

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Hearing Date: 1/12/05
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-04-101

APPLICANT: City of Ventura and 31st District Agricultural Assn.

PROJECT LOCATION: Surfer's Point Beach, south of Shoreline Drive, adjacent to Ventura County Fairgrounds, and approximately 1,250 feet east of the mouth of the Ventura River, in the City and County of Ventura.

PROJECT DESCRIPTION: Beach nourishment and gravel, boulder, and cobble (GBC) tracking project comprised of the placement of approximately 1,400 cubic yards of GBC material along 400 feet of shoreline, including the intertidal area. The GBC material is composed of approximately 1,130 cubic yards of GBC excavated in 2000 from the Ventura River (outside of the Coastal Zone) and approximately 270 cubic yards of lighter colored GBC excavated from the San Gabriel Mountains, the latter of which will serve as tracer material intended to help monitor GBC movement. The GBC is to be spread in a blanket approximately 0.1 to 3.5 feet thick and approximately seventy feet wide, with the non-native GBC placed in three 25 foot wide bands located on each end and in the middle of the GBC blanket. The proposed project also includes a monitoring program consisting of topographic surveys, visual monitoring of the GBC tracer material, and production of annual field reports, to be conducted over two winter seasons. The applicants also propose to control public access to the disposal area during truck offloading; minimize coning off of lanes to public parking areas during construction; remove any unsuitable material contained within the GBC blanket; and complete the proposed construction activities within ten working days between September 8 and April 1.

LOCAL APPROVALS RECEIVED: waived

AGENCY APPROVALS RECEIVED: Regional Water Quality Control Board Standard Certification No. 00-090.

SUBSTANTIVE FILE DOCUMENTS: Negative Declaration, Surfer's Pont Beach Nourishment Project, EIR-2238; Coastal Development Permit No. 4-00-158; City of Ventura Certified Local Coastal Program; Project Memorandum, Conceptual Monitoring of Proposed GBC Re-nourishment at Surfers Point by Noble Consultants, Inc., dated June 18, 2004; Project Memorandum, Surfers Point GBC Re-nourishment Project and Monitoring Program by Noble Consultants, Inc., dated September 24, 2004.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with **five (5) special conditions** to address project timing, removal of unsuitable material, public safety during construction, monitoring program, and other required agency permits.

I. STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development Permit No. 4-04-101 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. **Expiration.** 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. **Interpretation.** Any questions of intent or interpretation of any 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.

III. **SPECIAL CONDITIONS**

1. **Project Timing.** In accepting this permit, and in accordance with the applicants' proposal, shoreline cleanup and cobble placement activities shall be undertaken during a ten-day period of consecutive weekdays between September 8 and April 1. An additional workweek may be utilized if necessary to complete authorized activities, but in no case may project activities be undertaken during weekend days or public holidays. The Executive Director may extend the time allowed to complete authorized activities upon a showing of good cause to the Executive Director's satisfaction.

2. **Removal of Unsuitable Material.** In accepting this permit and in accordance with the applicants' proposal, the GBC blanket placed in the subject shoreline area shall be monitored upon initial placement and not less than monthly thereafter, for a period of 18 months following cobble placement. All unsuitable materials that are detected within the GBC placement area, such as brush, debris, sharp rocks, or other materials inconsistent with public safety or GBC composition, shall be immediately removed and disposed of at a licensed landfill. GBC material to be used shall be no greater than approximately 12 inches in diameter. The Executive Director may authorize the placement of minor amounts of material larger than 12 inches in diameter for good cause and if such placement would not result in significant additional impacts to public access.

3. **Public Safety During Construction.** The applicants shall provide sufficient monitors and/or flagging on site at all times during beach cleanup and GBC placement activities to ensure that pedestrians and beach users do not enter the

project area. The applicants shall ensure that the project area is surrounded with safety fencing and posted with hazard warning signs. The GBC placement shall be inspected at the end of each day during construction to ensure that debris, sharp objects, or other unsuitable and potentially hazardous materials are removed immediately and properly disposed of.

4. Monitoring Program

By acceptance of this permit, the applicants agree to implement the monitoring program described in *Project Memorandum, Surfers Point GBC Re-nourishment Project and Monitoring Program* by Noble Consultants, Inc., dated September 24, 2004, and provide annual monitoring reports. The applicants shall submit, for the review and approval of the Executive Director, annual field reports summarizing the results of the monitoring efforts. The reports shall be prepared by a monitoring resource specialist, and shall be submitted for the duration of the monitoring program. Monitoring shall be conducted, at a minimum, for two winter seasons unless the GBC tracer material completely disperses and becomes undetectable before that time. The reports shall include information on volume changes in the deposited material and monthly observation of GBC tracer material movement, including site plans, cross-sections and photographs taken from pre-designated sites. At the end of the monitoring period, a final detailed report on the project shall be submitted for the review and approval of the Executive Director. The report shall summarize all previous reports and provide a detailed analysis of the movement of GBC material based on monitoring program results.

5. **Other Required Agency Permits.** Prior to the commencement of construction, the applicants shall provide evidence to the Executive Director's satisfaction that the applicants have obtained all necessary final approvals, assessments and permits from the City of Ventura, Army Corps of Engineers, National Marine Fisheries Service, and State Department of Parks and Recreation. The applicants shall provide not less than 48 hours notice to all affected local governments and agencies prior to the commencement of physical project activities.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicants propose to undertake a beach nourishment and gravel, boulder, and cobble (GBC) tracking project at Surfer's Point Beach in the City of Ventura. The project site is located immediately south of Shoreline Drive and the Ventura County Fairgrounds, and approximately 1,250 feet east of the mouth of the Ventura River. A

significant portion of the proposed project will occur below the mean high tide line, within the area of the Coastal Commission's retained permit jurisdiction.

The project site is a popular public beach that is highly disturbed by significant human activity on a daily basis and characterized by mostly cobble and sand. The unconsolidated sands that accrete during the summer support sparse vegetation. Unique, rare, threatened, or endangered plants or animals were not observed in the project area nor are any plants or animals in these categories expected to forage during the day or nest at the project site.

The project consists of the placement of approximately 1,400 cubic yards of GBC material along 400 feet of shoreline, including the intertidal area. The GBC material is composed of approximately 1,130 cubic yards of GBC excavated in 2000 from the Ventura River (outside of the Coastal Zone) and approximately 270 cubic yards of lighter colored GBC excavated from the San Gabriel Mountains, the latter of which will serve as tracer material intended to help monitor GBC movement. The GBC is to be spread in a blanket approximately 0.1 to 3.5 feet thick and approximately seventy feet wide, with the non-native GBC placed in three 25 foot wide bands located on each end and in the middle of the GBC blanket. The proposed project also includes a monitoring program consisting of topographic surveys, visual monitoring of the GBC tracer material, and production of annual field reports, to be conducted over two winter seasons.

The applicants propose to complete the proposed construction activities within ten working days between September 8 and April 1. The applicants propose to control public access to the disposal area during truck offloading and to minimize coning off of lanes to public parking areas, thereby minimizing disruptions to coastal access during construction. The applicants also propose to remove any unsuitable material contained within the GBC blanket.

In August 2000, the Commission approved a similar project for placement of approximately 8,000 cu. yds. of cobble in the same location (CDP 4-00-158). The approximately 1,130 cu. yds. of native GBC to be placed under the current proposal consists of a portion of the 8,000 cu. yds. of material excavated from the Ventura River under CDP 4-00-158, and since stockpiled in an inland storage site.

B. Public Coastal Access and Recreation

Coastal Act policies specifically protective of public access and recreation include the following:

Section 30210.

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.

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. (in pertinent part)

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

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30220.

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

Section 30221.

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial

As noted previously, the applicants propose to place approximately 1,400 cubic yards of GBC material, including 270 cu. yds. of visually distinct non-native material, as part of a beach nourishment and GBC movement monitoring program. The project will be undertaken along a 400-foot stretch of the Surfer's Point Beach, south of Shoreline Drive and adjacent to the fairgrounds, within the City of Ventura. The project site is a public beach popular with surfers, windsurfers, and other beach visitors.

The overall intent of the proposed project is to enhance the stability of the sand and cobble beach naturally present on the subject site, and to generate additional information regarding movement of GBC material in order to increase the effectiveness of future beach nourishment efforts. Thus, in the long-term the proposed project is expected to contribute to beach stability and thus improved public access and recreational opportunities in the beach area.

Short-term impacts to public access and recreation may occur during placement of the GBC material. The truck trips and bulldozer activity on and adjacent to the public beach will interrupt beach use in the immediate area, and may restrict the flow of traffic through Shoreline Drive (the entrance to the fairgrounds) for a period of approximately ten consecutive weekdays.

The applicants propose to reduce public access and recreation impacts by protecting public safety during and after project implementation and by restricting the project implementation schedule, as outlined in **Special Conditions One (1), Two (2), and Three (3)**. **Special Condition One (1)** limits project activities to consecutive weekdays between September 8 and April 1 and prohibits project activities on weekends or public holidays, consistent with the applicants' proposal. This construction window ensures that disruption of the public beach will be concentrated within times of the most minimal public use, and outside of the summer peak season.

The proposed project includes placement of GBC material, comprised of gravel, boulders, and cobble. Wentworth's Clastic Scale defines boulders as clasts with a grain size of 256 mm (approximately 10 inches) or greater. The use of rock material greater than 12 inches in diameter would adversely impact public access for beach walkers, surfers, and other members of the public traversing the project area, and decrease public enjoyment of the beach. Similarly, the presence of brush, sharp rocks, and other debris within the GBC blanket could adversely affect the public's use and enjoyment of the area and present a public safety hazard. Therefore, **Special Condition Two (2)** requires monitoring of the GBC material for unsuitable components (debris, sharp rocks, brush, etc.) that may be hazardous or unsightly, and prohibits the use of oversized material (greater than 12 inches in diameter) unless otherwise authorized by the Executive Director. In addition, **Special Condition Two (3)** requires the applicants to provide sufficient monitoring and/or flagging during placement of the GBC material to ensure that beachgoers do not enter the construction area. These measures will ensure that the public will be rerouted away from the construction areas and that any unsuitable or potentially hazardous materials embedded in the GBC material will be detected and removed, thereby protecting public enjoyment and safety.

As noted above, a primary objective of the proposed project is to generate additional information regarding movement of GBC material in order to increase the effectiveness of future beach nourishment efforts. In order to ensure that the applicants' proposal to track the movement of the deposited materials is implemented, **Special Condition Four (4)** requires the applicants to implement the proposed monitoring program and provide annual monitoring reports, as well as a final summary report and analysis, for the review and approval of the Executive Director. **Special Condition Four (4)** is necessary in order to ensure that the proposed project fulfills its potential to contribute to long-term solutions for the protection and enhancement of public access at the subject site.

As conditioned, the proposed project will be conducted in a manner that minimizes the unavoidable, temporary disruption of public access and recreational activities and

maximizes public safety and beach enjoyment, consistent with the applicable policies of the Coastal Act.

C. Coastal and Marine Resources

Coastal Act policies specifically protective of coastal and marine resources include the following:

Section 30230.

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.

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.

Section 30233. (in pertinent part)

(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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including

berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(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.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

[...]

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. In addition, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. Section 30233 allows diking, dredging, or filling of open coastal waters on a limited basis, including for restoration purposes. Finally, Section 30240 states that only development that is resource dependent may be allowed within environmentally sensitive habitat areas and requires development to be sited and designed to prevent impacts on environmentally sensitive habitat areas, parks, and recreation areas.

The proposed project involves the placement of approximately 1,400 cubic yards of GBC material, including 270 cu. yds. of visually distinct non-native material, as part of a

beach nourishment and GBC movement monitoring program. A significant portion of the proposed project will occur below the mean high tide line, within the area of the Coastal Commission's retained permit jurisdiction.

The proposed project constitutes filling of coastal waters within the meaning of Section 30233 of the Coastal Act. The Commission notes, however, that the proposed fill project is being conducted for beach nourishment purposes, which is specified as an allowable use under Coastal Act Section 30233(b) when adverse effects to the marine environment are minimized.

As noted above, the project site is a popular public beach that is highly disturbed by significant human activity on a daily basis and characterized by mostly cobble and sand. The unconsolidated sands that accrete during the summer support sparse vegetation. Unique, rare, threatened, or endangered plants or animals were not observed in the project area nor are any plants or animals in these categories expected to forage during the day or nest at the project site.

A dune restoration area is located 550 feet to the west of the project area. The project has been designed to avoid the dune restoration area and no impacts to the dune habitat are expected as the result of project implementation. In addition, the project site is located approximately 1,250 feet to the east of the mouth of the Ventura River, a sensitive biological area and marine estuary identified in the City's Comprehensive Plan as the Seaside Wilderness Park. Because it is separated from the project site by an existing rock jetty and 1,250 feet of public beach, no direct impacts would occur to this area. The project is also not expected to indirectly impact the estuary since the current runs strongly from west to east. Consequently, the natural flow of materials from the project site would be away from the estuary.

The proposed project could result in the transport of debris and/or other hazardous substances into the marine environment if such materials were to be found within the proposed GBC blanket. Discharge of such materials could pose hazards to marine organisms. Therefore, in order to protect marine resources and coastal water quality and to minimize the potential for unintended transport of debris or hazardous substances into coastal waters, **Special Condition Two (2)** of the subject permit requires that all unsuitable materials, such as brush, debris, and sharp rocks found within the deposited material be removed and disposed of at a licensed landfill.

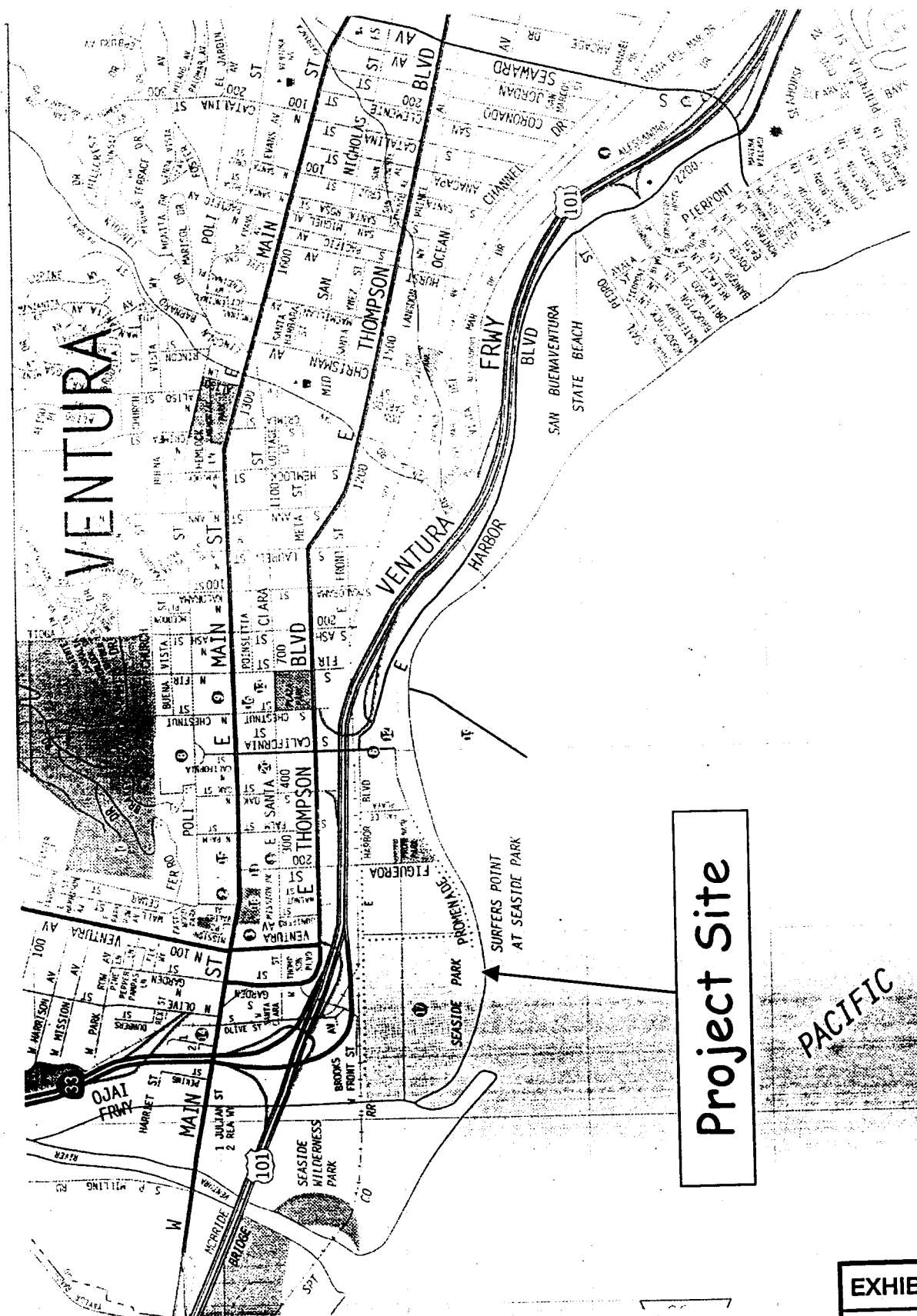
In addition, the proposed development may require approval from other agencies charged with protection of marine and coastal resources, including the United States Army Corps of Engineers, the California State Lands Commission, the California Department of Fish and Game, and/or the Regional Water Quality Control Board. Therefore, **Special Condition Five (5)** requires the applicant to agree to obtain all necessary approvals from these agencies for the proposed project prior to commencement of construction, or evidence that notice has been provided to such agencies and no permit is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30233, and 30240 of the Coastal Act.

D. California Environmental Quality Act

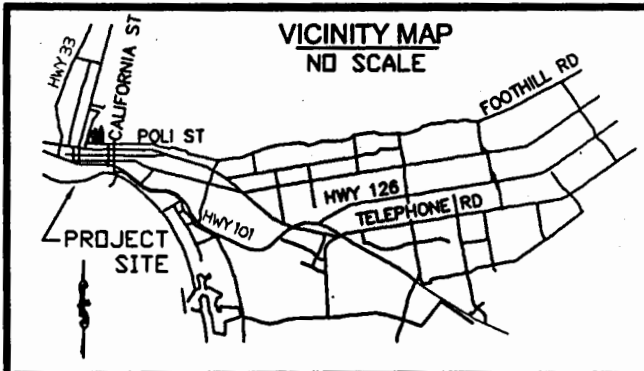
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 would have on the environment.

The proposed development would not cause significant, adverse environmental effects that would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

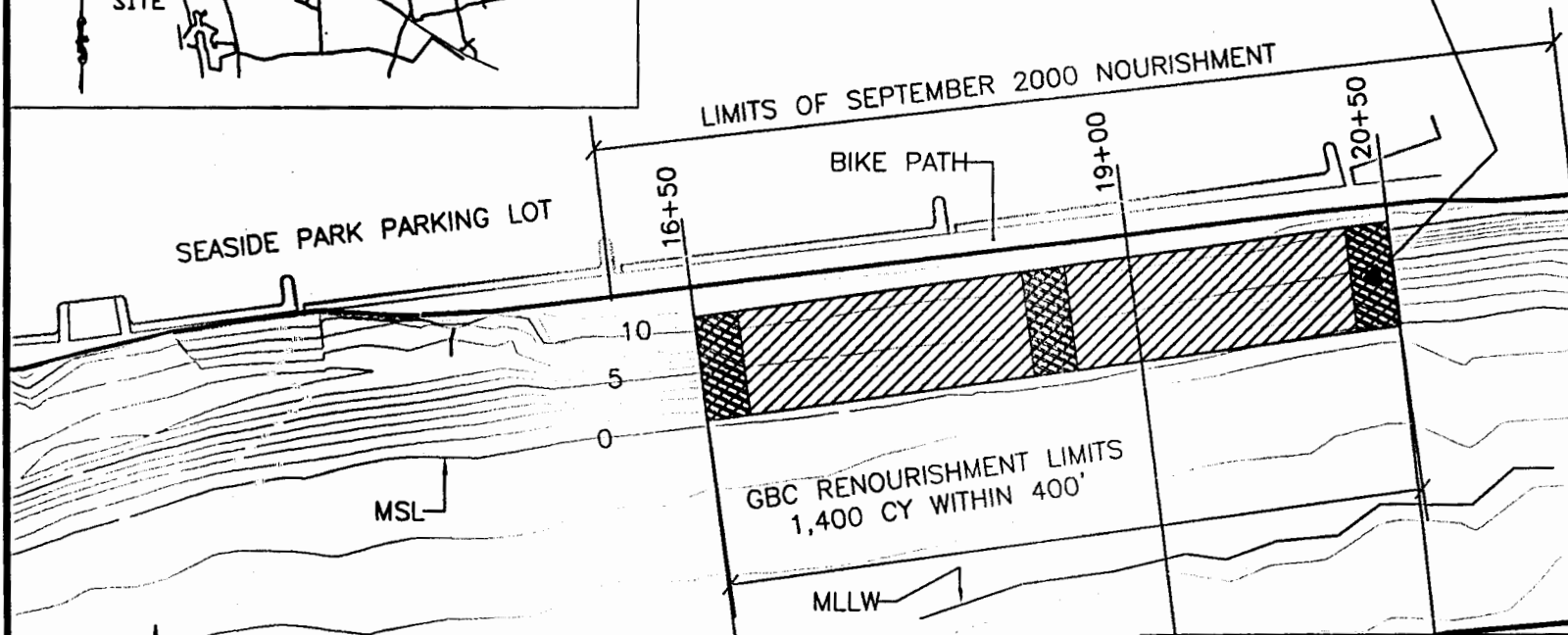


Project Site

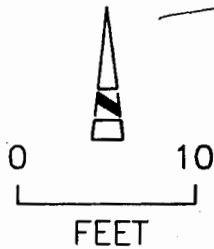
EXHIBIT NO. 1
APPLICATION NO.
4-04-101
VICINITY MAP



DENOTES 25' WIDE PLACEMENT AREA FOR
NON-NATIVE GBC TRACER MATERIAL.
APPROX. 270 CY TOTAL WITHIN THREE
AREAS SHOWN (EACH END AND MIDDLE)



ELEVATIONS ARE IN FEET
NGVD WHICH IS ABOUT
2.7' ABOVE MLLW.
CONTOUR INTERVAL IS 1'



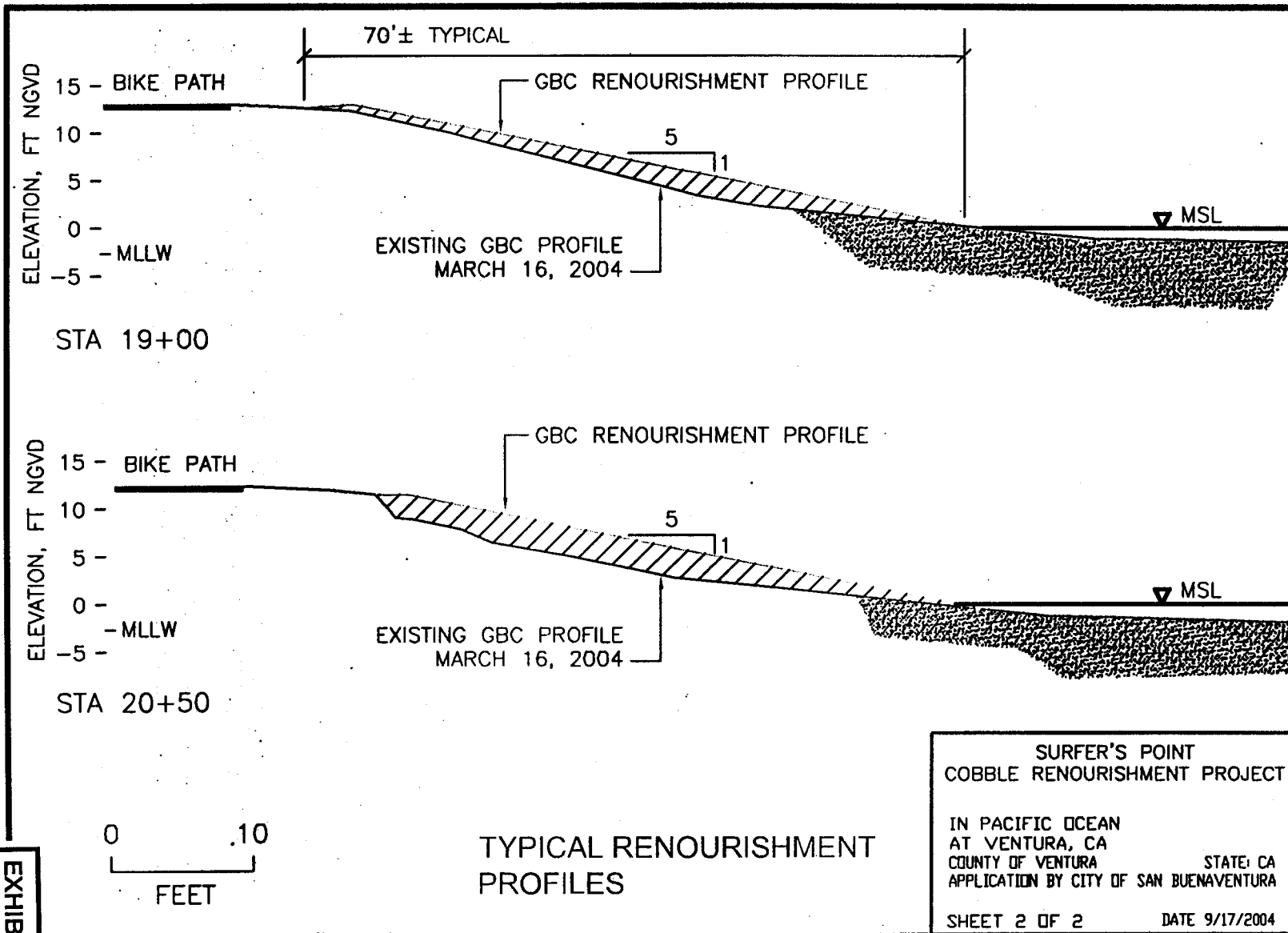
GBC RENOURISHMENT PLAN

SURFER'S POINT
COBBLE RENOURISHMENT PROJECT

IN PACIFIC OCEAN
AT VENTURA, CA
COUNTY OF VENTURA
APPLICATION BY CITY OF SAN BUENAVENTURA

STATE: CA
SHEET 1 OF 2
DATE 9/17/2004

EXHIBIT NO. 2
APPLICATION NO.
4-04-101
SITE PLAN

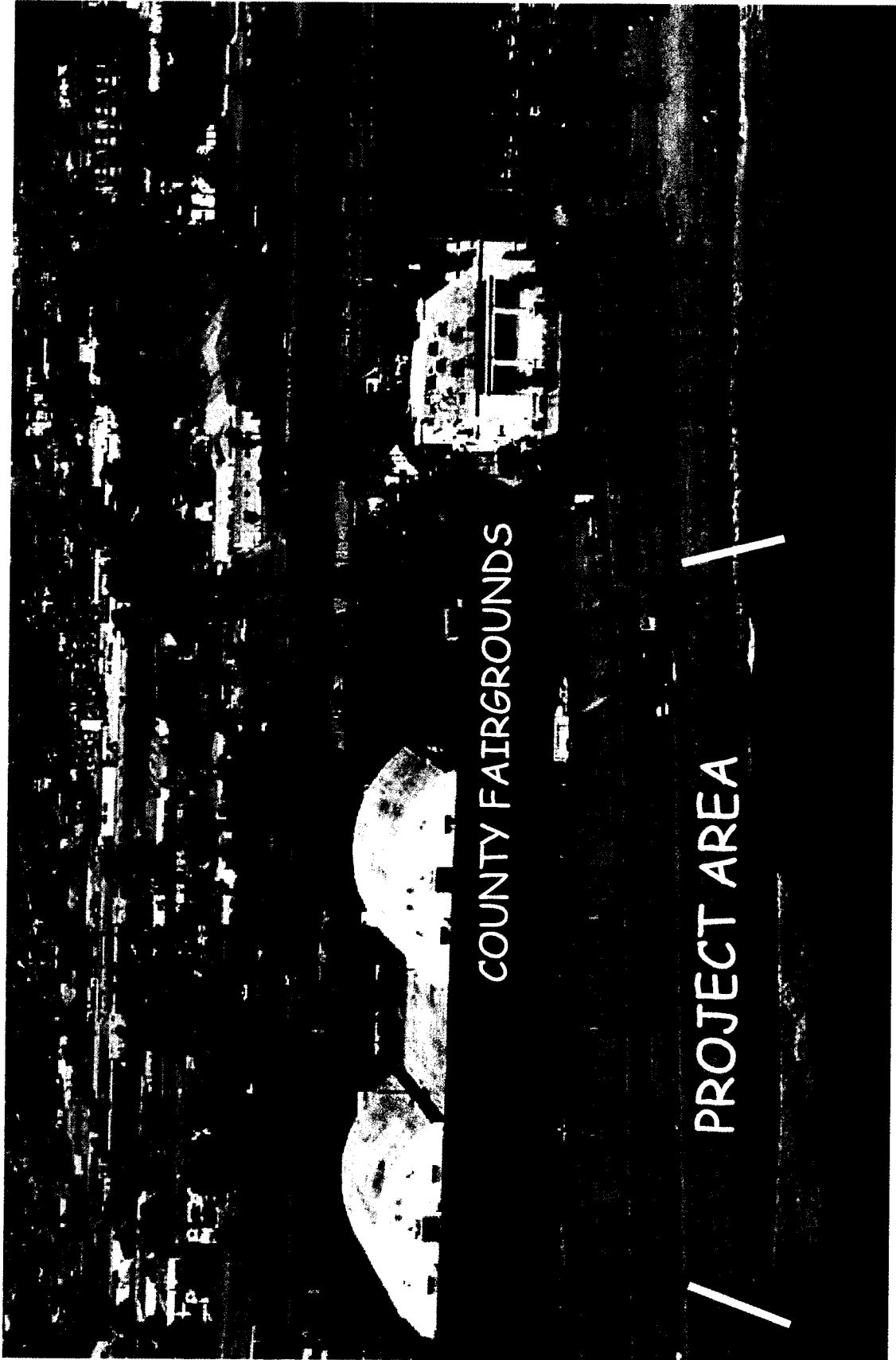


SURFER'S POINT
 COBBLE RENOURISHMENT PROJECT

IN PACIFIC OCEAN
 AT VENTURA, CA
 COUNTY OF VENTURA STATE: CA
 APPLICATION BY CITY OF SAN BUENAVENTURA

SHEET 2 OF 2 DATE 9/17/2004

EXHIBIT NO. 3
 APPLICATION NO.
 4-04-101
 PROFILES



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EXHIBIT 4
4-04-101
PHOTO

