hardscape habitat for marine organisms such as mussels, barnacles, limpets, littorine snails, red and brown seaweed, surfgrass, anemones, and polychaetes. Thus, adequate mitigation is provided by the proposed project in that the loss of bottom habitat is offset by the fact that the pilings themselves will provide new vertical intertidal habitat for marine organisms.

For the reasons discussed above, the Commission finds that the proposed project is consistent with Section 30233 of the Coastal Act.

#### **D. 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.

#### **E. 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.

**2. Best Management Practices Program**

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

(a) Boat Cleaning and Maintenance Measures:

1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.
2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized.
3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(b) Solid and Liquid Waste Management Measures:

1. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

(c) Petroleum Control Management Measures:

1. Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant will recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters are encouraged to regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters are also encouraged to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Clean and maintain bilges. Do not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is discouraged.

**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

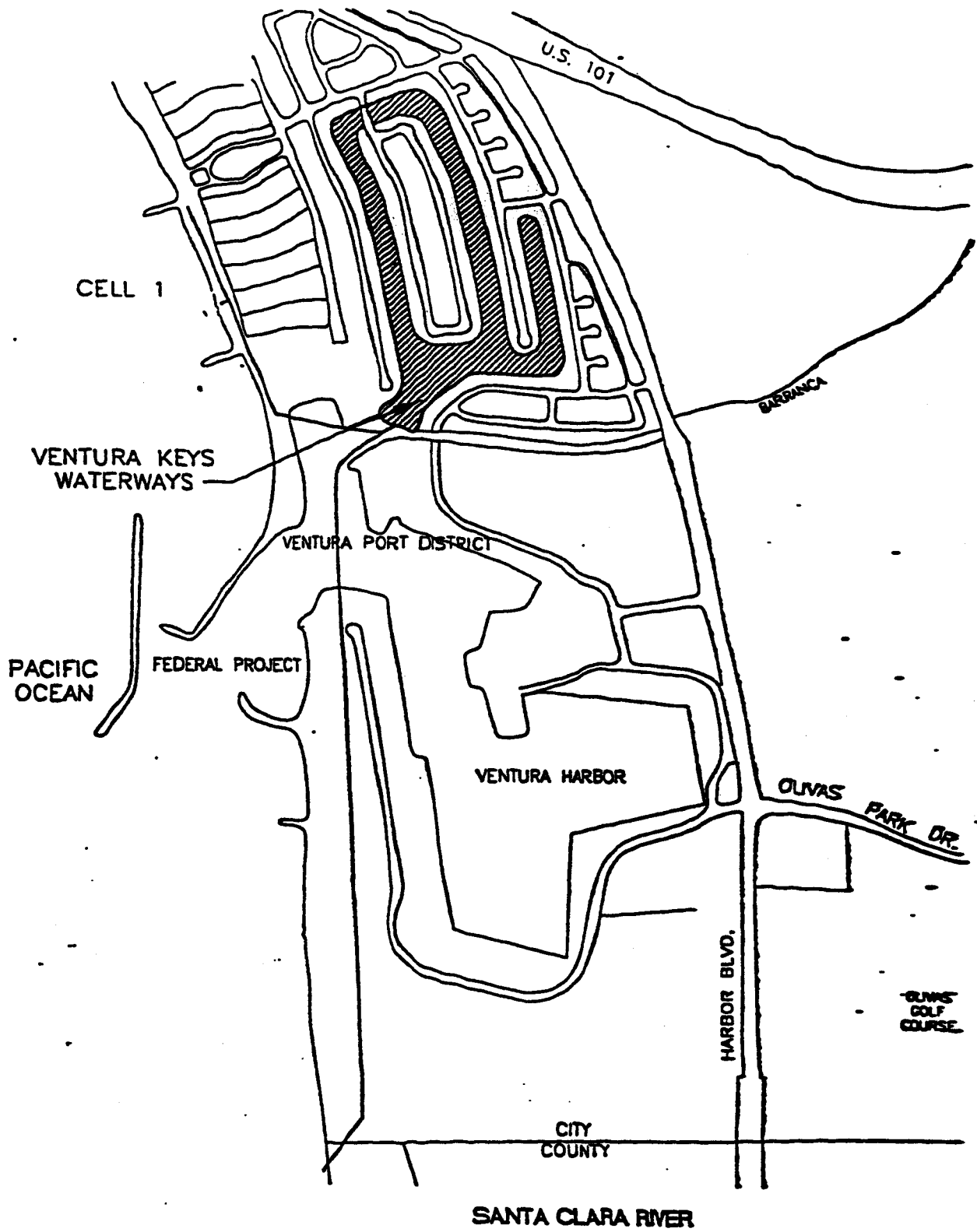
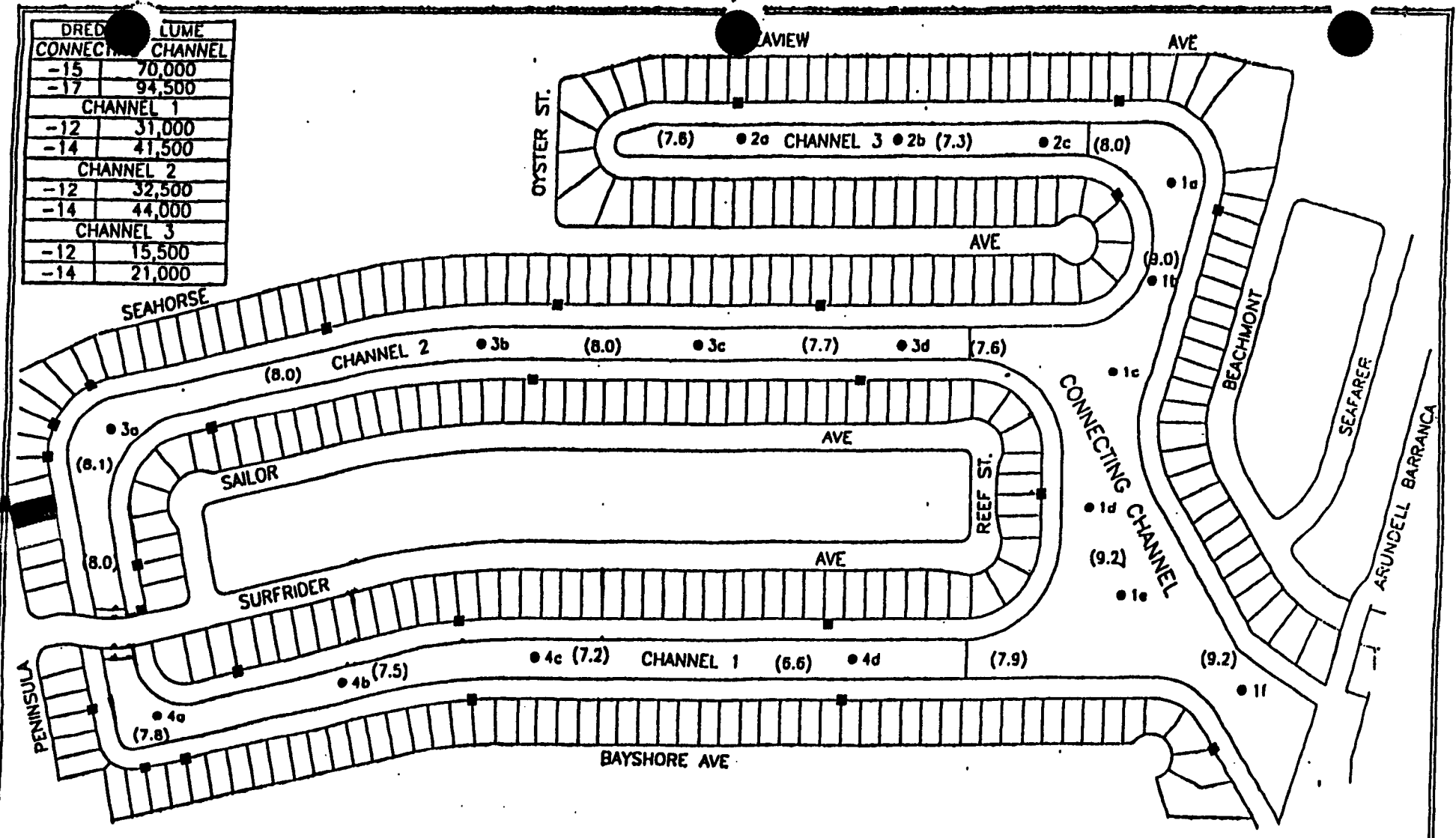


EXHIBIT NO.
APPLICATION NO.
4-02-035
VICINITY MAP



DREDGING DEPTH	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



SITE

**LEGEND**

- SAMPLING LOCATION
- (8.0) CONDITION SURVEY DEPTHS AUGUST 1996 IN FEET (MLLW)
- EASEMENT BORDER

EXHIBIT NO. 2  
 APPLICATION NO.  
 4-02-035  
 VENTURA KEYS

Ventura Keys Ventura, California		<b>SHEET 3 OF 7</b>
PROJECT NUMBER 0048-29	8-22-97	

SAN MIGUEL

TRACT

SEAHORSE AVE

1601-4

25

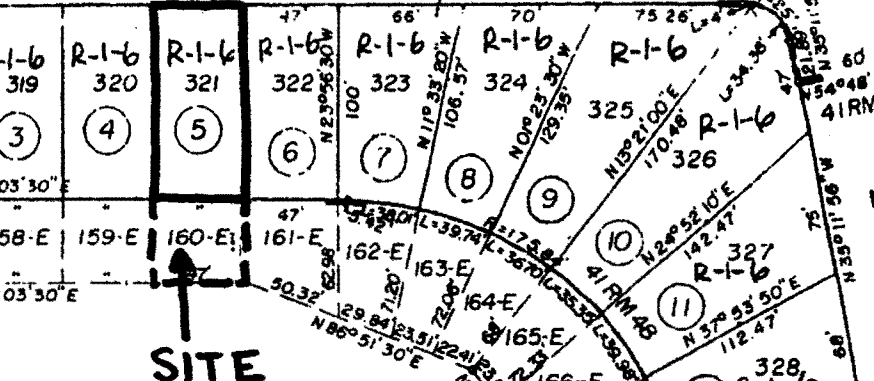
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05011

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L 64.38'  
R 208

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1008  
996  
988  
974  
960

STREET

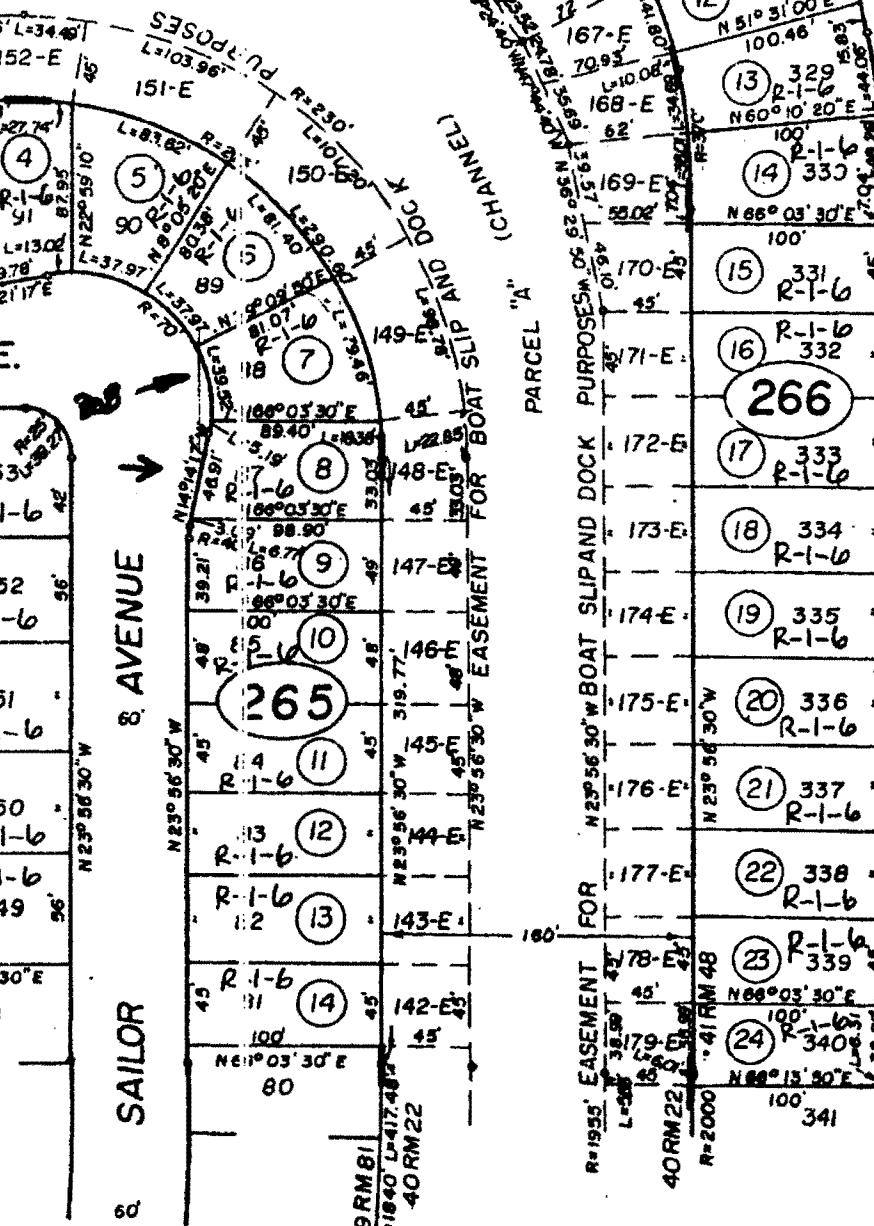


SITE

AVENUE

SEAHORSE COURT

HARBOR BLVD



SAND COURT

SEAHORSE

EXHIBIT NO. 3  
 APPLICATION NO.  
 4-02-035  
 PARCEL MAP

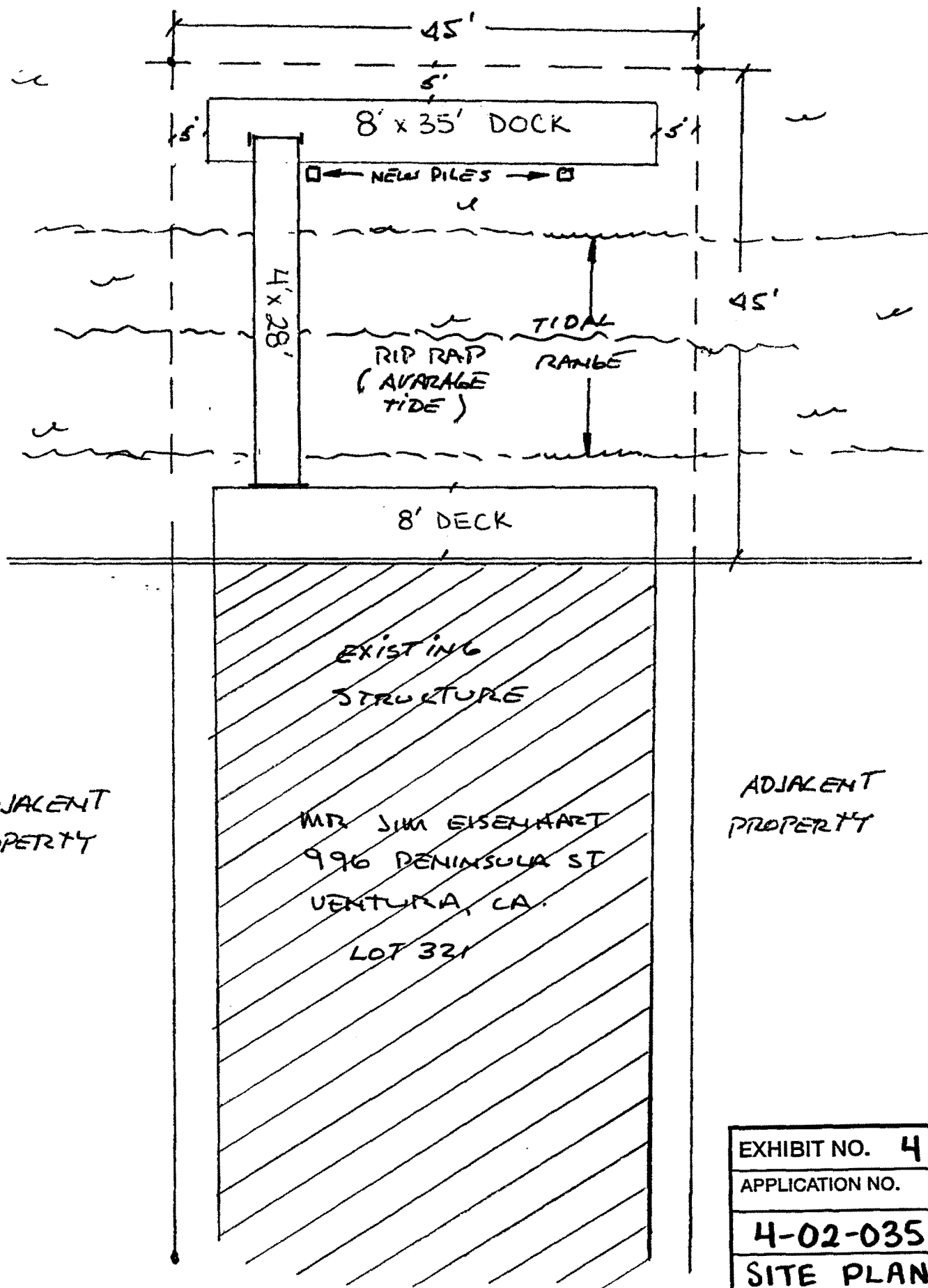
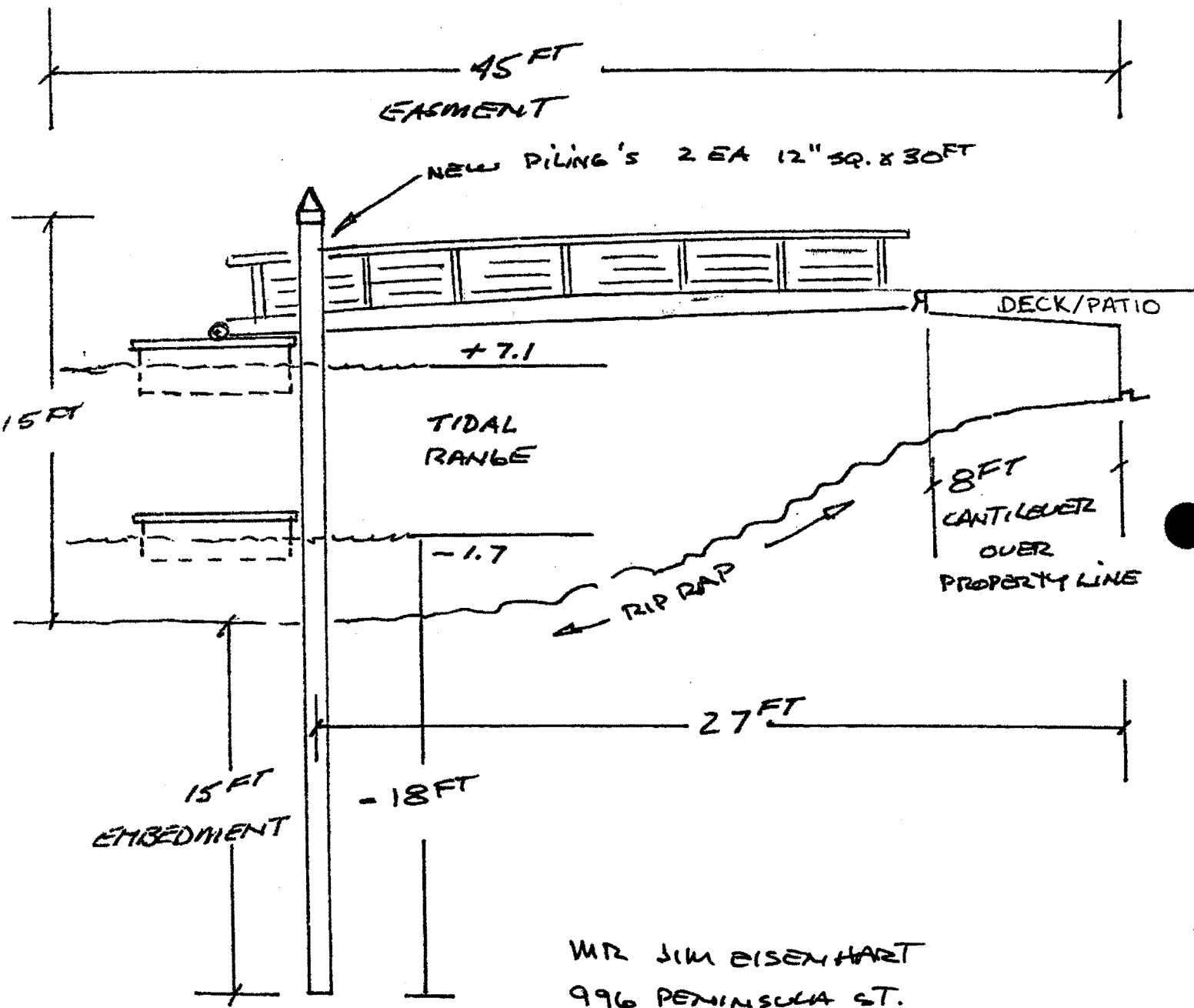


EXHIBIT NO. 4
APPLICATION NO.
4-02-035
SITE PLAN



MR JIM EISENHART  
 996 PENINSULA ST.  
 VENTURA, CA.  
 LOT 321

EXHIBIT NO. 5
APPLICATION NO.
4-02-035
SECTION