

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: 12/14/01
49th Day: 2/1/02
180th Day: 6/12/02
Staff: SLG-V
Staff Report: 12/20/01
Hearing Date: 1/11/02

**STAFF REPORT: APPEAL**
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of San Buenaventura

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-SBV-01-226

APPLICANT: Public Works Department, City of San Buenaventura

APPELLANTS: Commissioners Sara Wan and Shirley Dettloff

PROJECT LOCATION: San Buenaventura Shoreline Promenade, extending from California Street to Figueroa Street, Ventura County

PROJECT DESCRIPTION: Repair and replacement of the 1,850 ft. San Buenaventura Shoreline Promenade, including reconstruction of the pedestrian walkway and rock revetment and construction of a 12 ft. concrete foundation wall built on soldier piles.

SUBSTANTIVE FILE DOCUMENTS: City of San Buenaventura Comprehensive Plan, Update to the Year 2010 (Commission certified January 25, 1984), Chapter 24 Zoning Ordinance (Commission certified February 23, 1984) City of San Buenaventura Administrative Coastal Development Permit ACDP-285 (Approved 11/20/01); Mitigated Negative Declaration/Initial Study for the Beach Front Promenade Repair and Replacement (Approved 11/19/01); Final Report Beach Promenade Condition Assessment (Noble Consultants, Inc., December 1999); Geotechnical Investigation, Beach Promenade Between California Street and Figueroa Street (Gorian and Associates, Inc. 1/12/01);

SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE EXISTS

Staff recommends that the Commission determine that a **substantial issue exists** with respect to the grounds on which the appeal has been filed.

The appeal contends that the approved project is not consistent with policies and provisions of the certified Local Coastal Program with regard to shoreline protection, public access, visual resources, and parks and recreation policies of the LCP and access policies of the Coastal Act.

I. Appeal Jurisdiction.

The project is located on beachfront property in the City of San Buenaventura. The Post-LCP Certification Permit and Appeal Jurisdiction map certified for the City of San Buenaventura (Adopted January 9, 1985) indicates that the appeal jurisdiction for this area extends between the first public road and the sea, in this case between east-west trending Harbor Boulevard and the sea. As such, the subject site is located within the appeal jurisdiction of the Commission and any projects approved for these sites are therefore appealable to the Commission.

A. Appeal Procedures.

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

1. Appeal Areas.

Developments approved by cities or counties may be appealed if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses. (Coastal Act Section 30603[a]) Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]) Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5])

2. Grounds for Appeal.

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

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds

on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three (3) minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

4. De Novo Permit Hearing

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

In this case, if the Commission finds substantial issue, staff anticipates de novo permit consideration by the Commission at the Commission's February 2002 meeting.

B. Local Government Action and Filing of Appeal.

On November 20, 2001, the City of San Buenaventura Administrative Hearing Officer approved an administrative coastal development permit (ACDP-285) for the repair and replacement of damaged sections of the beachfront seawall and pedestrian walkway fronting the City's public beach. The City's appeal period ran with no local appeals filed. Commission staff received the Notice of Final Action for the project on November 30, 2001. A ten working day appeal period was set and notice provided beginning December 3, 2001 and extending to December 14, 2001.

An appeal of the City's action was filed by Commissioners Wan and Dettloff during the appeal period, on December 14, 2001. Commission staff notified the City and the applicant of the appeal and requested that the City provide its administrative record for the permit. A partial administrative record was received from the City on December 17, 2001.

II. Staff Recommendation on Substantial Issue

MOTION: *I move that the Commission determine that Appeal No. A-4-SBV-01-226 raises NO substantial issue with respect to the grounds on which the appeals have been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

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

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-SBV-01-226 presents a substantial issue with respect to the grounds on which the appeals have been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. Findings and Declarations for Substantial Issue.

The Commission hereby finds and declares:

A. Project Description.

The City's administrative coastal development permit approved the repair and replacement of damaged sections of the San Buenaventura Shoreline Promenade along the public beach from California Street to Figueroa Street (Exhibit 1). The project includes reconstruction of the pedestrian walkway and rock revetment and construction of a 12 ft. concrete foundation wall built on soldier piles. A copy of the City-approved ACDP is provided as Exhibit 2.

The project site is developed with a 34 ft. wide, 1,850 ft. long pedestrian walkway and bicycle path originally constructed in 1970. The pavement and wall sections of the existing Promenade structure are supported by a longitudinal grade beam built on top of a quarry stone revetment foundation. Exposure of the revetment to wave attack and salt water spray has resulted in deterioration of the concrete wall and sections of the Promenade deck pavement as well as displacement of the revetment and undermining of the foundation. The proposed project includes the demolition and replacement of the seaward half of the Promenade that is past the point of practical repair, including stairways and alcoves. As described in the Initial Study for the Project, the key elements of the project are:

- Replacement of deteriorated concrete with new material.
- Addition of an extended depth toe wall to prevent undermining of the Promenade and loss of backfill.

- Rehabilitation of the revetment to restore its ability to provide storm wave protection, lateral stability, and foundation support for on-grade structures.
- Relocation of damage-prone beach access stairs.

A conceptual plan has been submitted as part of the replacement plan, representing a typical section of the approximately 1,200 foot stretch of Promenade which requires immediate replacement (Exhibit 4). The plan consists of demolition of the existing foundation and parapet wall sections and an associated portion of pavement slab to expose the foundation base. The existing revetment stone would be temporarily removed and soldier piles would be driven at 10-foot intervals to support a cast-in-place concrete toe wall constructed to a depth of about six feet above mean lower low water level (Exhibit 5). The excavated revetment stone would then be replaced and the remainder of the revetment slope would be restored, followed by reconstruction of the concrete Promenade deck.

B. Appellant's Contentions.

The appeal filed by Commissioners Wan and Dettloff is attached as Exhibit 3. The appeal contends that the approved project is not consistent with the policies of the certified LCP with regard to the shoreline protection (*Policy 15.4 of the Resources Element; Policies 10.1 and 10.4 of the Safety Element; and Section 24.310.110 of the Zoning Ordinance*), public access (*Policy 15.10 of the Resources Element; Sections 30210 and 30211 of the Coastal Act; and Zoning Ordinance Section 24.310.140*), visual resources (*1.1, 1.2, 1.8, 1.14, 2.1, 2.2, 2.8, 2.9 and 6.6 of the Community Design Element of the Comprehensive Plan; Zoning Ordinance Section 24.310.140; and Coastal Act policy 30251 by reference*), and parks and recreation (*2.6, 2.8, 3.1, 3.2, and 6.1 of the Park and Recreation Element of the Comprehensive Plan*) policies of the LCP and applicable access policies of the Coastal Act.

C. Analysis of Substantial Issue.

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act.

A substantial issue does exist with respect to the grounds on which the appeal has been filed. The approved project is inconsistent with policies of the City of San Buenaventura Local Coastal Program and with the public access policies of Chapter 3 of the Coastal Act for the specific reasons discussed below.

1. Seawalls and Shoreline Structures.

The appellants contend that the project, as approved by the City, does not conform to the policies of the LCP with regard to shoreline structures. There are several policies in the City LCP that relate to shoreline structures.

Comprehensive Plan Policy 15.4 of the Resources Element states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes may be permitted when required to serve coastal-dependent uses or to protect existing structures or public lands in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Access to and along the shoreline shall be provided when such structures are constructed. In reviewing any such construction, relevant Coastal Act policies shall be applied. (Emphasis added).

Comprehensive Plan Policy 10.1 of the Safety Element states that:

Protection of new shoreline structures shall be provided by increased setbacks from the mean high tide line.

The use of protective devices along the shoreline may result in potential individual and cumulative adverse effects to coastal processes, shoreline sand supply, and public access. Shoreline development, if not properly designed to minimize such adverse effects, may result in encroachment on lands subject to the public trust (thus physically excluding the public), interference with the natural shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas, overcrowding or congestion of such tideland or beach areas, and visual or psychological interference with the public's access to and the ability to use public tideland areas.

Though the project description states that the project is intended to restore the Promenade to its original 1970 design (Exhibit 6), the project represents a substantial redevelopment of the site, including the removal of the existing foundation wall on the revetment (Exhibit 7). The original foundation wall would subsequently be replaced by a cast-in-place concrete wall, up to 12½ feet high, built on minimum 22 ft. deep soldier piles. This new foundation wall, as conceptualized, would be constructed further seaward than the existing foundation wall (Exhibit 7 shows the approximate limits of demolition and replacement. Note, the exact details on this illustration represent a slightly modified concept when compared with the City-approved project). The proposed project is conceptual in nature. Because the plans approved by the City denote the "typical" cross-section, rather than specific structural specifications, actual construction could result in placement even further seaward. The applicant has provided generalized project plans showing the approximate areas of replacement (Exhibit 4) and a typical cross-section of the proposed replacement concept (Exhibit 5).

As proposed, the project would require temporary removal of portions of the revetment underneath the Promenade, in order to construct the new foundation system. The existing revetment, which has been displaced seaward to some extent as a result of wave action, would be restored to its original design configuration (Exhibit 6). Under the proposed scenario, there would be no seaward extension of the existing revetment footprint. However, as indicated in the proposed cross-section, the existing revetment encroaches as much as 30 feet, or more, seaward of the Promenade deck footprint extending onto the narrow sandy beach (Exhibit 5). The proposed demolition and reconstruction of the Promenade under the new design represents a significant redevelopment of the site and an intensification of overall site development. Therefore, the project is considered new development, not a strict replacement of facilities, nor repair or maintenance. As such, it is necessary to analyze the proposed project design as new development in relation to characteristics of the project site shoreline, location of the development on the beach, and wave action to accurately determine what adverse effects on coastal processes will result from the proposed project. The proposed project must be in conformance with the applicable policies of the LCP for new shoreline structures and development.

As described in more detail below, modifications are possible that would substantially reduce the impacts of the structure on the shoreline and still achieve the project objective in compliance with applicable LCP policies.

Proposed Design

As described above, the proposed replacement concept consists of excavating the revetment stone to clear a path to construct soldier piles at 10 ft. spacing along the replacement length. The existing 18-inch wide, and 2-3 ft. high, foundation wall would be removed. The existing foundation wall is recessed landward from the edge of the parapet wall by 1½ to 4½ feet. The steel H-piles would support a new concrete foundation wall up to 12½ ft. in height. As shown in the conceptual cross-section (Exhibit 5), the piles would typically be constructed 34 ft. below the elevation of the promenade deck. The area landward of the concrete wall would then be backfilled with gravel and compacted fill and the revetment would be replaced in its 1970 configuration. The plans indicate that the replacement would be accomplished as two phases, the first phase would consist of replacement of approximately 1,200 feet of the Promenade, with the remaining 650 ft. to be replaced as-needed or as funding becomes available (Exhibit 4).

Policy 15.4 of the Resources Element states that structures that alter natural shoreline processes may be permitted when required to serve coastal-dependent uses or to protect existing structures or public lands in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. As presently designed, the project does not eliminate or mitigate adverse impacts on local shoreline sand supply. The project results in significant encroachment on lands subject to the public trust by physically occupying available beachfront, interfering with natural

shoreline processes necessary to maintain publicly-owned tidelands and other public beach areas, and encouraging overcrowding or congestion of the narrow beach area. The project also fails to minimize the beachfront that is occupied by the proposed structure.

Interference by shoreline protective devices can have a number of effects on the dynamic shoreline system and the public's beach ownership interests. First, changes in the shoreline profile, particularly changes in the slope of the profile which results from a reduced beach berm width, alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on their own property. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. This effects public access again through a loss of area between the mean high water line and the actual water. Third, shoreline protective devices such as revetments and bulkheads may cumulatively affect public access by causing accelerated and increased erosion on adjacent public beaches. Fourth, if not sited landward in a location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments and bulkheads interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events but also potentially throughout the winter season.

In addition, the more frequently that shoreline protective devices are subject to wave action, the greater the impacts of the shoreline protective devices. In order to minimize impacts from shoreline protective devices that are demonstrably necessary to protect existing development, such structures should be located as far landward as is feasible.

The Safety Element of the Comprehensive Plan provides policies to address potential downcoast beach and sand migration impacts in evaluating the construction of beach protection devices. Policy 10.1 requires that the protection of new shoreline structures be provided by increased setbacks from the mean high tide line. As discussed above, the proposed project is considered redevelopment of the site and is therefore analyzed as new development under the policies of the LCP. In this case there is a potentially feasible alternative, that was not evaluated by the applicant, that would provide an increased setback from the mean high tide. Therefore the proposed project design is inconsistent with the requirements of Policy 10.1.

As stated previously, there is an existing rock revetment protecting the Shoreline Promenade structures. The proposed design restores the revetment to its original 1970 configuration. However, in this case, a potentially feasible alternative which would

mitigate the impact of the revetment on access and shoreline impacts has been identified, and is discussed in the alternatives analysis below.

Alternative Designs

The applicant provided a Beach Promenade Assessment prepared by Noble Consultants, Inc. (December, 1999) which reviewed the existing structural condition and evaluated alternatives to address the identified deficiencies. The report identified two options to alleviate the types of distress observed on the promenade: (1) the "chip and chase" method of removal or (2) replacement of damaged portions of the promenade. The chip and chase method entails the identification and removal of localized damaged concrete to expose all corroded reinforcing steel and subsequent repair of that specific section. There would be no change to the design of the revetment or promenade under this scenario.

To address the replacement alternative, the consultant provided a design concept (Exhibit 7) which proposed the demolition of the existing foundation and parapet wall sections and an associated portion of the deck pavement to expose the foundation base. Revetment stone would be temporarily removed to allow driving of approximately 20 feet deep sheet pile toe piles to effectively seal the toe to any future incidents of exposure. The revetment would then be restored to its 1970 design configuration. This concept was modified to its present configuration because the geotechnical analysis indicated that subsurface material may obstruct sheet pile installation. The modified design concept consists of soldier piles driven to support a cast-in-place concrete toe wall constructed to a depth of about +6 feet above the mean lower low water line (MLLW).

In addition to that concept, the consultant later addressed a No Revetment alternative after preliminary discussion of the project with Commission staff. The applicant evaluated a no revetment design that included a vertical seawall approximately 45 feet below the Promenade deck elevation, at an elevation approximately 4 feet below the MLLW, as shown in the typical cross-section (Exhibit 8). The vertical wall concept was designed with continuous steel sheet piles with tie-backs and anchors to laterally restrain the structure. A portion of the piles would be encased in concrete for visual continuity. The consultant estimated that under worst case conditions, approximately 15 to 20 feet of the vertical wall would be exposed. This alternative was considered by the applicant to be more difficult to construct and more expensive. The applicant therefore considered the no revetment alternative to be infeasible.

In reviewing the alternatives analysis, Commission staff identified a potentially feasible alternative concept which was not addressed under the previous analysis and which would reduce the physical impact of the structure on the shoreline. The alternative design option includes re-orienting the proposed wall / pile foundation and revetment further landward, while leaving the Promenade deck in its present seaward configuration. This would result in a much more pronounced cantilevering effect than the proposed project. The ideal configuration would allow the wall and revetment to be

situated landward underneath the Promenade to an extent wherein no armored stone would be present above the sandy beach equal to the dripline of the Promenade deck. Staff believes that this is a technically feasible option that would be consistent with the policies 15.4 and 10.1 regarding shoreline protective devices. This option, therefore, was considered by staff to offer significant potential reductions in the project's adverse impacts on the shoreline.

For all of these reasons, the Commission finds that a substantial issue is raised with respect to the appellants' contention that the project does not meet provisions of the certified Local Coastal Program regarding shoreline structures.

2. Public Access.

The appellants state that the project, as approved by the City, is not consistent with the LCP and Coastal Act policies regarding access.

Comprehensive Plan Policy 15.10 of the Resources Element 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.

Zoning Ordinance Section 24.310.140 states:

A. Intent. It is the intent of the city to maintain and preserve access when development alters natural shoreline processes. Such development includes, but is not limited to, revetments, breakwaters, groins, harbor channels, cliff-retaining walls, and other such construction. (Emphasis added)

B. Required Findings of Approval. In addition to the requirements set forth in chapter 24.515, the planning commission or city council must make all the following findings to grant a coastal development permit for any development that alters shoreline processes:

1. The proposed development is necessary to protect coastal-dependent uses or existing structures on public beaches in danger from erosion and is designed to eliminate or mitigate adverse impacts on local shoreline sand supply;
2. Adequate lateral beach access is provided; (Emphasis added)
3. The proposed structure is consistent with Public Resources Code Section 30251 and 30252.

Coastal Act Section 30210 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.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Policy 15.10 requires the City to ensure maximum public access consistent with public safety and fragile coastal resources. This concept is underscored by the zoning ordinance addressing development that alters shoreline process. The zoning ordinance Section 24.310.140 sets out the City's intent to maintain and preserve access when development alters natural shoreline processes and to maintain adequate lateral beach access. The appellants have asserted that the project is not in compliance with Coastal Act policies 30210 and 30211, which require maximum public access and recreational opportunities and which provide that development shall not interfere with the public's right of access to the sea.

As proposed, the project design does not ensure maximum access since a potentially feasible alternative has been identified which would result in the shoreline structure being located further landward, thereby increasing access along the sandy beach immediately seaward of the structure. The alternative design, as described in more detail in the alternatives section above, would ideally pull back the revetment so that no armored stone would be present above the sandy beach equal to the dripline of the Promenade deck. For these reasons, the proposed project is not consistent with Comprehensive Plan Policy 15.10 of the Resources Element or Section 30210 of the Coastal Act which mandate maximum public access and recreational opportunities.

Existing beach width and sand elevations along the east and west segments of the promenade generally protect the structure from direct wave attack, however, the central portion is more vulnerable to wave runup because the shoreline is more receded and steeper in slope. The present design does not maintain and preserve access along this central segment of narrow sandy beach as described under Zoning Ordinance Section 24.310.140. Zoning Section 24.310.140 further requires adequate lateral beach access. As described, the proposed design concept does not meet the lateral beach access requirements. Lateral beach access would, however, be maximized under the alternative revetment strategy to locate visible revetment stones equal to the dripline of the Promenade deck. Therefore, the Commission recognizes that there is a potentially feasible alternative that would maintain, preserve, and maximize lateral access along the shoreline.

Furthermore Section 30211 of the Coastal Act requires that development not interfere with public access, including the use of dry sandy and rocky coastal beaches to the first line of terrestrial vegetation. As presently designed, the revetment interferes with lateral

public access along the beach inconsistent with this Coastal Act policy. The proposed project is considered a redevelopment of the site. As such the project should be designed to minimize impacts to public access to sandy beach area.

For the above reasons, the Commission finds that substantial issue exists with regard to the project's consistency with the coastal access policies of the certified Local Coastal Program and Coastal Act.

3. Visual Resources.

The appellants assert that the project, as approved by the City, does not conform to the LCP policies regarding visual resources.

Comprehensive Plan Policy 1.1 of the Community Design Element states:

Recognize and protect agricultural preserves and natural features of the City, including views of the ocean, islands, hillsides rivers, barrancas, and tree rows.

Comprehensive Plan Policy 1.8 of the Community Design Element states :

Recognize and improve vehicular and pedestrian views of the City.

Comprehensive Plan Policy 2.1 of the Community Design Element states:

Orientation of structures on a site should consider views, energy conservation, natural features and visual relationships with the surrounding areas, and functional planning of the site.

Comprehensive Plan Policy 2.2 of the Community Design Element states:

Location and orientation of structures should be in harmony with a site's soils, drainage, water courses, and geology.

Comprehensive Plan Policy 6.6 of the Community Design Element states:

Preservation of views and existing natural vegetation and incorporation of complementary landscaping should be important criteria for projects located in scenic corridors of the City.

Zoning Ordinance Section 24.310.140 states:

- A. *Intent.* It is the intent of the city to maintain and preserve access when development alters natural shoreline processes. Such development includes, but is not limited to, revetments, breakwaters, groins, harbor channels, cliff-retaining walls, and other such construction.
- B. *Required Findings of Approval.* In addition to the requirements set forth in chapter 24.515, the planning commission or city council must make all the

following findings to grant a coastal development permit for any development that alters shoreline processes:

1. The proposed development is necessary to protect coastal-dependent uses or existing structures on public beaches in danger from erosion and is designed to eliminate or mitigate adverse impacts on local shoreline sand supply;
2. Adequate lateral beach access is provided;
3. The proposed structure is consistent with Public Resources Code Section 30251 and 30252. (Emphasis added)

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (Emphasis added)

The Community Design Element of the LCP provides policies to ensure that all public and private development is planned, sited, designed and landscaped to promote and enhance the City's identity as a visually unique place. The Promenade provides a public pedestrian and bicycle pathway along the shorefront. Because of its prominent location on the beachfront and its large scale, the development impacts views to and along the shoreline. The proposed project includes the use of rock revetment up to 30 feet, or more, seaward of the Promenade structure. Furthermore, the actual impact of the rock revetment may be beyond the footprint of the proposed design. As evident from the existing revetment, portions of rock have been washed out further onto the beach as a result of wave action and therefore portions of the development extend beyond the design scenario. These large armoring rocks impair views of, and along, the shoreline in this area.

Visual policies in the Community Design Element call for the protection of views of the ocean (Policy 1.1), improvement of pedestrian views of the City (Policy 1.8), and the preservation of views for projects located in scenic corridors of the City (Policy 6.6). The City's action to approve the proposed design is in direct conflict with these policies due to the visual intrusion of the shoreline protective device into key views of the ocean (as from the Ventura Pier) and into views from the Promenade pedestrian and bicycle corridor, particularly given that there is an alternative design that would minimize adverse impacts of the revetment to public views. In addition to protection of views as provided for in Policies 1.1, 1.8, and 6.6, Zoning Ordinance Section 24.310.140 requires that shoreline altering structures be consistent with Public Resources Code Section

30251. Coastal Act Section 30251 provides that scenic and visual qualities of coastal areas be protected as a resource of public importance. It further requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas and, where feasible, restore and enhance visual quality in visually degraded areas. As mentioned previously, the proposed project is not sited to protect views, given that the revetment is not sited as landward as possible.

In this case, a potentially feasible alternative exists which may protect views as required under LCP Policy 1.1, LCP Policy 6.6, and Section 30251 of the Coastal Act. In addition, this alternative could be sited and designed to protect views along this segment of the coast, and actually enhance the aesthetics of the area, as required in LCP Policy 1.8, Zoning Section 24.210.140, and Coastal Act Section 30251. Impacts to visual resources could be mitigated by relocating the existing revetment footprint further landward such that the existing rock would be partially hidden under the promenade structure, and partially hidden under the sandy beach.

The orientation and siting of development to consider views, natural features, and visual relationships with the surrounding area (Policy 2.1) and in harmony with natural processes such as drainage, water courses, and geology (Policy 2.2) are also addressed in the Community Design Element of the Comprehensive Plan. The orientation of the proposed shoreline protective device is particularly important to assess in this case. There is potential to orient the structure further landward which would promote a design more in harmony with the natural features and processes of the site, as specified in the above policies. Given that there is a potentially feasible alternative to site the development in a manner that would reduce the visual impacts associated with the interface of the development footprint with the shoreline, the City's approval of the present design does not reflect adequate consideration of the development's potential to interact with the natural environment. By modifying the present design to locate the revetment landward, as discussed previously, the project would be oriented to preserve views to, and along, the ocean, compatible with the functional planning of the Promenade as a major pedestrian corridor.

Therefore, the Commission finds that the appellants' contention raises substantial issue with regard to the consistency of the approved project with the visual resource provisions of the certified Local Coastal Program.

4. Parks and Recreation.

The appellants maintain that the project, as approved by the City, does not conform to the LCP policies regarding parks and recreation.

Comprehensive Plan Policy 2.6 of the Park and Recreation Element states:

Linear parks should be provided within the City as a means to protect and preserve natural areas such as barrancas, ridgelines, tree rows, and river and ocean corridors, for public enjoyment. Linear parks are also considered a

valuable component of the City's alternate circulation system by including trails and bikeways, as appropriate, for commuting and recreational linkages.

Comprehensive Plan Policy 2.8 of the Park and Recreation Element states:

It is the City's intent to create a circular linear park around the perimeter of the City which preserves public access and views of the ridgeline, river and ocean corridors. This circular system, with complementary links to barrancas and other linear parks, will provide unique leisure opportunities for residents and visitors. If any portion of this linear park is determined to be infeasible, it is the City's intent to maintain that area in a natural state.

Comprehensive Plan Policy 3.1 of the Park and Recreation Element states:

Park and recreation areas should be maintained so that the special and important natural, historical, and cultural resources which they contain, and which constitute a public trust, are protected and interpreted for the benefit of future generations. Development adjacent to these properties should be compatible and not conflict with the purpose of protecting the nature of the park and/or recreation area.

Comprehensive Plan Policy 3.2 of the Park and Recreation Element states:

Stewardship of natural, historic, and cultural resources should be directed towards conservation, preservation, restoration, interpretation, and programming to the benefit of the resource and the public.

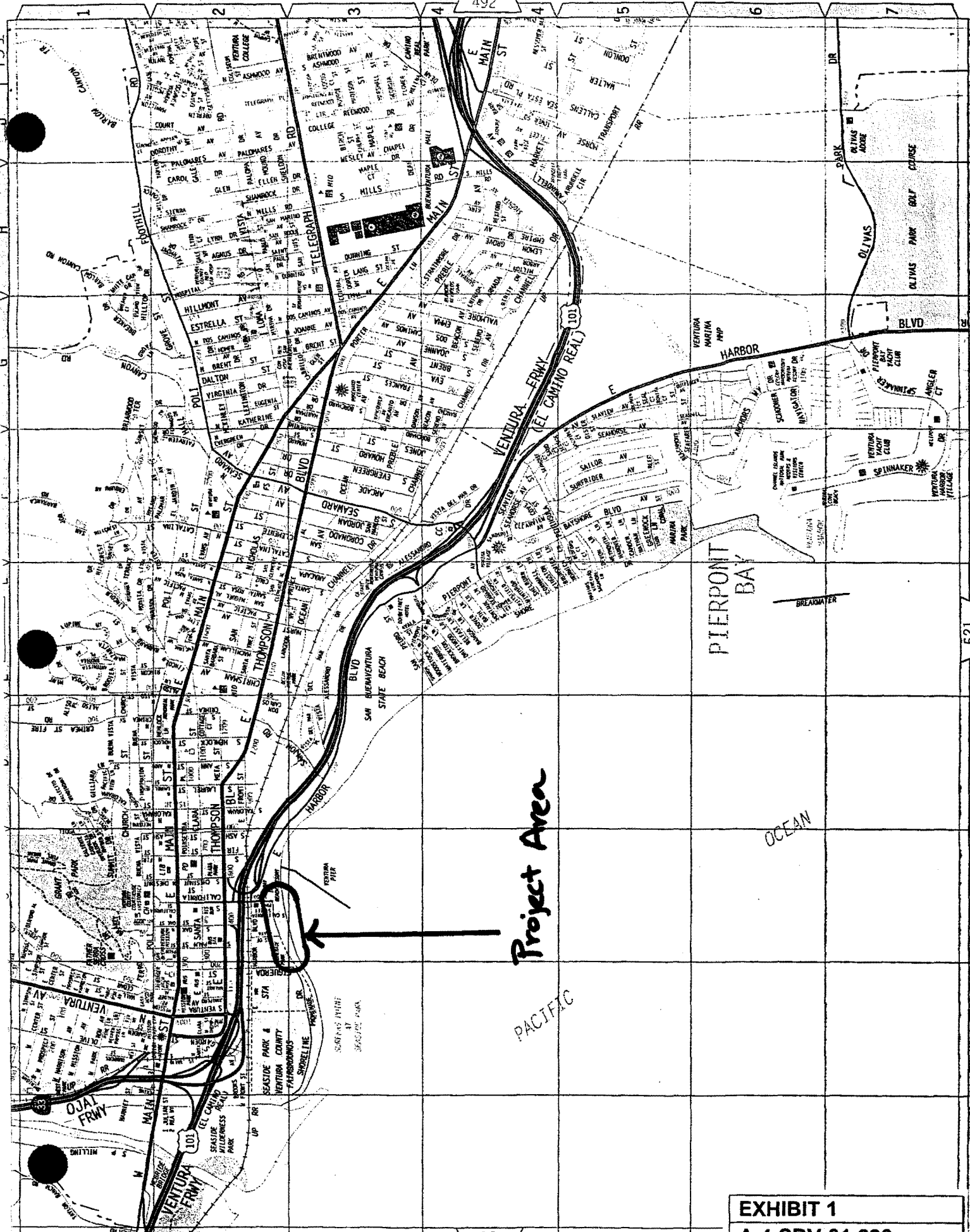
The subject site is zoned as Parks (P). This designation includes public recreational park areas, linear parks, linear park natural areas and linear park study areas. This site is part of the linear park system, around and through the City which links public and private open space areas, provides an alternative circulation system, protects natural values, and accommodates leisure time pursuits. The Shoreline Promenade is an important link in the linear park system.

The Park and Recreation Element of the LCP provides policies regarding the purpose and intent and stewardship responsibilities applicable to the maintenance, development, and design of the designated linear park system. As stated in Policies 2.6 and 2.8, the linear park system is intended to protect and preserve ocean corridors for public enjoyment and to preserve public access and views of the ocean corridors. The City-approved redesign of the Promenade is contrary to the intent to preserve the ocean corridors for public use. As presently designed, and described in more detail in Sections C(2) and C(3) above, the proposed configuration includes the placement of a revetment within the beach corridor impairing views to and along the shoreline by interfacing an engineered shoreline armoring device with the sandy beach environment. Additionally, the proposed design occupies a significant portion of the beach area thereby adversely impacting lateral access along the narrow sandy beach. Though the proposed design is consistent with the existing revetment footprint, the proposed project is essentially a

redevelopment of the project site, since a large portion of the project would be demolished and rebuilt with a new foundational system. Therefore, the opportunity exists to design a project that preserves and protects ocean corridors and views by relocating the development footprint as landward as possible. In fact, there is a potentially feasible alternative which has not been formally considered by the City that would reorient the revetment landward in such a way to reduce impacts to the ocean and view corridors in this sensitive location.

The Comprehensive Plan further explores stewardship responsibilities in Park and Recreation areas. Policy 3.1 indicates that these park areas should be maintained so that the important natural resources which constitute a public trust, are protected and interpreted for the benefit of future generations. Furthermore, Policies 3.1 states that development adjacent to these properties should be compatible and not conflict with the purpose of protecting the nature of the park and/or recreation area. Policy 3.2 specifically addresses stewardship responsibilities for natural resources conservation, preservation, and restoration for the benefit of the resource and the public. As designed, the proposed project does not protect important natural and public trust resources, in this case, the shoreline environment. The proposed design is not sited to reduce visual, access, or the recreation-related impediments associated with the footprint of the rock revetment. The rock revetment should be oriented landward, to the extent feasible, in order to mitigate these adverse impacts. Furthermore, the design is not consistent with the stewardship principles of preservation and restoration. In this case, there is an alternative design concept with the potential to provide an adequate foundation with the shoreline protective device situated further landward, partially under the dripline of the Promenade deck and partially hidden by sand supply. This alternative is described in more detail in Section C(1). Therefore, the proposed design does not implement the stewardship principles included as part of the park system.

For the above reasons, the Commission finds that the appellants' contention raises substantial issue with regard to the consistency of the approved project with the parks and recreation provisions of the certified Local Coastal Program.



Project Area

OCEAN

PACIFIC

EXHIBIT 1

A-4-SBV-01-226

Vicinity Map

CITY OF SAN BUENAVENTURA
APPROVAL OF AN ADMINISTRATIVE
COASTAL DEVELOPMENT PERMIT

CASE NO. ACDP-285

BE IT RESOLVED by the Community Development Director of the City of San Buenaventura as follows:

SECTION 1: An application has been filed by the City of San Buenaventura, pursuant to the San Buenaventura Municipal Code, for an Administrative Coastal Development Permit for the repair and replacement of damaged sections of the beach front seawall and pedestrian walkway to return it to its original design capacity for property fronting the San Buenaventura Beach and generally extending from California Street to Figueroa Street and identified as having a Parks (P) zone and Assessor's Parcel Nos. 073-0-240-065, 070, and 200.

SECTION 2: Upon review of the application and after notification as prescribed by the Zoning Ordinance, as well as consideration of testimony given at the hearing and other information received, the following findings are made:

1. The proposed development, as provided for under Comprehensive Plan and Local Coastal Program (LCP) continued the existing pedestrian beachfront walkway and bike path with no increase in the current capacity by the repair and replacement of damaged sections of the rock wall and concrete.
2. The proposed development would not significantly obstruct public views of the coastline, views from any public road or from a public recreation area because the proposed repair and replacement would maintain the existing improvements of the original design and the proposed project is located within an existing urban area.
3. The proposed development is compatible with the established physical scale and character of the area because the proposed pedestrian walkway and bike path serves as access to the beach area.
4. The proposed development conforms to the public access and recreation policies of the certified LCP and Coastal Act because the repair and replacement will assure that the public continues to have adequate access to the coastline.
5. The information provided in the Mitigated Negative Declaration that was approved by the City Council for this project has been considered, which includes the determination that the project would not have a potentially significant unavoidable impact on the environment, including that the proposed

Case	EXHIBIT 2
	A-4-SBV-01-226
	Local Administrative CDP

143

improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat, and there is no evidence that any development or construction associated with the proposed project will have an adverse effect on fish or wildlife resources or habitats, as documented in the Mitigated Negative Declaration approved for the project, and with the inclusion of the approved mitigation measures.

SECTION 3: Based on the above findings, Administrative Coastal Development Permit for Case Nos. ACDP-285 is hereby APPROVED as set forth in Sections 1 and 2 above, subject to the following conditions:

1. This Administrative Coastal Development Permit approval is granted only for the land and land use described in the application and as shown on the plans labeled Case No. ACDP-285, Exhibits "A" unless indicated otherwise herein.
2. Minor changes to the project may be approved by the Community Development Director, as provided for in Zoning Ordinance Chapter 24.570. Substantial changes to the project will require the applicant to file an Amendment Application.
3. An approval of planning permits does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Division of Inspection Services must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
6. Prior to obtaining building permits and within 60 days hereof, the applicant shall file with the Secretary of the Planning Commission written acceptance of the conditions stated herein on forms provided by the Planning Division.
7. This Administrative Coastal Development Permit shall be effective after the expiration of the required 10-day appeal period set forth in the City's Zoning Regulation. Upon expiration of the City's appeal period and with no appeals being filed, this shall be deemed the City's final action. Permits to commence work shall not be issued until notification of this action has been transmitted to the California Coastal Commission and after the end of appeal period required for "Appealable Development" located in the City's Coastal Zone.
8. **Mitigation Measure BIO-1** - In order to avoid any potential adverse environmental impact to biological resources, during the primary grunion spawning period (May and June), construction activity shall be limited to the Promenade deck and foundation. No construction activity shall take place on the sandy beach along the front of the Promenade during that period.

Reporting/Monitoring Program

Implementation Responsibility:

Public Works - Engineering

Timing:

During Construction

Monitoring Division:

Public Works - Engineering

Funding:

City

Standard for Success: Construction activity shall be avoided on the beach during the peak grunion spawning period between May and June.

9. **Mitigation Measure TC-1** - In order to avoid any potential adverse environmental impacts to transportation and circulation during construction pedestrian and bicycle traffic along the Promenade shall be temporarily re-routed during construction activity that involves closure of the facility. A safe temporary detour for pedestrians and bicyclists with appropriate signs shall be established and signed prior to closure of any portion of the Promenade.

Reporting/Monitoring Program

Implementation Responsibility:

Public Works - Engineering

Timing:

During Construction

Monitoring Division:

Public Works - Engineering

Funding:

City

Standard for Success: Prior to construction an alternative route shall be identified to provide safe pedestrian and bicycle use during an required closures of the Promenade and the during construction the approved route shall be in place.

SECTION 4: This Administrative Coastal Development Permit approval shall be subject to revocation if the applicants fail to comply with the conditions listed herein at any time. If, at any time, the Planning Manager or Planning Commission determine that there has been, or may be a violation of the findings or conditions of this action, or of the Zoning Regulations, a public hearing may be held before the Planning Commission to review this Administrative Coastal Permit pursuant to Zoning Regulations Chapter 24.570. At said hearing, the Planning Commission may add conditions, or recommend enforcement actions, or revoke the Administrative Coastal Development Permit entirely, as necessary to ensure compliance with the Zoning Regulations, and to provide for the health, safety, and general welfare of the community.

PASSED AND ADOPTED this 20th day of November 2001.


Administrative Hearing Officer

Case No. ACDP-285

11/10/2001/MT

Page 3

3 of 3

CALIFORNIA COASTAL COMMISSION

SOUTHERN
CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Sara Wan

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

Zip

(415) 904-5200

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Buenaventura

2. Brief description of development being appealed: Repair and replacement of the Shoreline Promenade along San Buenaventura State beach, including reconstruction of the revetment and pedestrian walkway.

3. Development's location (street address, assessor's parcel no., cross street, etc.): San Buenaventura State beach extending from California Street to Figueroa Street; APNs 073-0-240-065, 070, 200

4. Description of decision being appealed:

a. Approval; no special conditions: _____

☒ (b.) Approval with special conditions: X

c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT 3

A-4-SBV-01-226

Appeal

146

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

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

a. ☐ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of Supervisors

d. ☒ Other Community Development Director

6. Date of local government's decision: November 20, 2001

7. Local government's file number (if any): Case # ACOP-285

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

City of San Buenaventura
P.O. Box 99
Ventura, CA 93002-0099

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

- (1) _____

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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

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

The project is appealed on the grounds that the design of the project is inconsistent with the public access, visual resources, parks and recreation, and shoreline protection policies of the LCP and applicable policies of the Coastal Act. In addition, there are alternative designs which may bring the project into conformance with these policies that have not been analyzed. The project is inconsistent with the coastal access program policies of the City's LCP, specifically Policy 15.10 of the Resources Element; Sections 30210 and 30211 of the Coastal Act; and Zoning Ordinance Section 24.310.140. The project is also inconsistent with LCP policies 1.1, 1.2, 1.8, 1.14, 2.1, 2.2, 2.8, 2.9 and 6.8 of the Community Design Element of the Comprehensive Plan; Zoning Ordinance Section 24.310.140; and Coastal Act policy 30251 by reference, which outline visual policies. Furthermore, the design of the project is not consistent with the policies 2.8, 2.8, 3.1, 3.2, and 6.1 of the Park and Recreation Element of the Comprehensive Plan. The proposed project is not consistent with Policy 15.4 of the Resources Element; Policies 10.1 and 10.4 of the Safety Element; and Section 24.310.110 of the Zoning Ordinance which outline policies regarding shoreline protective structure design and mitigation.

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

SECTION V. Certification

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


Signature of Appellant(s) or
Authorized Agent

Date 12/12/01

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Shirley Dettloff, Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219 (415) 904-5260
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Buenaventura

2. Brief description of development being appealed: Repair and replacement of the Shoreline Promenade along San Buenaventura State Beach, including reconstruction of the revetment and pedestrian walkway

3. Development's location (street address, assessor's parcel no., cross street, etc.): San Buenaventura State beach extending from California St. to Figueroa Street, APNS 073-0-240-005, 070, 000

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

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

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

a. ☐ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of
Supervisors

d. ☒ Other Community Development Director

6. Date of local government's decision: November 20, 2001

7. Local government's file number (if any): Case # ACDP-285

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

City of San Buenaventura
P.O. Box 99
Ventura, CA 93002-0099

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

(1) _____

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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

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

The project is appealed on the grounds that the design of the project is inconsistent with the public access, visual resources, parks and recreation, and shoreline protection policies of the LCP and applicable policies of the Coastal Act. In addition, there are alternative designs which may bring the project into conformance with these policies that have not been analyzed. The project is inconsistent with the coastal access program policies of the City's LCP, specifically Policy 15.10 of the Resources Element; Sections 30210 and 30211 of the Coastal Act; and Zoning Ordinance Section 24.310.140. The project is also inconsistent with LCP policies 1.1, 1.2, 1.8, 1.14, 2.1, 2.2, 2.8, 2.9 and 6.8 of the Community Design Element of the Comprehensive Plan; Zoning Ordinance Section 24.310.140; and Coastal Act policy 30251 by reference, which outline visual policies. Furthermore, the design of the project is not consistent with the policies 2.6, 2.8, 3.1, 3.2, and 6.1 of the Park and Recreation Element of the Comprehensive Plan. The proposed project is not consistent with Policy 15.4 of the Resources Element; Policies 10.1 and 10.4 of the Safety Element; and Section 24.310.110 of the Zoning Ordinance which outline policies regarding shoreline protective structure design and mitigation.

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

SECTION V. Certification

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


Signature of Appellant(s) or
Authorized Agent

Date 12-12-01

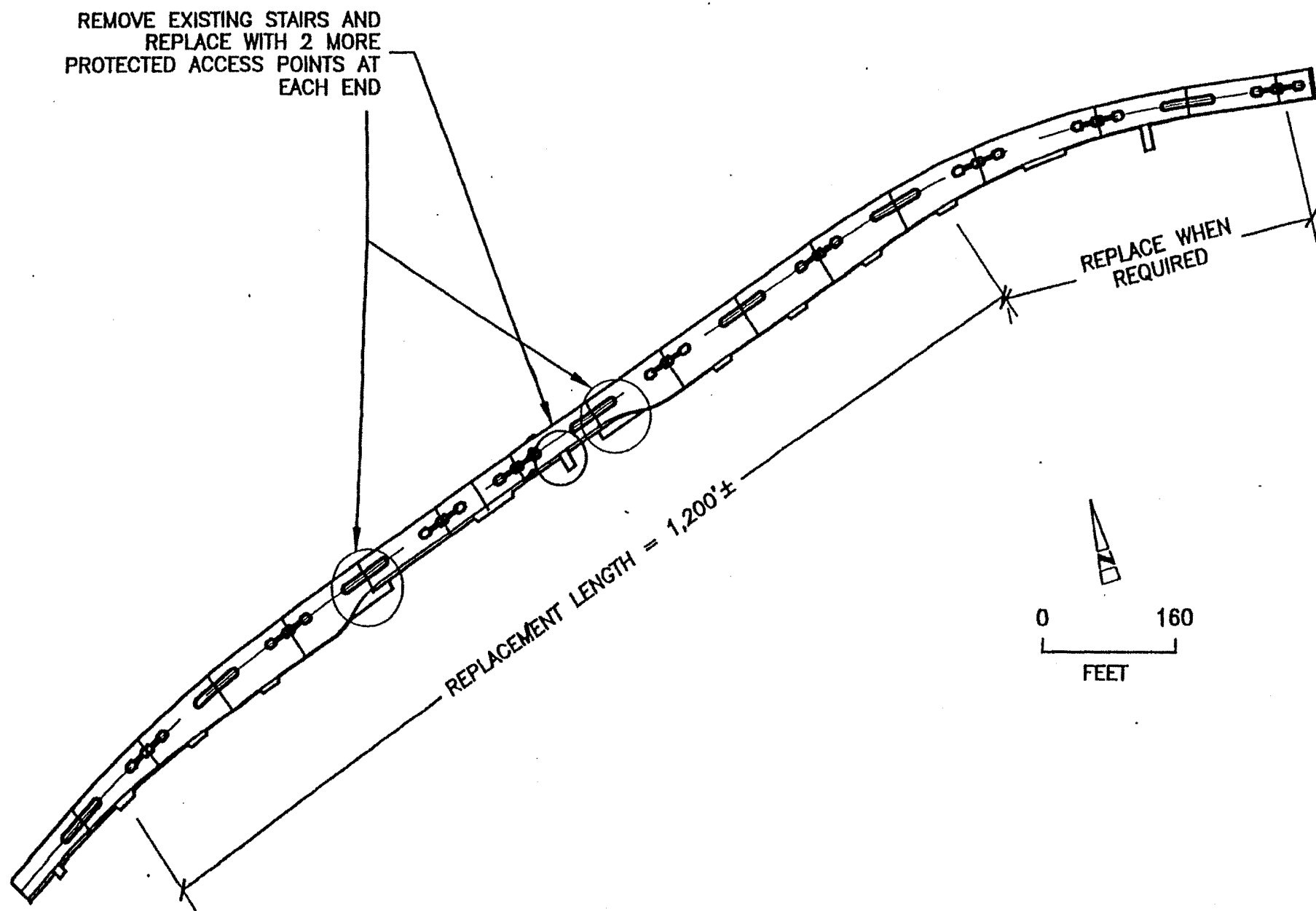
NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize
DEC 11 2001 12:09

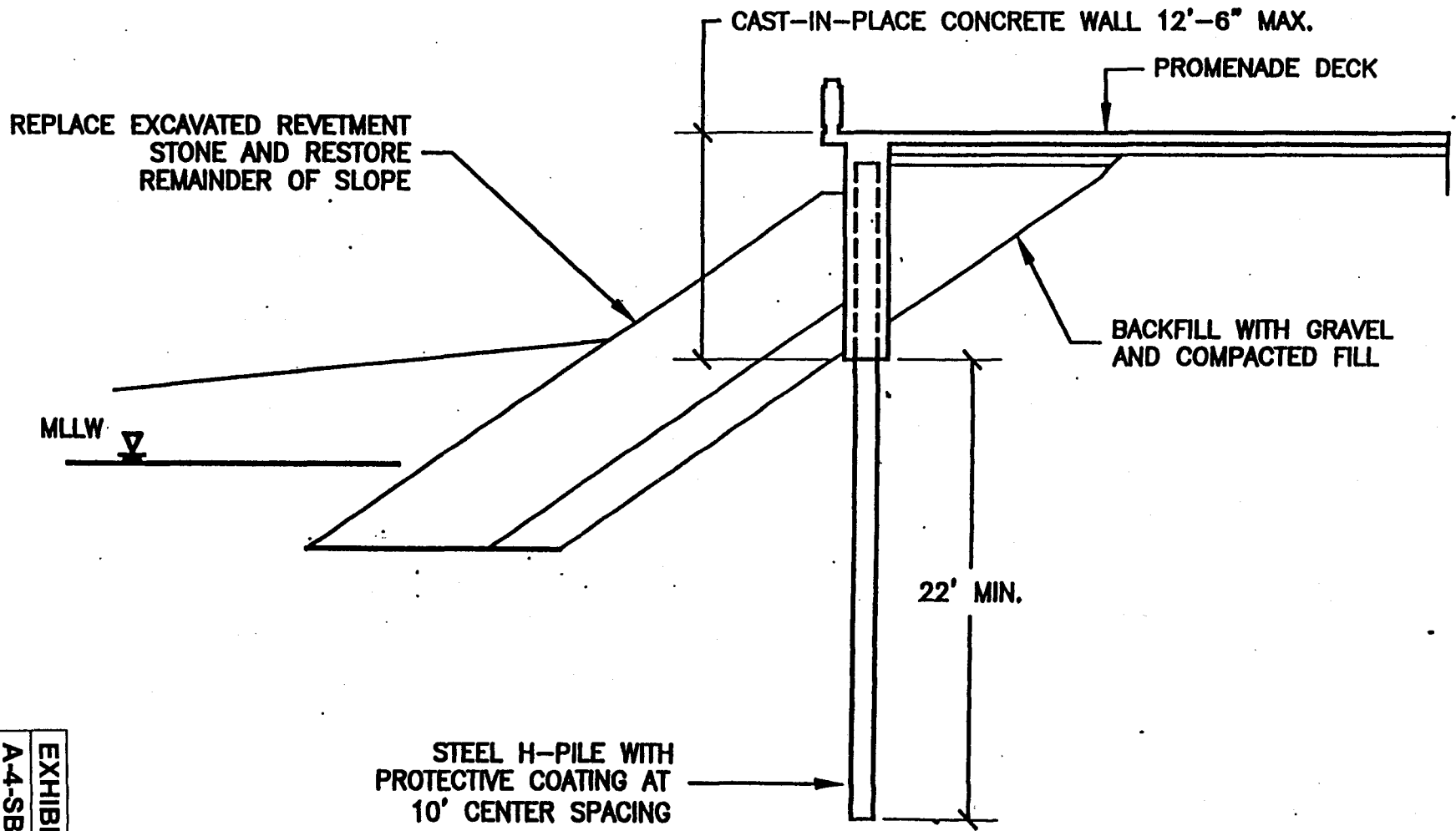
To act as my/our
8056411732

PAGE 05



Promenade Replacement Plan

Figure 4

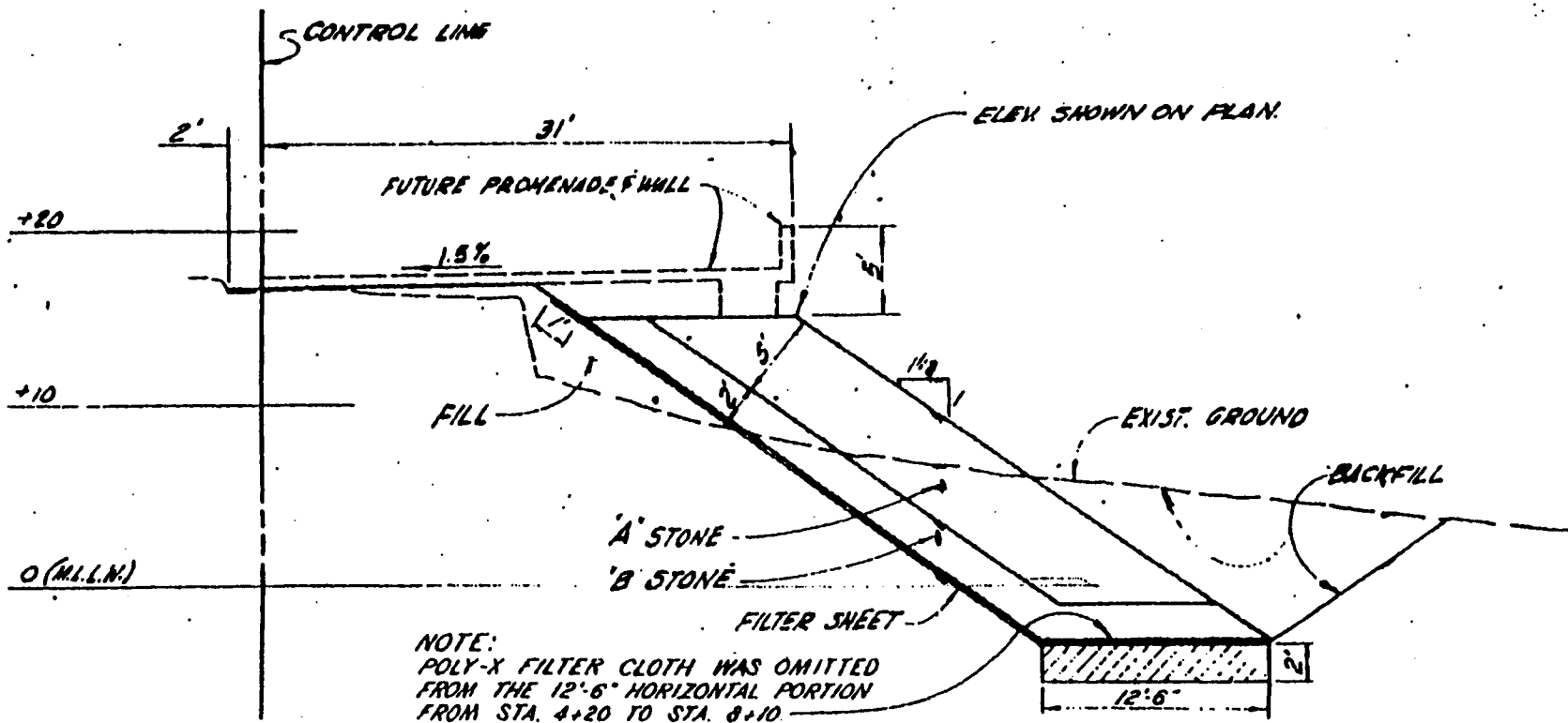


**Modified Promenade
Replacement Concept**

EXHIBIT 5
A-4-SBV-01-226
Typical Section Proposed Design

SCALE: 1"=10'-0"

NOBLE
CONSULTANTS, INC.



A SEAWALL SECTION: STA 8+00
SCALE: 1" = 10'

Existing Promenade Section

SOURCE:
SHEET 4 OF FILE NO.
67-D-15, MARCH 1968.



Figure 1

EXHIBIT 6
A-4-SBV-01-226
Typical Section
Existing Design

EXHIBIT 7
A-4-SBV-01-226
Typical Limits of Demolition

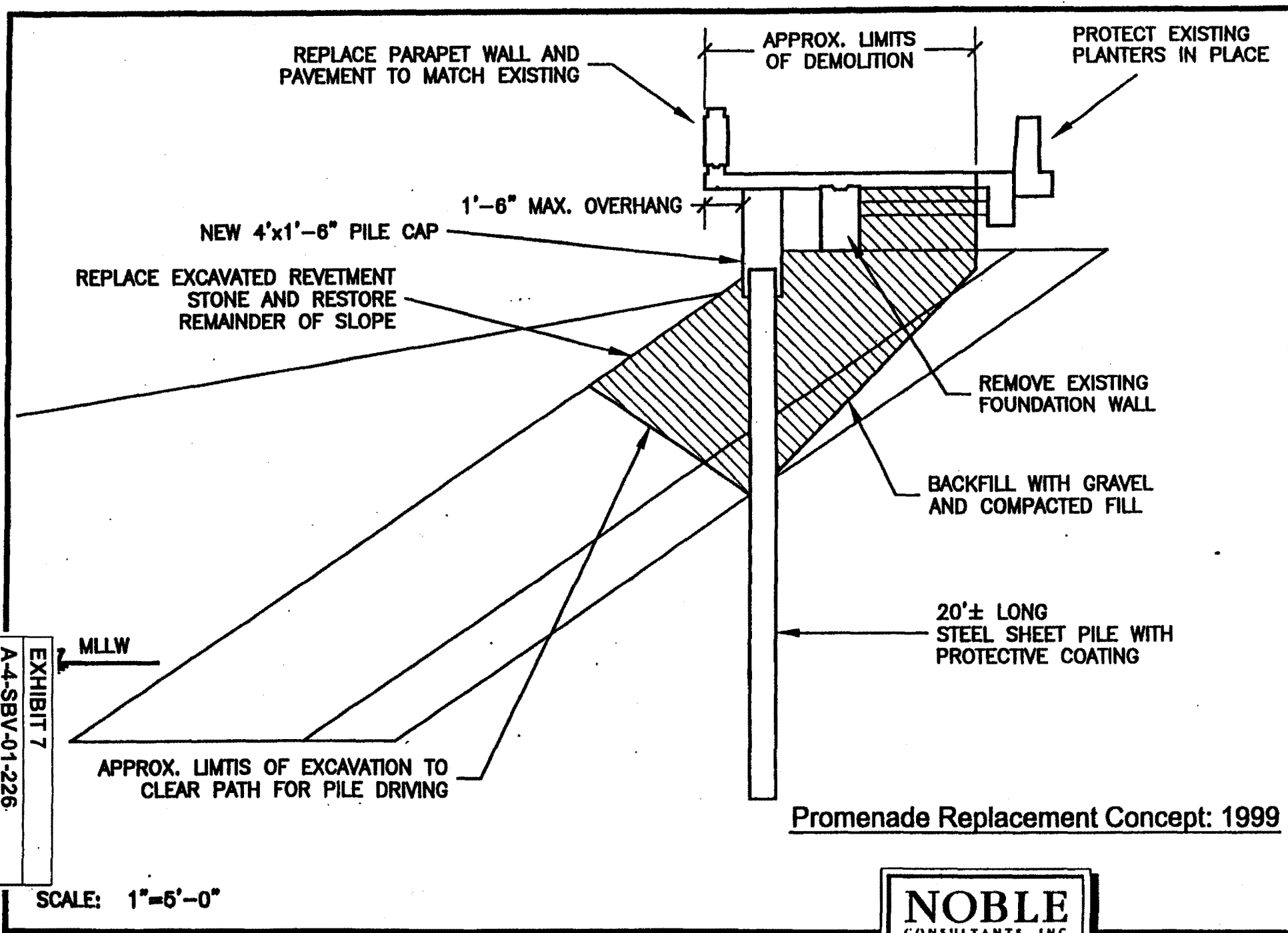


Figure 2

POTENTIAL MAXIMUM
WALL EXPOSURE
HEIGHT, 15-20'±

MLLW

45' LONG STEEL
SHEET PILE

30'

12"Ø TIE ROD @ 10' CENTER SPACING

5'x1' CONTINUOUS
CONCRETE ANCHOR

3'

5'

Alternative Promenade Replacement
Concept without Revetment

SCALE: 1"=6'-0"

NOBLE
CONSULTANTS, INC.

Figure 4

EXHIBIT 8
A-4-SBV-01-226
Typical Section
Vertical Seawall
Alternative

