CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Th27a

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Staff:	Kanani Brown
Staff Report:	6/23/11
Hearing Date:	7/14/11

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-11-011

APPLICANT: Ventura Port District

AGENT: Richard W. Parsons

PROJECT LOCATION: Ventura Harbor, City of Ventura, Ventura County, adjacent to Ventura Harbor Village's waterside promenade

APN: 80-24-24

PROJECT DESCRIPTION: Maintenance and repair of 1,825 linear feet of existing rock revetment, including placement of 5,400 cu. yds. of 50-400 lb. rocks along the revetment to create a 2:1 slope. No rock will be placed seaward of the existing toe of the revetment.

MOTION & RESOLUTION: Page 4

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with **six (6) special conditions** regarding (1) plans conforming to geotechnical engineer's recommendations, (2) assumption of risk, (3) public access, (4) construction responsibilities, (5) revetment maintenance and repair program, and (6) required approvals.

The proposed project is for the maintenance and repair of 1,825 linear feet of an existing rock revetment in the Ventura Harbor to stabilize the slope adjacent to Ventura Harbor Village's waterside promenade (Exhibit 4). The project would involve creation of a 2:1 slope, replacement of rock revetment with 50-400 lb. rocks, and addition of vegetation to the existing vegetation on the upper portion of the slope. No rock would be placed seaward of the existing toe of the revetment. The work would involve no excavation and would use floating equipment from the waterside to avoid disruption to public access on the promenade. It is anticipated that the repair project would require 45-60 days to complete, but would be phased so that each segment of the project would involve only a few days.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Ventura, the proposed project is located in an area where the Commission has retained jurisdiction over the issuance of coastal development permits (CDP). The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Ventura Land Use Plan (LUP) serve as guidance.

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EXHIBITS

LOCAL APPROVALS RECEIVED: California Environmental Quality Act Appendix E: Notice of Exemption prepared by Ventura Port District, dated March 14, 2011

SUBSTANTIVE FILE DOCUMENTS: Harbor Revetment Maintenance/Repair Project Hydrology and Water Quality Technical Study prepared by Rincon Consultants, Inc., dated March 2011; and Essential Fish Habitat Evaluation prepared by Rincon Consultants, Inc., dated March 7, 2011

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No 4-11-011 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, hydrology, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which 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).

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wave action, flooding, erosion, and sea-level rise; (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 arising from any injury or damage due to such hazards.

Prior to issuance of the Coastal Development Permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Public Access – Construction Timing

By acceptance of this permit, the applicant acknowledges and agrees that: (i) no construction shall take place during the peak visitor season and will only occur after the Labor Day holiday weekend and before the Memorial Day holiday weekend; (ii) at no time will more than 50 percent of the pedestrian corridor be blocked by construction activities; and (iii) the construction staging area be confined to the area proposed on the vacant parcel (Parcel 18) northeast of the project site in the central portion of the Ventura Harbor.

4. Construction Responsibilities

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director a Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

(a) No construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

(b) No construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

(c) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project.

(d) Construction debris and sediment shall be removed from work areas each day that construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

(e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

(f) The applicant shall provide adequate disposal facilities for solid waste produced during construction.

(g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

(h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

(i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

(j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

(k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Construction Best Management Practices plan, shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Revetment Maintenance and Repair Program

By acceptance of this permit, the applicant acknowledges and agrees to the following:

1) No future repair or maintenance, enhancement, reinforcement, or any other activity affecting the rock revetment shall be undertaken if such activity extends the seaward footprint of the subject shoreline protective device. Any debris, rock, or other materials which become dislodged after completion through weathering, wave action, or settlement shall be removed or deposited on the revetment by the permittee on an as-needed basis, as soon as feasible after discovery. No future repair or maintenance, enhancement, reinforcement, or any other activity affecting the rock revetment shall be undertaken without the benefit of a Coastal Development Permit.

2) Maintenance or repair work shall be completed incorporating all feasible best management practices. The permittee shall remove any and all debris that results from the construction/repair work.

3) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion or dispersion.

4) Any and all debris resulting from construction activities shall be removed from the project limits prior to the end of each work day.

6. Required Agency Permits and Approvals

By acceptance of this permit, the applicant agrees to obtain all other necessary State and/or Federal permits that may be necessary for all aspects of the proposed project (including the California State Lands Commission, the U.S. Army Corps of Engineers, and the Los Angeles Regional Water Quality Control Board) or evidence that no such approvals are required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to repair 1,825 linear feet of an existing rock revetment in the Ventura Harbor to stabilize the slope adjacent to Ventura Harbor Village's waterside promenade (Exhibit 4). The project would include creation of a 2:1 slope, replacement of rock revetment with 50-400 lb. rocks, and addition of vegetation to the existing vegetation on the upper portion of the slope. No rock would be placed seaward of the existing toe of the revetment. The work would involve no excavation and would use floating equipment from the waterside to avoid disruption to public access on the promenade and on-shore activities. It is anticipated that the repair project would require 45-60 days to complete, but would be phased so that each section of the project would involve only a few days.

The proposed project site is a 1,825 linear ft. stretch of the existing rock revetment between Ventura Harbor Village's waterside promenade and the waters of Ventura Harbor (Exhibit 4). Ventura Harbor is a 274-acre multiple use recreational and commercial fishing small craft harbor. The project site is accessible from Spinnaker Drive via Harbor Boulevard. Land uses surrounding the project site consist of the Ventura Harbor Village promenade and commercial development, including primarily restaurant and retail uses on the land side and commercial slips on the water side. The promenade and rock revetment were originally constructed in the 1960s, prior to the effective date of the Coastal Act.

The purpose of the project is to maintain and repair the existing rock revetment along the inner Ventura Harbor Village and stabilize the existing slope. Currently, the slope contains scattered rock and sediment with vegetative cover from the high water mark to the promenade, which does not adequately maintain the stabilization of the slope. The existing slope is almost vertical near the top of the slope adjacent to the promenade and is unstable in segments (Exhibit 3). Over time, the slope has slipped and pushed out into the water area.

As proposed, the replacement of rocks would have a minimum slope of 2:1, which would be stable for riprap in the Harbor area, which experiences little or no surge or wave action. The project would require approximately 5,400 cu. ys. of rock mat that would be placed on top of and around existing rock areas to stabilize the slope. The rock would be transported from a quarry by truck to the staging area, a vacant parcel northeast of the project site in the central portion of the Ventura Harbor (Exhibit 6). A barge would transport the rock from the staging area to a floating crane on another barge, which would place the rock onto the site. Some of the repair and maintenance work would require existing docks and boats within the Harbor Village to be moved temporarily. The existing vegetation at the top of the slope would not be removed and no portion of the shorefront promenade would be disturbed during the revetment repair. New soil and vegetation that matches existing vegetation would be added to the existing vegetation at the top of the slope.

B. HAZARDS, FILL, AND SHORELINE PROCESSES

Section **30233** of the Coastal Act states that:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

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

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

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

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

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

(6) Restoration purposes.

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

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

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the l9 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

In regards to the new construction of shoreline protective devices that may alter natural 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.

In addition, Section **30253** of the Coastal Act states, in part, that 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 30233 of the Coastal Act limits the type of development that may be approved in wetland or open coastal water areas, where it is the least environmentally damaging alternative and all feasible mitigation measures have been included. Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic and flood hazard. In addition, Coastal Act Section 30235 provides that shoreline protection devices shall be permitted only when all of the following four criteria are met: (1) there is an existing structure, public beach area, or coastal dependent use; (2) the existing structure, public beach area, or coastal dependent use is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure or public beach area, or to serve the coastal dependent use; and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply.

The Ventura Port District is proposing public access improvements to the Ventura Harbor Village waterside promenade by conducting repair and replacement work along a 1,825 linear ft. section of the adjacent revetment which includes creation of a 2:1 slope, replacement of rock revetment with 50-400 lb. rocks, and addition of vegetation to the existing vegetation on the upper portion of the slope. All new rock will be located landward of the existing toe of the revetment and will not encroach any further seaward.

As such, the proposed project will not result in any new permanent diking, filling, or dredging of open coastal waters or wetlands.

The purpose of the proposed project is to maintain and repair the existing rock revetment along the inner Ventura Harbor Village and stabilize the existing slope. Currently, the slope contains scattered rock and sediment with vegetative cover from the high water mark to the promenade, which does not adequately maintain the stabilization of the slope. The existing slope is almost vertical near the top of the slope adjacent to the promenade and is unstable in segments (Exhibit 3). Over time, the slope has slipped and pushed out into the water area.

1. Shoreline Protective Device Effects:

Coastal Act Section 30235 acknowledges that seawalls, revetments, groins and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 limits the construction of shoreline protective works to those required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. The Coastal Act provides these limitations because shoreline structures can have a variety of adverse impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach.

In this case, the proposed project is designed to serve the coastal-dependent use of the existing harbor for public access and recreational boating. Additionally, the proposed project will protect the existing landside public access promenade and commercial structures in danger from erosion.

2. Sea Level Rise

Sea level has been rising slightly for many years. As an example, in the Santa Monica Bay area, the historic rate of sea level rise, based on tide gauge records, has been 1.8 mm/year or about 7 inches/century[1]. Recent satellite measurements have detected global sea level rise from 1993 to 2010 of 3 mm/year or a significant increase above the historic trend observed from tide gauges. Recent observations of sea level along parts of the California coast have shown some anomalous trends, however; there is a growing body of evidence that there has been a slight increase in global temperature and that an accelerated rate of sea level rise can be expected to accompany this increase in temperature. Sea level rise is expected to increase significantly throughout the 21st century and some coastal experts have indicated that sea level rise of 3 to 5 feet or more could occur by the year 2100.[2] Mean water level affects shoreline erosion

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[1] Lyles, S.D., L.E. Hickman and H.A. Debaugh (1988) *Sea Level Variations for the United States 1855 – 1986*. Rockville, MD: National Ocean Service.

[2] Cayan, D.R., M. Tyree, M. Dettinger, H. Hidalgo, T. Das, E. Maurer, P. Bromirski, N. Graham, and R.E. Flick, 2009. *Climate Change Scenarios and Sea Level Estimates for the California 2008 Climate Change*

in several ways and an increase in the average sea level will exacerbate all these conditions.

On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore. On a relatively flat beach, with a slope of 40:1, a simple geometric model of the coast indicated that every centimeter of sea level rise will result in a 40-centimeter landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as a single family residence, pilings, or seawalls, an increase in sea level will increase the inundation of the structure. More of the structure will be inundated or underwater than are inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently.

Accompanying this rise in sea level will be increased wave heights and wave energy. Along much of the California coast, the bottom depth controls the near-shore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to both inundation and wave attack, and those areas that are already exposed to wave attack will be exposed to more frequent wave attack with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future. While the location of the subject project site within an existing harbor is not subject to direct ocean wave action, it is subject to periodic wave action during extreme events in the winter storm season, or tsunami or seiche events. Increased sea level can amplify the effects of such events on the subject revetment.

3. Need for Shoreline Protection at the Project Site

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 limits the construction of shoreline protective works to those required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. The Coastal Act provides these limitations because shoreline structures can have a variety of negative impacts on coastal resources including adverse affects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach.

In this case, the existing segment of the promenade in the project area is subject to periodic wave attack during the winter storm season and damage/deterioration over time. The existing promenade was constructed prior to the effective date of the Coastal

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Scenarios Assessment, Draft Paper, CEC-500-2009-014-D, 62 pp, http://www.energy.ca.gov/2009publications/CEC-500-2009-014/CEC-500-2009-014-D.pdf.

Act, in the 1950s. The applicant has submitted a Hydrology and Water Quality Technical Study, prepared by Rincon Consultants, Inc., dated March 2011, which indicates that the project is a maintenance and repair project that would implement permanent erosion control mechanisms such as rock riprap, increased vegetative cover, and a more stabilized slope. The proposed minor repair is necessary to stabilize the unstable portions of the promenade and will not result in any significant extension of the lifespan of the much larger rock revetment and will not result in any new measurable impacts to shoreline sand supply and coastal processes.

Moreover, in past permit actions, the Commission has found that rock revetments require relatively frequent repair and maintenance due to: (1) the natural settling or subsidence of the rock structure into the sand over time and (2) the inadvertent loss of rock material due to errant rock becoming dislodged from the structure and settling on the sandy beach seaward of the structure. To ensure that errant rock is retrieved in a timely manner, **Special Condition No. Four (4)** requires that any debris, rock, or other materials which become dislodged after completion through weathering, wave action or settlement shall be removed or deposited on the revetment by the permittee on an as-needed basis as soon as feasible after discovery. Additionally, **Special Condition No. Four (4)** requires the applicant to provide evidence to the Executive Director of the location and method of disposal of any excess construction material to an approved disposal location.

Special Condition Five No. (5) requires that all maintenance or repair work incorporate all feasible best management practices and any future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device shall require a coastal development permit. Additionally, any future improvements to the proposed revetment that might result in the seaward extension of the shoreline protection device would result in increased adverse effects to shoreline sand supply and public access.

The submitted geology, geotechnical, hydrology, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. Thus, **Special Condition One No. (1)** is required to ensure stability and structural integrity and to protect the site and the surrounding sites. This condition requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wave up-rush and storm damage, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability

from these associated risks. Through **Special Condition No. Two (2)**, the applicant acknowledges the nature of the geologic hazard that exists on the site and that may affect the safety of the proposed development.

Further, to ensure that the project complies with all other regulatory requirements, **Special Condition No. Six (6)** requires the applicant to submit evidence to the Executive Director that all State and Federal permits necessary for the proposed project have been obtained.

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

C. PUBLIC ACCESS AND RECREATION

Coastal Act Section **30210** of the Coastal Act, as incorporated into the certified LCP states, in pertinent part, that new development shall:

> 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 **30212.5** states:

> Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section **30213** states:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section **30223** states:

> Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section **30252** states:

> The location and amount of new development should maintain and enhance public access to the coast by…(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Coastal Act mandates that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Coastal Act Section 30210 mandates that maximum public access and recreational opportunities be provided and that development not interfere with the

public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that public access to the sea be provided through new development projects. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected as a resource of public importance and that development be designed to protect views to and along the ocean and scenic coastal areas.

The primary purpose of the proposed project is to maintain and enhance existing public access and recreational facilities along Ventura Harbor Village's waterside promenade. It is not anticipated that the proposed project would have adverse impacts to public access. The replacement of rock along the slope would occur from the waterside in order to minimize disturbance of Harbor Village facilities, the waterside promenade, and on-shore activities. The promenade would remain open during construction; however, sections of it might require temporary narrowing for safety purposes. Additionally, some of the repair and maintenance activities would require existing docks and boats within the harbor to be temporarily moved. No construction is proposed during the peak tourism season (Memorial Day to Labor Day). Construction equipment will be staged in the vacant parcel northeast of the project site in the central portion of the Ventura Harbor (Exhibit 6).

As proposed, the project has been designed to minimize temporary impacts to public access and recreation to the extent feasible, provided the proposed mitigation measures are adequately implemented. Thus, in order to ensure that the applicant's proposal to minimize potential adverse impacts are adequately implemented, **Special Condition No. Three (3)** requires the applicant to acknowledge and agree that: (i) no construction shall take place during the peak visitor season and will only occur after the Labor Day holiday weekend and before the Memorial Day holiday weekend; (ii) at no time will more than 50 percent of the pedestrian corridor be blocked by construction activities; (iii) the construction staging area be confined to the area proposed on the vacant parcel (Parcel 18) northeast of the project site in the central portion of the Ventura Harbor.

In past permit actions, the Commission has found that rock revetments require relatively frequent repair and maintenance due to: (1) the natural settling or subsidence of the rock structure into the sand over time and (2) the inadvertent loss of rock material due to errant rock becoming dislodged from the structure and settling on the sandy beach seaward of the structure. To ensure that errant rock is retrieved in a timely manner, **Special Condition No. Four (4)** requires that any debris, rock, or other materials which become dislodged after completion through weathering, wave action or settlement shall be removed or deposited on the revetment by the permittee on an as-needed basis as soon as feasible after discovery.

Additionally, to ensure that the proposed project does not result in new future adverse effects on shoreline sand supply and public access and that future impacts are reduced or eliminated**, Special Condition No. Five (5)** prohibits any future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to this permit, if such activity extends the seaward footprint of the subject shoreline protective device. Approval with this condition ensures maintenance and repair activities will not interfere with public access opportunities.

The Commission therefore finds that the proposed project, as conditioned, is consistent with Sections 30210, 30212.5, 30213, 30223, and 30252 of the Coastal Act.

D. LOCAL COASTAL PROGRAM PREPARATION

The proposed project area lies within the City of Ventura, but falls within the Commission's area of retained original permit jurisdiction as shown on the LCP Certification Permit and Appeal Jurisdiction map. The Commission has certified the Local Coastal Program for the City of Ventura (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor-serving facilities, coastal hazards, and public access.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned 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 that 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 in detail above, the proposed project, 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 requirement of the Coastal Act to conform to CEQA.

exhibit 1

SOURCE: NGS TOPO© 2007.

EXHIBIT 1
Permit 4-11-011
Vicinity Map

N 0 750 1,500 Feet

Project Site Location

EXHIBIT 2
Permit 4-11-011
Project Aerial

Photo 1 - View of the project site looking south.

Photo 2 - View of the project site looking south.

Site Photographs

EXHIBIT 3
Permit 4-11-011
Site Photos (Pg 1 of 2)

Photo 1 - View of the existing onsite slope and rock.

Photo 2 - View of the existing onsite slope and rock.

EXHIBIT 3
Permit 4-11-011
Site Photos (Pg 2 of 2)

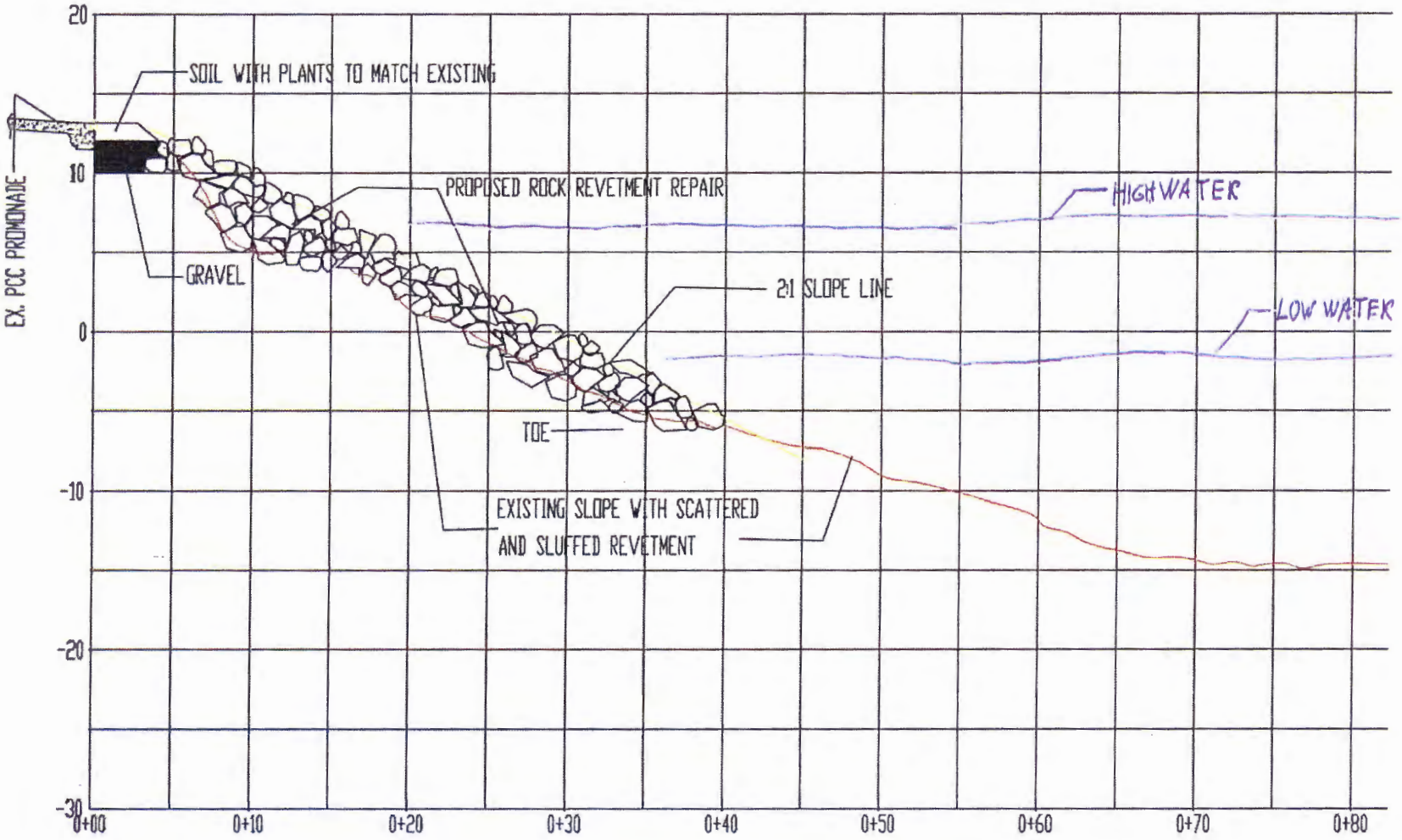
SOURCE: © Google, Earth 2011.

exhibits 4&5

PROJECT AREA

Revetment Repair Area • Ventura Harbor Vill

EXHIBIT 4
Permit 4-11-011
Site Plan



o INDICATES TOP OF EDGE OF SIDEWALK = 13.06'

HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 5'

Sample Section

Source: Fugro, December 2010.

Figure 6

EXHIBIT 5
Permit 4-11-011
Cross Section

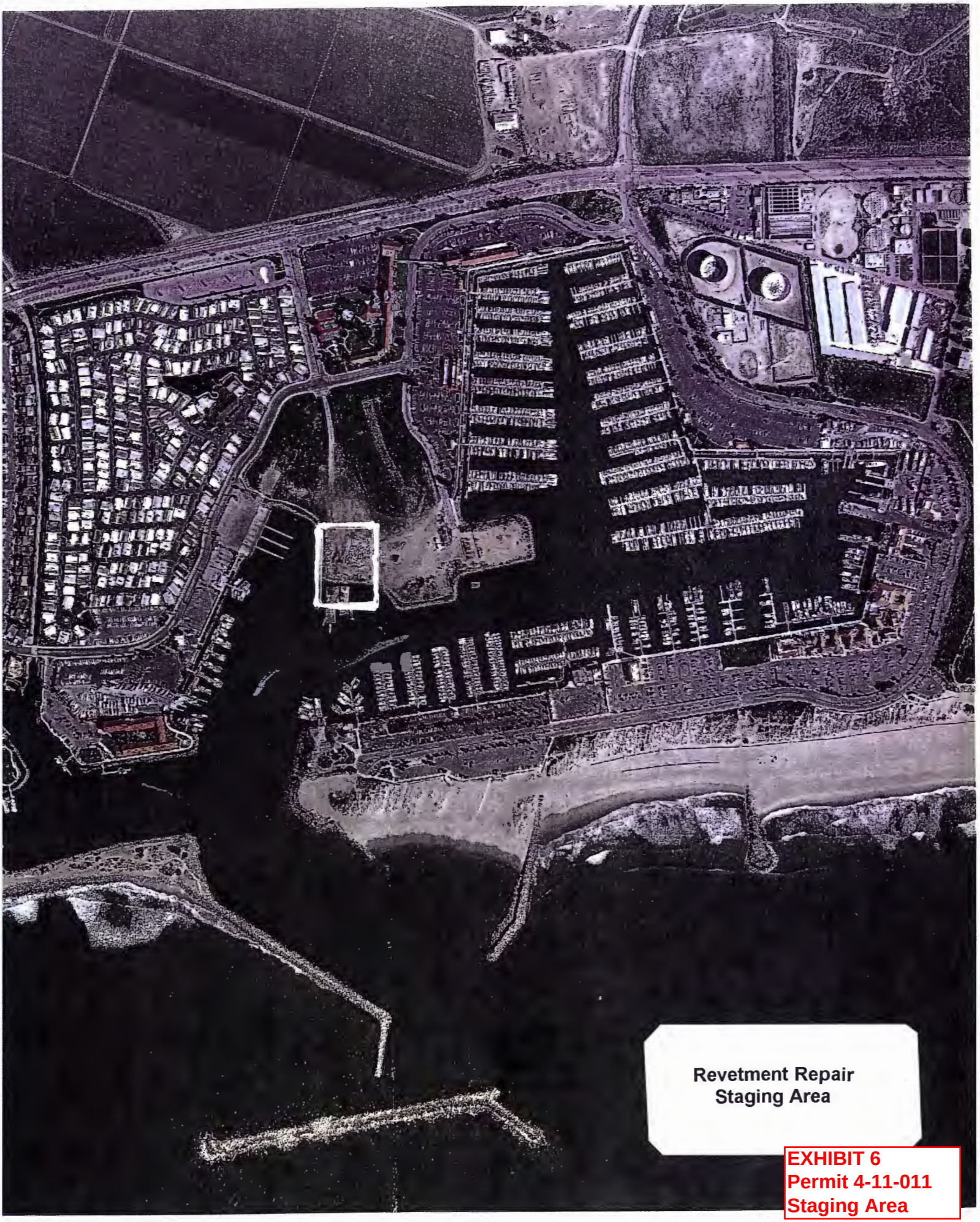


EXHIBIT 6
Permit 4-11-011
Staging Area