

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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Staff: LF-V
Staff Report: 11/02/06
Hearing Date: 11/16/06
Commission Action:



Th 17c & 18a

STAFF REPORT: REGULAR CALENDAR

AND

**STAFF REPORT AND RECOMMENDATION ON APPEAL
SUBSTANTIAL ISSUE AND
DE NOVO COASTAL DEVELOPMENT PERMIT**

APPLICATION NO.: 4-05-148

APPEAL NO.: A-4-SBV-06-037

LOCAL GOVERNMENT: City of Ventura

LOCAL DECISION: Approval with Conditions

APPELLANTS: Commissioners Caldwell and Kruer

APPLICANTS: City of Ventura; 31st Agricultural District

PROJECT LOCATION: Surfer's Point, City of Ventura

PROJECT DESCRIPTION (PERMIT APPLICATION): Tidelands portion of a managed shoreline retreat project, including stabilization and restoration of approximately 1800 linear feet of beach. The proposed project includes demolition of an existing 223 space parking lot and excavation of underlying fill, including sand, silt and debris, to a depth of approximately 6 to 8 feet above sea level; removal of an existing approximately 200 foot long rock revetment; construction of an approximately 1800 foot long, 94 to 110 foot wide (at base), 13.5 ft. high cobble berm consisting of approximately 33,000 cu. yds. of cobble; placement of approximately 27,500 cu. yds. of sand to provide infill and backfill for the cobble berm; placement of an additional approximately 16,500 cu. yds. of sand to create a vegetated sand dune above the berm; restoration of native dune habitat; removal of existing fencing; removal of approximately nine non-native *Metrosiderus* sp.

trees (to be relocated to a proposed parking area landward of the Commission's jurisdiction); removal of an existing storm drain outlet; expansion of an existing landscaped picnic area; construction of an additional approximately 250 sq. ft gathering area consisting of recycled concrete surfacing and an interpretive exhibit; construction of six approximately six ft. wide, 60 to 150 ft. long lumber boardwalk walkways providing vertical access through the dunes; realignment of an existing approximately 160 ft. long connector bicycle path and approximately 3,589 cu. yds. of grading (3,277 cu. yds. cut, 312 cu. yds. fill). The bicycle path will be relocated approximately 60 feet inland and the proposed parking will be relocated approximately 80 -130 feet landward into the Fairgrounds property.

PROJECT DESCRIPTION (APPEAL): Portions of the Surfer's Point Managed Shoreline Retreat project landward of the mean high tide line, including reconfiguration of Shoreline Drive, relocation of parking areas, and realignment of a public bikeway, as detailed below¹:

1. Reconfiguration of Shoreline Drive, including shortening of the street by approximately 1,200 linear feet, construction of a roundabout installed at the new western terminus, planting of street trees on either side of the shortened road, and delineation of 25 free on-street "surf check" parking spaces, with a limited use of up to twenty minutes.
2. Construction of two parking lots at the western terminus of Shoreline Drive, including a southern parking lot with permeable recycled asphalt paving and approximately 148 high frequency, public parking spaces, and a northern parking lot with grass pave surface and approximately 170 reduced frequency parking spaces. The southern parking lot would be primarily utilized for public coastal access parking, including year-round access subject only to closure during the Ventura County Fair, and would require payment of a nominal fee during daylight hours, generally between 6 AM and 10 PM. The northern lot is intended to primarily serve the Ventura County Fairgrounds but may also be made available for coastal access parking in the event that the southern lot becomes fully occupied. A parking kiosk would control access to both parking lots and a nominal fee would be required for entry.
3. The existing Omer Rains Bicentennial Bikeway would continue to front the shoreline and lie between parking lots and the beach. Various paved pathways would lead pedestrians from the parking lots to the bikeway or beach. Low fencing would funnel pedestrians to composite lumber boardwalks providing controlled access through dunes. Two small gathering areas would include interpretive exhibits and public art. An existing turf picnic area would be expanded, and an existing bicycle roundabout would include new recycled concrete accent paving.

¹ The project description included here is the project description approved by the City, which has been subsequently revised and clarified. The currently proposed project description for the De Novo permit is included on page 30 of this report.

SUMMARY OF STAFF RECOMMENDATION:

The Surfer's Point Managed Retreat Project involves a comprehensive redevelopment of an approximately 20-acre shoreline area, including approximately 1,800 linear feet of beach, and extends from below the mean high tideline landward to encompass existing beachfront parking areas, a bikeway, a public road, and undeveloped areas that are currently enclosed within the Ventura County Fairgrounds. As such, the proposed project spans the boundary between the City of Ventura's coastal permitting jurisdiction and the Commission's original jurisdiction. Therefore, the portions of the project that are located seaward of the wave uprush line² are addressed in CDP Application No. 4-05-148, and the remainder of the project, which was approved by the City and appealed by Commissioners Caldwell and Kruer, is addressed in Appeal No. A-4-SBV-06-037. Thus the staff report contains recommendations on three items: CDP Application No. 4-05-148, the substantial issue determination for Appeal No. A-4-SBV-06-037, and the De Novo permit for the appealed project.

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the appellants' assertions that the project approved by the City of Ventura is not consistent with the public access and recreation policies of the Coastal Act. Staff further recommends that the Commission, at the **de novo** public hearing, **approve** the proposed project with **nine (9) special conditions** regarding (1) project timing, (2) geologic and engineering recommendations, (3) water quality management plan, (4) landscaping and erosion control plans, (5) interim public access program, (6) parking and road closure notification, (7) coastal access/parking lot operation plan, (8) operations and maintenance responsibilities, and (9) assumption of risk. The standard of review for the de novo review of the project is whether the proposed development is in conformity with the certified City of San Buenaventura Local Coastal Program and the public access policies of the Coastal Act. During the de novo hearing, testimony may be taken from all interested persons. Motions and resolutions can be found on **pages 5-6**. Findings for substantial issue being on **page 23** of this report; findings for the de novo permit are found on **page 29**.

Staff recommends **approval** of the project proposed in CDP Application No. 4-05-148, with **twelve** special conditions regarding: (1) project timing, (2) berm and dunes construction and inspection, (3) long-term berm and dunes monitoring and maintenance, (4) stockpile sites, (5) interim public access program, (6) operations and maintenance responsibilities, (7) dune restoration plan and specifications, (8) landscaping plans, (9) geologic and engineering recommendations, (10) required approvals, (11) assumption of risk, and (12) construction sequencing. The motion and resolution to approve this project is on **pages 6-7** of the staff report. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the certified City of San Buenaventura Local Coastal Program (LCP) serves as guidance. Findings for the permit application begin on **page 43** of this report.

² As determined by Philip Williams & Associates, Ltd. in their report entitled "Surfer's Point Managed Shoreline Retreat and Access Restoration – Preliminary Design," dated August 2, 2005

APPROVALS RECEIVED: City of San Buenaventura, Planning Commission Resolution No. 8209 Granting an Administrative Coastal Development Permit & Flood Plain Overlay Zone Development Permit, Case Nos. ACDP-477/FP-22 (January 17, 2006); U.S. Army Corps of Engineers Provisional 404 Permit, File No. 200300321 (January 13, 2006).

SUBSTANTIVE FILE DOCUMENTS: Surfer's Point Managed Shoreline Retreat & Access Restoration, Preliminary Design (Philip Williams & Associates, Ltd., August 2, 2005); Geotechnical Evaluation, Surfer's Point Bike Path Restoration, Seaside Park, San Buenaventura, California (Ninyo & Moore, October 22, 2004); Draft Conceptual Restoration Plan, Surfer's Point, City of Ventura, California (RRM Design Group, February 2006); Surfer's Point Managed Shoreline Retreat Final Environmental Impact Report (FEIR), (Rincon Consultants, March 2003); Surfer's Point Managed Shoreline Retreat Draft Environmental Impact Report (EIR), (Rincon Consultants, Inc., December 2002); Letter re: Surfers Point Managed Shoreline Retreat, Pacific Ocean, City of San Buenaventura, Ventura County, File Reference No. W 25918, from Judy A. Brown, California State Lands Commission (December 15, 2005); City of San Buenaventura Local Coastal Program Amendment No. 1-86; Coastal Development Permit Nos. 4-88-123 (City of San Buenaventura Engineering Department), 4-88-130 (City of San Buenaventura/31st Agricultural District), 4-00-158 (City of San Buenaventura/31st Agricultural District), 4-00-158-A1 (City of San Buenaventura/31st Agricultural District), 4-02-074 (BEACON), and 4-04-101 (City of San Buenaventura/31st Agricultural District); Emergency Coastal Development Permit Application No. 4-91-060-G (City of San Buenaventura/31st Agricultural District); Violation File No. V-4-BVC-92-8 (City of San Buenaventura/31st Agricultural District).

A. STAFF RECOMMENDATION FOR SUBSTANTIAL ISSUE AND DE NOVO PERMIT:

1. MOTION AND RESOLUTION FOR SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-SBV-06-037 raises NO substantial issue with respect to the grounds on which the appeals have been filed under §30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local actions will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-SBV-06-037 presents a substantial issue with respect to the grounds on which the appeals have been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

2. MOTION AND RESOLUTION FOR DE NOVO PERMIT

MOTION: *I move that the Commission approve Coastal Development Permit No. A-4-SBV-06-037 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 on the ground that the development is located between the sea and the first public road nearest the shoreline and will conform with the policies of the certified Local Coastal Program for the City of Ventura and the public access and public recreation policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act since feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

B. STAFF RECOMMENDATION ON PERMIT APPLICATION NO. 4-05-148:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-05-148 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 applicants 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 applicants to bind all future owners and possessors of the subject property to the terms and conditions. These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicants to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS FOR PERMIT NO. 4-05-148

1. **Project Timing**

- A. All construction operations, including operation of equipment, material placement or removal, placement or removal of equipment or facilities, public access restrictions, or other activities *shall be prohibited* from the Friday prior to Memorial Day in May through Labor Day in September to avoid impacts on public recreational use of the beach and other public amenities in the project vicinity.

- B. After Labor Day and before the first Friday prior to Memorial Day, project activities may occur Monday through Friday, excluding state holidays. No work shall occur on Saturday or Sunday.

2. Berm and Dunes Construction and Inspection

- A. Cobble quality and size: Material used to construct the cobble berm shall be relatively round in shape and between 4 inches and 12 inches in diameter, with an average diameter of about 8 inches to 10 inches. Gravels and smaller cobbles (less than 4 inches in diameter) shall be excluded from the berm. A minor amount of cobble berm material – no more than 5% by volume -- may be greater than 12 inches, but no greater than 18 inches, in diameter. All unsuitable materials that are detected within the cobble placement area, such as brush, debris, sharp rocks, or other materials inconsistent with public safety or cobble composition, shall be immediately removed and disposed at a licensed landfill.
- B. Sand grain size: Material placed on the cobble berm for infill and dune construction shall consist of sand for which an average of 90% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200). Of the coarse grained material (retained on a Standard U.S. Sieve Size No. 200), no more than five percent shall consist of gravel or pebble-sized material (2 mm – 64 mm). To achieve the desired gradation of material, the source may be screened out or mechanically sorted.
- C. Artificial fill removal: Existing artificial fill located within the area of proposed cobble berm and dunes construction shall be removed to the maximum extent feasible.
- D. Sediment analysis: An engineer(s) or environmental professional(s) with appropriate qualifications acceptable to the Executive Director shall prepare a Sampling and Analysis Plan and conduct testing of any sand materials to be deposited on the berm consistent with the following:
- i. Contaminants: Chemical analysis shall be conducted on representative samples of each source material proposed for placement on the project site. The material shall be analyzed for consistency with EPA, ACOE, State Water Resources Control Board and RWQCB requirements for beach replenishment. At a minimum, the chemical analysis shall be conducted consistent with the joint EPA/Corps *Inland Testing Manual*. If it is determined that the sediment exceeds any ACOE, EPA, State Water Resources Board or RWQCB contaminant threshold levels, the materials shall not be placed on the project site.
 - ii. Color --- Color classification shall be conducted on representative samples of each source material (sand only) proposed for placement on the project site. The color shall reasonably match the color of the receiving beach after reworking by wave action.
 - iii. Particle Shape – Particle shape classification shall be conducted on representative samples of each source material proposed for placement at any of

the five deposition sites. For beach replenishment, the source material shall consist of a minimum of 90% rounded particles (i.e., maximum of 10% angular particles).

- iv. Debris Content – A visual inspection of the source location shall be conducted to determine the presence and types of debris such as trash, wood, or vegetation. The amount of debris within the material shall be estimated, as a percentage of the total amount of source material. Prior to placement of sand at the project site, all such debris material shall be separated from the sand (by mechanical screening, manual removal or other means) and taken to a proper disposal site authorized to receive such material.
- v. Compactability – Chemical and visual inspections of the source location shall be conducted to determine the presence of elements such as iron oxides which can compact to form a hardpan surface. Source material with compactable material shall not be allowed.

The results and analysis of the testing shall be submitted for the review and approval of the Executive Director no later than 30 days prior to construction of the berm and dunes. Source material that does not meet the applicable physical, chemical, color, particle shape, debris, and/or compactability standards for beach replenishment shall not be placed on the project site.

- D. Berm and dune construction schedule: At least 5 working days prior to construction of the berm and dunes, the applicants shall provide the executive director with a construction schedule to allow for inspections of the cobble berm and quality of material being used in the berm construction.
- E. On-site construction monitor: The applicant shall retain the services of a qualified engineer, soil scientist or resource specialist, with appropriate qualifications acceptable to the Executive Director. The on-site monitor shall be present whenever cobble or sand is being placed on the beach. The monitor shall, through grab samples, visual inspection or other methods, insure that the delivered material is within the acceptable size ranges for nourishment material. If the material is not within the acceptable size range, the monitor shall halt the placement of materials on the beach. The monitor shall also examine the material to determine presence of debris. If any debris or unacceptable material is detected, the placement of materials shall be halted. The project shall not continue until the composition of the sand material is consistent with the requirements of this special condition.
- F. Preparation of As-Built Plans: The applicants shall undertake surveys and mapping of the key berm features (berm crest, berm footprint and seaward berm toe) sufficient to provide As-Built Plans of underlying cobble berm, vegetated dune, boardwalk locations, inland dune area, bike path and beach parking area. Fixed inland locations shall be identified on the as-built plans such that the position of the buried cobble berm crest and berm toe can be located during the monitoring phase [see **Special Condition Three (3)**] without excavating into the vegetated dune cover or boardwalk.

- G. Transmittal of As-Built Plans and Coordination with Monitoring: Within 30 days of completion of the vegetated dune and boardwalk, the applicants shall provide copies of the As Built Plans to the on-site monitor, and to the Executive Director for review and approval [see **Special Condition Three (3)**].
- H. Project Changes: Proposed changes to the project may require a permit amendment or new permit. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

3. Long-term Berm and Dunes Monitoring and Maintenance

- A. Selection of Berm Monitor: Prior to issuance of the Coastal Development Permit, the applicant shall identify a monitor for the berm and submit, for the review and approval of the Executive Director, the name, contact information and qualifications of the berm monitor. If this information changes over the life of the monitoring program, (if a new monitor is hired or if the contact for the monitor changes), the applicants shall provide the Executive Director with updates or new information about the monitor. At a minimum, the monitor shall be a civil engineer familiar with coastal processes and shoreline dynamics.
- B. Development of Baseline Conditions and Detailed Monitoring Program: The monitor shall develop a complete baseline condition of the berm, sufficient to undertake the long-term monitoring program, report on the overall condition and effectiveness of the dune and berm system, and provide guidance on when and what levels of maintenance should be undertaken. Development of the baseline condition shall include, but not be limited to the As-Built Plans, inspection of the project site, subsurface probes, site investigations, photo documentation and discussions with the construction contractor. Within 30 days of completion of the berm, the monitor shall submit, for the review and approval of the Executive Director, a detailed Monitoring Plan that establishes the procedures that will be used to assure the effectiveness of the berm, the types of information that will be used to determine the berm effectiveness, methods to compare the future berm condition with the condition of the berm immediately following construction, and triggers for berm maintenance. The Monitoring Plan shall specify all baseline information that is needed for future monitoring and evaluation of the berm stability and effectiveness; if the information on baseline conditions is not adequate to support all future monitoring, the monitor shall identify the needed information and the applicants shall work with the monitor to obtain all necessary baseline information. All information necessary to determine baseline conditions shall be developed within six months after construction of the berm.
- C. Development of Monitoring Plan: Within 30 days of construction of the berm, the monitor shall submit, for the review and approval of the Executive Director, a detailed monitoring plan that provides:

- i. Use of standard inspection methods such as georeferenced aerial photography, LIDAR, GPS or other field survey techniques, to estimate any changes in surface topography of the restored area and the beach. At a minimum there should be 5 profiles through the berm area and transition area from berm to beach taken twice annually for summer and winter conditions.
 - ii. Visual inspections of the project site for signs of excessive erosion should be undertaken monthly throughout the winter (starting November and continuing through April) and during or immediately after any storm event with a return period greater than 10-years. Areas of concerns shall be photographed from stable, documented photo points so the rate and severity of erosion can be assessed. If there are indications of erosion or if any portion of the cobble berm is exposed, monthly inspections shall continue until the erosion condition is corrected by the natural input of sand to the area, or through implementation of permitted maintenance efforts, including sand renourishment.
 - iii. Comparison of the performance of the restoration project to the baseline conditions and to other similar cobble berm and dune systems in the Ventura area, such as Emma Woods Beach Park.
 - iv. Development of maintenance triggers, such as movement of any portion of the cobble berm to within 50 feet of the bike path, or deflation of the dune/berm crest to below +13 feet, MLLW.
 - v. If monthly or seasonal monitoring identifies that one or more of the triggers has been reached, the monitoring plan shall outline the process that will be initiated to respond to these triggers with timely and appropriate maintenance.
 - vi. Written monitoring reports shall be prepared and submitted annually for the review and approval of the Executive Director. The written monitoring reports shall provide the developed profiles, photo documentation, analysis and determination of the overall condition of the beach, vegetated dune and underlying cobble berm. If any maintenance has been performed in the prior year, the type of work, area and location of the needed maintenance, volumes of added sand and cobble, and other pertinent information on the maintenance activities shall also be reported in the monitoring report.
- D. Maintenance Triggers: The monitoring plan shall provide timely triggers to determine when maintenance will be required and shall provide sufficient early warning of potential drop in effectiveness of the cobble berm such that the applicants can develop and implement an approved maintenance plan that will prevent damage to the bike path, water quality features and other access or resource protective components of the project. Anticipated maintenance would include retrieval of errant cobble from the active sand beach and reincorporation of retrieved cobble into the berm, the addition of appropriated sized and cleaned cobble into areas where the cobble berm has been exposed and eroded, placement of appropriately sized sand cover for dune development, and addition of dune vegetation.

- E. Maintenance Authorization. Maintenance of the cobble berm and sand dunes authorized by this permit, including reconstruction and renourishment of the berm and dunes within the approved envelope and according to the required standards, may be performed for a period of five (5) years from the date of issuance of this permit. This five (5) year maintenance period may be extended for any additional period of time that is authorized in an amendment to this permit.
- F. Maintenance Construction and Inspections. Maintenance activities shall be subject to all of the standards and requirements for berm and dune construction, as detailed in **Special Condition Two (2)** above.

4. Stockpile Sites

- A. Permanent stockpiling of material at any of the stockpile sites subject to this permit shall not be allowed. The stockpile sites must be cleared and returned to their pre-construction condition with no remaining equipment, silt fencing, or construction equipment remaining on-site within one week of completion of the project.
- B. Temporary erosion control measures, such as sand bag barriers, silt fencing; and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial grading operations and shall be monitored and maintained until all stockpiled fill has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site.

5. Interim Public Access Program

- A. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition site and/or staging area(s) shall be maintained during all project operations. Where public paths or bikeways shall be closed during active operations, a person(s) shall be on-site to detour traffic.
- B. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, plans for staging and storage of equipment. Public parking areas shall not be used for staging or storage of equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required for the staging of equipment, machinery and employee parking shall be used. At each site, the number of public parking spaces utilized shall be the minimum necessary to implement the project.
- C. The applicant shall post each construction site with a notice indicating the expected dates of construction and/or beach closures.

6. Operations & Maintenance Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

- (1) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
- (2) Construction equipment shall not be cleaned on the beach or in the beach parking lots.
- (3) Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
- (4) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- (5) The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

7. Dune Restoration Plan and Specifications

- A. Prior to issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, two (2) sets of final dune restoration plans and specifications in substantial conformance with the *Draft Conceptual Restoration Plan, Surfer's Point, City of Ventura, California* report by RRM Design Group, dated February 2006, which is attached as **Exhibit 6**. Said plans shall be prepared by a qualified biologist, ecologist, or resource specialist who is experienced in the field of restoration ecology, and who has a background knowledge of the various habitats associated with the project site. The final plans shall include, at a minimum, the following information:
 1. Sufficient technical detail on the restoration planting design including, at a minimum, a planting program including planting methods, weed control techniques, maintenance, and monitoring, removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the restoration base map, and maintenance techniques.
 2. Engineered grading plans including existing and proposed ground elevation contours; location and size of all equipment and stockpile sites to

be used; cut and fill locations and quantities; and location, design and specifications of any other structures necessary to carry out the proposed project.

3. Documentation of the necessary management and maintenance requirements, and provisions for timely remediation, such as for erosion control and/or impacts from any necessary maintenance to the cobble berm, should the need arise.
 4. Performance criteria consistent with achieving the identified goals and objectives; measures to be implemented if success criteria are not met; and long-term adaptive management of the restored areas for a period of not less than seven (7) years.
 5. Documentation requirements and submittal schedules for reviewing agencies.
- B. The applicants shall implement the monitoring plan described in the *Draft Conceptual Restoration Plan, Surfer's Point, City of Ventura, California* report by RRM Design Group, dated February 2006, and provide annual monitoring reports. The applicants shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of seven (7) years, a written monitoring report, prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site. This report shall also include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. At the end of the seven-year period, a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicants shall be required to submit a revised or supplemental program to compensate for those portions of the original program that were not successful. The revised or supplemental program shall be processed as an amendment to this permit. During the seven-year monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the restoration site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every additional year that such inputs are required, so that the success and sustainability of the restoration is insured. The restoration site shall not be considered successful until it is able to survive without artificial inputs.
- C. The restoration plan shall be implemented by qualified biologists, ecologists, or resource specialists who are experienced in the field of restoration ecology. The monitoring plan shall be implemented immediately following planting.
- D. The applicants shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

8. Landscaping Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping plans for the turf picnic area, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the criteria set forth below.

A) Landscaping Plan

- 1) To minimize the need for irrigation landscaping shall consist primarily of native/drought resistant plants. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- 2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) The applicants shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 4) Five years from the date of completion of initial landscaping for the turf picnic area, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and

shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

9. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the submitted geotechnical report (Geotechnical Evaluation, Surfer's Point Bike Path Restoration, Seaside Park, San Buenaventura, California by Ninyo & Moore, October 22, 2004). All recommendations shall be incorporated into all final design and construction, including recommendations concerning foundations, grading, and drainage, and must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

10. Required Approvals

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project, including from the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Lands Commission, and Federal Highway Administration.

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

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, erosion, and flooding; (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.

12. Construction Sequencing

Construction of the development authorized under Coastal Development Permit No. 4-05-148 shall not occur until after construction of the development authorized under de

novo Coastal Development Permit No. A-4-SBV-06-037 has been completed in accordance with all required standard and special conditions.

IV. SPECIAL CONDITIONS FOR DE NOVO PERMIT NO. A-4-SBV-06-037

1. Project Timing

- A. All construction operations, including operation of equipment, material placement or removal, placement or removal of equipment or facilities, public access restrictions, or other activities *shall be prohibited* from the Friday prior to Memorial Day in May through Labor Day in September to avoid impacts on public recreational use of the beach and other public amenities in the project vicinity.
- B. After Labor Day and before the first Friday prior to Memorial Day, project activities may occur Monday through Friday, excluding state holidays. No work shall occur on Saturday or Sunday.

2. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in the submitted geotechnical report (Geotechnical Evaluation, Surfer's Point Bike Path Restoration, Seaside Park, San Buenaventura, California by Ninyo & Moore, October 22, 2004) shall be incorporated into all final design and construction, including recommendations concerning foundations, grading, and drainage, and must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

3. Water Quality Management Plan (WQMP)

- A. Prior to issuance of the coastal development permit, the applicants shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall be in substantial conformance with the Illustrative Plan (June 2005) and Grading Plan (February 16, 2006) prepared by RRM Design Group and received by Commission staff on February 17, 2006. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the

developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

1. The proposed development shall reduce or maintain pre-development peak runoff rates and average volumes to the maximum extent practicable.
2. Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters.
3. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
4. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
5. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
6. Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.
7. The applicants shall regularly sweep the parking areas, where feasible, at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
8. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.

9. The applicants shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
 10. Activities related to approved vehicle maintenance activity occurring on the project site in the post-development condition shall be subject to the following good housekeeping practices:
 - (a) Absorbent materials and cleanup supplies shall be purchased and maintained in accordance with local regulations and procedures for containment and cleanup of spills, and shall be easily accessible during the aforementioned activities. Used materials must be disposed of in accordance with applicable local regulations.
 - (b) Drip pans of sufficient size shall be used during vehicle fluid removal/replacement activity to catch any drips or spillage.
 - (c) Dry cleanup methods such as sweeping shall be used for removal of litter and debris, and rags and absorbents used for spot cleaning leaks and spills.
 11. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
 12. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.
 13. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
 14. It is the applicants' responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
- B. The applicants shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the

Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall incorporate the criteria set forth below. All development shall conform to the approved landscaping and erosion control plans:

A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of completion of the project. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- 2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) The Applicants shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) Permanent stockpiling of material at any of the stockpile sites subject to this permit shall not be allowed. The stockpile sites must be cleared and returned to their pre-construction condition with no remaining equipment, silt fencing, or construction equipment remaining on-site within one week of completion of the project.

C) Monitoring

Five years from the date of completion of initial landscaping, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

5. Interim Public Access Program

- A. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which

safe public access shall be maintained during all project operations. Where public paths or bikeways shall be closed during active operations, a person(s) shall be on-site to detour traffic.

- B. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, plans for staging and storage of equipment. Public parking areas shall not be used for staging or storage of equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required for the staging of equipment, machinery and employee parking shall be used. At each site, the number of public parking spaces utilized shall be the minimum necessary to implement the project.
- C. The applicant shall post all construction sites with a notice indicating the expected dates of construction and/or beach closures.

6. Parking and Road Closure Notification

At least 10 days prior to the closure of Shoreline Drive and/or the existing 223-space public parking lot, the following shall occur:

- A. Prominent signage notifying the public of the impending closures, and directing the public to existing public parking on the east side of the Ventura County Fairgrounds, shall be posted at the eastern limits of construction. Such signage shall be maintained until the proposed parking lots are completed and opened to the public.
- B. A display ad notifying the public of the impending closures, and directing the public to existing public parking on the east side of the Ventura County Fairgrounds, shall be published for at least five (5) consecutive days in a local newspaper.

Evidence of the posting and publication of notices, in conformance with the above stated requirements, shall be submitted for review of the Executive Director prior to commencement of construction.

7. Coastal Access / Parking Lot Operation Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a final Coastal Access/Parking Lot Operation Plan outlining the availability of the proposed parking areas in accordance with the following criteria:

- A. The proposed 24 free 20-minute "surf check" parking spaces along Shoreline Drive shall be available at all times EXCEPT during the two-week Ventura County Fair.

- B. The proposed 130-space high frequency parking lot shall be available for public coastal access parking during daytime hours (6 AM to 10 PM) at all times, EXCEPT during the two-week Ventura County Fair and during special events, to occur a maximum of five times a year for a duration of no more than three days each.
- C. The proposed 170-space reduced frequency parking lot shall be available for public coastal access parking during daytime hours (6 AM to 10 PM) at times when the 130-space high frequency parking lot has reached capacity, EXCEPT during the two-week Ventura County Fair; from noon to midnight every Saturday between March and November when required for race track operations; and during special events, to occur a maximum of five times a year for a duration of no more than three days.
- D. Bicycle parking shall be provided as follows: a minimum of 20 public bicycle lockers and 32 bicycle parking spaces. Each bicycle parking space shall be at least 2 ½ feet wide. At least five feet of space shall be allowed behind each space to allow room to maneuver. Bicycle parking shall be separated from vehicle parking for safety and ease of use. Prominent signage along the Omer Rains Bicentennial Bikeway shall be installed directing the public to bicycle parking facilities.
- E. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

8. Operations & Maintenance Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

- (1) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
- (2) Construction equipment shall not be cleaned on the beach or in the beach parking lots.
- (3) Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
- (4) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

- (5) The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

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

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, erosion, and flooding; (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.

V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATIONS

A. APPEAL JURISDICTION

The project site is a beachfront parcel on Surfer's Point Beach. The Post LCP Certification Permit and Appeal Jurisdiction map certified for the City of Ventura (Adopted January 30, 1985) indicates that the appeal jurisdiction for this area extends to the first public road paralleling the sea, which in this case is Highway 101. The proposed project site is within this appeal area. As such, the City's coastal development permit for the subject project is appealable to the Commission.

B. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs (LCPs), a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Developments approved by cities or counties may be appealed if they are located within the appealable areas, such as those located between the sea and the first public road

paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff. (Coastal Act Section 30603[a]). Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]). Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5]).

2. Grounds for Appeal

The grounds for appeal for development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code. (Coastal Act Section 30603[a][4])

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three (3) minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

4. De Novo Permit Hearing

If a substantial issue is found to exist, the Commission will consider the application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public access policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

In this case, if the Commission finds substantial issue, the Commission may proceed to the de novo hearing on the merits of the project. The staff recommendation on de novo review of the project is on Page 5-6 of this report.

C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On January 17, 2006, the City of San Buenaventura Planning Commission approved Coastal Development Permit No. ACDP-477 and Flood Plain Overlay Zone Development Permit No. FP-22 for the proposed project (**Exhibit 2**). Commission staff received the Notice of Final Action for the project on March 3, 2006. A ten working day appeal period was set and notice provided beginning March 6, 2006, and extending to March 17, 2006.

Commissioners Caldwell and Kruer filed an appeal of the City's action on March 13, 2006, during the appeal period (**Exhibit 1**). Commission staff notified the City, the applicant, and all interested parties that were listed on the appeals and requested that the City provide its administrative record for the permit. The administrative record was received on April 4, 2006. The City subsequently waived the 49-day hearing requirement for the substantial issue determination in order to allow the appeal to be heard concurrently with companion CDP Application No. 4-05-148, which is discussed elsewhere in this report.

D. PROJECT DESCRIPTION AND BACKGROUND

The City approved Coastal Development Permit No. ACDP-477 and Flood Plain Overlay Zone Development Permit No. FP-22 for the following development:

1. Reconfiguration of Shoreline Drive, including shortening of the street by approximately 1,200 linear feet, construction of a roundabout installed at the new western terminus, planting of street trees on either side of the shortened road, and delineation of 25 free on-street "surf check" parking spaces, with a limited use of up to twenty minutes.
2. Construction of two parking lots at the western terminus of Shoreline Drive, including a southern parking lot with permeable recycled asphalt paving and approximately 148 high frequency, public parking spaces, and a northern parking lot with grass pave surface and approximately 170 reduced frequency parking spaces. The southern parking lot would be primarily utilized for public coastal access parking, including year-round access subject only to closure during the Ventura County Fair, and would require payment of a nominal fee during daylight hours, generally between 6 AM and 10 PM. The northern lot is intended to primarily serve the Ventura County Fairgrounds but may also be made available for coastal access parking in the event that the southern lot becomes fully occupied. A parking kiosk would control access to both parking lots and a nominal fee would be required for entry. The parking areas would be located 80 to 130 feet landward of the existing parking area.
3. The existing Omer Rains Bicentennial Bikeway would continue to front the shoreline and lie between parking lots and the beach, but it would be relocated approximately X feet landward. Various paved pathways would

lead pedestrians from the parking lots to the bikeway or beach. Low fencing would funnel pedestrians to composite lumber boardwalks providing controlled access through dunes. Two small gathering areas would include interpretive exhibits and public art. An existing turf picnic area would be expanded, and an existing bicycle roundabout would include new recycled concrete accent paving.

The Coastal Development Permit was approved subject to 21 conditions (**Exhibit 2**). The special conditions include the following: construction and coastal access plan; previously approved plans; landscape/hardscape plan; permit effectiveness; utilities; stormwater management; and CEQA mitigation requirements, including those concerning biological surveys and monitoring; air quality/dust prevention measures; parking, beach access, and recreation; archaeological resources; hazards/contaminated soil; and landscaping aesthetics and public view preservation.

E. BACKGROUND

The project site consists of Surfer's Point Beach and public access facilities immediately landward of the beach, including a bicycle path and portions of an approximately 223-space parking lot. The parking lot is what remains of a 352-space parking lot that was constructed in 1989 and damaged by wave action two years later. The project site for the approved project includes all areas landward of the wave uprush line,³ which roughly coincides with the seaward edge of the proposed relocated bikeway. Proposed development located seaward of the edge of the proposed bikeway is addressed under Coastal Development Permit No. 4-05-148 elsewhere in this report.

The project site is located on two parcels spanning approximately 62 acres, including approximately 1,700 feet of shoreline, and extending north from the mean high tide line to Harbor Boulevard, which is located immediately south of and parallel to Highway 101. The western boundary of the property is the Ventura River, and the eastern boundary is Figueroa Street, except for the shoreline portion of the site, which ends at the City-owned Surfer's Point Park, approximately 1,000 feet west of Figueroa Street (**Exhibit 3**). The parcels are owned and governed by the 31st Agricultural District, a branch of the California Department of Food and Agriculture. The majority of the parcels consist of the Ventura County Fairgrounds, also known as Seaside Park, a year-round facility that includes convention facilities, demonstration halls, administrative offices, equestrian facilities, a simulcast horse racing club, a racetrack, and an 110,000 sq. ft. arena. Seaside Park hosts the annual Ventura County Fair and other events throughout the year, including trade shows, conventions, concerts, and festivals.

Public access to Surfer's Point Beach consists of three options: (1) Vehicle, bicycle and pedestrian access via Shoreline Drive, a public road that extends west from Figueroa Street to the Ventura River levee, parallel to shore, and provides access to the existing 223-space beachfront parking lot; (2) bicycle and pedestrian access via the existing bicycle path, which runs from the City of Ojai several miles north of the site, merges with

³ As determined by Philip Williams & Associates, Ltd. in their report entitled "Surfer's Point Managed Shoreline Retreat and Access Restoration – Preliminary Design," dated August 2, 2005

the Promenade (a broad walkway that parallels the beach from the western end of Surfer's Point Park to the Ventura Pier), then continues approximately two miles east to the eastern end of San Buenaventura State Beach; and (3) pedestrian access via the sandy beach. Public parking consists of the existing 223-space beachfront parking lot at the subject site and approximately 40 beachfront parking spaces at Surfer's Point Park. In addition, approximately 1,500 parking spaces are available in a parking lot on the east side of Seaside Park when not in use for events.

F. APPELLANTS' CONTENTIONS

The City's action was appealed by Commissioners Caldwell and Kruer. This appeal is attached as **Exhibit 1**. The appeal contends that the approved project raises issues in regards to its consistency with Section 30210 of the Coastal Act, which requires the provision of maximum public access to the coast, for the following reasons:

- 1) The City's approval of the project requires submittal of a "Construction and Coastal Access Plan" addressing interim parking and pedestrian use of the area during demolition and construction activities. However, it allows demolition of the existing parking lot without specific criteria for interim public parking and pedestrian access.
- 2) The approved project includes demolition of an existing 223-space parking lot and construction of two parking lots: a 148-space south parking lot, to provide public parking for coastal access during daylight hours, except during the Ventura County Fair, when it would be used for Fair related parking; and a 170-space north parking lot to be used primarily for adjacent Fairgrounds events, with the qualification that the lot "may be made available for coastal access if the southern lot becomes fully occupied." Specific language that more clearly defines the availability of the northern lot for coastal access is necessary in order to ensure that coastal access parking at the site is not reduced from the existing 223 spaces to the 148 spaces approved for the southern lot.

In addition, the appeal contends that because the approved project is integrally connected with the portions of the project within the Commission's original jurisdiction seaward of the mean high tide line, it is necessary for the Commission to review the entire project in a comprehensive manner in order to ensure that the project, as a whole, is consistent with the public access policies of the Coastal Act.

G. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project's conformity to the policies contained in the certified LCP and the public access policies of the Coastal Act. In this case, the appellants did not cite the policies of the certified LCP as grounds for appeal, although the public access policies of the Coastal Act were cited. However, should the

Commission find Substantial Issue based on the grounds that are cited, the policies of the certified LCP would be addressed in the de novo review of the project.

A substantial issue does exist with respect to the grounds on which the appeal has been filed. The approved project is inconsistent with policies of the City of Ventura Local Coastal Program for the specific reasons discussed below.

1. Public Access and Recreation

The appellants contend that the project is inconsistent with Section 30210 of the Coastal Act, which 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.

As noted above, the project site is adjacent to Surfer's Point Beach, a public beach popular with surfers, windsurfers, and other beach visitors. The approved project is a portion of the Surfer's Point Managed Retreat Project, which extends from below the mean high tide line to upland areas within the boundaries of the Ventura County Fairgrounds. As such, the approved project is integrally connected with portions of the managed retreat project located within the Commission's original jurisdiction.

For instance, the approved project includes replacement parking for the existing 223-space coastal access parking lot that the applicants propose to demolish. This existing parking lot is located within the Commission's original jurisdiction, and therefore its demolition is being reviewed in a separate permit application. Thus in order to ensure that the project, as a whole, maintains maximum public parking opportunities consistent with the public access policies of the Coastal Act, it is beneficial to review the entire project in a comprehensive manner.

The approved project includes construction of two parking lots providing a total of 300 parking spaces, as well as 25 twenty-minute on-street "surf check" spaces. Although at first glance the approved project includes more parking than currently exists in the 223-space parking lot described above, the use of the 300 parking spaces as approved by the City could result in decreased availability of public parking. Specifically, the City approval notes that the 170-space north parking lot is to be used primarily for adjacent Fairgrounds events, with the qualification that the lot "may be made available for coastal access parking if the southern lot becomes fully occupied." However, no availability for coastal access parking is required. Thus the 170-space northern lot could be used exclusively for staging of Fairgrounds events, therefore reducing the number of public access parking spaces from the current 223 spaces to the 148 spaces proposed in the southern lot. Therefore, the approved project does raise a substantial issue with regards to its consistency with Section 30210 of the Coastal Act, which requires provision of maximum public access.

In addition, the approved project includes the closure of Shoreline Drive and the entrance to the existing 223-space parking lot. Condition No. 9 of the City approval requires development of a Parking Management Plan to provide temporary parking for public beach users during the period when the beach parking lots are removed and the replacement parking has not been finished. However, no specific criteria are specified. Because its specific provisions, such as the amount and location of interim parking, and notification regarding impending closures and interim facilities, are unknown, it is possible that the Parking Management Plan required by the City may not meet the requirements of Section 30210 for provision of "maximum access, conspicuously posted." Therefore, the approved project does raise a substantial issue with regards to its consistency with Section 30210.

In summary, the Commission finds that this contention does raise substantial issue with respect to the allegations that the project, as approved by the City, is not consistent with the public access policies of the Coastal Act.

H. CONCLUSIONS REGARDING SUBSTANTIAL ISSUE ANALYSIS

The purpose of the substantial issue determination is to review the administrative record and establish whether a substantial question is raised with respect to the appellants' assertions that the project does not conform to the certified LCP and public access policies of the Coastal Act. As described above, the Commission finds that the appellants' contentions do raise substantial issue with regard to the consistency of the approved project with the public access policies of the Coastal Act.

VI. DE NOVO PERMIT FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The applicant proposes to implement the portions of the Surfer's Point Managed Shoreline Retreat project that are located landward of the mean high tide line, including reconfiguration of Shoreline Drive, construction of parking areas, realignment and landward relocation of a public bikeway, grading, and drainage system improvements, as detailed below⁴:

- a. Reconfiguration of Shoreline Drive, including shortening of the street by approximately 1,200 linear feet, construction of a roundabout installed at the new western terminus, relocation of existing street trees and planting of street trees on either side of the shortened road, and delineation of 24

⁴ The proposed project description differs from the project description approved by the City, due to revisions and clarifications provided by the applicants, and differences in methods of description between the City and the Commission.

- free 20-minute “surf check” parking spaces along Shoreline Drive, to be available at all times except during the two-week Ventura County Fair.
- b. Construction of two parking lots at the western terminus of Shoreline Drive, including a southern parking lot with permeable recycled asphalt paving and approximately 130 high frequency, public parking spaces, a northern parking lot with grass pave surface and approximately 170 reduced frequency parking spaces, an approximately 80 sq. ft. parking control kiosk, landscaping, and removal of existing fencing. The southern parking lot would be available for public coastal access parking for a nominal fee during daytime hours (6 AM to 10 PM) except during the two-week Ventura County Fair and during special events, to occur a maximum of five times a year for a duration of no more than three days. The northern lot parking lot would be available for public coastal access parking during daytime hours when the 130-space high frequency parking lot has reached capacity, except during the two-week Ventura County Fair; from noon to midnight every Saturday between March and November when required for race track operations; and during special events, to occur a maximum of five times a year for a duration of no more than three days. Bicycle parking will be provided.
 - c. Reconfiguration of an approximately 2100 ft. long section of the existing Omer Rains Bicentennial Bikeway, including relocation of the path approximately 60 feet landward of its existing location, construction of the path with concrete surfacing and a speed table, and construction of an 18 inch high wall seaward of the bike path; and construction of “The Point,” an approximately 1800 sq. ft. public gathering space with recycled concrete surfacing, benches, and interpretive art installations.
 - d. Drainage system improvements, including construction of an approximately four ft. deep, 12 to 60 ft. wide, 850 ft. long vegetated bioswale to be planted with native wetland plant species; installation of an underground piping system that would conduct all run-off to a Stormwater 360 filter unit prior to releasing stormwater into the Ventura River estuary; installation of a slotted drain system in the northern parking lot; construction of an approximately 3 to 5 ft. thick sand mattress to underlie the proposed permeable surface parking lots and serve as a filtration membrane; and recontouring of the parking lot to direct surface runoff to the proposed bioswale and underground piping system.

Proposed project plans are attached as **Exhibits 7 - 15**.

B. BACKGROUND

Project Site

The project site consists of Surfer's Point Beach and public access facilities immediately landward of the beach, including a bicycle path and portions of an approximately 223-

space parking lot. The parking lot is what remains of a 352-space parking lot that was constructed in 1989 and damaged by wave action two years later. The project site for this permit application includes all areas seaward of the wave uprush line,⁵ which roughly coincides with the seaward edge of the proposed relocated bikeway. Proposed development located seaward of the proposed bikeway is addressed under CDP No. 4-05-148 elsewhere in this report.

The project site is located on two parcels spanning approximately 62 acres, including approximately 1,700 feet of shoreline, and extending north from the mean high tide line to Harbor Boulevard, which is located immediately south of and parallel to Highway 101. The western boundary of the property is the Ventura River, and the eastern boundary is Figueroa Street, except for the shoreline portion of the site, which ends at the City-owned Surfer's Point Park, approximately 1,000 feet west of Figueroa Street. The parcels are owned and governed by the 31st Agricultural District, a branch of the California Department of Food and Agriculture. The majority of the parcels consist of the Ventura County Fairgrounds, also known as Seaside Park, a year-round facility that includes convention facilities, demonstration halls, administrative offices, equestrian facilities, a simulcast horse racing club, a racetrack, and an 110,000 sq. ft. arena. Seaside Park hosts the annual Ventura County Fair and other events throughout the year, including trade shows, conventions, concerts, and festivals.

Public access to Surfer's Point Beach consists of three options: (1) Vehicle, bicycle and pedestrian access via Shoreline Drive, a public road that extends west from Figueroa Street to the Ventura River levee, parallel to shore, and provides access to the existing 223-space beachfront parking lot; (2) bicycle and pedestrian access via the existing bicycle path, which runs from the City of Ojai several miles north of the site, merges with the Promenade (a broad walkway that parallels the beach from the western end of Surfer's Point Park to the Ventura Pier), then continues approximately two miles east to the eastern end of San Buenaventura State Beach; and (3) pedestrian access via the sandy beach. Public parking consists of the existing 223-space beachfront parking lot at the subject site and approximately 40 beachfront parking spaces at Surfer's Point Park. In addition, approximately 1,500 parking spaces are available in a parking lot on the east side of Seaside Park when not in use for events.

Previous Commission Action/ Project History

Surfer's Point Beach and the adjacent bicycle path and parking have been the subject of past Commission action. In 1984, the Commission certified the City of San Buenaventura's Local Coastal Program (LCP). The LCP addressed access and recreation improvements at the Fairgrounds and Surfer's Point, which at that time consisted of a bike path, located approximately two to 20 feet seaward of its current location, that had been partially destroyed by storms in the winter of 1982/3. The LCP also addressed shoreline protection for Shoreline Drive and other improvements adjacent to Surfer's Point Beach, and created a 250-foot wide oceanfront corridor for

⁵ As determined by Philip Williams & Associates, Ltd. in their report entitled "Surfer's Point Managed Shoreline Retreat and Access Restoration – Preliminary Design," dated August 2, 2005

recreational use, extending west from Surfer's Point Park to the Ventura River, and from the landward edge of the beach 250 feet north into the Fairgrounds. The LCP included a minimum 20-foot setback from the corridor for all buildings, as well as a minimum setback of 100 feet from the Ventura River levee.

On June 25, 1986, the Commission approved LCP Amendment No. 1-86, which further addressed access and recreation improvements at the Fairgrounds and Surfer's Point, as well as the need for a shoreline protective device to protect development within the oceanfront corridor. LCP Amendment No. 1-86 provided for implementation of a proposed Master Plan for the Fairgrounds, and stipulated that no structures, other than those incidental to general public recreational purposes and public access to and along the shore and the Fairgrounds, such as a public roadway, walkway, bikeway, parking, and camping, could be permitted within the oceanfront corridor. The amendment specifically stated that the public roadway (which was proposed at the time) be "set back sufficiently to mitigate the need for any shoreline erosion protection device, as determined by a geotechnical study of shoreline and erosion processes...for a minimum fifty year period." The amendment noted "drainage outlets, temporary bicycle and hiking trails...and temporary parking which do not require construction of a shoreline protective device, may be permitted within the setback area established by the geotechnical study." The amendment also inserted language calling for increased accessibility of the existing Fairgrounds parking lot, improved access between the Fairgrounds and the oceanfront corridor and beach, and adequate ground level parking in the oceanfront corridor.

In 1988 and 1989, the Commission approved two permits for improvements within the Commission's original jurisdiction that were associated with construction of Shoreline Drive, the 352-space parking lot, and other development in the oceanfront corridor at Surfer's Point (the City of Ventura issued coastal development permits for the latter improvements). Coastal Development Permit (CDP) No. 4-88-123 authorized the City to remove debris from beach and intertidal areas in the eastern portion of the subject site; repair and expand rock protection of a drainage outlet on the beach; and place approximately 6,000 tons of imported sand. CDP No. 4-88-130 authorized the City to remove debris from beach and intertidal areas in the western portion of the subject site and construct a temporary storm drain outlet. CDP No. 4-88-130 required revised plans eliminating a rip-rap revetment that was proposed to protect the proposed storm drain outlet. The oceanfront corridor improvements were constructed in 1989.

In the summer of 1991, shoreline erosion began undermining portions of the bicycle path. In November 1991, Commission staff received a request from the City of Ventura/31st Agricultural District for an emergency permit to place five to six ton rocks along an approximately 260 foot length of the backshore in order to protect the bicycle path from erosion (CDP No. 4-91-060-G). The emergency request was denied in favor of relocating the undermined section of the bicycle path slightly inland. In explaining the Executive Director's denial of CDP No. 4-91-060-G, Commission staff noted that the improvements in the oceanfront corridor had been constructed on the understanding that they were temporary in nature and therefore could not be protected with shoreline protective devices.

On December 11, 1992, following continued undermining of the bicycle path and parking lot, the City of Ventura issued itself an emergency coastal development permit for construction of a rip-rap revetment, and the revetment was constructed the following week, from December 14 – 16, 1992. Commission enforcement staff issued a stop work order on December 15, 1992, and further pursued removal of the revetment through enforcement and legal measures. The revetment remains in place, but is proposed to be removed under CDP Application No. 4-05-148, which is discussed elsewhere in this report.

In 1995, State Senator Jack O'Connell and Assemblyman Brooks Firestone convened a working group consisting of representatives of the Commission, the City, the 31st Agricultural District Fair Board, California Department of Parks and Recreation, the Surfrider Foundation, and other interested parties to resolve issues regarding preservation of the Surfer's Point shoreline. One option considered by the Surfer's Point Working Group was the construction of a cobble berm as an alternative, non-structural means of shoreline protection.

In August 2000, the Commission approved CDP No. 4-00-158 for a pilot project that involved placement of approximately 8,000 cu. yds. of cobble along 450 feet of shoreline at Surfer's Point, including the intertidal area. In January 2005, the Commission approved the placement of an additional 1,400 cubic yards of gravel, boulder, and cobble (GBC) along 400 feet of shoreline, including the intertidal area. This project included approximately 270 cubic yards of lighter colored GBC, which would serve as tracer material intended to help monitor GBC movement. The latter project was not implemented.

In the meantime, the Surfer's Point Working Group continued to meet, and determined that a managed retreat plan should be developed to relocate the bike path and parking lot further inland, retain access to Surfer's Point via Shoreline Drive, restore the lands seaward of Shoreline Drive to more natural beach habitat, and provide more permanent shoreline protection for Shoreline Drive and the Fairgrounds. The City of Ventura began the CEQA process for the Surfer's Point Managed Retreat Project in 2001, and released the Final Environmental Impact Report (EIR) in March 2003.

On August 24, 2005, the City submitted CDP Application No. 4-05-148 for the tidelands portions of the Surfer's Point Managed Retreat Project. On January 17, 2006, the City approved, with conditions, Administrative Coastal Development Permit (ACDP) No. 477 for the remainder of the Surfer's Point Managed Retreat Project. The 31st Agricultural District Fair Board approved both portions of the proposed project, with conditions, on October 24, 2006.

C. COASTAL ACCESS AND RECREATION

Coastal Act Section 30210 states that:

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.

Coastal Act Section 30211 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.

Policy 15.10 of the LUP states:

The City shall continue to ensure maximum public access consistent with public safety and fragile coastal resources. To carry out its intent, the City shall implement the policies of this Comprehensive Plan.

The Intent and Rationale Statement for the Downtown Community in the LUP states, on page III-52:

Adequate ground level parking shall be provided in the oceanfront corridor for present and foreseeable coastal-dependent and coastal-related recreational use. Such parking may be preempted by the annual Ventura County Fair or evening events. All parking oceanward of the public roadway shall be available to the public at all times for day-use activities and evening events. This policy shall not preclude the Fair Board from charging a nominal fee for parking in this area.

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast.

The proposed project implements the portions of the Surfer's Point Managed Shoreline Retreat project that are located landward of the wave uprush line, including reconfiguration of Shoreline Drive, construction landward relocation of parking areas, realignment and landward relocation of the Omer Rains Bicentennial Bikeway, grading, and drainage system improvements, as described in more detail above. The proposed project is intended to protect and enhance Surfer's Point Beach and associated coastal access facilities for recreational use; however, the construction operations will have temporary adverse impacts to public access at each of the sites. In addition, the proposed project provides replacement parking for an existing 223-space parking lot that is proposed to be demolished under a companion permit, CDP No. 4-05-148, which is addressed elsewhere in this report. The proposed parking areas must therefore be evaluated in the context of the removal of existing parking, as well as for consistency with the public access policies of the Coastal Act and the City's certified Land Use Plan (LUP).

As noted above, the applicants propose to construct two parking areas at the western terminus of the proposed reconfigured Shoreline Drive. The parking areas would be

located partially within the footprint of the existing Shoreline Drive, and in areas north of the existing Shoreline Drive that are currently enclosed within the Ventura County Fairgrounds. The proposed parking would be located landward of the existing public roadway (Shoreline Drive) and therefore is not required, under the LUP's Intent and Rationale Statement for the Downtown Community, to be available at all times. The majority of the proposed parking area, except for a portion of the northern parking lot, is located within the oceanfront corridor as defined by the LUP. The LUP requires that adequate parking be provided for coastal-dependent and coastal-related recreational use in the oceanfront corridor.

The proposed southern parking lot would be constructed of recycled asphalt pavement and would provide approximately 130 high-frequency public parking spaces. This parking lot would be available for public coastal access parking for a nominal fee during daytime hours (6 AM to 10 PM) except during the two-week Ventura County Fair and during special events, to occur a maximum of five times a year for a duration of no more than three days. The northern parking lot would have a grass pave surface and would provide approximately 170 reduced frequency parking spaces. The northern parking lot would be available for public coastal access parking during daytime hours when the 130-space high frequency parking lot has reached capacity, except during the two-week Ventura County Fair; from noon to midnight every Saturday between March and November when required for race track operations; and during special events, to occur a maximum of five times a year for a duration of no more than three days. In addition to the two parking lots, the proposed project delineates 25 free on-street "surf check" parking spaces along the reconfigured Shoreline Drive, with a limited use of up to twenty minutes.

The proposed project thus includes construction of two parking lots providing a total of 300 parking spaces, as well as 25 twenty-minute on-street "surf check" spaces. The proposed project therefore includes more parking spaces than currently exists in the 223-space parking lot described above; however, the existing parking lot is a remnant of a previously constructed 352-space parking lot that was damaged by wave action in the early 1990s. Thus the previously approved number of spaces is greater than the number of proposed spaces.

In addition, public beach access use of the proposed parking spaces, particularly in the northern parking lot, is more limited than in the existing parking lot, which normally has been closed only during the two-week Ventura County Fair. Specifically, the northern parking lot may be closed for public parking for up to 50 days per year, in addition to during the two-week Ventura County Fair, including weekend days. During those days, only 130 parking spaces and 25 surf-check spaces would be available.

Given that the proposed changes to public parking involve not just the number of spaces constructed, but also the availability of the parking spaces for public access, it is difficult to quantify the loss or gain in public access that they entail. If the number of spaces available per day is calculated as an annual average, assuming that 130 spaces will be available on 50 days of the year, and 300 spaces will be available 315 days per year, the average number of spaces available per day is 275 spaces. This number is still greater than the number of existing parking spaces; however, such an average does

not account for the greater demand for beach access parking on weekends and in the summer months, which is when most of the closures will occur.

Further complicating the comparison are the benefits to public access represented by the proposed project as a whole, and specifically by the landward relocation of the proposed parking areas, which allow for expansion and enhancement of the beach area, and relocation of the Omer Rains Bicentennial Bikeway landward in a more protected location. These benefits are again difficult to quantify but represent tangible improvements to public access. While the landward relocation of the bikeway and the parking lot increases the area of sandy beach, it reduces the area available for parking. Therefore, in order to realize the public access benefits of the entire project, it is necessary to accept some reduction in public parking. It should be noted however, that the proposed landward parking spaces will be more reliably available given the likely continued erosion of the existing parking lot and further loss of spaces.

In summary, the Commission finds that while the proposed parking system does represent a slight loss of parking spaces and availability, the reduction in parking is a necessary component of a project that as a whole significantly improves public access. The currently proposed parking program is the result of additional discussion within the Surfer's Point Working Group, as well as further clarification of the staging and parking needs of the Ventura County Fairgrounds, and represents not only an increase in the potential availability of the parking lots for public beach access parking over that approved by the City, but the maximum public vehicle parking available, given the space constraints created by the proposed landward retreat of development and the reasonable operational requirements of the Ventura County Fairgrounds. Therefore, in order to ensure that the proposed parking program is implemented as currently proposed, **Special Condition Seven (7)** requires the applicant to submit, for the review and approval of the Executive Director, a final Coastal Access/Parking Lot Operation Plan outlining the availability of the proposed parking areas in accordance with the current proposal.

In addition, the Commission has found, in previous actions, that a loss of vehicle parking can be mitigated by the provision of bicycle parking spaces. Therefore, in order to mitigate for the loss of public vehicle parking spaces and availability, and thus ensure that maximum public access is provided at the subject site, **Special Condition Seven (7)** also requires the applicants to provide a minimum of 20 public bicycle lockers and 32 bicycle parking spaces that are separated from vehicle parking for safety and ease of use. **Special Condition Seven (7)** further requires that prominent signage along the Omer Rains Bicentennial Bikeway shall be installed directing the public to bicycle parking facilities.

Furthermore, the proposed project will result in the temporary closure of Shoreline Drive and the bikeway during construction activities. The bikeway is heavily used by bicyclists, joggers, and pedestrians, and Shoreline Drive provides access to existing beachfront parking areas. Thus, public access to and along the beach will be temporarily impeded by the proposed project. However, although construction within the project site would temporarily displace public access to the beach, the beach itself, and the remainder of the surrounding beachfront area, including a shoreline promenade east of the project

site, would be available for public access. Under no circumstances would the entire beachfront area be off-limits to the public.

The Commission notes that avoiding construction during high-use periods would reduce adverse impacts to public access. The peak recreational use of this area is during the summer season, between Memorial Day and Labor Day. Construction during this period would adversely impact public access and recreation as described above. Therefore, to ensure that public access is maximized as required by Section 30210 of the Coastal Act, **Special Condition One (1)** requires that all construction operations, including any restrictions on public access, be prohibited on any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact on peak public recreational use of the beach.

However, given the mild climate, the Surfer's Point area may attract extensive public visitorship on any given weekend in the winter months. Because the area is subject to higher levels of public use during weekends, construction activities during these times would result in significant adverse impacts to public access. Therefore, to ensure that maximum access is maintained for the public in the project area consistent with Coastal Act Section 30210, **Special Condition One (1)** requires that all construction operations, including any restrictions on public access, be prohibited on Saturdays and Sundays, thereby removing the potential for construction-related disturbances to conflict with weekend visitor activities. In this way, scheduling operations outside of peak recreational times will serve to minimize potential impacts on public access.

In addition, in order to ensure that the public is aware of any closures of Shoreline Drive and/or the existing public parking lot, **Special Condition Six (6)** requires the applicants to post prominent signage at the eastern limits of construction notifying the public of the impending closure(s), and directing the public to existing public parking on the east side of the Ventura County Fairgrounds. **Special Condition Six (6)** also requires the applicants to run a display ad notifying the public of the impending closures, and directing the public to existing public parking on the east side of the Ventura County Fairgrounds, for at least five (5) consecutive days in a local newspaper. Evidence of the posting and publication of notices, in conformance with the above stated requirements, must be submitted for review of the Executive Director prior to commencement of construction.

Lastly, in order to ensure the safety of recreational users of the project site and to ensure that interruptions to public access are minimized, the Commission requires the applicant to submit an interim public access plan, pursuant to **Special Condition Five (5)**, to the Executive Director for review and approval. **Special Condition Five (5)** requires a description of the methods (including signs, fencing, posting or security guards, etc.) by which safe public access shall be maintained during all project operations. The public access plan shall provide that public parking areas shall not be used for staging or storage of equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required for the staging of equipment, machinery and employee parking shall be used. **Special Condition Five (5)** also

requires the applicant to post all construction sites with a notice indicating the expected dates of construction.

The Commission finds that the proposed project will serve to enhance public recreation at and access to and along the beach, and that the proposed project, as conditioned, will not result in significant adverse impacts to recreational opportunities and public access at the project site. Therefore the project is consistent with the public access policies of the certified LUP and the Coastal Act.

D. WATER QUALITY AND MARINE RESOURCES

Resources Goal No. 3 of the City of Ventura LUP states:

Assure that any development of the coastal zone preserves and maintains the natural assets of the shoreline.

Resources Goal No. 3 mandates that development preserve and maintain the natural assets of the shoreline. Such assets include the quality of offshore waters and other marine resources. The impacts of the proposed development on shoreline water quality and marine resources are discussed in turn below.

1. Water Quality

The Commission recognizes that new development has the potential to adversely impact coastal water quality, inconsistent with Resources Goal No. 3 of the certified LUP.

As described above, the proposed project includes the construction of an approximately 3.5-acre parking area, a paved bikeway, landscaping, road improvements, and other related improvements that can result in the introduction of new pollutants into the project area. Pollutants commonly found in runoff associated with parking lots, paved trails, and roads include petroleum hydrocarbons including oil and grease; heavy metals; synthetic organic chemicals including paint and cleaners; soap and dirt from washing vehicles; litter; and fertilizers, herbicides, and pesticides from associated landscaping activities. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, and estuaries, reduce optimum populations of marine organisms, and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site.

The subject site currently contains a paved road and landscaping, as well as an approximately five-acre unpaved area that is used for various Ventura County Fairgrounds activities, including parking, event staging, and as a "pit" for auto racing. As little permanent development exists at the project site, the proposed project represents an excellent opportunity to incorporate design features that would reduce storm water runoff from the site, and thus increase water quality protection.

Runoff from the site currently drains into a storm drain system that outlets onto Surfer's Point Beach. The applicants propose to construct a new storm drain system that includes numerous site design and treatment control BMPs to reduce and filter runoff, and eliminate all storm drain connections to the beach. More specifically, proposed BMPs include permeable surfacing for all parking areas, installation of a sand "mattress" beneath the parking areas to increase infiltration, and construction of a vegetated bio-swale south of the proposed parking lots. Treatment control BMPs include installation of a Stormwater 360 Stormscreen filtration system, and redirection of all storm drain flows into this filtration system. Under the proposed plan, the treated water would then be released onto an existing area of rip-rap below the Ventura River levee.

Therefore, in order to find the proposed development consistent with Resources Goal No. 3, the Commission finds it necessary to require the applicants to submit a Water Quality Management Plan (WQMP) for the post-construction project site that is in substantial conformance with the Illustrative Plan (June 2005) and Grading Plan (February 16, 2006) submitted with the subject application, which show the proposed stormwater system and its numerous site design and treatment control BMPs, as required by **Special Condition Three (3)**.

Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85th percentile, 24 hour storm event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three (3)** and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with Resources Goal No. 3.

In addition, in order to further ensure that coastal water quality is protected, **Special Condition Three (3)** also requires the WQMP to include source control BMPs, including but not limited to minimization of irrigation and the use of fertilizers, provision of covered, watertight, secure waste containers, regular sweeping of parking areas, and use of only phosphate-free, biodegradable, non-toxic cleaning products. As a portion of the proposed permeable parking area will be used as a “pit” for auto racing on the Ventura Fairgrounds, **Special Condition Three (3)** provides specific requirements for good housekeeping practices to be used in conjunction with vehicle maintenance activity on the site, in order to ensure that such maintenance does not introduce additional pollutants into coastal waters. **Special Condition Three (3)** also requires that all BMPs be operated, monitored, and maintained for the life of the project, and includes provisions for inspection, cleaning, and maintenance of all structural BMPs. Unless properly maintained, the BMPs would cease to be effective means of protecting water quality.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Four (4)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources, consistent with the certified LUP.

Therefore, the Commission finds that the proposed project, as designed and conditioned, is consistent with Resources Goal No. 3 of the certified LUP

2. Marine Resources

Resources Goal No. 3 Requires that new development preserve and maintain the natural assets of the shoreline, which include marine resources.

Deposition of material onto the beach can affect marine life through the direct burial of organisms on the beach and in the nearshore environment, by the secondary movement of beach fill material within the littoral drift zone that could bury reefs and organisms, and by increasing turbidity in adjacent waters, which could adversely affect the growth of kelp and impact the ability of shorebirds to find food in offshore waters.

The marine environment could also be adversely impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, the Commission finds **Special Condition Eight (8)** is necessary to define the applicant's responsibility to ensure proper disposal of solid debris and material unsuitable for placement into the marine environment. As provided under **Special Condition Eight (8)**, it is the applicant's responsibility to ensure that the no construction materials, debris or other waste is placed or stored where it could be subject to wave erosion and dispersion. Furthermore, Special Condition 5 assigns responsibility to the applicant that any and all

construction debris, sediment, or trash shall be properly contained and removed from construction areas within 24 hours. Further, construction equipment shall not be cleaned on the beach or in the beach parking lots.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Resources Goal No. 3 of the certified LUP.

E. HAZARDS

Policy 15.3 of the City of Ventura LUP states:

New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards. All new development will be evaluated in conjunction with the City's Safety Element of this Comprehensive Plan, and for its impacts to and from geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation measures shall be required where necessary.

The proposed development is located in an area subject to storm waves, tsunamis, erosion, and liquefaction. The shoreline environment is dynamic and there are risks associated with development in such areas. For instance, erosion from storm waves has occurred at the subject site and erosion is one form of potential geologic hazard. Policy 15.3 of the certified LUP mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic and flood hazard.

The applicant has submitted a geotechnical report (Geotechnical Evaluation, Surfer's Point Bike Path Restoration, Seaside Park, San Buenaventura, California (Ninyo & Moore, October 22, 2004) that evaluates the geologic stability of the subject site. Based on their evaluation of the site's geology and the proposed development the project's geotechnical consultants have found that the project site is suitable for the proposed project. The geotechnical consultants state in their October 22, 2004 report:

Based on our understanding of the proposed project and the results of our geotechnical evaluation, it is our opinion that the proposed development at the subject site is feasible from a geotechnical standpoint provided that the recommendations presented in this report are incorporated into the design and construction of the project.

The geotechnical consultants conclude that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The submitted geotechnical reports contain several recommendations to be incorporated into project construction, earthwork, site preparation, treatment of near-surface soils, excavations, fill placement and compaction, trench excavations, underground utilities, trench backfill, pavement design, corrosion, concrete placement, and drainage, to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the

consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition Two (2)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted geotechnical report into all final design and construction, and to obtain the approval of the geotechnical consultants prior to commencement of construction. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures and impervious surfaces will also add to the geologic stability of the project site and adjacent properties. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit a water quality management plan (WQMP) and erosion control plans, as specified in **Special Conditions Three (3)** and **Four (4)**.

Further, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition Four (4)** requires the applicant to submit landscaping plans for areas disturbed by the proposed construction. **Special Condition Four (4)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site. Native species tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion.

In addition, because there remains an inherent risk to development along the shoreline, **Special Condition Nine (9)** requires the applicant to submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Policy 15.3 of the certified LUP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified 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 incorporates its findings on Local Coastal Program consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Certified Local Coastal Program. Feasible mitigation measures which will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed development, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

VII. FINDINGS AND DECLARATIONS FOR PERMIT APPLICATION NO. 4-05-148

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The applicants propose to implement the tidelands portion of a managed shoreline retreat project, including stabilization and restoration of approximately 1800 linear feet of beach, at Surfer's Point Beach, south of Shoreline Drive and generally adjacent to the Ventura County Fairgrounds, in the City and County of Ventura. The proposed project includes demolition of an existing 223 space parking lot and excavation of underlying fill, including sand, silt and debris, to a depth of approximately 6 to 8 feet above sea level; removal of an existing approximately 200 foot long rock revetment; construction of an approximately 1800 foot long, 94 to 110 foot wide (at base), 13.5 ft. high cobble berm consisting of approximately 33,000 cu. yds. of cobble; placement of approximately 27,500 cu. yds. of sand to provide infill and backfill for the cobble berm; placement of an additional approximately 16,500 cu. yds. of sand to create a vegetated sand dune above the berm; restoration of native dune habitat; removal of existing fencing; removal of approximately nine non-native *Metrosiderus sp.* trees (to be relocated to a proposed parking area landward of the Commission's jurisdiction); removal of an existing storm drain outlet; expansion of an existing landscaped picnic area; construction of an additional approximately 250 sq. ft gathering area consisting of recycled concrete surfacing and an interpretive exhibit; construction of six approximately six ft. wide, 60 to 150 ft. long lumber boardwalk walkways providing vertical access through the dunes; realignment of an existing approximately 160 ft. long connector bicycle path and approximately 3,589 cu. yds. of grading (3,277 cu. yds. cut, 312 cu. yds. fill). Proposed project plans are attached as **Exhibits 4 - 15**.

B. BACKGROUND

Project Site

The project site consists of Surfer's Point Beach and public access facilities immediately landward of the beach, including a bicycle path and portions of an approximately 223-space parking lot. The parking lot is what remains of a 352-space parking lot that was constructed in 1989 and damaged by wave action two years later. The project site for this permit application includes all areas seaward of a wave uprush line,⁶ which roughly coincides with the seaward edge of the proposed relocated bikeway. Proposed development located landward of the seaward edge of the proposed bikeway is addressed under De Novo Permit No. A-4-SBV-06-037 elsewhere in this report.

The project site is located on two parcels spanning approximately 62 acres, including approximately 1,800 feet of shoreline, and extending north from the mean high tide line to Harbor Boulevard, which is located immediately south of and parallel to Highway 101. The western boundary of the property is the Ventura River, and the eastern boundary is Figueroa Street, except for the shoreline portion of the site, which ends at the City-owned Surfer's Point Park, approximately 1,000 feet west of Figueroa Street. The parcels are owned and governed by the 31st Agricultural District, a branch of the California Department of Food and Agriculture. The majority of the parcels consist of the Ventura County Fairgrounds, also known as Seaside Park, a year-round facility that includes convention facilities, demonstration halls, administrative offices, equestrian facilities, a simulcast horse racing club, a racetrack, and an 110,000 sq. ft. arena. Seaside Park hosts the annual Ventura County Fair and other events throughout the year, including trade shows, conventions, concerts, and festivals. The majority of each parcel is located within the City's permit jurisdiction pursuant to its certified LCP.

Public access to Surfer's Point Beach consists of three options: (1) Vehicle, bicycle and pedestrian access via Shoreline Drive, a public road that extends west from Figueroa Street to the Ventura River levee, parallel to shore, and provides access to the existing 223-space beachfront parking lot; (2) bicycle and pedestrian access via the existing bicycle path, which runs from the City of Ojai several miles north of the site, merges with the Promenade (a broad walkway that parallels the beach from the western end of Surfer's Point Park to the Ventura Pier), then continues approximately two miles east to the eastern end of San Buenaventura State Beach; and (3) pedestrian access via the sandy beach. Public parking consists of the existing 223-space beachfront parking lot at the subject site and approximately 40 beachfront parking spaces at Surfer's Point Park. In addition, approximately 1,500 parking spaces are available in a parking lot on the east side of Seaside Park when not in use for events.

Previous Commission Action/ Project History

⁶ As determined by Philip Williams & Associates, Ltd. in their report entitled "Surfer's Point Managed Shoreline Retreat and Access Restoration – Preliminary Design," dated August 2, 2005

Surfer's Point Beach and the adjacent bicycle path and parking have been the subject of past Commission action. In 1984, the Commission certified the City of San Buenaventura's Local Coastal Program (LCP). The LCP addressed access and recreation improvements at the Fairgrounds and Surfer's Point, which at that time consisted of a bike path, located approximately two to 20 feet seaward of its current location, that had been partially destroyed by storms in the winter of 1982/3. The LCP also addressed shoreline protection for Shoreline Drive and other improvements adjacent to Surfer's Point Beach, and created a 250-foot wide oceanfront corridor for recreational use, extending west from Surfer's Point Park to the Ventura River, and from the landward edge of the beach 250 feet north into the Fairgrounds. The LCP included a minimum 20-foot setback from the corridor for all buildings, as well as a minimum setback of 100 feet from the Ventura River levee.

On June 25, 1986, the Commission approved LCP Amendment No. 1-86, which further addressed access and recreation improvements at the Fairgrounds and Surfer's Point, as well as the need for a shoreline protective device to protect development within the oceanfront corridor. LCP Amendment No. 1-86 provided for implementation of a proposed Master Plan for the Fairgrounds, and stipulated that no structures, other than those incidental to general public recreational purposes and public access to and along the shore and the Fairgrounds, such as a public roadway, walkway, bikeway, parking, and camping, could be permitted within the oceanfront corridor. The amendment specifically stated that the public roadway (which was proposed at the time) be "set back sufficiently to mitigate the need for any shoreline erosion protection device, as determined by a geotechnical study of shoreline and erosion processes...for a minimum fifty year period." The amendment noted "drainage outlets, temporary bicycle and hiking trails...and temporary parking which do not require construction of a shoreline protective device, may be permitted within the setback area established by the geotechnical study." The amendment also inserted language calling for increased accessibility of the existing Fairgrounds parking lot, improved access between the Fairgrounds and the oceanfront corridor and beach, and adequate ground level parking in the oceanfront corridor.

In 1988 and 1989, the Commission approved two permits for improvements within the Commission's original jurisdiction that were associated with construction of Shoreline Drive, the 352-space parking lot, and other development in the oceanfront corridor at Surfer's Point (the City of Ventura issued coastal development permits for the latter improvements). Coastal Development Permit (CDP) No. 4-88-123 authorized the City to remove debris from beach and intertidal areas in the eastern portion of the subject site; repair and expand rock protection of a drainage outlet on the beach; and place approximately 6,000 tons of imported sand. CDP No. 4-88-130 authorized the City to remove debris from beach and intertidal areas in the western portion of the subject site; and construct a temporary storm drain outlet. CDP No. 4-88-130 required revised plans eliminating a rip-rap revetment that was proposed to protect the proposed storm drain outlet. The oceanfront corridor improvements were constructed in 1989.

In the summer of 1991, shoreline erosion began undermining portions of the bicycle path. In November 1991, Commission staff received a request from the City of Ventura/31st Agricultural District for an emergency permit to place five to six ton rocks

along an approximately 260 foot length of the backshore in order to protect the bicycle path from erosion (CDP No. 4-91-060-G). The emergency request was denied in favor of relocating the undermined section of the bicycle path slightly inland. In explaining the Executive Director's denial of CDP No. 4-91-060-G, Commission staff noted that the improvements in the oceanfront corridor had been constructed on the understanding that they were temporary in nature and therefore could not be protected with shoreline protective devices.

On December 11, 1992, following continued undermining of the bicycle path and parking lot, the City of Ventura issued itself an emergency coastal development permit for construction of a rip-rap revetment, and the revetment was constructed the following week, from December 14 – 16, 1992. Commission enforcement staff issued a stop work order on December 15, 1992, and further pursued removal of the revetment through enforcement and legal measures. The revetment remains in place, but is proposed to be removed under the subject permit.

In 1995, State Senator Jack O'Connell and Assemblyman Brooks Firestone convened a working group consisting of representatives of the Commission, the City, the 31st Agricultural District Fair Board, California Department of Parks and Recreation, the Surfrider Foundation, and other interested parties to resolve issues regarding preservation of the Surfer's Point shoreline. One option considered by the Surfer's Point Working Group was the construction of a cobble berm as an alternative, non-structural means of shoreline protection.

In August 2000, the Commission approved CDP No. 4-00-158 for a pilot project that involved placement of approximately 8,000 cu. yds. of cobble along 450 feet of shoreline at Surfer's Point, including the intertidal area. The cobble was authorized to be spread four to eight feet thick and fifty to seventy feet wide. CDP No. 4-00-158 was subsequently amended to extend the area for cobble nourishment an additional 200 feet eastward of and contiguous with the original location. In January 2005, the Commission approved the placement of an additional 1,400 cubic yards of gravel, boulder, and cobble (GBC) along 400 feet of shoreline, including the intertidal area. This project included approximately 270 cubic yards of lighter colored GBC which would serve as tracer material intended to help monitor GBC movement. The GBC would be spread in a blanket approximately 0.1 to 3.5 feet thick and approximately seventy feet wide. The latter project was not implemented.

In the meantime, the Surfer's Point Working Group continued to meet, and determined that a managed retreat plan should be developed to relocate the bike path and parking lot further inland, retain access to Surfer's Point via Shoreline Drive, restore the lands seaward of Shoreline Drive to more natural beach habitat, and provide more permanent shoreline protection for Shoreline Drive and the Fairgrounds. The City of Ventura began the CEQA process for the Surfer's Point Managed Retreat Project in 2001, and released the Final Environmental Impact Report (EIR) in March 2003.

On August 24, 2005, the City submitted the subject permit application for the tidelands portions of the Surfer's Point Managed Retreat Project. On January 17, 2006, the City approved, with conditions, Administrative Coastal Development Permit (ACDP) No. 477

for the remainder of the Surfer's Point Managed Retreat Project. The 31st Agricultural District Fair Board approved both portions of the proposed project, with conditions, on October 24, 2006.

C. COASTAL ACCESS AND RECREATION

Coastal Act Section 30210 states that:

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.

Coastal Act Section 30211 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.

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast.

The proposed project implements the tidelands portion of the Surfer's Point Managed Shoreline Retreat Project, including stabilization and restoration of approximately 1800 linear feet of beach, including construction of a cobble berm and vegetated dune system, as described in more detail above. In general, the proposed activities are beneficial by expanding and enhancing the beach for recreational use, and providing shoreline protection for existing development. The proposed project is intended to protect and enhance the beach for recreational use; however, the construction operations will have temporary adverse impacts to public access. In addition, the proposed project involves demolition of an existing 223-space beachfront public parking lot, which is proposed to be replaced by new parking located approximately 80 –130 feet landward of the existing parking lot, under a companion permit De Novo CDP No. A-4-SBV-06-037. As discussed in Section VI.C. above, the replacement parking, as conditioned, is consistent with the public access policies of the Coastal Act and the City's LCP.

However, because the construction of replacement parking is addressed under a separate permit application (De Novo CDP No. A-4-SBV-06-037), it is possible that all existing beachfront parking could be removed, and no replacement parking constructed, should the applicants construct the development authorized by the subject permit prior to the development authorized by De Novo CDP No. A-4-SBV-06-037. Therefore, in order to ensure that replacement parking is constructed prior to the demolition of the existing parking lot, **Special Condition Twelve (12)** requires that construction of the development authorized under Coastal Development Permit No. 4-05-148 shall not occur until after construction of the development authorized under de novo Coastal

Development Permit No. A-4-SBV-06-037 has been completed in accordance with all required standard and special conditions.

As noted above, the project site is a public beach popular with surfers, windsurfers, and other beach visitors. Public access will be temporarily impeded by the construction of the proposed project and will result in some adverse effects to the public's ability to access the sandy beach since beachgoers would be required to avoid the berm and dune area during placement and grading, as well as staging areas. Though construction within the project site would temporarily displace beach area for public use, the remainder of the surrounding beach area would be available for public access. Under no circumstances would the entire beach be off-limits to the public.

The Commission notes that avoiding construction during high-use periods would reduce adverse impacts to public access. The peak recreational use of this beach is during the summer season, between Memorial Day and Labor Day. Construction during this period would adversely impact public access and recreation at the beaches as described above. Therefore, to ensure that public access is maximized as required by Section 30210 of the Coastal Act, **Special Condition One (1)** requires that all construction operations, including any restrictions on public access, be prohibited on any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact on peak public recreational use of the beach.

However, given the mild climate, the Surfer's Point area may attract extensive public use on any given weekend in the winter months. Because the area is subject to higher levels of public use during weekends, construction activities during these times would result in significant adverse impacts to public access. Therefore, to ensure that maximum access is maintained for the public in the project area consistent with Coastal Act Section 30210, **Special Condition One (1)** requires that all construction operations, including any restrictions on public access, be prohibited on Saturdays and Sundays, thereby removing the potential for construction-related disturbances to conflict with weekend visitor activities. In this way, scheduling operations outside of peak recreational times will serve to minimize potential impacts on public access.

Furthermore, to ensure the safety of recreational users of the project site and to ensure that interruptions of public access are minimized, the Commission requires the applicant to submit an interim public access plan, pursuant to **Special Condition Five (5)**, to the Executive Director for review and approval. **Special Condition Five (5)** requires a description of the methods (including signs, fencing, posting or security guards, etc.) by which safe public access to and around the construction site and staging areas shall be maintained during and after construction activities. The public access plan shall provide that public parking areas shall not be used for staging or storage of equipment and materials, unless there is no feasible alternative. Where use of public parking spaces is unavoidable, the minimum number of public parking spaces (on and off-street) that are required for the staging of equipment, machinery and employee parking shall be used.

The Commission finds that the proposed project will serve to maintain beaches for recreational access, and that the proposed project, as conditioned, will not significantly

impact recreational opportunities and public access at the project site. Therefore the project is consistent with Sections 30210 and 30211 of the Coastal Act.

D. MARINE RESOURCES AND ENVIRONMENTALLY SENSITIVE HABITAT AREA

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 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.

Section 30240 of the Coastal Act states:

(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.

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) be protected and that development be sited and designed to prevent impacts to such areas.

The Coastal Act policies identified above require the Commission to address impacts on marine resources and the presence of environmentally sensitive resources. Development in areas adjacent to sensitive marine habitat areas and parks and recreation areas such as beaches must be sited and designed to prevent impacts which

would significantly degrade those areas, and must be compatible with the continuance of those habitat and recreation areas.

The applicants propose to construct a cobble berm and sand dune system at Surfer's Point Beach as part of a managed shoreline retreat program. The preliminary design for the proposed cobble berm, as described in the report "Surfer's Point Managed Shoreline Retreat and Access Restoration – Preliminary Design," by Philip Williams & Associates, Ltd., dated August 2, 2005, includes construction of an approximately 13.5 foot high, approximately 1800 foot long berm containing approximately 33,000 cu. yds. of cobble. The proposed berm is located within the area currently occupied by the existing bicycle path and parking lot, which the applicants propose to move approximately 60 feet landward. Prior to construction of the berm, these structures would be demolished and underlying fill, including sand, silt, and debris, would be excavated to approximately 6 to 8 feet above sea level. The berm would be constructed on top of this excavated area.

Following construction of the berm, an estimated 6,500 cu. yds. of sand would be placed as berm infill, 21,000 cu. yds. of sand would be placed as berm backfill, and approximately 16,500 cu. yds. of sand would be used to construct sand dunes on top of the berm. The dunes would then be planted with native dune vegetation, and boardwalks would be placed at approximately 300-foot intervals to provide vertical access through the dunes.

Deposition of material onto the beach can affect marine life through the direct burial of organisms on the beach, by the secondary movement of beach fill material within the littoral drift zone that could bury reefs and organisms, and by increasing turbidity in adjacent waters, which could adversely affect the growth of kelp and impact the ability of shorebirds to find food in offshore waters.

The applicant has proposed a designated staging area to temporarily hold material while the project operations are underway. The Commission notes that excavated materials that are placed in stockpiles are subject to increased erosion and potential adverse effects to adjacent waters from sedimentation and increased turbidity. The Commission also notes that additional landform alteration would result if the excavated material were to be retained on site. Therefore, in order to ensure that material will not be permanently stockpiled on site and that erosion and sedimentation is minimized during any temporary stockpiling activities, **Special Condition Four (4)** requires that temporary erosion control measures (such as sand bag barriers, silt fencing; swales, etc.) shall be implemented in the event that temporary stockpiling of material is required. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site. The stockpile sites must be cleared and returned to their pre-construction condition with no remaining equipment, silt fencing, or construction equipment remaining on-site within one week of completion of the project.

The *composition* (i.e., grain size) of the deposited material can also affect the marine environment. For instance, material with higher fine-grained material content will contribute to higher rates of turbidity and will have higher likelihood of containing

contaminants. In general, the higher the amount of coarse grained sand, the lower the turbidity and associated risks to offshore resources and productivity. In addition, the size of the proposed cobble is important in that cobble berms that are constructed of large rocks take on the characteristics of a rock revetment and the attendant impacts on shoreline sand supply. Furthermore, cobble that is too small is also unsuitable for the proposed berm. The submitted Preliminary Design Report dated August 2, 2005 states:

....it is recommended that gravel and smaller cobble sizes (less than 4" in diameter) be excluded from the berm as this type of smaller material has been shown to clog the void spaces and become ballistic during events with larger storm waves.

In addition, a variety of unsuitable materials, such as debris, brush, and sharp rocks, that may be found in cobble source material are also inconsistent with protection of the marine environment and public safety. Also, the shape of cobbles within the berm and their uniformity in size can affect the effectiveness of the berm and its ability to absorb wave energy. The submitted Preliminary Design Report dated August 2, 2005 states:

The uniformity in size leads to a greater porosity that causes a reduction in wave runup and an overall decrease in total water levels. Cobble that is mostly round in shape also creates a berm face that is dynamic and is able to absorb the energy from breaking waves.

For these and other reasons, the size and quality of the material used to construct the proposed berm and dunes is an important design characteristic of the project.

This permit does not authorize any specific source material. Instead, the applicants have identified a list of potential cobble and sand sources, which include a cobble stockpile site at a fish ladder construction site along the Ventura River approximately 6-7 miles upstream from the project site, and a cobble and sand stockpile site "very near" the project site. The applicants' proposal, as described in the submitted Preliminary Design Report, is to construct the berm out of cobble that is uniform in size, relatively round in shape, and between 4 inches and 18 inches in size, and to fill the void spaces in the berm with sand and smaller fines.

In general, the proposed cobble requirements will maximize the effectiveness and dynamism of the berm, while minimizing impacts on shoreline sand supply. However, without more specific guidelines, it would be possible under the proposed size limits to construct a berm that is almost entirely composed of cobbles that are 18 inches in diameter. Such a berm would assume characteristics of a rock revetment, inconsistent with the shoreline protection policies of the Coastal Act. Therefore, in order to ensure that the material used to construct the proposed berm is consistent with the applicants' proposal, but restricted in its content of large cobble, **Special Condition Two (2)** requires that berm materials be relatively round in shape and between 4 and 12 inches in diameter, with an average diameter of about 8 to 10 inches. **Special Condition Two (2)** allows for a minor amount of the cobble material – no more than 5% by volume – to be greater than 12 inches in diameter, but no greater than 18 inches in diameter. **Special Condition Two (2)** also requires that all unsuitable materials, such as brush,

debris, sharp rocks, or other materials inconsistent with public safety or cobble composition, be removed immediately and disposed of at a licensed landfill.

The applicants' proposal also includes placement of sand and other fines for void space backfill within the berm, and for a sand berm. As noted above, material with higher fine-grained material content will contribute to higher rates of turbidity (see above discussion of turbidity impacts) and will have higher likelihood of containing contaminants. Therefore, in order to ensure that material used for cobble berm infill and construction of the dunes contains a minimum of fine grained material, **Special Condition Two (2)** also requires that such materials shall consist of sand for which an average of 90% or more is coarse grained (retained on a Standard U.S. Sieve Size No. 200). Furthermore, in order to ensure that the coarse grained material does not contain substantial amounts of pebble or gravel-sized material that can clog void spaces, **Special Condition Two (2)** also requires that no more than 5% of the coarse grained material be greater than 2 mm in diameter.

The potential for any, even unintentional, placement of contaminated sediment on the beach is contrary to Coastal Act Sections 30230, 30231, and 30240 and could have serious consequences to public health and safety given the extensive recreational use of these beaches. Therefore, the Commission requires that representative samples of all sand to be placed at the site undergo chemical testing as well as physical testing, pursuant to **Special Condition Two (2)**. **Special Condition Two (2)** requires the applicant to continue to analyze the chemical characteristics, consistent with EPA and Regional Water Quality Control Board requirements.

Therefore, in order to ensure that all future sand source material be assessed and/or tested to meet specified criteria including sediment grain size, chemical testing, color, particle shape, debris content, and compactability consistent with protection of marine and sensitive resources pursuant to Sections 30230, 30231, and 30240, the Commission requires the applicants to submit a sediment and sampling analysis and conduct testing of sand materials to be deposited on the site, as detailed in **Special Condition Two (2)**.

Furthermore, to ensure that debris or other unacceptable material shall not be placed on the beach, **Special Condition Two (2)** requires an on-site monitor, with qualifications acceptable to the Executive Director, to be present whenever cobble or sand are being placed on the beach to assess grain size and debris content. The monitor shall, through grab samples, visual inspection or other methods, insure that the delivered material is within the acceptable size ranges. If the material is not within the acceptable size range, the monitor shall halt the placement of sand on the beach. The monitor shall also examine the material to determine presence of debris. If any debris or unacceptable material is detected, the placement of materials shall be halted. The project shall not continue until the composition of the sand material is consistent with the requirements of this special condition. In addition, existing artificial fill underlying the proposed berm and dunes construction site contains trash, debris and other unacceptable materials. In order to further minimize the presence of unacceptable material on the beach, **Special Condition Two (2)** also requires that the artificial fill be removed to the maximum extent feasible.

As the proposed managed retreat project represents a new approach to shoreline management at the subject site, its impact on the marine environment cannot be precisely predicted. In addition, the proposed berm and dunes are dynamic features that may be eroded during storm events and may subsequently require repair and maintenance. Thus, the proposed project must be monitored carefully to assess the success of the program to meet its goals as well as avoid impacts to marine resources, and provisions must be made for periodic maintenance. To address these issues, **Special Condition Three (3)** requires the submittal and implementation of a Long-term Berm and Dunes Monitoring Plan that includes detailed provisions for both monitoring and maintenance of the proposed berm and dunes. The plan shall include information regarding baseline conditions, methods to compare the future berm condition with the condition of the berm immediately following construction, and triggers for berm maintenance. The results of the monitoring shall be submitted to the Executive Director on an annual basis, with information on the overall condition of the beach, berm, and dunes, as well as reporting of any maintenance that has been performed in the prior year. Anticipated maintenance would include retrieval of errant cobble from the active sand beach and reincorporation of retrieved cobble into the berm, the addition of appropriated sized and cleaned cobble into areas where the cobble berm has been exposed and eroded, placement of appropriately sized sand cover for dune development, and addition of dune vegetation. **Special Condition Three (3)** also requires maintenance activities to be subject to all of the standards and requirements for berm and dune construction detailed in **Special Condition Two (2)**, including those related to grain size, composition, and quality, and authorizes maintenance of the berm and dunes within the approved envelope for a period of five (5) years from the date of issuance of this permit. **Special Condition Three (3)** further stipulates that the five (5) year maintenance period may be extended for any additional period of time that is authorized in an amendment to this permit.

The marine environment could also be adversely impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, the Commission finds **Special Condition Six (6)** is necessary to define the applicant's responsibility to ensure proper disposal of solid debris and material unsuitable for placement into the marine environment. As provided under **Special Condition Six (6)**, it is the applicant's responsibility to ensure that the no construction materials, debris or other waste is placed or stored where it could be subject to wave erosion and dispersion. Furthermore, **Special Condition Six (6)** assigns responsibility to the applicant that any and all construction debris, sediment, or trash shall be properly contained and removed from construction areas within 24 hours. Further, construction equipment shall not be cleaned on the beach or in the beach parking lots.

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 Ten (10)** states that by acceptance of this permit, the applicants agree to obtain all necessary approvals from these agencies.

2. Sensitive Resources

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 have not been 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 small dune restoration area is located within the area of the proposed berm and dunes; this restoration area contains some native dune plants, but is dominated by non-native species such as ripgut brome (*Bromus diandrus*) and foxtail barley (*Hordeum murinum*).

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, no direct impacts are expected to 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 applicants propose to restore dune habitat to an approximately 2.8 acre area that currently consists of an existing parking lot and bike path, as well as portions of the back beach containing cobble and sand. The dune habitat would be created on top of the proposed cobble berm, and would include placement of sand in dune formations and stabilization of the dunes with erosion control measures and native coastal dune vegetation. Proposed erosion control measures include snow fencing, straw crimping, and straw plugging. Revegetation will include seeding and planting with regionally-collected native southern coastal dune vegetation, an intensive non-native weed abatement program, and irrigation during a three-year establishment period. The proposed restoration program also includes a detailed monitoring plan. The proposed restoration plan is included as **Exhibit 6**.

The proposed dune restoration plan, if successfully implemented, would create native dune habitat, and would thus result in a net benefit to the coastal environment. Therefore, in order to ensure that the proposed restoration project is successfully implemented, **Special Condition Seven (7)** requires the applicant to submit final restoration plans, prepared by a qualified biologist, ecologist, or resource specialist, that are substantially in conformance with those proposed in the document attached as **Exhibit 6**. The final restoration plans must include detailed information on restoration planting design, grading for dune construction, erosion control, weed abatement, monitoring, adaptive management, maintenance, and timely remediation. **Special Condition Six (6)** also requires the applicant to submit annual monitoring reports for period of seven (7) years.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30240, and 30233 of the Coastal Act.

E. HAZARDS AND SHORELINE PROCESSES

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states, in part:

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.***

Section 30235 of the Coastal Act provides for the construction of a shoreline protective device when necessary to protect existing development or to protect a coastal dependent use. In addition, Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property.

The proposed development is located in an area subject to storm waves and erosion. The tidal environment is dynamic and there are risks associated with development in such areas. At the subject site, storm waves have caused erosion of the backbeach and damage to the existing parking lot and bicycle path. The proposed managed retreat project is intended to reduce property damage from storm waves and erosion by removing all structures, including the bicycle path and parking lot, further landward of their current locations, and by constructing a cobble berm and vegetated dunes to absorb wave energy seaward of the proposed improvements.

The preliminary design for the proposed cobble berm, as described in the report entitled "Surfer's Point Managed Shoreline Retreat and Access Restoration – Preliminary Design," by Philip Williams & Associates, Ltd., dated August 2, 2005, includes construction of an approximately 13.5 foot high, approximately 1800 foot long berm containing approximately 33,000 cu. yds. of cobble. The proposed berm is 94 to 110

feet wide at the base and approximately 50 feet wide at the crest. The seaward slope of the berm has a 5:1 grade and the back slope has a 3:1 grade. The proposed berm is located within the area currently occupied by the existing bicycle path and parking lot, which the applicants propose to move approximately 60 feet landward. Prior to construction of the berm, these structures would be demolished and underlying fill, including sand, silt, and debris, would be excavated to approximately 6 to 8 feet above sea level. The berm would be constructed on top of this excavated area. The cobble berm is not designed or intended to function as a shoreline protection structure. Design profiles of the berm, and the sand dunes discussed below, are included as **Exhibits 4 – 5**.

Following construction of the berm, an estimated 6,500 cu. yds. of sand would be placed as berm infill, 21,000 cu. yds. of sand would be placed as berm backfill, and approximately 16,500 cu. yds. of sand would be used to construct sand dunes on top of the berm. The height of the proposed dunes would be approximately 15 to 16 feet above sea level. The dunes would then be planted with native dune vegetation, and boardwalks would be placed at approximately 300-foot intervals to provide vertical access through the dunes.

The proposed managed retreat project, which combines soft solutions with strategic relocation of threatened structures, is an alternative to the shoreline protective structures identified in Section 30235. In contrast to hard solutions, the proposed cobble berm would provide a dissipative surface that could improve the quality of the surf by reducing wave reflection. Also, periodic erosion (and subsequent maintenance) of the dune would add sand to the littoral zone, which may incrementally benefit downcoast beaches, while maintaining sand on the subject beach.

In addition, the proposed managed retreat project both removes existing development from areas of wave hazard, and provides further protection from erosion through construction of the cobble berm. The cobble berm is designed to stabilize the shoreline during periods of episodic erosion, and absorb wave energy thus reducing the potential for damage to the proposed bicycle path and parking areas. The vulnerability of these structures would be further reduced by their relocation further from the wave uprush zone. Thus, construction of the cobble berm and vegetated dune system, and relocation of the existing bicycle path and parking lot landward, will not increase erosion hazards; on the contrary, the proposed project is designed to decrease risks to property.

However, because the proposed managed shoreline retreat project represents a new approach to shoreline management at the subject site, its effectiveness and impact on the shoreline environment cannot be precisely predicted. In addition, the proposed berm and dunes are dynamic features that may be eroded during storm events and may subsequently require repair and maintenance. Thus, the proposed project must be monitored carefully to assess the success of the program to meet its goals as well as avoid impacts to coastal resources, and provisions must be made for periodic maintenance. To address these issues, **Special Condition Three (3)** requires the submittal and implementation of a Long-term Berm and Dunes Monitoring Plan that includes detailed provisions for both monitoring and maintenance of the proposed berm and dunes. The plan shall include information regarding baseline conditions, methods to

compare the future berm condition with the condition of the berm immediately following construction, and triggers for berm maintenance. The results of the monitoring shall be submitted to the Executive Director on an annual basis, with information on the overall condition of the beach, berm, and dunes, as well as reporting of any maintenance that has been performed in the prior year. Anticipated maintenance would include retrieval of errant cobble from the active sand beach and reincorporation of retrieved cobble into the berm, the addition of appropriated sized and cleaned cobble into areas where the cobble berm has been exposed and eroded, placement of appropriately sized sand cover for dune development, and addition of dune vegetation. **Special Condition Three (3)** also requires maintenance activities to be subject to all of the standards and requirements for berm and dune construction detailed in **Special Condition Two (2)**, including those related to grain size, composition, and quality, and authorizes maintenance of the berm and dunes within the approved envelope for a period of five (5) years from the date of issuance of this permit. **Special Condition Three (3)** further stipulates that the five (5) year maintenance period may be extended for any additional period of time that is authorized in an amendment to this permit.

In addition to the preliminary design report discussed above, the applicant has submitted a geotechnical report (Geotechnical Evaluation, Surfer's Point Bike Path Restoration, Seaside Park, San Buenaventura, California (Ninyo & Moore, October 22, 2004) that evaluates the geologic stability of the subject site. Based on their evaluation of the site's geology and the proposed development the project's geotechnical consultants have found that the project site is suitable for the proposed project. The geotechnical consultants state in their October 22, 2004 report:

Based on our understanding of the proposed project and the results of our geotechnical evaluation, it is our opinion that the proposed development at the subject site is feasible from a geotechnical standpoint provided that the recommendations presented in this report are incorporated into the design and construction of the project.

The geotechnical consultants conclude that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The submitted geotechnical reports contain several recommendations to be incorporated into project construction, earthwork, site preparation, treatment of near-surface soils, excavations, fill placement and compaction, trench excavations, underground utilities, trench backfill, pavement design, corrosion, concrete placement, and drainage, to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultants have been incorporated into all proposed development the Commission, as specified in **Special Condition Nine (9)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted geotechnical report into all final design and construction, and to obtain the approval of the geotechnical consultants prior to commencement of construction. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

In addition, because there remains an inherent risk to development along the shoreline, **Special Condition Eleven (11)** requires the applicant to submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30235 and Section 30253 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified 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 incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed development, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Commissioner Meg Caldwell and Commissioner Patrick Krueger

Mailing Address: c/o California Coastal Commission, 89 S. California Street, Suite 200

City: Ventura

Zip Code: 93001

Phone: 805-585-1800

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of San Buenaventura

2. Brief description of development being appealed:

Portions of the Surfer's Point Managed Shoreline Retreat project landward of the mean high tide line (MHTL), including shortening and reconfiguration of Shoreline Drive, removal of an existing 223-space parking lot and construction of two new parking lots with a total of 319 spaces, and realignment of the Omer Rains Bicentennial Bikeway.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

In the vicinity of Shoreline Drive and the adjacent public beach between the Ventura River levee and the western border of Seaside Park, APN Nos. 073-0-231-010 and 073-0-231-030.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-4-SBV-06-037

DATE FILED:

3/13/06

DISTRICT:

So. Central Coast

Exhibit 1
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Commissioners' Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision: January 17, 2006

7. Local government's file number (if any): ACDP-477

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Ventura, Public Works Department, 501 Poli Street, Ventura CA 93001

31st Agricultural District, 10 W. Harbor Boulevard, Ventura, CA 93001

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) SURFER'S POINT MANAGED SHORELINE RETREAT WORKING GROUP: SEE ATTACHED LIST

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The approved project consists of portions of the Surfer's Point Managed Shoreline Retreat project that are landward of the mean high tide line (MHTL), including reconfiguration of road access and public parking for a popular public beach, and realignment of a public bikeway immediately paralleling the shore. The approved project is integrally connected with the portions of the project within the Commission's original jurisdiction seaward of the MHTL, which consist of stabilization and restoration of approximately 1,800 linear feet of beach, including placement of cobble and sand to restore dunes, planting of dune vegetation, and construction of vertical access paths and educational exhibits. In order to ensure that the project, as a whole, is consistent with the public access policies of the Coastal Act, it is necessary for the Commission to review the entire project in a comprehensive manner.

In addition, the approved project raises issues in regards to its consistency with Section 30210 of the Coastal Act, for the following reasons:

- 1) The City's approval of the project requires submittal of a "Construction and Coastal Access Plan" addressing interim parking and pedestrian use of the area during demolition and construction activities. However, it allows demolition of the existing parking lot without specific criteria for interim public parking and pedestrian access.
- 2) The approved project includes demolition of an existing 223-space parking lot and construction of two parking lots: a 148-space south parking lot, to provide public parking for coastal access during daylight hours, except during the Ventura County Fair, when it would be used for Fair related parking; and a 171-space north parking lot to be used primarily for adjacent Fairgrounds events, with the qualification that the lot "may be made available for coastal access if the southern lot becomes fully occupied." Specific language that more clearly defines the availability of the northern lot for coastal access is necessary in order to ensure that coastal access parking at the site is not reduced from the existing 223 spaces to the 148 spaces approved for the southern lot.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary Caldwell
Appellant or Agent

Date: 3/13/06

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: 3/13/2006

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

PLANNING COMMISSION RESOLUTION NO. 8209

**GRANTING AN ADMINISTRATIVE COASTAL
DEVELOPMENT PERMIT & FLOOD PLAIN
OVERLAY ZONE DEVELOPMENT PERMIT**

CASE NOS. ACDP-477/FP-22

BE IT RESOLVED by the Planning Commission of the City of San Buenaventura as follows:

SECTION 1: An application has been filed by the City of Ventura Public Works Department and 31st District Agricultural Association, pursuant to the City of San Buenaventura Municipal Code, for an Administrative Coastal Development Permit and Floodplain Overlay Zone Development permit relating to the Surfer's Point Managed Shoreline Retreat Project. The project involves three primary components: (1) stabilization/restoration of approximately 1,800 linear feet of beach; (2) replacement of damaged shorefront bike path and parking lot; and (3) provision for parking to be redistributed landward north of the existing shoreline drive alignment. As proposed within this permit request, the project is a variation of the Final Environmental Impact Report's (FEIR) preferred alternative (Alternative 5). Project components subject to City jurisdiction as opposed that of the California Coastal Commission are identified in Section 2 below. The project site is located in the Parks (P) Zone, and more particularly described as Assessor's Parcel Numbers 073-0-231-010 and 073-0-231-030.

SECTION 2: The Surfer's Point Managed Shoreline Retreat project requires a Coastal Development Permit from both the City and California Coastal Commission (CCC). Generally, the City has coastal permit authority over portions of the project occurring on "dry" land (above the mean high tide line (MHTL)) and the CCC retains jurisdiction over the "wet" areas (below MHTL). Those project components subject to City jurisdiction are generally described as follows:

Shoreline Drive: This street would be shortened by approximately 1,200 linear feet, include street trees on both sides, and a new roundabout installed at its western terminus. Once shortened, the curb-to-curb dimension would be increased to provide free on-street parallel parking. These new approximate twenty-five on-street spaces are contemplated for "surf check" use and would have a limited use of up to twenty minutes.

Off-Street Parking: At the western terminus of Shoreline Drive, a parking control kiosk would be placed to control entry to two parking lots which are generally divided in a north/south direction. To the south, a new approximate 148-space high frequency, permeable surface parking area would be created. As the lot is adjacent to the Omer Rains Bicentennial Bikeway and beach, it would be utilized primarily for coastal access. Also, the parking control kiosk would allow year-

Case No. ACDP-477
PC/01/17/05/KC
Page 1

Exhibit 2
CDP 4-05-148
Appeal No. A-4-SBV-06-037
City Resolution No. 809

round access to this parking area subject to closure only during the Ventura County Fair, and require the payment of a nominal fee for access during daylight hours; generally between 6 AM and 10 PM. To the north, a separate reduced frequency, "GrassPave" turf parking lot would provide approximately 171 spaces. The reduced frequency parking lot is intended to primarily serve the Ventura County Fairgrounds but may also be made available for coastal access parking in the event that the southern lot becomes fully occupied.

Both proposed parking lots equate to a total of approximately 319 parking spaces. Only 223 spaces are usable in existing parking lots south of Shoreline Drive. Fencing and gates would divide the two parking lots to enable separation between coastal access and fairground activities.

Lateral/Vertical Coastal Access: The existing Omer Rains Bicentennial Bikeway would continue to front the shoreline and lie between parking lots and the beach. Various paved pathways would lead pedestrians from the parking lots to the bikeway or beach. Low fencing would funnel pedestrians to composite lumber boardwalks providing controlled access through dunes. Two small gathering areas would include interpretive exhibits and public art. An existing turf picnic area would be expanded, and an existing bicycle roundabout would include new recycled concrete accent paving.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds as follows:

Administrative Coastal Development Permit

1. The development does not significantly obstruct public views of the coastline, views from any public road or from a public recreation area (Zoning Regulations Section 24.515.070 (C)(1)).

The only aboveground structural development included within the project consists of a parking control kiosk. Proposed landscaping would not, as required by Mitigation Measure AES-1, hinder vehicle parking along the south side of Shoreline Drive or restrict views from Shoreline Drive or access to the beach or bike path. Therefore, for these reasons, the project would not significantly obstruct public views of the coastline, views from any public road or from a public recreation area.

2. The development is compatible with the established physical scale and character of the area (Zoning Regulations Section 24.515.070 (C)(2)).

Again, the only proposed structural development consists of a parking kiosk. The remainder of the project does not raise an issue with regard to the physical scale and character of the area since it does not consist of structures. As such, the project is not in conflict with this finding.

3. The development is in conformance with all applicable provisions of the zoning ordinance and the comprehensive plan including, specifically, coastal public access and recreation policies (Zoning Regulations Section 24.515.070 (C)(2)).

The proposed project, in total, is indirectly encouraged by the City's Comprehensive Plan/Local Coastal Program (LCP). On the whole, the project complies with the City's Comprehensive Plan, LCP and Coastal Act public access and recreation policies since it would result in:

- a. City support for BEACON efforts to mitigate regional sand transport and supply impacts (Comprehensive Plan/LCP Resources Element Policy 15.9); and
- b. Increased public access and recreation opportunities and beach stabilization and/or preservation through the placement of sand upon the beach (Comprehensive Plan/LCP Resources Element Policy 15.7 and 15.10).

Concerning coastal public access and recreation policies, Comprehensive Plan/LCP page III-58 states that the City should encourage the preservation and enhancement of recreational and visitor-serving uses by increasing accessibility of the coast to the public. Similarly, Comprehensive Plan/LCP Page II-29 (Resources Element) requires that, "the City shall continue to ensure maximum public access consistent with public safety and fragile coastal resources." In order to implement these policies, in part, Comprehensive Plan/LCP page III-59 (Downtown Community) states in full,

Adequate ground level parking shall be provided in the oceanfront corridor for present and foreseeable coastal-dependent and coastal-related recreational use. Such parking may be preempted by the annual Ventura County Fair or evening events. All parking oceanward of the public roadway shall be available to the public at all times for day-use activities and evening events. This policy shall not preclude the Fair Board from charging a nominal fee for parking in this area.

The proposed parking kiosk would facilitate coastal access to public parking in the "oceanfront corridor" mentioned above. The subject parking lot is available to the general public during daylight hours; generally between 6 AM to 10 PM, for a nominal fee. As such, and as supported by the findings herein, the proposed project is consistent with the Comprehensive Plan/LCP and Zoning Regulations.

Notwithstanding the project's compliance with broad policy directives, the Planning Commission finds that the imposition of condition one (1) below is necessary to assure that impacts to public access are mitigated during construction activities, to the maximum extent feasible.

4. The proposed development is of a kind permitted by the comprehensive plan and the zone in the area where the development is to be located (Zoning Regulations Section 24.515.070 (C)(2)).

Page III-58 (Downtown Community) of the Comprehensive Plan/LCP states that new development at the project site shall be of a recreational or public use nature. The proposed parking kiosk would collect parking fees for approximately 319 parking spaces. Approximately half of these parking spaces will be available year-round day use activities except when the yearly Ventura County Fair occurs. As such, the proposed parking kiosk is development permitted by the Comprehensive Plan.

As mentioned above, the project is encouraged to occur by the City's Comprehensive Plan/LCP. As such, the project is a kind of development permitted by the Comprehensive Plan/LCP and Zoning Regulations.

Flood Plain Overlay Zone Development Permit

5. Though the proposed project's purpose and design is reflective of the intent to remove development from exposure to coastal erosion, a portion of it is nonetheless located within the already mapped Flood Plain Overlay Zone. Comprehensive Plan/Local Coastal Program (LCP): Objective 6 (100-Year Flood Plain) of the Safety Element requires that, in order to approve the requested Administrative Coastal Development Permit, the proposed parking kiosk must conform to the Zoning Regulations Chapters 24.320 (Flood Plain Overlay Zone) & 24.530 (Flood Plain Overlay Zone Development Permit Procedure).
6. The proposed parking kiosk facilitates an allowed land use type within the Flood Plain Overlay (FP) Zone since, as provided for by Zoning Regulations Section 24.320.080, it would provide for a "Recreation: Outdoor Sports and Recreation" use as well as a vehicle parking lot that does not permit overnight parking.
7. Public notice has been given of the proposed parking kiosk as required by law. As required by Zoning Regulations Chapter 24.560 (Notice and Hearing Requirements), mailed notice was provided not less than 10 days prior to this hearing to all property owners within 300 feet of the exterior boundary of the property involved as well as the property owners involved in the application, including all tenants within 100 feet of the exterior boundaries of the property involved. Also, notice was provided by way of publication within a newspaper of general circulation in the City not less than ten days prior to the hearing.

Evidence of compliance with this finding can be found within the project case file, and viewed upon request of the Planning Division.

8. There are no practicable alternatives or sites for the proposed project outside of the flood plain. It is not practicable or feasible to collect parking fees off-site in this case. The applicant has had limited success in assuring the collection of parking fees through un-manned fee collection boxes at the project site. As such, the proposed parking kiosk presents the most practicable alternative to collecting parking fees at this location.
9. There is no significant possibility that, as a result of the proposed project, materials may be swept onto other lands to the injury of others, or clog bridges crossing rivers since, as required by condition three of this resolution, the parking kiosk must be sufficiently anchored at all times. Furthermore, the proposed parking kiosk is not considered a critical facility and, when compared to other land use and/or development types such as larger residential or commercial buildings, it does not pose a comparable risk potential.
10. There is no significant danger to life and property due to flooding or erosion damage as a result of the proposed parking kiosk because it would be occupied by one person during daylight hours only, and since its small size does not contain the potential to damage the subject property.
11. The importance of the services provided by the proposed parking kiosk to the community offsets any potential risk because, as stated by the Comprehensive Plan/LCP, the City ensures the maximum provision of public access to the coast. Moreover, the degree of risk is greatly diminished in this case because, when compared to other types of structures (e.g., single family residence, multi-family residences, commercial structures) the proposed parking kiosk's small size and occupancy by a single person during daylight hours does not raise comparable issues of safety.
12. Access to the property in times of flood will be safe for ordinary and emergency vehicles because the proposed parking kiosk would not obstruct access to the subject parking lot and since it would be located approximately 40 feet from Shoreline Drive.
13. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and, if applicable, the effects of wave action expected at the site are acceptable. In terms of this finding, only the issue of wave action applies since the distance to the Ventura River and presence of flood control devices along that river assure that issues of river flooding would not arise with the proposed parking kiosk. The proposed parking kiosk is not considered a critical facility that contains the potential for exposing persons to a significant wave action induced risk or threat.

14. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges are acceptable since the proposed parking kiosk would not include and does not require the provision or construction of such services.

California Environmental Quality Act

15. The City prepared a Draft Environmental Impact Report (DEIR) for the project that was circulated for public review on December 21, 2001. The DEIR determined that the proposed project would not have a significant adverse impact on the environment, either individually or cumulatively with the imposition of mitigation measures relating to Air Quality, Biological Resources, Parking/Beach Access/Recreation, Hazards, Archaeological Resources, and Aesthetics. Mitigation measures relating to each of those issue areas, with the exception of Biological Resources, are included as conditions in staff's recommended Administrative Coastal Development Permit. The City permit would not address the issue of Biological Resources since it pertains to areas of the project that are subject to a California Coastal Commission issued Coastal Development Permit.

The City Council certified the project's Final Environmental Impact Report (FEIR) on July 21, 2003. That certification was inclusive of comment responses to the California State Lands Commission, State Department of Toxic Substances Control, State Department of Parks and Recreation, Ventura County Public Works Department, Ventura County Air Pollution Control District, and Surfrider Foundation.

Subsequent environmental documentation beyond the FEIR mentioned above is not required since: (1) a July 2004 FEIR Addendum addressed substantive project description changes; (2) substantial changes have not occurred with respect to the circumstances under which the project would be undertaken; or (3) no new information, which was not known and could not have been known at the time of FEIR preparation, has become available.

16. The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Current Planning Section, under Case No. ACDP-477, and available upon request at Room 117, San Buenaventura City Hall, 501 Poli Street, Ventura, CA 93003.

SECTION 4: Based on the above findings, Administrative Coastal Development Permit Case No. ACDP-477 and Flood Plain Overlay Zone Development Permit Case No. FP-22 are **HEREBY APPROVED**, as described in Sections 1 and 2 above, subject to the following conditions:

Current Planning

1. This approval is granted for the land or land use described in the application and any attachments thereto, and as shown on the textual project description and site plan labeled Case No. ACDP-477 - Exhibits "A" and "F" incorporated herein, except for the following limitations:
 - a. Construction shall not occur without prior Community Development Director and City Engineer review and approval of a 'Construction and Coastal Access Plan' (termed as a "Traffic Control" and "Parking Management Plan" in Mitigation Measures PAR-1 and PAR-2 below) addressing, without limitation, vehicle and pedestrian movements within the project's vicinity;
 - b. At least 30 days prior to construction, the applicant shall first obtain Community Development Director and City Engineer review and approval of a 'Construction and Coastal Access Plan';
 - c. At least two (2) persons shall be present during all construction activities to control and direct pedestrian/bicycle/skate traffic along the Omer Rains Bicentennial Bikeway. The specific location(s) and terms of traffic management shall be stipulated by the 'Construction and Coastal Access Plan';
 - d. Construction activities shall not occur on Saturday or Sunday;
 - e. Construction activities shall not occur from Memorial Day in May through Labor Day in September to avoid impacts on public recreational use of the beach and other amenities in the project vicinity;
 - f. The City of Ventura shall be responsible for cleaning Shoreline Drive during and after construction activities to prevent accumulation of debris material.
2. All facilities or features shall be located and maintained substantially as shown on the site plan labeled Case No. ACDP-477 - Exhibit "A," incorporated herein.
3. This permit supercedes and renders the following previous approvals, relating specifically to the project site, null and void: (1) Administrative Coastal Development Permit Case No. ACDP-176; and (2) Administrative Coastal Development Permit Case No. ACDP-176A and accompanying Flood Plain Overlay Zone Development Permit. Those prior permits pertained to development that will be entirely removed and/or discontinued (when relating to land use) under the current permit (i.e., Case No. ACDP-477).

4. Prior to construction, the applicant shall obtain Design Review Committee (DRC) approval of a landscape plan inclusive of, but not limited, items such as planting locations, planting sizes, hardscape improvements (i.e., seating, low walls, pavement, etc.). The DRC approved landscape plan must also depict all fencing locations, heights, materials, and gates. Fencing and gate locations shall not deviate from those depicted on the attached exhibit without prior Administrative Coastal Development Permit Amendment approval by the Planning Commission.
5. This approval shall not be effective until and unless the California Coastal Commission (CCC) appeal period lapses with no appeal being filed and, further, shall not become effective until and unless the CCC grants a coastal development permit for those components of the project within its jurisdiction. This permit shall become null and void in the event the California Coastal Commission has not approved a permit for the project within twenty-four (24) months of this Planning Commission action.

California Environmental Quality Act: Mitigation Measures

6. **Biology (BIO-1)** – Although no impact to the marine biota or habitats is expected, performing construction activity within the tidal zone during winter, daytime low tides would reduce the resuspension of sediments in the lower intertidal areas.

Biology (BIO-2) – Prior to construction activities and removal of landscape trees and shrubs from the parking lot and the north side of Shoreline Drive, it is recommended that surveys be conducted to determine the presences of nesting birds. In addition, it is recommended that pre-construction surveys be conducted over the entire project impact area to determine the presence or absence of sensitive animal and plant species. If a listed species and/or critical habitat is located in the area of potential impact, early consultation with the CDFG and the USFWS is needed.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Studies to be prepared and designs based on the studies to be shown on plan check; drainage facilities to be installed in conjunction with installation of public improvements.
Monitoring Division:	City Inspection Services Division
Funding:	Applicant

Standard for Success:

Required documents shall be submitted with the plan check submittal, and all recommendations of the studies shall be incorporated into the plans and completed as a part of the project construction.

7. **Air Quality (AQ-1 through AQ-4)** – During clearing, grading, earth moving, or excavation operation, excessive fugitive dust emissions shall be controlled by regular watering, paving construction roads, or other dust preventive measures using the following procedures:

- o All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.
- o All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.
- o All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- o Facemasks shall be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust, which may contain the fungus that causes San Joaquin Valley Fever.
- o The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust.

After clearing, grading, earth moving, or excavation operations, and during construction activities, fugitive dust emissions shall be controlled using the following procedures:

- o All active portions of the construction site shall be sufficiently watered to prevent excessive amounts of dust.
- o All temporary roads shall be covered with gravel.
- o Soil binders shall be spread immediately after seeding.
- o The area shall be wet down sufficiently at least twice a day, so as to form a crust on the surface with repeated soaking and prevent wind erosion.
- o Adjacent public thoroughfares and streets shall be swept daily.

- o If construction is halted for more than ten consecutive days, a chemical stabilizer shall be applied to graded portions of the site.

After clearing, grading, earth moving, or excavation operations, and during construction activities, fugitive dust emissions shall be controlled using the following procedures:

- o On-site vehicle speed shall be limited to 15-mph.
- o All areas with vehicle traffic shall be watered periodically.
- o Use of petroleum-based dust palliatives shall meet the road oil requirements of Ventura County APCD Rule 74.4, Cutback Asphalt.
- o Streets adjacent to the project site shall be swept as needed to remove silt, which may have accumulated from construction activities so as to prevent excessive amounts of dust.

Construction related emissions shall be controlled using the following procedures:

- o Construction equipment shall be maintained and adjusted to minimize emissions.
- o Low-sulfur fuel (0.05 percent by weight) shall be used in construction emissions.
- o Construction activities shall be phased and scheduled to avoid high ozone days.
- o Construction shall be discontinued during second-stage smog alerts or conditions of high winds combined with low humidity.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	During construction.
Monitoring Division:	Public Works Department and Land Development Section
Funding:	Applicant
Standard for Success:	All noted requirements met during construction activities.

8. **Parking, Beach Access and Recreation (PAR-1)**— The project contractor and the City shall develop a Traffic Control Plan to control construction traffic and circulation within the Shoreline Drive corridor during the construction period. An access plan shall also be developed for the area addressing vehicular access and bicycle access during the Phase I construction period. A construction schedule shall be prepared to avoid where feasible, significant construction during peak activity periods at the Fairgrounds.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Public Works Department staff approval of a Traffic Control Plan prior to construction. (Refer to condition two.)
Monitoring Division:	Public Works Department
Funding:	Applicant
Standard for Success:	Implementation of a Traffic Control Plan.

9. **Parking, Beach Access and Recreation (PAR-2)** – A Parking Management Plan shall be developed by the Fairgrounds to provide temporary parking for public beach users during the period when the beach parking lots are removed/repared and the replacement parking has not been finished. The plan shall also identify parking areas for construction workers and equipment.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Public Works Department staff approval of a Parking Management Plan prior to construction. (Refer to condition two.)
Monitoring Division:	Public Works Department
Funding:	Applicant
Standard for Success:	Implementation of a Parking Management Plan.

10. **Archaeological Resources (AR-1)** – A professional archaeologist shall be retained to monitor ground disturbance if excavation extends below the existing

fill into native soils. The archaeologist shall have the power to temporarily halt or redirect project construction in the event that potentially significant cultural resources are exposed. A monitoring report shall be prepared upon completion of construction if an archaeologist is needed.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Monitor present at construction site during excavation.
Monitoring Division:	Public Works Department
Funding:	Applicant
Standard for Success:	Monitor present at construction during excavation.

11. **Archaeological Resources (AR-2)** – In the event that archaeological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature of the find. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative shall be retained to monitor any mitigation work associated with Native American cultural material.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Construction halted or redirected if archaeological resource encountered.
Monitoring Division:	Public Works Department
Funding:	Applicant
Standard for Success:	Construction halted or redirected if archaeological resource encountered.

12. **Archaeological Resources (AR-3)** – If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains

are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Construction stopped if remains encountered.
Monitoring Division:	Public Works Department
Funding:	Applicant
Standard for Success:	Construction stopped if remains encountered.

13. **Hazards (H-1)** – If potentially contaminated soil is encountered during removal of the existing shorefront bike path and parking lot, demolition/construction activities shall halt until an assessment of the soil is conducted by a qualified individual. If contamination exceeding regulatory action levels is discovered, the contamination shall be remediated in accordance with applicable regulatory requirements prior to commencing with demolition and construction.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Soil inspection during demolition and construction activities.
Monitoring Division:	Public Works Department
Funding:	Applicant
Standard for Success:	Inspection during demolition and construction and remediation if contamination discovered.

14. **Aesthetics (AES-1)** – Landscape trees along the Shoreline Drive during construction should be replaced with appropriate landscaping as part of the final project design. For the north side of Shoreline Drive, the landscape plan should be similar in concept to that shown on Figure 4-3. For the south side of Shoreline Drive, landscaping should consist of groundcovers, shrubs, and/or tree species that would not hinder automobile parking along the south side of the street or restrict views from Shoreline Drive or access to the beach or bike path.

REPORTING/MONITORING PROGRAM:

Implementation Responsibility:	Applicant
Timing:	Landscape plan approval prior to construction.
Monitoring Division:	Public Works Department
Funding:	Applicant
Standard for Success:	Landscape plan approval by the City Design Review Committee.

Land Development Section: Utilities

15. Prior to construction, the applicant shall accomplish any and all necessary public right-of-way abandonment proceedings. This includes any blanket easements or other easements that are no longer needed by the City.
16. The applicant shall cause to be prepared by a Civil Engineer, registered in the State of California, grading and improvement plans required by the Subdivision Map Act, including, but not limited to, street, water, sewer, and storm drain improvements. Said improvement plans shall be submitted to the City Engineer for consideration and approval.
17. All utility plans shall be coordinated with the respective utility companies and shall be submitted for review and approval by the City Engineer.
18. Underground utilities, including the main cable television line and any laterals located within the public right-of-way, shall be installed in accordance with Municipal Code Section 26.200.170. All underground utility mains shall be constructed and extended to all tract boundaries unless otherwise approved by the City Engineer.
19. The grading plan shall be designed by a Civil Engineer, registered in the State of California and approved by the City Engineer. All above ground utility locations shall be reviewed and approved prior to grading plan approval. All above ground utility structures shall be located and screened in accordance with the City Council adopted Guidelines for the Screening of Above Ground Utility Structures.

Land Development Section: Stormwater Management

20. The Subdivider shall comply with the requirements of the Ventura Countywide Stormwater Quality Management Program (VCSQMP), National Pollutant

Discharge Elimination System (NPDES) Permit No. CAS004002, applicable NPDES permits issued by the State of California Regional Water Quality Control Board including the State General Permit for Construction Activity, and the City of San Buenaventura Municipal Stormwater Code and the Technical Guidance Manual for Stormwater Quality Measures with attention directed to the Sections 3, 4, & 5. (Available for downloading on the County's website at: <http://www.vcstormwater.org>).

In addition to complying with the above listed stormwater requirements the Subdivider shall design and construct permanent structural Best Management Practices (BMPs) in accordance with the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP). The BMPs shall be designed specifically for the treatment of the pollutants of concern as identified in the VCSQMP.

The Subdivider shall submit a site plan including treatment calculations, for review with grading/improvement plans. No permits will be issued prior to approval of the final design of the BMPs and all BMPs shall be constructed prior to project acceptance. Roof drainage may be conveyed in a closed system to an existing catch basin(s).

The Subdivider will also be responsible for developing and implementing a long-term operation and maintenance plan for stormwater quality protection BMPs included in the project. The operation and maintenance plan shall include the following:

- Operation procedures;
- Procedures for routine maintenance (e.g. debris removal, vegetation clearing);
- Procedures for corrective maintenance (e.g., parts replacement);
- Maintenance performance levels;
- Identification of the party responsible for operation and maintenance; and
- Inspection and reporting requirements;
- Training of individuals responsible for maintenance.

The Subdivider shall submit draft Declaration of Covenants for review and approval, as to form by to the City Engineer and City Attorney, to insure maintenance of all water quality BMPs included in the project prior to Final Map approval. Illicit discharges, illicit connections, or stormwater discharges passing

through inadequately maintained treatment devices into the public storm drain system, are violations of State regulations and the City's Municipal Code.

21. All drainage shall be directed away from structures and to the street via an approved stormwater treatment device. Hydrology/hydraulic design calculations, prepared by a Registered Civil Engineer, may be required to be submitted with the site-grading plan as determined by the City Engineer.

SECTION 5: This permit shall be subject to revocation if the applicant fails to comply with the conditions listed herein at any time. If, at any time, the Planning Manager or Planning Commission determine that there has been, or may be a violation of the findings or conditions of this action, or of the Zoning Regulations, a public hearing may be held before the Planning Commission to review this permit pursuant to Zoning Regulations Chapter 24.570. At said hearing, the Planning Commission may add conditions, or recommend enforcement actions, or revoke the permit entirely, as necessary to ensure compliance with the Zoning Regulations, and to provide for the health, safety, and general welfare of the community.

PASSED AND ADOPTED this 17th day of January, 2006.

Planning Commission Secretary

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS
CITY OF SAN BUENAVENTURA)

I, Kevin Colin, Secretary of the Planning Commission of the City of San Buenaventura, do hereby certify that the above and foregoing Resolution No. 8209 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 17th day of January, 2006, by the following vote, to wit:

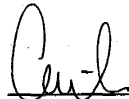
AYES: Commissioners Faulconer, Fraser, Allen and Johnson, and Vice Chair Stiles and Chair Briggs

NOES: None

ABSENT: Commissioner Hecht

NOT VOTING: None

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of February, 2006.



Secretary, Planning Commission
City of San Buenaventura, California

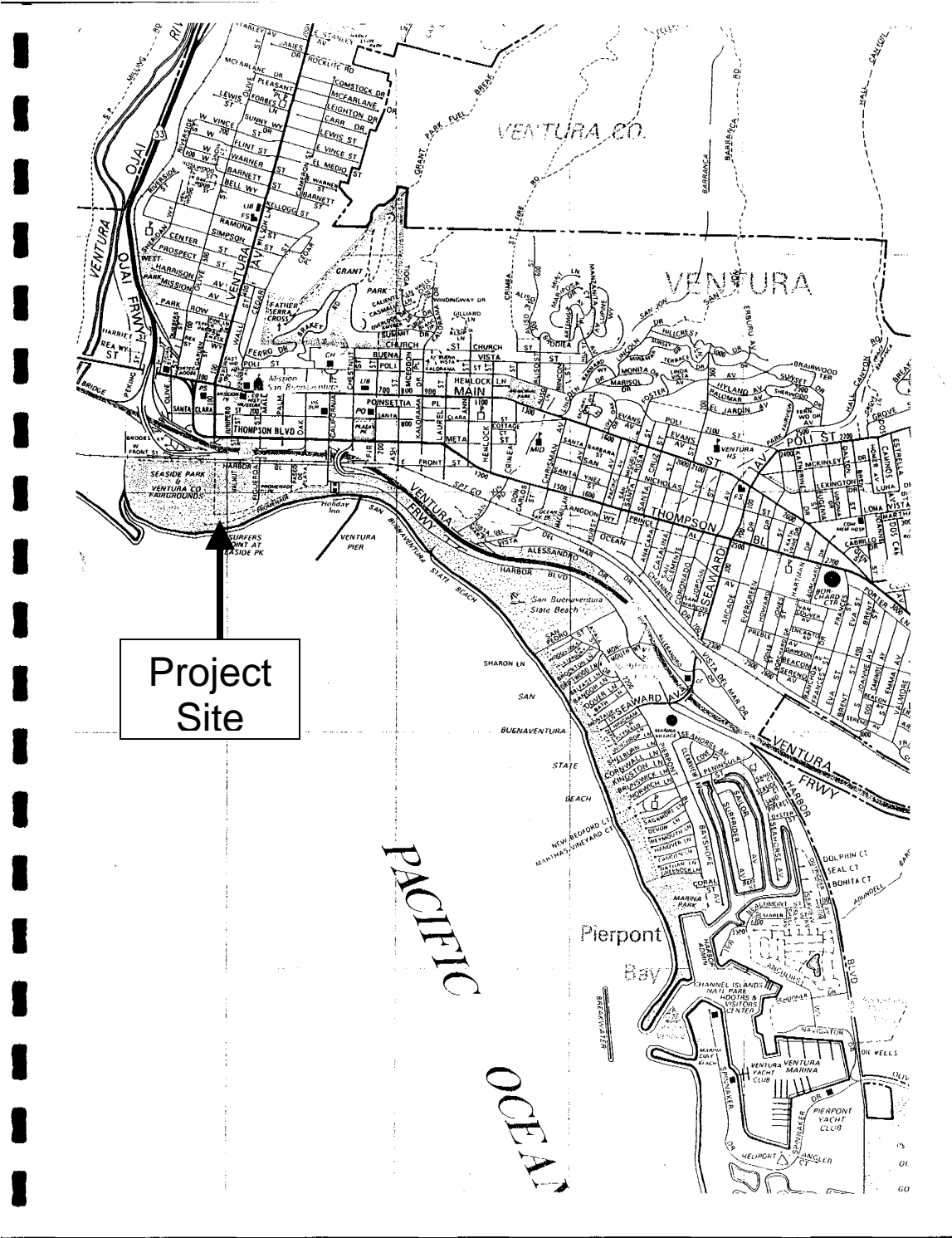
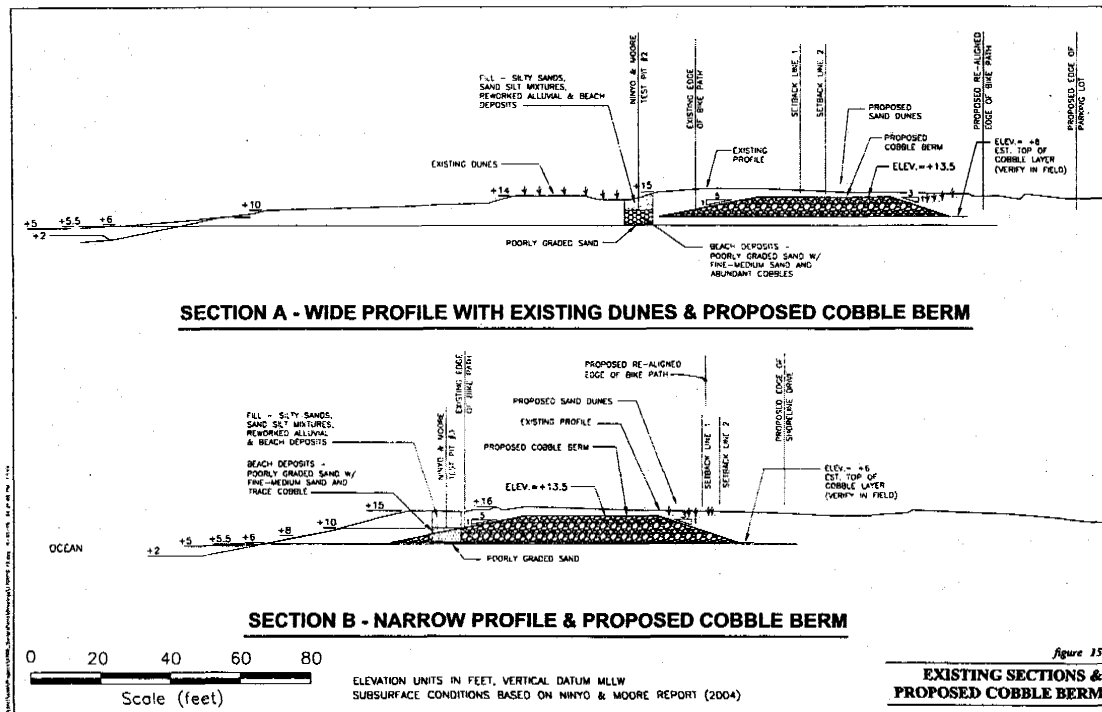
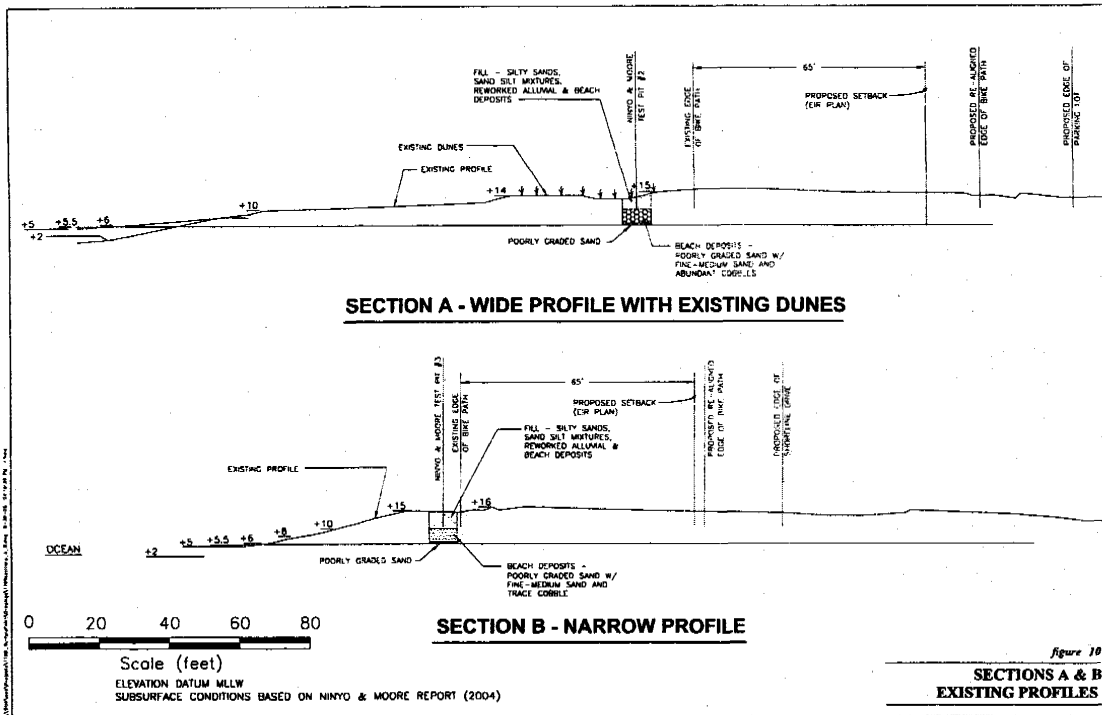


Exhibit 3
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Vicinity Map



Exhibits 4 and 5
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Existing and Proposed Beach
Profiles

DRAFT
CONCEPTUAL RESTORATION PLAN
SURFER'S POINT
CITY OF VENTURA, CALIFORNIA

INTRODUCTION

The proposed restoration program for Surfer's Point will create a native dune system and associated native coastal dune habitat in an area primarily occupied by bare sand, cobble and development. This restoration plan describes the approach to restore approximately 2.8 acres of coastal dune habitat to be created at Surfer's Point located in the City of San Buenaventura, California. Following approval of this conceptual plan by project stakeholders, a detailed restoration plan will be prepared detailing the erosion control, planting and irrigation specifications for inclusion in the project's construction bid documents.

The proposed project would occur primarily in developed areas, but would impact small areas of disturbed sand and cobble substrate located along the immediate coastline of Surfer's Point. The proposed project will remove existing developed areas, and construct new roads and associated infrastructure further inland away from the immediate shoreline. Because the project occurs within the Coastal Zone, this plan is being prepared to comply with requirements set forth by the California Coastal Commission pursuant to the California Coastal Act of 1976. The California Coastal Commission, in concert with the City of San Buenaventura, protects environmentally sensitive habitat areas (ESHAs), and regulates land and water resources in the Coastal Zone. The proposed restoration program would create native habitat types in areas where none currently exist.

Following construction activities, cobble and native dune sand will be restored throughout the project boundaries. Stabilization of the contoured dune sands and restoration activities would commence immediately following construction activities in the area. The proposed restoration area will provide creation and enhancement opportunities for high quality southern coastal dune habitat to ensure a gain in coastal dune habitat functions and values. Following is a conceptual description of the proposed restoration program.

Surfer's Point Restoration Program

INSERT PROJECT AREA DESCRIPTION

The proposed program will recreate a natural dune system in an existing developed area. The program will include:

- 1) removal of existing developed areas (i.e.: roads, parking lots and walkways);
- 2) relocating roads and associated infrastructure further away from the shoreline;
- 3) adding a native cobble substrate overlaid with native dune sand to mimic the existing conditions further west of the site; and



- 4) stabilizing dune sands with appropriate erosion controls and native coastal dune vegetation.

Dune sands will be contoured to resemble a native dune system, then stabilized with a combination of snow fencing, straw crimping, and straw plugging. Created dune features will be seeded and planted with regionally-collected native plant material typical of the southern coastal dune habitat type. Furthermore, a rigorous non-native weed abatement program will be implemented to control exotic plant species within the project site during the establishment period. Regular monitoring and a detailed adaptive management program will ensure successful revegetation of the created dune system with elements of southern coastal dune habitat. Following all construction related activities, educational signage will be posted along the boundaries of the restoration area informing the public of the habitat restoration program and environmentally sensitive habitat area. The program's long-term goals are to provide native coastal dune scrub habitat on the created dune topography, as well as provide education and research opportunities and foster a sense of stewardship and ecological connection in visitors and residents of the City of San Buenaventura.

The goals of the restoration program are to:

- Create and enhance approximately 2.8 acres of Surfer's Point by creating a native dune system and planting regionally-collected native plant species characteristic of southern coastal dune habitat;
- Create approximately .4 acres of seasonal wetland habitat within a bio-swale proposed in the hind dune portion of the restoration area. This feature would be created to handle surface runoff and provide filtration of stormwater runoff prior to discharge into the Pacific Ocean; and
- Ensure a gain in coastal dune habitat functions and values as a result of the proposed project.

It is expected that revegetation activities will only occur at a sufficient distance from the active shoreline and an active fore dune area will be promoted along the immediate coastline. Revegetation of created dunes will encompass seeding and direct planting of nursery grown container stock. Native herbaceous species will be introduced to the site by seed and container stock at suitable application rates as determined by the restoration specialist. Native shrubs will be installed in clusters to emulate native dune vegetation at spacings ranging from three to five foot-on-center. Prior to the onset of the rainy season and the installation of the plantings, all graded areas adjacent to the mitigation area will be hydroseeded with a native erosion control mix approved for the Surfer's Point project. A detailed as-built planting plan will be prepared at the completion of all initial restoration activities onsite to track the success of the program.

Even though all plantings in the restoration area are expected to be self-sustaining and will not require irrigation once established, the entire restoration area will receive irrigation during a three year establishment period. Planting activities will commence in the late fall and early winter in order to maximize the potential for successful establishment of the new plantings with the onset of the rainy season, but a functional irrigation system will be in place to ensure installed plant material survives prolonged dry periods. The watering cycle will be consistent during the summer dry season, and



tapered off in the third year depending upon environmental conditions as well as the potential need for replanting areas of high mortality.

A hind dune swale will be excavated, compacted as needed and contoured to form a series of depressions that will accumulate stormwater runoff from the parking lot, roads, and trails prior to any discharge into the Pacific Ocean. This area will be seeded and planted with elements of native seasonal wetland habitat, and overtime, will support a predominance of hydrophytic plant species. Upland islands will also be created within the proposed bioswale for additional plant diversity as well as visual relief for aesthetic purposes.

Revegetation of the bioswale will be divided into seeding and planting phases. Once the area has been graded, the depressions and adjacent areas will be hydroseeded with native species selected from the approved plant palette. Exact planting locations of liner and one-gallon plants will be determined by a landscape architect or restoration specialist to be installed following the completion of grading and hydroseed application in the area. The project's as-built planting plans will identify all seeding and planting activities that occur within the bioswale.

MONITORING

A restoration specialist will assist in the preparation of detailed planting plans and will oversee implementation of the restoration program. As-built planting plans will be prepared immediately following plant installation in order to track the success of the plantings over the monitoring period. The restoration area will be monitored annually for a period of five years following implementation. Monitoring will occur on a monthly basis for the first year following plant installation. Monitoring visits will be reduced as determined by the project restoration specialist, and following the first year's activities, monitoring will be conducted in the spring of each year. Plant survivability and vigor will be measured for all container stock installed onsite. Plant vigor will be measured as follows:

- 1 = excellent – vigorous healthy plant (no signs of necrotic or chlorotic leaves);
- 2 = good – plant healthy with limited signs of vigorous growth;
- 3 = adequate – plant healthy with no signs of vigorous growth and some necrosis or other damage;
- 4 = poor – low vitality, or main stem dead but basal sprouts emerging; and
- 5 = dead – no evidence of recovery.

The seeded and herbaceous plant material introduced into the restoration area will be monitored based on the extent of aerial cover compared to the total treatment area as delineated on the as-built planting plans. Permanent line transects will be established to assess aerial cover from the same location on a yearly basis.

The goal for the plant species installed as container stock in the restoration area will be 80% survivability with a vigor rating of 1 or 2 at the end of the three year establishment period. It is expected that overtime installed container stock will grow together and individual specimens may be difficult to track in the monitoring program, therefore, the overall goal of the restoration program is to provide at least 70% cover of native dune



Surfer's Point Restoration Plan DRAFT
Coastal Development Permit Application #4-05-148

species throughout the site. Additionally, the functioning of dune stabilization techniques and any wind erosion, and foot traffic patterns will also be assessed and documented during annual monitoring visits.

Annual monitoring reports will be prepared for City of San Buenaventura and will be submitted to resource agencies requesting the information. If target goals are not achieved at the end of the five-year monitoring period, additional plantings or other contingency measures may be recommended. Any contingency measures implemented will be documented in annual monitoring reports and the appropriate resource agencies will be notified.

Implementation Schedule

The restoration area will be constructed following removal of the existing developed areas. Dune contour work and subsequent stabilization activities will follow, with seeding and planting efforts anticipated to occur in the winter of 2007/2008 depending on permit acquisition and the completion of grading activities. The graded areas adjacent to the restoration area will be hydroseeded with the approved native erosion control seed mix before the first rains of the season and before plantings are installed to help stabilize all bare soils.



Surfer's Point Restoration Plan DRAFT
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Table 1. Proposed Native Plant Palette for Dune Restoration

Scientific Name	Common Name
<i>Abronia maritima</i>	sand verbena
<i>Abronia umbellata</i>	pink sand verbena
<i>Ambrosia chamissonis</i>	beach bur
<i>Armeria maritima</i>	sea pink
<i>Atriplex leucophylla</i>	beach saltbush
<i>Baccharis pilularis</i> vars. <i>consanguinea</i> and <i>pilularis</i>	coyote brush
<i>Baccharis salicifolia</i>	mulefat
<i>Calystegia soldanella</i>	dune morning glory
<i>Camissonia chieranthifolia</i>	dune primrose
<i>Coreopsis gigantea</i>	giant coreopsis
<i>Croton californicus</i>	croton
<i>Distichlis spicata</i>	salt grass
<i>Dudleya palmeri</i>	sea lettuce/live forever
<i>Encelia californica</i>	California encelia
<i>Ericameria erichoides</i>	mock heather
<i>Erigeron glaucus</i>	seaside daisy
<i>Eriogonum parviflorum</i>	dune buckwheat
<i>Erysimum insulare</i>	wallflower
<i>Eschscholzia californica</i>	California poppy
<i>Grindelia stricta</i>	gum plant
<i>Heliotropium curassavicum</i>	wild heliotrope
<i>Isocoma menziesii</i> var. <i>sedoides</i>	coast goldenbush
<i>Lessingia filaginifolia</i>	common corethrogyne
<i>Leymus mollis</i>	dune grass
<i>Lupinus arboreus</i>	bush lupine
<i>Lupinus chammisonis</i>	silver bush lupine
<i>Poa douglasii</i>	Douglas' blue grass



Surfer's Point Restoration Plan DRAFT
Coastal Development Permit Application #4-05-148

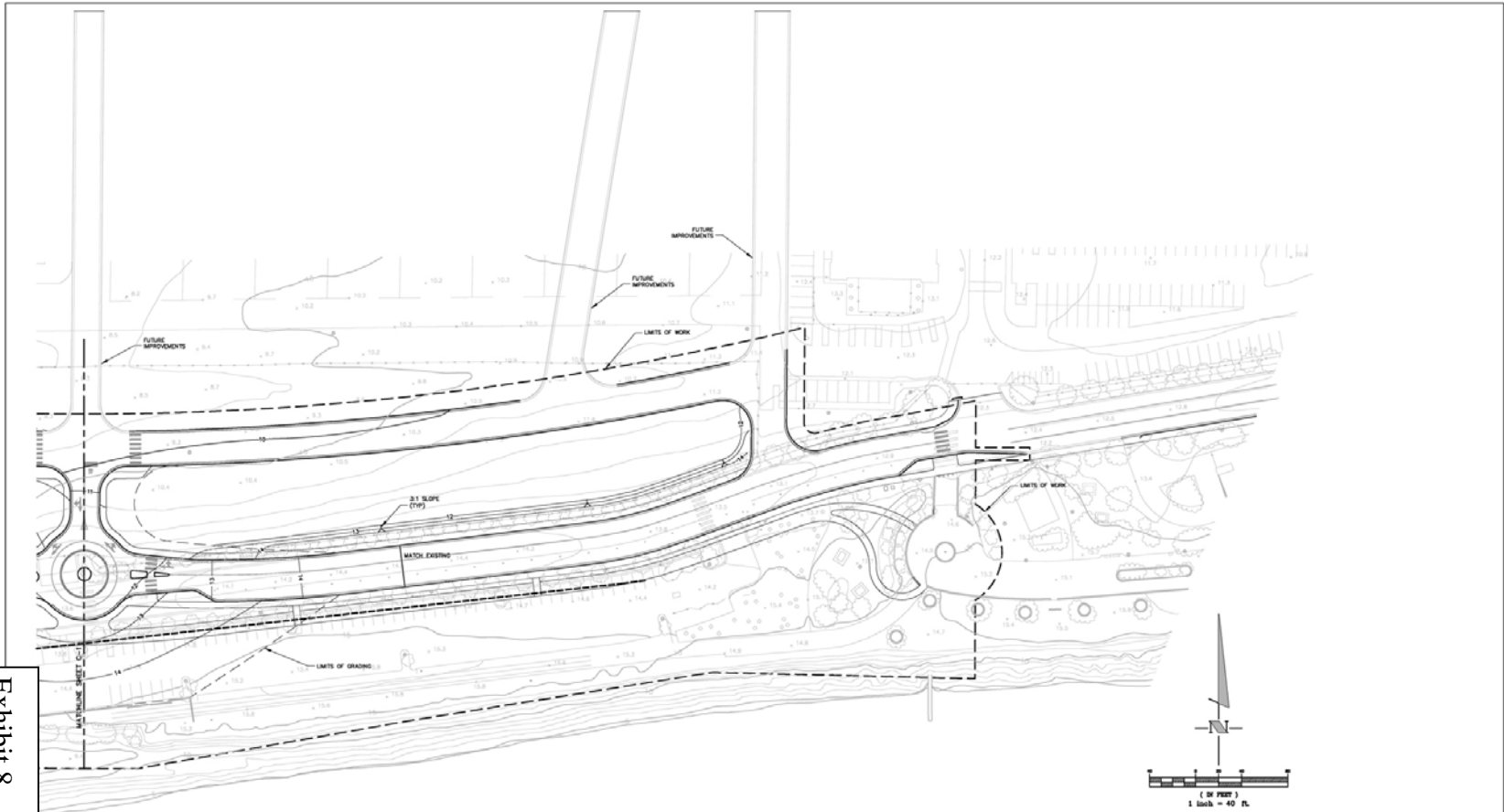
Table 2. Proposed Native Plant Palette For Seed Applications in the Restoration Area

Scientific Name	Common Name
<i>Abronia</i> spp.	sand verbena
<i>Bromus carinatus</i>	California brome
<i>Artemisia californica</i>	California sagebrush
<i>Baccharis pilularis</i> vars. <i>consanguinea</i> and <i>pilularis</i>	Coyote brush
<i>Castilleja exserta</i> ssp. <i>exserta</i>	Purple owl's clover
<i>Clarkia purpurea</i>	Winecup clarkia
<i>Eschscholzia californica</i>	California poppy
<i>Isocoma menziesii</i>	Coast golden bush
<i>Lotus scoparius</i>	Deer weed
<i>Lupinus nanus</i>	Sky lupine

Table 3. Proposed Native Plant Palette For Seasonal Wetland Habitat In Constructed Bioswale

Scientific Name	Common Name
<i>Lasthenia californica</i>	California goldfields
<i>Juncus effusus</i> var. <i>brunneus</i>	Common rush
<i>Juncus patens</i>	Spreading rush
<i>Eleocharis macrostachya</i>	Spike rush
<i>Leymus triticoides</i>	Beardless wild rye
<i>Limonium californicum</i>	western marsh rosemary
<i>Scirpus robustus</i>	Praire bulrush
<i>Carex barbae</i>	Santa Barbara sedge
<i>Juncus phaeocephalus</i>	Brown-headed rush
<i>Epilobium ciliatum</i> ssp. <i>ciliatum</i>	California willow-herb





APPROVAL IN CONCEPT

ENGINEER OF RECORD:  DATE:		rrmdesigngroup creating environments people enjoy™ 3765 South Figueroa St., Ste. 102, San Luis Obispo, CA 93401 P: (805) 543-1794 F: (805) 543-4809 www.rrmdesign.com <small>A California Corporation • 100% Employee-Owned RRM • Jeff Mahan, PE #28806, L.S. BENT, L.P. #2454, L.S. #2884</small>		REV. DESCRIPTION DATE APP. DATE PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION CITY OF SAN BUENAVENTURA SURFERS POINT CONCEPT_PLAN DRN. BY: BPA DES. BY: GLM CHK'D BY: GLM PRINCIPAL ENGINEER DATE CITY ENGINEER 37064 EXP. 6-30-06 DATE SPEC. NUMBER 2006-XX PROJECT NUMBER X SHEET C2 OF FILE NO. 2006-D-XX	
RRM JOB # 1802502		RRM DESIGN GROUP COPYRIGHT 2006 RRM is a California Corporation			

Exhibit 8
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Grading/Drainage Plan (Eastern portion)

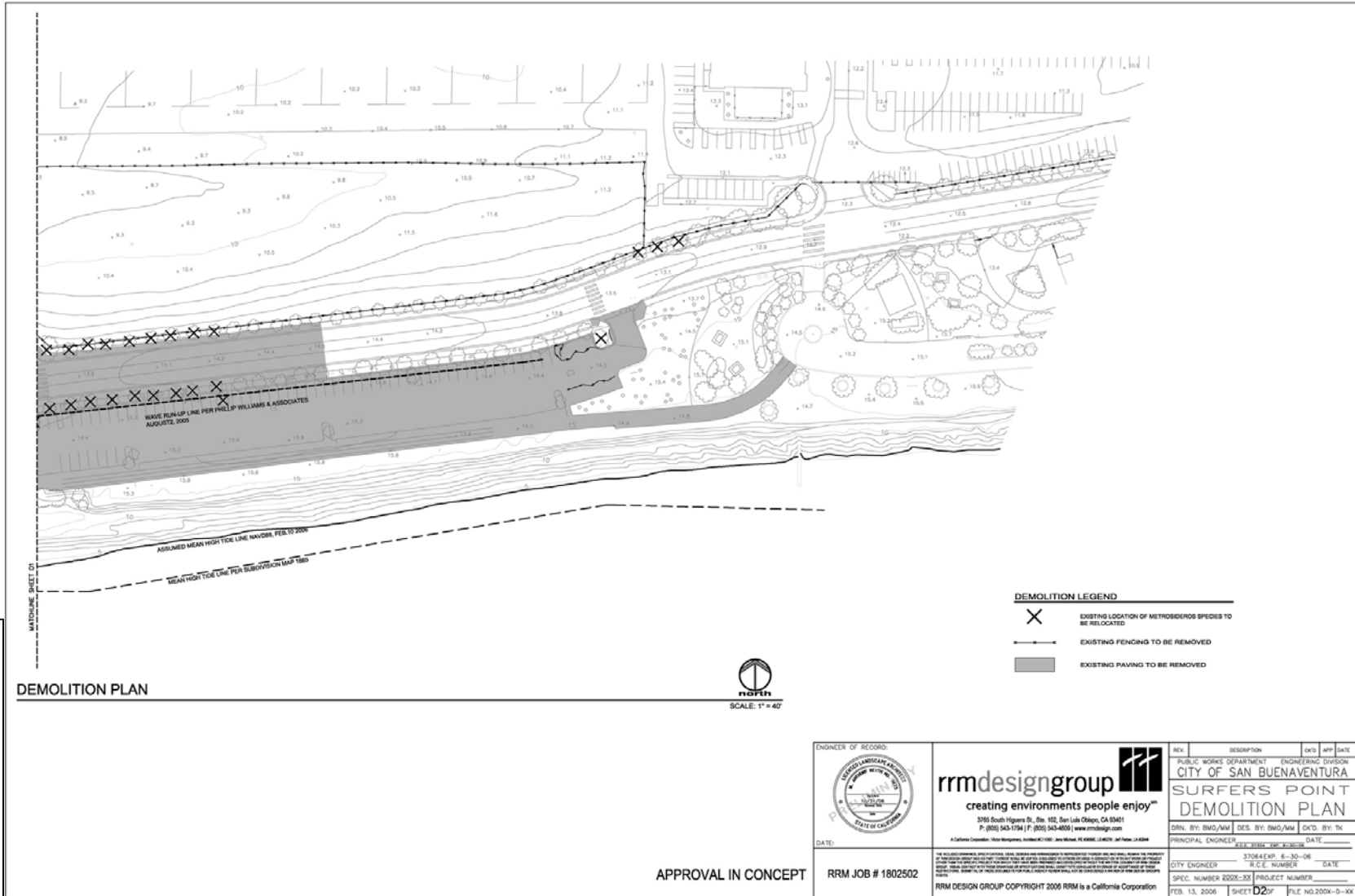


Exhibit 10
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Demolition Plan (Eastern portion)

SURFERS' POINT CONCEPT PLAN APPROVAL IN CONCEPT

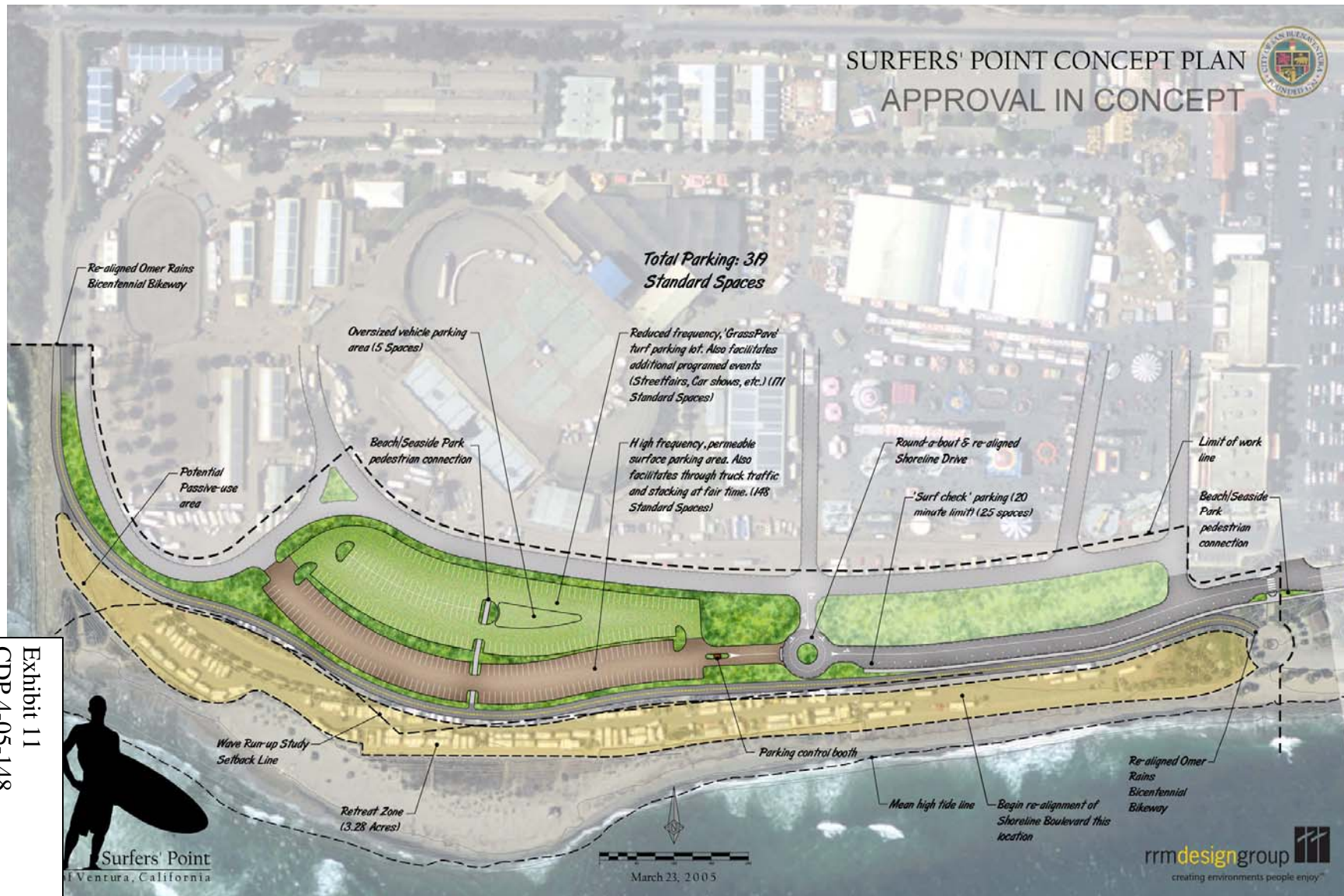


Exhibit 11
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Concept Plan



Exhibit 12
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Illustrative Plan

APPROVAL IN CONCEPT

JURISDICTIONAL BOUNDARY PLAN LEGEND

- LIMIT OF WORK
- SEASIDE PARK BOUNDARY
(USING MEAN HIGH TIDE LINE PER 43 RS 13)
- MEAN HIGH TIDE PER NAVD88, FEB. 10, 2006
- FENCING
- ☐ GATE
- PARKING CONTROL BOOTH
(6'x 8'x 8' - REQUIRES ACDP APPROVAL)
- COASTAL COMMISSION JURISDICTION
- CITY JURISDICTION
- CONSTRUCTION STAGING AREA

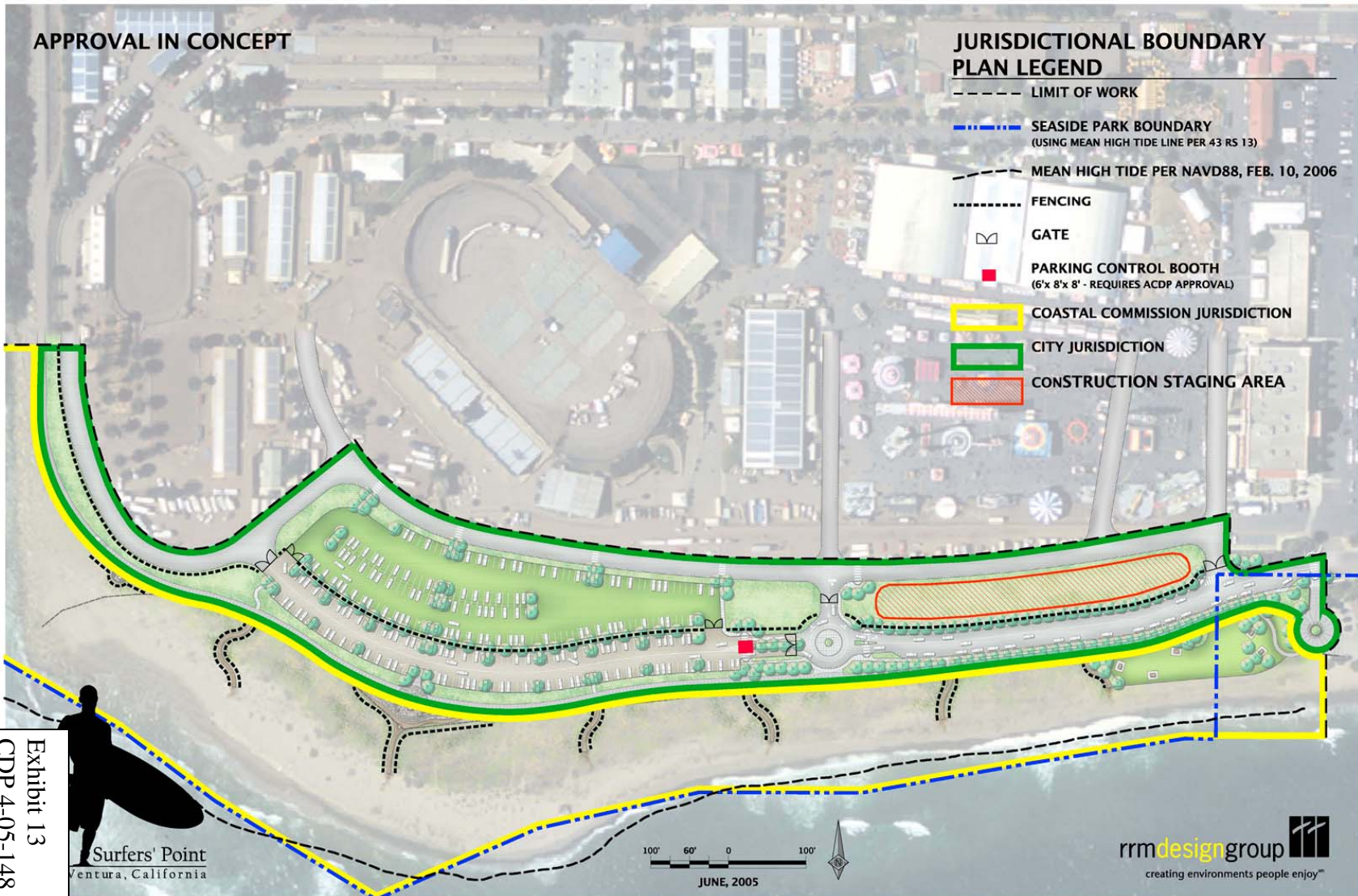


Exhibit 13
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Jurisdictional Boundary Plan

PERSPECTIVE VIEW LOOKING NORTHEAST
APPROVAL IN CONCEPT



Surfers' Point
Santa Barbara, California

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Exhibit 16
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Perspective View (Northeast)

PERSPECTIVE VIEW LOOKING WEST
APPROVAL IN CONCEPT



Exhibit 16
CDP 4-05-148
Appeal No. A-4-SBV-06-037
Perspective View (West)