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STAFF REPORT: PERMIT AMENDMENTS

Application Nos.: 4-05-148-A1 and A-4-SBV-06-037-A1

Applicants: City of Ventura and 31st Agricultural District

Project Location: Surfer's Point, City of Ventura, Ventura County

**Proposed Amendment
(4-05-148-A1):**

Modifications to the portion of the managed retreat project seaward of the mean high tide line, including extension of the cobble berm and vegetated sand dunes approximately 150 linear feet east, reconfiguration of public access amenities, and revisions to the landscaping plan. The project also includes the addition of approximately 14,800 cubic yards of cobble fill and approximately 17,285 cubic yards of sand fill, and a reduction in total cut for the cobble berm from approximately 52,800 cubic yards to approximately 50,800 cubic yards.

**Proposed Amendment
(A-4-SBV-06-037-A1):**

Modifications to the portion of the managed retreat project located landward of the mean high tide line, including partial realignment of Shoreline Drive, reconfiguration of the public parking lot to include approximately 151 additional parking spaces (12 with electrical vehicle charging units) and three (3) additional "surf check" parking spaces, parking lot surface and drainage modifications, reconfiguration of public access amenities including pathway realignment and the addition of a picnic area, and revisions to the landscaping plan. The project also includes the addition of approximately

2,250 cubic yards of cut (from approximately 4,800 cubic yards to approximately 7,050 cubic yards) and approximately 1,050 cubic yards of fill (from approximately 1,200 cubic yards to approximately 2,250 cubic yards).

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of proposed Coastal Development Permit (CDP) Amendment Nos. 4-05-148-A1 and A-4-SBV-06-037-A1 with one (1) new special condition for CDP No. A-4-SBV-06-037-A1 regarding electric vehicle parking. All special conditions applied to each CDP remain in effect. Previously imposed special conditions include project timing, construction operations, engineering and restoration plans as well as maintenance and monitoring, landscape plans, water quality management, coastal access/parking lot operation plan, and interim access. The original permits, as well as the proposed amendments, are for one development, the Surfer's Point managed retreat project. The original permits, CDP Nos. 4-05-148 and A-4-SBV-06-037, were split for the different permitting jurisdictions of the waterside and landside portions of the project, respectively.

The project site ([Exhibit 1](#)) consists of Surfer's Point Beach and public access facilities immediately landward of the beach and is located in the City of Ventura, Ventura County, on two parcels spanning approximately 62 acres, including approximately 1,800 feet of shoreline. The western boundary of the property is the Ventura River, and the eastern boundary is Figueroa Street. The majority of the parcels consist of the Ventura County Fairgrounds, also known as Seaside Park, a year-round facility that hosts the annual Ventura County Fair and other events throughout the year, including trade shows, conventions, concerts, and festivals. The Commission approved CDP Nos. 4-05-148 and A-4-SBV-06-037 on November 16, 2006, for City of Ventura and 31st Agricultural District as co-applicants and both permits were issued on September 13, 2010. The project was phased ([Exhibit 2](#)) due to limited construction funds. Phase 1 ([Exhibit 3](#)) was constructed from 2010 through 2011. The Phase 2 design ([Exhibit 4](#)), which is the subject of this report, is being updated for the current conditions at the site and to reflect continued design collaboration between the City of Ventura, the 31st Agricultural District Fair Board, and other stakeholders.

Proposed modifications through CDP Amendment No. A-4-SBV-06-037-A1 to the landside portions of the originally approved managed retreat project include the partial realignment of Shoreline Drive, reconfiguration of public access amenities, revisions to the landscaping plan, and the reconfiguration of the public parking lot ([Exhibit 5](#)), including increased number of spaces and electrical vehicle charging units and drainage design revisions. The overflow parking lot (area of designated reduced frequency spaces) is proposed to be reconfigured to provide more efficient use of space, allow for fairground maintenance vehicle circulation, to add an ADA compliant path of travel to

4-05-148-A1 and A-4-SBV-06-037-A1 (Surfer's Point)

the beach, and to add more spaces. The surface material of the parking lot is also proposed to be changed from a permeable surface to asphalt. This change in surface material would also apply to the portion of the parking lot that was constructed in Phase 1 along with the new portions of parking lot to be constructed in Phase 2.

Proposed modifications through CDP Amendment No. 4-05-148-A1 to the tidelands portions of the originally approved managed retreat project include the extension of the cobble berm and vegetated sand dunes ([Exhibit 6](#)), reconfiguration of public access amenities, and revisions to landscaping plan. The additional proposed cobble and sand dunes recognize changes along the beach that have occurred since the original project was permitted and are designed to further minimize erosion.

The proposed changes are generally consistent with the approved project and are designed to improve public access and recreation opportunities. The parking lots are proposed to be reconfigured and the number of parking spaces proposed would be increased. The area of permeable surfaces is proposed to be reduced by using asphalt for the parking lot paving. It was determined that the original turf grass parking lot is not feasible in current drought conditions and other permeable surfaces are infeasible as water is unable to adequately infiltrate due to the high ground water table. The special condition to require electric vehicle charging stations is consistent with Coastal Act Section 30253 because it will reduce energy use and provide an opportunity for users of electric vehicles to access the coast. The extension of the cobble berm and vegetated dune area would reconfigure the public access amenities but would not significantly reduce the proposed coastal access at the site. Other proposed changes are minor and generally consistent with the approved project.

CDP No. A-4-SBV-06-037 covers the inland area subject to the jurisdiction of the City of Ventura that the Commission approved on appeal and CDP No. 4-05-148 covers waterfront area subject to the retained permit jurisdiction of the Commission, and the proposed amendments have different standards of review. The standard of review for the amendment proposed in CDP No. A-4-SBV-06-037-A1 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. The standard of review for the amendment proposed in CDP No. 4-05-148-A1 is the Chapter Three policies of the Coastal Act. In addition, the certified City of San Buenaventura Local Coastal Program (LCP) serves as guidance. As conditioned, the proposed amendments are consistent with all applicable policies of the Coastal Act and the certified City of San Buenaventura LCP.

Therefore, Staff recommends that the Commission approve CDP Amendment Nos. 4-05-148-A1 and A-4-SBV-06-037-A1 as conditioned. The motion and resolution to adopt the staff recommendation of approval of the permit amendments is found starting on page 5.

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EXHIBITS

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[Exhibit 3 – Phase 1 Site Aerial](#)

[Exhibit 4 – Phase Two Project Plans](#)

[Exhibit 5 – Parking Reconfiguration](#)

[Exhibit 6 – Phase 2 Waterside Plans](#)

I. MOTIONS AND RESOLUTIONS

1. Motion and Resolution for 4-05-148-A1:

Motion:

I move that the Commission **approve** the proposed amendment to 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 amendment as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

2. Motion and Resolution for A-4-SBV-06-037-A1:

Motion:

I move that the Commission **approve** the proposed amendment to 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 amendment as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of the 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended 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 agents, 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 of 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.

III. SPECIAL CONDITIONS

All standard and special conditions previously applied to Coastal Development Permits 4-05-148 and A-4-SBV-06-037 remain in full force and effect. In addition, the following special condition is hereby added as Special Condition No. 10 of Coastal Development Permit A-4-SBV-06-037-A1:

10. Electric Vehicle Parking.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicants shall submit, for the review and approval of the Executive Director, two (2) sets of final site plans which depict the following:

1. Installation, prior to the completion of construction for Phase 2 of the managed retreat project, of a minimum of six electric vehicle charging stations, with infrastructure including but not limited to transformers and conduit capable of delivering 220 volts to each station, and designated electrical vehicle parking spaces located in the high frequency parking area adjacent to each station;
2. Installation, prior to the completion of construction for Phase 2 of the managed retreat project, of conduit and underground infrastructure capable of delivering 220 volts to a minimum of six additional electric vehicle charging stations located in the high frequency parking area; and
3. Charging stations for six additional electric vehicle parking spaces (project total of twelve stations and spaces, at least one of which shall be ADA compliant) which shall be located in the high frequency parking area, and installed as funding is available but no later than five years following completion of construction unless extended by the Executive Director for good reason.

B. The permittee 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 legally required.

IV. FINDINGS AND DECLARATIONS

A. Amendments Description and Background

As described in further detail below, the applicants have proposed the subject amendments to modify portions of the managed retreat project at Surfer's Point that were previously approved through Coastal Development Permit (CDP) Nos. 4-05-148 (for the waterside portion) and A-4-SBV-06-037 (for the landside portion). Due to funding constraints, only a portion of the previously approved project has been constructed (Phase1). The majority of the subject modifications proposed would be for the area designated for the second phase of construction (Phase 2). Although design modifications are proposed, there are no changes to the footprint of the project area.

Proposed Amendments Description

The proposed amendments include modifications to the development approved in two integrally related CDPs. One CDP covers the inland area subject to the jurisdiction of the City of Ventura that the Commission approved on appeal and the other covers waterfront area subject to the retained permit jurisdiction of the Commission.

The Landside CDP Amendment

Proposed modifications ([Exhibit 4](#)) to CDP Amendment No. A-4-SBV-06-037-A1 address the landside portion of the managed retreat project and include the partial

realignment of Shoreline Drive, reconfiguration of the public parking lot to include additional parking spaces, 12 of which would contain electric vehicle charging units, and drainage design revisions. Reconfiguration of public access amenities, and revisions to the landscaping plan are also proposed.

The parking lot modifications ([Exhibit 5](#)) are proposed to provide more efficient use of space and to add an ADA compliant path of travel to the beach. The proposed reconfiguration would result in the addition of approximately 151 total parking spaces, approximately 64 of which would be located in the high frequency parking lot, and approximately 87 in the reduced frequency parking lot. The high frequency parking lot is open to the public on a daily basis, and the low frequency parking lot is opened and available to the public at times of higher demand when the high frequency parking lot is fully occupied. The proposed project reconfiguration would also add approximately three (3) twenty minute parking spaces that allow for drop-off or for the public to check water or surf conditions (these spots are called "surf check" parking spaces), for a total number of approximately 27 "surf check" parking spaces. Shoreline Drive is proposed to be relocated to improve circulation, with its terminus at the parking lot to be further east. The previously approved gatehouse/ticket booth located at the entrance of the parking lot would be relocated approximately 160 feet to the east, and a vehicle turn around would be added. In order to accommodate electric vehicles, the applicants have also proposed to provide twelve electric vehicle parking spaces in a phased manner, with the installation of infrastructure and charging stations for six parking spaces at the time of construction, as well as the conduit and underground infrastructure for six more spaces. The additional six charging stations would be installed within five years of completion of construction of the project as funding becomes available. Additionally, the previously approved fiberglass fencing and gates would be changed to vinyl-coated chain-link and the locations of lights would be reconfigured to align with the new parking lot layout.

The surface material of the parking lot is also proposed to be changed from a permeable surface to asphalt. This change in surface material would also apply to the portion of the parking lot that was constructed in Phase 1 along with the new portions of parking lot to be constructed in Phase 2. The applicants determined that the original turf grass parking lot is not feasible in current drought conditions and other permeable surfaces are infeasible as water is unable to adequately infiltrate due to the high ground water table. The drainage design for the subject parking lots is proposed to be reconfigured so that water is adequately filtered and treated before it is discharged. Proposed parking lot modifications would result in an increase in cut and fill grading from the original project by approximately 3,300 cu. yds. for new paved surfaces and includes an increase in approximately 2,250 cubic yards of cut and approximately 1,050 cubic yards of fill.

The Tidelands CDP Amendment

Proposed modifications to the tidelands portions of the managed retreat project ([Exhibits 4 and 6](#)) through CDP Amendment No. 4-05-148-A1 include extension of the cobble berm and vegetated sand dunes, reconfiguration of public access amenities, and revisions to the landscaping plan. The proposed cobble and sand dune extension is to

address continued erosion along the beach that has occurred since the original project was designed and permitted. This easterly cobble and dune extension is located within the footprint of the originally permitted project area.

Specifically, the cobble berm and vegetated sand dunes on the east side of the project are proposed to be extended by approximately 150 linear feet further to the east, to replace the originally approved landscaped picnic area. Construction would include the placement of approximately 14,800 additional cubic yards of cobble fill, approximately 17,285 additional cubic yards of sand fill. A reduction in the total amount of cut originally approved for the entire project (both Phase 1 and Phase 2) by approximately 2,000 cubic yards is also proposed from approximately 52,800 cubic yards to approximately 50,800 cubic yards. Approximately 23,000 cubic yards of that cut was already conducted during Phase 1 and the remaining approximately 27,800 cubic yards of cut would be conducted during Phase 2 ([Exhibit 2](#)). Dune planting would include native species generally consistent with the palette that was utilized for Phase 1 of the project. Revisions to installation methods are proposed to promote higher establishment rates.

At the east end of the project site, the originally approved separated multi-use path trail alignments are proposed to be modified to be a single path alignment. The concrete seat wall running adjacent to the multi-use path is proposed to be extended to tie in with the existing bike path roundabout. The construction of a new turf picnic area for public use is also proposed north of the multi-use path terminus at the existing bike roundabout ([Exhibit 4](#)). One additional dune access path from the existing multi-use roundabout to the shore is also proposed through the proposed extended dune area.

The landscaping plan for the project areas located immediately adjacent to the parking lots is proposed to be modified to provide a lower overall mature plant height and to reduce of the overall planting area and irrigated areas from approximately 136,000 square feet to approximately 36,000 square feet. The plant material within the bioswales placed within the first phase of the project is proposed to be replaced with lower growing native species that provide equal filtration. The overhead spray irrigation system specified in the approved irrigation plan is proposed to be replaced with a water efficient drip irrigation system in all shrub and groundcover areas. The existing irrigation controller is proposed to be replaced with a weather-based irrigation controller. Additionally, previously approved is proposed to be modified to delete non-native *Metrosiderus Sp.* trees and *Washingtonia robusta* palms. The plant species list and spacing have been revised to better accommodate maintenance access to planting areas and to preserve views of the coast throughout the project area.

Project Site and Background

The project site ([Exhibit 1](#)) is located on two parcels spanning approximately 62 acres, including approximately 1,800 feet of shoreline. The western boundary of the property is the Ventura River, and the eastern boundary is 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.

The project site consists of Surfer's Point Beach and public access facilities immediately landward of the beach. As described above, at the time the Commission approved CDP Nos. 4-05-148 and A-4-SBV-06-037 in 2006 and prior to Phase 1 construction, the project site included a bicycle path and portions of an approximately 223-space parking lot, which was what remained of a 352-space parking lot that was constructed in 1989 and damaged by wave action two years later. The project site for CDP No. 4-05-148 includes all areas subject to the Commission's retained CDP jurisdiction (generally areas seaward of the mean high tide line), which roughly coincides with the seaward edge of the proposed relocated bikeway (including the already-constructed portion of that bikeway in Phase 1). The project site for CDP No. A-4-SBV-06-037 is located landward of that mean high tide line. The proposed amendments do not include any changes to the western portion of the dune area or bicycle path constructed during Phase 1.

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 beachfront parking lot (the western portion of which was modified during Phase 1); (2) bicycle and pedestrian access via the existing bicycle path; and (3) pedestrian access via the sandy beach. Public parking consists of the existing beachfront parking lot at the subject site and approximately 40 beachfront parking spaces at Surfer's Point Park (located downcoast of the project site). 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.

Surfer's Point Beach and the adjacent bicycle path and parking have been the subject of past Commission action prior to 2006. 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.

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 LCP 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 LCP 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 LCP 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, CDP Nos. 4-88-123 and 4-88-130, 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). 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 was proposed to be fully removed under CDP No. 4-05-148.

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 along 400 feet of shoreline, including the intertidal area; however, the latter project was not implemented.

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 to the Commission because those portions were located within the Commission's retained jurisdiction. This portion of the project included stabilization and restoration of approximately 1,800 linear feet of beach, demolition of an existing 223 space parking lot, removal of an existing approximately 200-foot-long rock revetment, and construction of a 1,800 foot long cobble berm (consisting of 33,000 cubic yards of cobble and 27,500 cubic yards of sand) and vegetated sand dunes (consisting of 16,500 cubic yards of sand). Additionally, this project included construction of public access amenities, including picnic areas, boardwalks, and access pathways. All approved development was relocated approximately 60-130 feet landward of the previously existing development.

On January 17, 2006, the City approved, with conditions, Administrative Coastal Development Permit (ACDP) No. 477 for the remaining landward portions of the Surfer's Point Managed Retreat Project. The 31st Agricultural District Fair Board also approved both portions of the proposed project, with conditions, on October 24, 2006. ACDP No. 477 was appealed to the Commission and on November 16, 2006, the Commission found substantial issue with respect to the grounds on which the appeal had been filed and determined that the project approved by that permit was inconsistent with policies of the City of San Buenaventura Local Coastal Program. At that same hearing, the Commission considered and approved CDP No. A-4-SBV-06-037 as a de novo permit along with CDP No. 4-05-148. Specifically, CDP No. A-4-SBV-06-037 included reconfiguration of Shoreline Drive, including shortening of the street by approximately 1,200 linear feet, construction of a roundabout, and delineation of 24 free 20-minute "surf check" parking spaces along Shoreline Drive. This project also included approval of two parking lots, including a southern "high frequency" parking lot with approximately 130 public parking spaces and a northern "reduced frequency" parking lot with approximately 170 parking spaces, as well as a parking control kiosk, drainage improvements, and landscaping. The high frequency parking lot is 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, and the northern reduced frequency lot parking lot is available for public coastal access parking during

daytime hours when the 130-space high frequency parking lot has reached capacity. Bicycle parking and public access amenities including a pathway and benches were also approved.

Special Conditions were included in each permit and included requirements related to project timing, construction operations, engineering and restoration plans as well as maintenance and monitoring, landscape plans, water quality management, coastal access/parking lot operation plan, and interim access, among others. Although all project components were approved in the above described CDPs, project implementation was phased ([Exhibit 2](#)) due to limited construction funds. Phase 1 was constructed from 2010 through 2011, and includes the entire western side of the project site up to the Ventura River ([Exhibit 3](#)). The Phase 2 portion of the project (which has not commenced) includes the remaining eastern portion of project site (waterside and landside), as well as reconstruction of the western portion of the parking lot constructed during Phase 1.

B. 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 fishkills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) 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.

Policy 15.3 of the City of Ventura's certified Land Use Plan (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.

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. 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 proposed development is located in an area subject to storm waves, tsunamis, erosion, and liquefaction. The shoreline and tidal environments are 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 (prior to Phase 1 along the western portion of the site, as well as recently along the eastern portion of the site that was not a part of Phase 1). The managed retreat project, as approved by the Commission on November 16, 2006, is intended to reduce property damage from storm waves and erosion by removing all structures, including the bicycle path and parking lot, and reconstructing them 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 proposed extension of the managed retreat project proposed in the subject amendments, which combines soft solutions with strategic relocation of threatened structures, is an alternative to the shoreline protective structures identified in Section 30235.

In addition, the proposed extension of the managed retreat project that would be completed in Phase 2 ([Exhibit 6](#)) of the project 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 beach or dune erosion and absorb wave energy thus reducing the potential for damage to the proposed bicycle path and parking areas. Therefore, the proposed extension 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 and maintain access to public recreational amenities.

The cobble berm and vegetated sand dunes on the east side of the project are proposed to be extended by approximately 150 linear feet further to the east, to occupy the area where a landscaped picnic area was approved in the original CDP. Construction would include the placement of approximately 14,800 additional cubic yards of cobble fill, approximately 17,285 additional cubic yards of sand fill. A reduction in the total amount of cut originally approved for the entire project (both Phase 1 and Phase 2) by approximately 2,000 cubic yards is also proposed from approximately 52,800 cubic yards to approximately 50,800 cubic yards. Approximately 23,000 cubic yards of that cut was already conducted during Phase 1 and the remaining approximately 27,800 cubic yards of cut would be conducted during Phase 2 ([Exhibit 2](#)). 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. Section 30253 of the Coastal

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Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property. As part of their original applications, the applicants submitted a geotechnical report (Geotechnical Evaluation, Surfer's Point Bike Path Restoration, Seaside Park, San Buenaventura, California (Ninyo & Moore, October 22, 2004)) that evaluated the geologic stability of the subject site and concluded that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development.

Phase 1 of the Surfer's Point project was completed nearly ten years ago. Since that time, the Ventura coastline has experienced several episodic storm erosion events. The cobble berm and dune areas have performed well. However, the area just east of the unimproved portion of the Surfer's Point project along the City of Ventura's Promenade has seen extensive coastal erosion. In December 2015 the Commission approved Emergency Coastal Development Permit No. G-4-15-0045 for installation of a rock revetment to protect an area of the promenade located immediately adjacent to the Surfer's Point project area.

Through the applicants' consultation with coastal engineers, it was recommended that the buried cobble berm and sand dunes be extended eastward of the original design to transition to the emergency revetment site, designed in accordance with the original project geotechnical report by Ninyo & Moore dated October 2004. The redesign effectively connects and stabilizes the area between the two projects and eliminates any weak point that would be a focal point for further erosion. The proposed buried cobble rock berm would be tied into the east end where the emergency rock revetment is located by simply "butting up" the existing revetment and cobble like two "bookends" coming together. No existing rock revetment will be modified, and no new rock revetment will be added during the construction of the proposed buried cobble berm. This proposed design will not foreclose any design alternatives for the revetment that may be required during the Commission's review of the follow-up CDP for that development.

As indicated by the applicants' engineer, the proposed extension of the cobble berm and vegetated dune system would conform with the geotechnical engineer's recommendations (Special Condition Nine (9) of CDP No. 4-05-148) to ensure the stability and geologic safety of the proposed project site and adjacent property. Furthermore, construction of the proposed cobble and dune extension would meet the requirements of the Special Condition Two (2): Berm and Dunes Construction and Inspection of CDP No. 4-05-148 that details the standards and requirements for berm and dune construction, including those related to grain size, composition, and quality. The applicants' submitted an engineering memo titled Sea-Level Rise Capacity of Surfers Point Shore Restoration Project Phase 2 (ESA Ref. #D180641.00), prepared by ESA, dated December 12, 2019. The consultant's memo includes the following analysis:

"An allowance of 0.5 feet of sea-level rise was included in the design water level and wave runup analysis..."

The sea-level rise allowance of 0.5 feet is reached by 2030 under the low risk aversion scenario for [the region] based on the Ocean Protection Council's (OPC) 2018 State of California Sea-Level Rise Guidance...

With sea-level rise, we expect the shoreward migration potential to increase. Given that the cobble shore is shaped by waves, we also expect the elevation of the cobble crest to rise with sea-level. The net result will be a narrower but higher cobble berm and beach system, progressively encroaching on the pedestrian path and other landside elements. The reduced shore width fronting the pedestrian path will result in the increased frequency and intensity of wave runup. During extreme events we expect that access will be impacted and that sand and cobble will deposit on the paved areas. When these conditions become objectionable, or before, several adaptations may be employed...

...[t]he Surfer's Point coastal design takes a relatively low risk aversion approach to sea-level rise design criteria and relies on the resilience and large adaptive capacity of natural shore infrastructure to facilitate future adaptation. While flooding of the landside hardscape may occur under future conditions (higher sea levels, narrower beach, during extreme events), the cobble and dune system will reduce the risk of erosion impacts to those facilities, which are proposed to be relocated over 60 feet landward of their existing locations. Although the shore is projected to progressively erode due to the effects of sea-level rise, re-nourishment is one possible (likely) adaptive action that will be triggered by actual conditions, and which could mitigate accelerated sea-level rise consistent with the project performance objectives. As evidenced by the increased resilience of the Phase 1 site to extreme events, the restored condition to be achieved from the current Phase 2 design includes a sufficient amount of sea-level rise capacity to provide an improved public access and use of the site as planned."

The managed retreat project, as proposed to be amended, combines soft solutions with strategic relocation of threatened structures, and is an alternative to shoreline protective structures. In contrast to hard solutions, the proposed cobble berm would provide a dissipative surface that reduces wave reflection. In addition, the 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 ([Exhibit 6](#)) is designed to stabilize the shoreline during periods of episodic erosion and absorb wave energy thus reducing the potential for damage to the bicycle path and parking areas. The vulnerability of these structures is further reduced by their relocation further from the wave uprush zone. Extension of the cobble berm and dunes further downshore will reduce the hazards of erosion and storm damage in that area. Thus, construction of the extended cobble berm and vegetated dune area is designed to decrease risks to property.

The Commission, as specified in special conditions to CDP Nos. A-4-SBV-06-037 and 4-05-148, required 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. Special Conditions Three (3) and Four (4) of CDP No. A-4-SBV-06-037, required the applicants to submit a water quality management plan (WQMP), erosion control plans, 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. Special Condition Four (4) also required the applicants to submit landscaping plans for areas disturbed by the proposed construction and to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site since native species tend to have a deeper root structure than non-native and invasive species, and, once established, aid in preventing erosion. All special conditions applied to the project pursuant to CDP Nos. 4-05-148 and A-4-SBV-06-037 remain in full force and effect. The applicants have demonstrated that the project, as proposed to be amended, will remain consistent with these conditions.

The Commission therefore finds that the proposed amendments are consistent with the hazards and shoreline processes policies of the Coastal Act and of the City of Ventura's certified LCP.

C. Coastal Access and Recreation

Section 30210 of the Coastal Act 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.

Section 30211 of the Coastal Act 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.

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

...

(d) Minimize energy consumption and vehicle miles traveled.

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. Coastal Act Section 30253(d) required that new development minimize vehicle miles traveled. Additionally, the City of Ventura LCP requires that public parking is provided along the oceanfront.

The proposed southern parking lot authorized by CDP No. A-4-SBV-06-037 provides approximately 130 high-frequency public parking spaces and 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 authorized approximately 170 reduced frequency parking spaces. The northern parking lot would be available for public coastal access parking during daytime hours when the 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 approved project includes 24 free on-street "surf check" parking spaces along Shoreline Drive, with a twenty minute time limit.

The proposed amendments would reconfigure the parking lot as shown in [Exhibit 5](#), resulting in approximately 27 "surf check" spaces, 194 high frequency spaces, and 257 reduced frequency (overflow) spaces, which is an overall increase of approximately 154 parking spaces. The parking lots would continue to be managed consistent with the Coastal Access / Parking Lot Operation Plan requirements of Special Condition Seven (7) of CDP No. A-4-SBV-06-037, would meet or exceed the quantities of high frequency, reduced frequency, and "surf-check" spaces required pursuant to the underlying CDPs, thereby maximizing access and recreational opportunities.

Partial realignment of Shoreline Drive, relocation of the gatehouse/ticket booth approximately 160 feet to the east, and the addition of a vehicle turn around are proposed to enhance vehicular circulation. An additional roundabout is also proposed along Shoreline Drive at the eastern connection to the Ventura County Fairgrounds. This intersection has been proposed to increase vehicular and pedestrian safety at this connection to the Fairgrounds. Although the areas of demolition vary between the approved and proposed plans, the scope of work is similar, the areas of demolition have

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been adjusted to accommodate the revised parking layout in the overflow parking lot and the additional roundabout.

The east end cobble and dune redesign requires the relocation of the originally proposed, but not yet built, turf picnic area, as this area is proposed to be restored as dune habitat (with a cobble berm) to help to stabilize the beach area. A new turf area is proposed in a more landward location, north of the public access pathway ([Exhibit 4](#)), and includes picnic tables. The original approved project included separated multi-use path trail alignments ([Exhibit 5](#)) for a small stretch connecting to the existing bicycle and pedestrian roundabout at the east end of the project, and this separated path is proposed to be modified to be a single path alignment. The concrete seat wall running adjacent to the multi-use path is proposed to be extended to tie in with the existing bike path roundabout and would provide passive seating opportunities adjacent to the dune area near the shore. One additional dune access path from the existing multi-use roundabout to the shore is also proposed through the proposed extended dune area. The proposed changes to access and recreation amenities, while different in design and configuration, including the relocation of picnic amenities landward to accommodate the expanded dune area and access path, provide commensurate public access opportunities to the originally approved design.

The applicants have provided an updated interim public access plan consistent with the requirements of Special Condition Five (5): Interim Public Access Program of CDP No. A-4-SBV-06-037 in order to ensure that safe public access is available at the project site during construction. Temporary staging for construction will occur north of Shoreline road in the fairgrounds property, and the previously identified temporary parking areas will be utilized. Special Condition One (1): Project Timing of CDP No. A-4-SBV-06-037, which remains in effect, requires that construction operations, including operation of equipment, material placement or removal, placement or removal of equipment or facilities, public access restrictions, or other activities, are 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.

In addition to the above described changes, the applicants have proposed to provide a minimum of six electric vehicle charging stations before the completion of construction of the Phase 2 portion of the project. Additionally, they have proposed to install all necessary infrastructure for six additional spaces prior to the completion of construction and to allow for the placement of six additional charging stations as funding becomes available. This is consistent with Coastal Act Section 30253 because it will reduce energy use and provide an opportunity for users of electric vehicles to access the coast. The California Green Building Code provides standards for electric vehicle charging stations in commercial, retail and other nonresidential locations. The Code supports placement of six percent electric vehicle charging spaces for parking lots with greater than 201 parking spaces. The total parking lot will have substantially more than 201 parking spaces, however only 194 of the spaces are located in the high-frequency parking lot. The City has indicated that based on historic use, the overflow parking area (reduced frequency spaces) is rarely opened for public parking unless there are special events at Surfer's Point and they believe that charging stations in that area would rarely

be used and would not provide additional public benefit. Based on the California Green Building Code standards for parking lots with greater than 201 parking spaces (which would apply for the total parking spaces for proposed project), the recommended number of charging units (based specifically on the number of high frequency spaces for the proposed project) is twelve (12), consistent with the applicants' proposal.

Although the applicants have proposed to install both the charging stations and infrastructure for the subject electric vehicle parking spaces, plans which depict the location of the parking spaces are necessary. Additionally, in order to ensure that all charging stations are constructed in a timely manner, **Special Condition Ten (10)** is necessary to require the applicants to submit final site plans which depict a minimum of six electric vehicle charging stations and infrastructure for twelve parking spaces to be constructed prior to the completion of construction for the Phase 2 portion of the project, and installation of six additional charging stations no later than five years following the completion of construction of the project unless that deadline is extended by the Executive Director for good cause. The twelve electric vehicle charging and parking spaces shall be located in the high-frequency parking area and at least one shall be ADA-accessible.

All special conditions applied to the project pursuant to CDP Nos. 4-05-148 and A-4-SBV-06-037 remain in full force and effect. The Commission finds that the proposed project will serve to enhance public recreation and access to and along the beach, and that the proposed project, as conditioned, will not result in adverse impacts to recreational opportunities and public access at the project site. The Commission therefore finds that the proposed amendments consistent with the coastal access and recreation sections of the Coastal Act and of the City of Ventura's certified LCP.

D. Water Quality, Marine Resources, and Environmentally Sensitive Habitat Areas

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 waterflow,

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.

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.

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. Lastly, Resources Goal No. 3 mandates that development preserve and maintain the natural assets of the shoreline.

The originally approved landscape plan specified turfblock throughout the parking area. To conserve water, limit nitrate leaching into the ocean, and comply with local and state low-water landscape ordinances, the turfblock is proposed to be replaced with asphalt surfacing. The applicants analyzed numerous permeable surface options but found that they would not allow percolation because of the very high groundwater table present at the project site. Options analyzed included, permeable asphalt as well as decomposed granite (DG). DG was also determined to be infeasible because of maintenance concerns as it would likely drain too much silt and sand to the bioswale and underground stormwater clarifier, making them both less effective. In addition, it would be difficult to clearly mark the locations of the parking spaces on the DG surface.

The applicants indicated that all proposed design changes would be consistent with the Water Quality Management Plan required by Special Condition Three (3) of CDP No. A-4-SBV-06-037, which requires Best Management Practices (BMPs) and that the project meets all post construction requirements of the Ventura Watershed District, and that runoff is directed into landscape and bioretention features designed to treat the runoff prior to entering the storm drain system. The runoff from the proposed parking areas will be directed into bio-retention treatment facilities. The renovated overflow parking area will drain into a sand filter trap, and overflow into a designed bio-retention facility prior to entering the storm drain system which is collected and pumped to the Phase 1 filtration

chambers and then on to the ocean. The primary parking area is proposed to be treated with infiltration trenches incorporated within the landscaped area. Bio-swale facilities that were previously constructed during Phase 1 are also proposed to be repaired or re-constructed to remediate sediment build up that has occurred and to better accommodate runoff. All proposed grading for the parking lots is the minimum amount necessary and will be carried out consistent with the Water Quality Management Plan and Special Condition Eight (8) of CDP No. A-4-SBV-06-037: Operations & Maintenance Responsibilities, in order to ensure that adverse impacts to coastal waters are minimized and impacts to sensitive habitat areas are avoided.

The landscaping plan for the project is proposed to be modified to remove some originally proposed species that are not performing as anticipated, to include additional native and drought tolerant plants, and to reduce the overall planting and irrigation area. The plant material within the bioswales placed in the first phase of the project is proposed to be modified to be lower growing native material that provides equal filtration. The overhead spray irrigation system specified in the approved irrigation plan is proposed to be replaced with a water efficient drip irrigation system in all shrub and groundcover areas. The proposed irrigation plan includes overhead spray irrigation to water a small area of turf specified on the proposed planting plan. The existing irrigation controller is proposed to be replaced with a weather-based irrigation controller. The applicants indicated that the proposed irrigation plan is compliant with the local requirements and the state Model Water Efficient Landscape Ordinance (MWELO).

Additionally, non-native *Metrosiderus sp.* trees are proposed for removal because they are underperforming. *Washingtonia robusta* palm trees, which are recognized as invasive species in California by the California Invasive Plant Council (Cal IPC), are also proposed for removal. The plant species list and spacing have also been revised to better accommodate maintenance access to planting areas and to preserve views of the coast throughout the proposed project area.

All proposed landscaping plan modifications are consistent with Special Condition Four (4): Landscaping and Erosion Control Plans of CDP No. A-4-SBV-06-037, which requires that all graded areas that are not planned for hardscape surfacing will incorporate planting sufficient to control erosion within 60 days of completion of the project, that no invasive species or noxious weeds are included, that proposed planting is native to the State of California and many plants are regional natives, and that erosion control plans have been developed to address erosion and sediment control throughout the course of construction.

The cobble berm and vegetated sand dunes on the east side of the project are proposed to be extended by approximately 150 linear feet further to the east, to replace the originally approved landscaped picnic area. The excavation and removal of the existing soil, pavement, and underlying fill, in this location is part of the overall cut amount and that material will be removed offsite. The area that is proposed to be excavated to accommodate the extended berm and dune section consists of already developed areas, including the existing bike path other public access amenities, and was also proposed to be excavated in the original approved project for the previously

proposed landscaped picnic area. The footprint of this area to be disturbed during construction is not proposed to be changed, and therefore would not impact and Environmentally Sensitive Habitat Areas.

Construction of this section of berm and dunes would include the placement of approximately 14,800 additional cubic yards of cobble fill and approximately 17,285 additional cubic yards of sand fill, and would meet the requirements of the special conditions in CDP No. 4-05-148 all of the standards and requirements for berm and dune construction, including those in Special Condition Two (2) of that permit related to grain size, composition, and quality, consistent with protection of marine and sensitive resources. The additional cobble berm and dune construction will be carried out consistent requirements of the special conditions in CDP No. 4-05-148, including Special Condition Six (6): Operations & Maintenance Responsibilities, in order to ensure that adverse impacts to coastal waters and sensitive habitat areas are avoided. Additionally, the additional dune area would be required to satisfy Special Condition Seven (7): Dune Restoration Plan and Specifications of CDP No. 4-05-148 to ensure that the proposed restoration project is successfully implemented to create native dune habitat and result in a net benefit to the coastal environment.

All special conditions applied to the project pursuant to CDP Nos. 4-05-148 and A-4-SBV-06-037 remain in full force and effect. The Commission finds that the proposed project will serve to protect water quality and sensitive coastal resources. The Commission therefore finds that the proposed amendments consistent with the water quality, marine resources, and Environmentally Sensitive Habitat Areas, sections of the Coastal Act and of the City of Ventura's certified LCP.

E. California Environmental Quality Act

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 approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies 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 amendments, as conditioned, are consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. Special Condition Ten (10) of CDP Amendment A-4-SBV-06-037-A1 is required to assure the project's consistency with Section 13096 of the California Code of Regulations.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts which the activity may have on the environment, and the project will not have any significant impacts within the meaning of CEQA. Therefore, the Commission finds that the proposed amended development, as conditioned to mitigate the identified impacts, is consistent with the requirements of the Coastal Act to conform to CEQA.

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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application Nos. 4-05-148-A1 and A-4-SBV-06-037-A1 and associated file documents.

File for CDP No. 4-05-148.

File for CDP No. A-4-SBV-06-037.

City of Ventura Certified Local Coastal Program.