

CALIFORNIA COASTAL COMMISSION

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



W 5a

ADDENDUM

DATE: November 8, 2007
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item 5a, Application No. 4-06-083 (Von Morganroth, City of San Buenaventura), Wednesday, November 14, 2007

The purpose of this addendum is to correct the applicant's name, to explain verbal correspondence from an opponent to the project, and to attach the easement associated with the waterway use for this site.

Note: ~~Strikethrough~~ indicates text to be deleted from the October 16, 2007 staff report and underline indicates text to be added to the October 16, 2007 staff report.

- 1.) The following correction shall be made to Applicant's name on Page 1 of the October 16, 2007 staff report:

Applicant: ~~Louis Van Morganroth~~ Lois Von Morganroth

- 2.) A neighbor has verbally raised three issues with the proposed project: 1) that any boat located at the dock, as proposed to be modified, will not be within the 45 foot boat slip and dock easement area; 2) that the proposed approximately 3 foot addition to the dock will not conform to the five foot setback on the east side of the property boundary even though the submitted plans show the setback; and 3) that the dock does not conform with a previously approved permit for the existing dock.

The applicant has provided a copy of her property deed which includes a legal description of the dock easement (attached) which states that the easement is: "for boat slip and dock purposes". As the dock exists on the site, a small portion extends outside of the dock easement area. However, according to the project plans, which were prepared by a licensed architect, the proposed dock will be slightly re-adjusted to fit entirely within the 45 foot dock easement area. Additionally, according to the project plans, the proposed 3 foot dock addition will conform to the five foot setback from the property boundary on both sides of the property. The Commission does not have any evidence that the proposed plans are inaccurate. The proposed project involves only the dock itself. With regard to previously approved permits for the existing dock, including CDP No. 4-91-035, apparently the gangway from the residence to the dock

was shown on the western side of the property rather than the eastern side where the existing gangway is located. To the extent that the gangway is located in a different location than previously approved, this administrative permit authorizes the current location of the gangway and serves as an amendment to the previous permit. The plans proposed to be approved in this permit will allow for the eastern location. There are no adverse impacts to coastal resources that would result from this modification. Therefore, the objections do not raise any issue with regard to the consistency of the proposed project with the policies of the Coastal Act.

Order No: 182010-s -SG

1

DESCRIPTION

EXHIBIT A

PARCEL 1:

Lot 688, Tract 1601-7, in the City of San Buenaventura, County of Ventura, State of California, according to the map thereof recorded in Book 49, Pages 86 and 87 of Miscellaneous Records, in the office of the County Recorder of said County.

EXCEPT all oil, gas and other hydrocarbon substances in or underlying said land, without, however any right of surface entry or any right of entry in and to the subsurface thereof at a depth of less than 500 feet beneath the surface for the development or removal of said substances.

PARCEL 2:

An easement for boat slip and dock purposes over that portion of Parcel A of Tract 1601-2, according to the map thereof recorded in Book 40, Pages 22 to 27, of Miscellaneous Records, being more particularly described as follows:

Beginning at the most Northerly corner of Lot 688, as shown on said map of Tract 1601-7, thence on a line radial with the curve of the Northwesterly line of said Lot 688, North $20^{\circ} 08' 38''$ West 45.00 feet; thence from a tangent which bears South $69^{\circ} 51' 22''$ West, Southwesterly along the arc of a curve having a radius of 205.00 feet and a central angle of $21^{\circ} 59' 35''$ an arc length of 78.69 feet; thence along a radial to the preceding curve South $42^{\circ} 06' 13''$ East 45.00 feet to the most Westerly corner of said Lot 688; thence from a tangent which bears North $47^{\circ} 51' 47''$ East, Easterly along the Northwesterly line of said Lot 688 on the arc of a curve having a radius of 160.00 feet and a central angle of $21^{\circ} 59' 35''$ an arc length of 61.42 feet to the point of beginning.

RECEIVED
NOV 06 2007

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

Permit Application No.: 4-06-083

Date: October 16, 2007

Page 1 of 7



W 5a

ADMINISTRATIVE PERMIT

APPLICANT: Louis Van Morganroth

PROJECT LOCATION: 1349 Beachmont Street, City of San Buenaventura (Ventura County)

PROJECT DESCRIPTION: Shift an existing 55' x 8' floating dock to re-align with property line and add 3' in length to existing dock on existing piles in the Ventura Keys waterway for boating related purposes. Existing gangway will remain. No piles, footings, or any structural elements will be placed in the waterway or on the rip-rap escarpment.

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

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

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

Wednesday, November 14, 2007, 9:00am
Sheraton San Diego Hotel
1433 Camino Del Rio South
San Diego, CA 92108

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

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

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

PETER DOUGLAS
Executive Director

By: Amber Tysor
Title: Coastal Program Analyst

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS: See pages six and seven.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

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

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The proposed development is located in the Ventura Keys, within the city limits of San Buenaventura, immediately north of the Ventura Harbor (Exhibit 1). The Ventura Keys

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

The sides of the waterways are bounded by private easements reserved for boat docks for more than 300 adjacent waterfront residential parcels. The easement areas occupy about half of the water surface of the waterways. Generally, each channel (channels 1, 2, and 3) spans 160 feet from property line to property line, with 45-foot easements on either side of the waterway. This configuration allows for a 70-foot wide public access corridor within the center of the channel. The Ventura Keys waterways were constructed in the early 1960s shortly after the excavation of the Ventura Harbor. The waterways were developed with retaining walls and rip-rap along the banks for stabilization.

The applicant proposes to shift an existing 55' x 8' floating dock to re-align with property line and add 3' in length to existing dock on existing piles in the Ventura Keys waterway (Exhibits 2 and 3). The dock will only be used for boating related purposes. The dock will be supported by three existing piles within the waterway and no new piles will be constructed.

The boat slip and dock easement associated with the subject parcel extends 45 feet from the property line, over the existing rip-rap escarpment out into the waterway. The development will remain within the easement area in the channel at the base of Channels 1, 2, and 3 of the Ventura Keys waterway. The proposed dock configuration is similar in function and design to other residential docks in the immediate vicinity.

The existing gangway will remain and no new piles, footings or any structural elements will be placed in the waterway or on the rip-rap escarpment to support the dock.

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

B. Water Quality

Section 30230 of the Coastal Act states:

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

waters that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

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

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

Special Condition 1 requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris

discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible.

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

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

Therefore, only as conditioned to minimize construction related impacts during the initial construction phase and to follow the Best Management Practices listed in Special Condition 2, does the Commission find the proposed project consistent with Section 30230 and 30231 of the California Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

C. Local Coastal Program

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

D. California Environmental Quality Act (CEQA)

Section 13096(a) of title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission 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 effects 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 project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

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

2. **Best Management Practices Program**

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

(a) Boat Cleaning and Maintenance Measures:

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

(b) Solid and Liquid Waste Management Measures:

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

(c) Petroleum Control Management Measures:

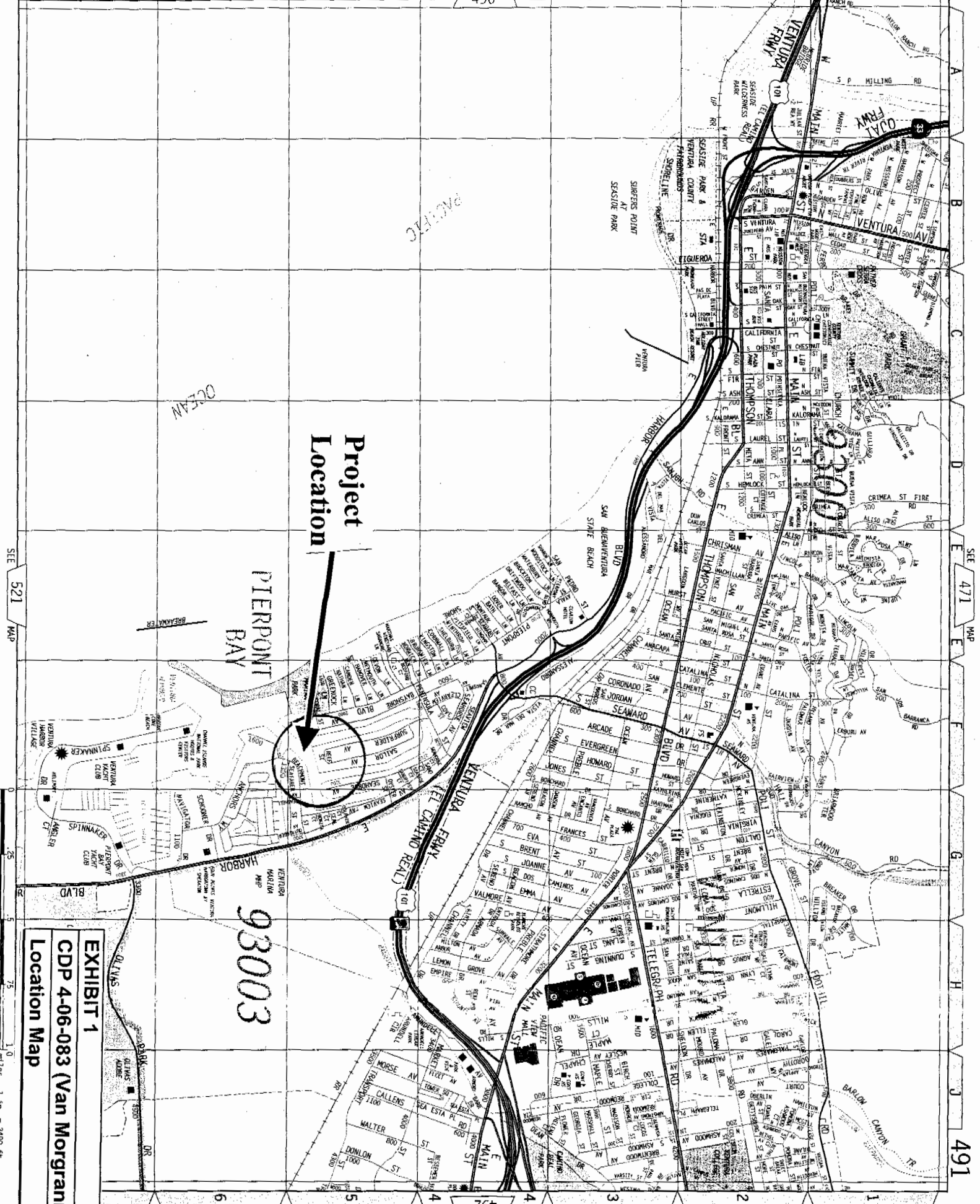
1. Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant will recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters are encouraged to regularly inspect and maintain engines, seals,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

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

Applicant's Signature

Date of Signing



Project Location

PIERPONT BAY

93003

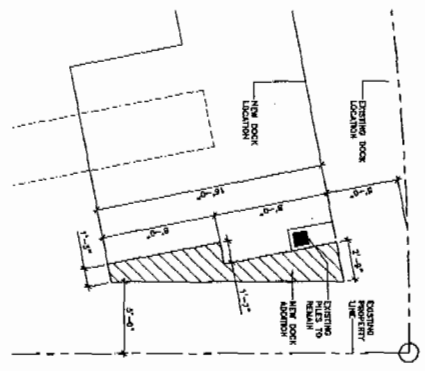
SEE 521 MAP

SEE 471 MAP

491

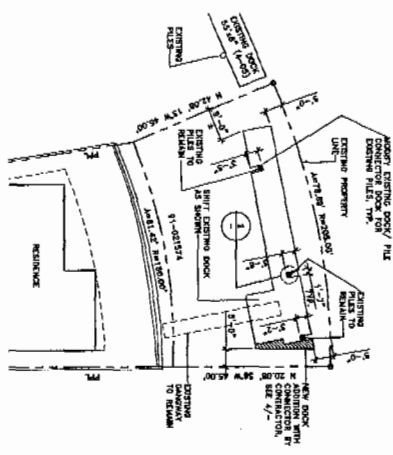
EXHIBIT 1
CDP 4-06-083 (Van Morgranroth)
Location Map

0 25 50 75 100
 0 .25 .5 1.0
 MILES 1 in. = 2400 FT.



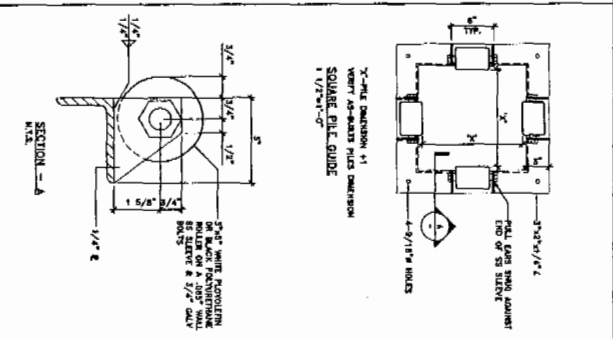
ENLARGE SITE PLAN

1/8"=1'-0"



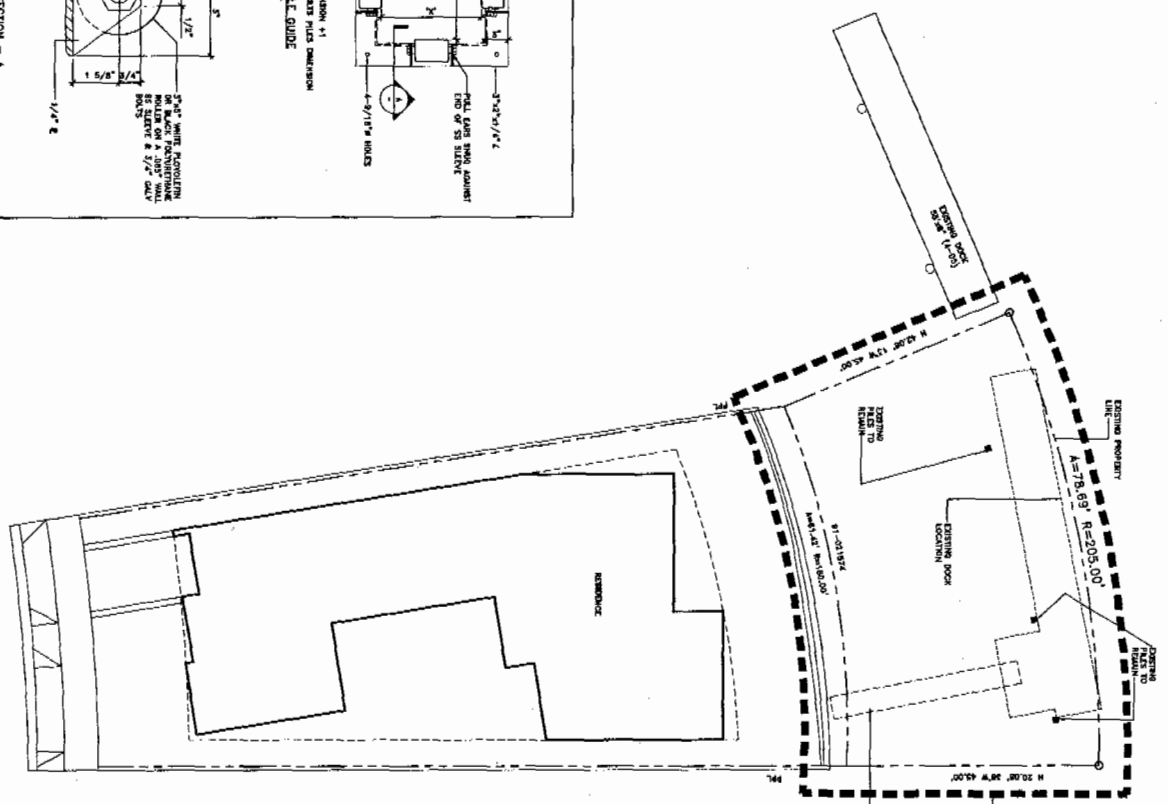
SITE PLAN

1/8"=1'-0"



SQUARE PILE GUIDE

AS SHOWN



EXISTING SITE PLAN & DOCK PLAN

1"=10'



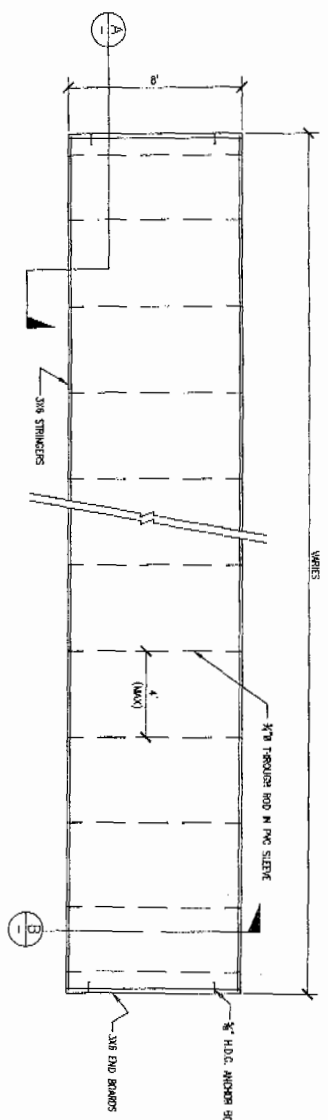
48 east holly street
 San Francisco, CA 94102
 Tel: 415.773.8800 Fax: 415.773.8807
 Tel: 650.793.8800 Fax: 650.793.8807

RESIDENTIAL
 DOCK ADDITION

1343 Reservoir Street
 Berkeley, CA 94701

DESIGN/REVISION	05-18-04
PRELIMINARY	
DATE	05-18-04
ARCHITECT	SW
ORDERED BY	SW
DRAWN BY	SW
CHECKED BY	SW
PROJECT NO.	060000
SHEET TITLE	EXISTING SITE PLAN & DOCK PLAN/ SITE ENLARGE SITE PLAN & DETAIL
SHEET NO.	A-1.1
TOTAL SHEETS	1

EXHIBIT 2
 CDP 4-06-083 (Van Morganroth)
 Site Plan/Dock Plan

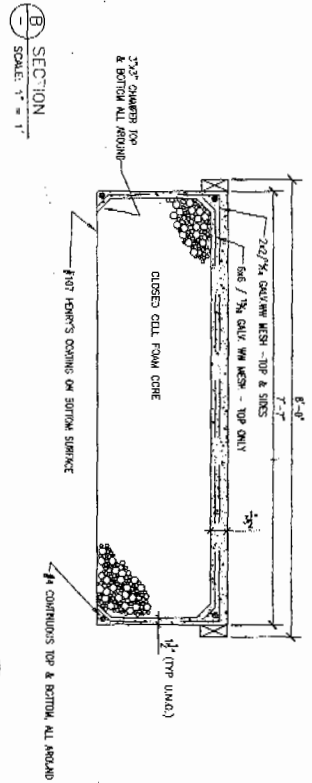


(A) ELEVATION
SCALE: 3/8" = 1'

(1) FLOAT PLAN
SCALE: 3/8" = 1'

NOTES:
1. THIS DOCK PLAN IS TYPICAL OF PRIVATE DOCKS TO BE CONSTRUCTED BY MAJOR ENGINEERING MARINE, INC. AND MAY BE USED TO CONSTRUCT SIMILAR DOCKS IN THE FUTURE.
2. ADJUST THICKNESS OF CONCRETE AS REQUIRED TO SUSTAIN CONCENTRATED DECK LOADS AND UNIFORM LEVEL TYP.

SPECIFICATIONS:
1. ALL LUMBER SHALL BE NO. 1 GRADE DOUGLASS FIR OR BETTER PROVIDED THERE ARE NO DEFECTS WHICH WOULD AFFECT APPEARANCE.
2. ALL LUMBER SHALL PRESSURE TREATED PER ASEA STANDARD C-246/247, MINIMUM RETENTION 0.60 POUNDS PER CUBIC FOOT. ALL FIELD CUTS AND BORED HOLES TO RECEIVE A BRUSH COAT OF CONCENTRATED PRESERVATIVE.
3. ALL HARDWARE INCLUDING BOLTS, NAILS, CORNERS, ETC., SHALL BE HOT DIP GALVANIZED AFTER FABRICATION. GALVANIZED WASHERS SURFACES ALL STEEL PARTS SHALL BE SHARPENED TO CONFORM TO THE REQUIREMENTS OF ASTM A-36.



(B) SECTION
SCALE: 1" = 1'



NOBLE
ENGINEERING MARINE, INC.
2015 DEPARTMENT OF MARINE, 1000
P.O. BOX 272, ST. LOUIS,
MISSOURI 63103

DATE	REVISION	APPROVED BY	DATE	DESIGNED BY	DATE	PROJECT NO.	PROJECT NAME
MAJOR ENGINEERING MARINE, INC.							
TYPICAL PRIVATE DOCK							
DRAWN BY	CHECKED BY	SCALE					
10/23/94		1/8" = 1'					

EXHIBIT 3
CDP 4-06-083 (Van Morganroth)
Dock Cross Section Plans