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# Th11a

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Staff Report: 4/29/2021  
Hearing Date: 5/13/2021

## STAFF REPORT CDP APPLICATION

**Application Number:** 4-20-0616

**Applicant:** California Department of Transportation

**Project Location:** Pacific Coast Highway (PCH) between Postmiles 4.0 and 4.2, Ventura County

**Project Description:** Construction of two concrete secant walls with horizontal ground anchors and concrete guardrails: 1) 600 feet-long and 75-feet-deep at Postmile 4.0; 2) 200 feet-long and 75-feet-deep at Postmile 4.2; and, installation of temporary hillside cable net mesh during construction; inland relocation of utility poles; restriping the day use beach parking lot to create six additional parking spaces; removal of unpermitted "no parking" signs along the shoulder of PCH; installation of bicycle and pedestrian safety signage; paving the northbound and southbound shoulder of PCH; permanent retention of K-rail and chain-link fencing temporarily authorized by County of Ventura; temporary retention of development authorized pursuant to Emergency Coastal Development Permit No. G-4-15-0035.

**Staff Recommendation:** Approval with Conditions

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**SUMMARY OF STAFF RECOMMENDATION**

The proposed project is located at Postmiles (PM) 4.0 and 4.2 along Pacific Coast Highway (PCH) near Sycamore Canyon campground in Point Mugu State Park, Ventura County. This area of Ventura County coastline provides extensive recreational opportunities to the public, including at Point Mugu State Park and the Santa Monica Mountains National Recreation Area. However, this portion of PCH is highly constrained with steep bluffs extending to the Pacific Ocean and existing shoreline protective devices, mostly revetments, extending intermittently north and south of the proposed project site, which protect the highway from wave-induced erosion. In the project vicinity, numerous emergency coastal development permits have been approved in recent years, particularly related to Hurricane Marie in August 2014.

During that event, at PM 4.0, the existing, pre-Coastal Act revetment was damaged and at PM 4.2, the vegetated slope between the road and beach was severely eroded. Conditions worsened at PM 4.0 and PM 4.2 during the storms of December 2014.<sup>1</sup> That month, in response to the storm damage, the Governor declared a state of emergency for Ventura County, among other counties.<sup>2</sup> In January 2015, another major storm caused portions of the unprotected and eroded fill embankment at PM 4.0 to collapse leaving the guardrail hanging off the cliff.

To stabilize PCH at PM 4.0 following the storm damage, the California Department of Transportation (Caltrans), the Applicant, proposed placing 4- and 8-ton rocks from the waterline on the toe of the slope to a height of about 20 feet and for approximately 400 feet along PCH. In February 2015, Commission staff issued Exemption No. 4-15-0027-X, authorizing the proposed development.

In response to the storm damage at PM 4.2, Caltrans first reconstructed the vegetated slope that extends from the shoulder to the state park beach. However, high surf continued to erode the slope, and eventually public access to the beach area below the roadway was restricted to protect public safety due to the instability of the slope. In November 2015, at PM 4.2, Caltrans submitted an Emergency Coastal Development Permit (ECDP) to install 3- and 4-ton rock slope protection at the toe of the slope extending laterally for 75 feet, which was temporarily authorized by ECDP No. G-4-15-0035. This ECDP also temporarily authorized the replacement of the dirt fill slope.

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<sup>1</sup> An Emergency Permit was issued by Ventura County to Caltrans and California State Parks on December 31, 2014 for roadway repairs and stabilization at multiple locations along Pacific Coast Highway, including Point Mugu State Park and Sycamore Canyon Campground. That emergency permit was amended on January 20, 2015 to expand the scope of work.

<sup>2</sup> The declaration ordered that “Caltrans shall formally request immediate assistance through the Federal Highway Administration’s Emergency Relief Program, title 23 United States Code section 125, in order to obtain federal assistance for highway repairs or reconstruction in the counties of Marin, Mendocino, San Mateo, and Ventura.”

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The purpose of this project is to provide additional shoreline protection at PM 4.0 and PM 4.2, which Caltrans asserts is needed to prevent roadway failure at these two locations. Cracks and displacements of the roadway shoulder provide evidence of accelerated structural undermining of the slope from ongoing wave-induced erosion. The proposed project includes construction of two secant pile walls from the shoulder of PCH to stabilize the roadway foundation and protect the roadway from current and future coastal erosion. Secant pile walls are characterized by intersecting reinforced concrete piles or columns and in this case, both walls would be completely buried in the shoulder of PCH.

The first secant pile wall at PM 4.0 is proposed to be 600 feet long and up to 75 feet deep. It would be constructed entirely from the shoulder of PCH and would not require equipment to operate from the beach. The existing conditions at PM 4.0 are highly constrained with a steep bluff face on the inland side of PCH and high rock-fall risk on the northbound shoulder. A K-rail barrier topped with chain-link fence protects motorists from falling rock and the available shoulder is currently very narrow. On the southbound side of the highway, there is an existing metal beam guardrail and electric power poles, and the shoulder is also very narrow. There is an existing revetment at PM 4.0 that predates the Coastal Act. As discussed above, in February 2015, a repair to the revetment was authorized through Exemption No. 4-15-0027-X, pursuant to the Governor's State of Emergency declaration in December 2014.

The second secant wall at PM 4.2 is proposed to be 200 feet long and up to 75 feet deep. The existing conditions at PM 4.2 are relatively less constrained than at PM 4.0 with wider shoulders on both sides of the highway. At this location, there is a vegetated slope that provides informal vertical access from the shoulder of PCH down to the day use beach at Sycamore Cove within Point Mugu State Park. The toe of the slope is protected by a revetment, which was temporarily authorized through ECDP No. G-4-15-0035 in October 2015.

Although the Commission has previously certified a Local Coastal Program for Ventura County, portions of the proposed project at both PM 4.0 and 4.2 will be located, at times, on state tidelands and within an area where the Commission has retained jurisdiction over the issuance of CDPs. Pursuant to Section 30601.3 of the Coastal Act, Caltrans and the County of Ventura requested to consolidate the permit application and the request was approved by the Executive Director. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the Ventura County LCP as guidance.

The project as proposed raises numerous Coastal Act issues, including consistency with policies regarding coastal hazards and shoreline protective devices; public access and recreation; and environmentally sensitive habitat areas and marine resources. First, shoreline armoring has a number of impacts on the coast, including but not limited to impacts from encroachment and fixing the back of the beach. In consideration of these potential impacts, the Coastal Act is premised on both hazard and shoreline armoring avoidance. However, the installation of the secant walls at PM 4.0 and PM 4.2 are

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necessary to protect the continued use of PCH as a means for access to public beaches, public campgrounds, and nearby communities, such as Oxnard and Malibu, as well as emergency evacuation in the event of earthquake, tsunami, or wildfire.

Although the revetment at PM 4.0 was installed prior to the establishment of the Coastal Act, the revetment at PM 4.2 was temporarily authorized in 2015 through ECDP G-4-15-0035. Once the secant wall at PM 4.2 is installed, Caltrans has determined that the revetment will no longer be needed to protect PCH from coastal erosion. Therefore, the Commission finds that **Special Condition One (1)** is necessary, which requires that within six months of completion of construction of the secant walls, Caltrans will submit a CDP application for the removal of the revetment at PM 4.2 and within one year of completion of construction, Caltrans will remove the revetment. The Commission also finds that **Special Condition Two (2)** is necessary, which requires the Applicant acknowledge and agree to an assumption of risk, waiver of liability and indemnity.

Under Coastal Act Section 30253, new development may not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed project has been designed and analyzed using the medium-high risk aversion sea level rise (SLR) scenario over an expected life of 75 years. However, the Commission's adopted SLR guidance recommends that for critical infrastructure, which has a low adaptive capacity, such as this section of PCH, risks should be evaluated over an expected life of 100 years and be designed accordingly. Thus, **Special Condition Three (3)** limits the term of authorization for the development shown in **Exhibit 3** to thirty years and requires that the Applicant develop a long-term solution by 2051. While the project has been analyzed and found to be safe beyond 2051, the development, design, and analysis of alternatives for large infrastructure projects require considerable time and funding to plan and implement. As such, this 30-year authorization period is appropriate in order to allow the Applicant to protect PCH in the near-term while also providing sufficient time to plan for and implement long-term protection or other adaptation strategies before this section of PCH is impacted by SLR in the future.

The proposed project is intended to protect and support a small section of PCH within a corridor that raises numerous challenges: it has been identified as highly vulnerable in Caltrans District 7's Climate Change Vulnerability Assessment (2019) and as a first priority segment in Caltrans District 7's Adaptation Priorities Report (2021); it has very limited, if any, alternate routes, in the event of damage; and it serves as an emergency evacuation route for adjacent communities in the event of wildfire or earthquakes. For these reasons, the Commission finds that **Special Condition Four (4)** is required. Under **Special Condition Four (4)**, the Applicant must submit the Corridor Climate Resiliency and Highway Safety Corridor Plan (Corridor Plan), which District 7 has already initiated, within five years of completion of construction, as well as an Asset-Specific Adaptation Plan, which is the next step identified in District 7's Adaptation Priorities Report, within ten years of completion of construction. The Corridor Plan will analyze potential sea level rise adaptation options from Santa Monica to Oxnard and will provide regional context for the Asset-Specific SLR Adaptation Plan, which will

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focus on the proposed project area. The Asset-Specific Adaptation Plan will identify current and future hazards over a 100-year timespan at the subject site, using best available science, and will analyze alternatives for addressing those identified vulnerabilities, including potential options for phasing in alternative adaptation pathways, as well as alternatives' feasibility. As such, with the inclusion of **Special Conditions Three (3) and Four (4)**, the project will appropriately minimize risks and assure structural integrity consistent with Section 30253.

Considering the narrow road width available in this section of PCH between the steep coastal bluff adjacent to the southbound shoulder and inland cliff face and rockfall hazard adjacent to the northbound shoulder, the project site is currently extremely constrained regarding existing access and potential enhancement of access. Despite those constraints, the project proposes to enhance access to the greatest extent feasible by: paving the existing dirt southbound shoulder after construction of the secant walls to increase the width of asphalt available for multi-modal trail users; restriping the day use public access parking lot at Sycamore Cove within Point Mugu State Park to create six additional parking spaces; and installing signage warning drivers that hikers and bikers are in the area. All of these improvements will enhance public access in the project area, but because the project area covers one small section of PCH, a more comprehensive, corridor-wide approach to access enhancements is appropriate and necessary. The Corridor Plan, required by **Special Condition Four (4)**, will analyze multimodal needs from Santa Monica to Oxnard, including the proposed project area, and will provide regional context for the multimodal improvements that could be implemented through future projects.

Because the Applicant has not yet provided details on the public access signage, the Commission finds that **Special Condition Five (5)** is necessary, which requires that the Applicant to submit a signage plan to ensure that signs are installed in a manner that is protective of coastal resources. The Commission also finds that **Special Condition Six (6)** is necessary, which requires the submission of Revised Final Plans prior to construction to ensure that the shoulder widths are a minimum of two feet through the most constrained section of PCH at PM 4.0.

Although the Applicant proposes to restripe the day use public access parking lot at Sycamore Cove on behalf of State Parks to create six additional parking spots, the proposed extension of a guardrail at PM 4.2 will result in the loss of approximately thirteen parked cars. Currently, "no parking" signs are located approximately 500 feet upcoast at PM 4.3, near the entrance to the Sycamore Cove day use beach, and the Applicant proposes to remove those signs along 400 ft of shoulder, which could accommodate approximately twenty parked cars. However, as of the date of this staff report, Commission staff had found no evidence of a CDP for the installation of those signs. Given the uncertainty of the status of the parking signs, their removal is not being considered as mitigation for the loss of parking proposed in this project. Thus, by adding up the loss of thirteen spaces and the addition of six spaces, the proposed project would result in a net loss of seven parking spaces.

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In order to address the public access impacts from the emergency revetment at PM 4.2, which has been in place for six years, and the proposed net loss of parking in the project area, **Special Condition Seven (7)** will require the Applicant to submit a Public Access Plan that proposes off-site public access improvements, including repair or replacement of two vertical accessways downcoast of the project area, within six months of issuance of the CDP and the public access improvements identified in the Public Access Plan shall be completed no later than one year from completion of construction. In order to minimize impacts to coastal resources during construction, the Commission finds **Special Condition Eight (8)** necessary, which requires submission of a construction plan prior to commencement of construction.

Finally, although no environmental sensitive habitat areas (ESHA) or wetlands have been identified within the proposed project area, the Sycamore Cove day use beach provides habitat for California Grunion and the bluff face, which will be temporarily impacted by cable mesh netting, provides habitat for Cliff Swallows, Red-Tailed hawks, and Mexican Free-tailed Bats. Therefore, the Commission finds that **Special Condition Nine (9)** is necessary, which requires biological surveys prior to construction and biological monitoring during construction.

As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. Thus, staff recommends approval of the CDP as conditioned. The motion to implement staff's recommendation is found on **page 8** below.

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**EXHIBITS**

- Exhibit 1: Project Location
- Exhibit 2: Project Area Photos
- Exhibit 3: Proposed Project Plans

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### I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a CDP for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 4-20-0616 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 4-20-0616 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the Permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

### II. STANDARD CONDITIONS

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



**III. SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

- 1. Removal of Rock Revetment at PM 4.2.** WITHIN SIX MONTHS OF COMPLETION OF CONSTRUCTION, the Applicant shall submit a CDP application for the removal of the revetment that was temporarily authorized at PM 4.2 through ECDP G-4-15-0035, including: the proposed method for removal; the proposed method for any necessary slope reconstruction and stabilization, including any seeding or planting, or toe protection; any feasible nature-based solutions; any colorization and texturization of the secant wall to mimic the appearance of the surrounding natural bluff, if it becomes exposed; and a list of construction equipment that will be required. By accepting this permit, the Applicant agrees and ensures that all portions of the existing rock revetment at PM 4.2 shall be removed. The Applicant shall provide evidence to the Executive Director of the location of the disposal site for all material removed from the existing rock revetment on site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid CDP for the disposal of fill material. The removal of the revetment shall be completed no later than one year after completion of construction.
- 2. Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the Applicant acknowledges and agrees (i) that the site may be subject to hazards from tsunamis, storm waves, surges, and erosion; (ii) to assume the risks to the Applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 3. Term of Authorization / Long-Term Solution.** This CDP authorizes two secant pile walls, as depicted on Exhibit 3, until December 31, 2051, or until the time when the currently existing structure warranting protection is no longer present, whichever occurs first. The Applicant acknowledges that the shoreline protection system authorized pursuant to this CDP is temporary in nature, and is permitted in order to provide a reasonable period of time for the Applicant to develop and implement a long-term sea level rise adaptation solution to the erosion threat to the Pacific Coast Highway in this area. No later than December 31, 2051, the Applicant shall submit two copies of a removal and restoration plan to the Executive Director for review and approval. Such plan shall provide for the removal of the shoreline protection system and restoration of all affected areas in a manner designed to be most protective of coastal resources. Alternatively, the Applicant shall submit a complete CDP application (or complete CDP amendment application if deemed appropriate by the Executive Director) for a sea level rise adaptation strategy to protect or relocate PCH

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or accommodate hazards at this location, based on the findings of the State Route 1 Climate Resiliency and Highway Safety Corridor Plan and Asset-Specific Adaptation Plan, described below.

#### 4. **State Route 1 Climate Resiliency and Highway Safety Corridor Plan and Asset-Specific Adaptation Plan.**

(a) WITHIN FIVE YEARS OF COMPLETION OF CONSTRUCTION, the Applicant shall submit the recently initiated Climate Resiliency and Highway Safety Corridor Plan (Corridor Plan) for the section of State Route 1 between Santa Monica in Los Angeles County and Oxnard in Ventura County. The Corridor Plan shall identify a suite of strategies necessary for protecting, relocating, or otherwise accommodating anticipated future sea level rise along this section of PCH as necessary to maintain safety from coastal hazards, minimize risk, and assure stability and structural integrity in the long-term (at least through 2100), consistent with the Coastal Act and using best available science. The Corridor Plan will also analyze the need for multi-modal access improvements and suggest strategies for improving multi-modal access within the Corridor Plan limits. The Corridor Plan shall reflect coordination with the ongoing long-term planning efforts of Ventura County, Los Angeles County, and the City of Malibu, and shall also reflect coordination with relevant public interest groups, tribes, and other stakeholders.

(b) Based on the Corridor Plan, WITHIN TEN YEARS OF COMPLETION OF CONSTRUCTION, the Applicant shall submit an Asset-Specific Adaptation Plan for the project vicinity, which was identified in District 7's Adaptation Priorities Report as a first priority segment for detailed adaptation assessment. This Asset-Specific Adaptation Plan will include focused analysis regarding the exposure of the highway segment using localized climate projections based upon best available science, wave and runup modeling, analysis of shoreline trends, and detailed engineering analyses. If impacts from this exposure analysis are verified, the Applicant will develop and evaluate adaptation strategies for the asset to ensure that it is able to withstand future climate change impacts.

#### 5. **Signage Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit, for the review and written approval of the Executive Director, a Signage Plan indicating the content and location of all signs and any other project elements that will be used to educate drivers, and facilitate and manage public access within the project footprint. The Signage Plan shall include, at a minimum, the following:

(a) Site plan indicating the location of all signs, which shall be sited and designed to provide clear information without impacting public views and site character; and

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(b) Plans indicating the type of sign, size of the sign face, size of the letters on the sign, overall height of the sign, and the method of installation (e.g., attached to free standing post, gate, or fence).

6. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE CDP, the Applicant shall submit two full-size sets of Revised Final Plans to the Executive Director for review and written approval. The Revised Final Plans shall be in substantial conformance with the proposed plans (see **Exhibit 3**), except that they shall be modified, if necessary, to meet the following requirements:

(a) At PM 4.0 where PCH is most constrained (for approximately 150 feet between Stations 815 and 818 as shown in Exhibit 3 Pavement Delineation Plan PD-2), the northbound and southbound shoulders shall be maintained with a minimum of 2 ft. in width to provide pedestrian and bicycle access; and

(b) For all other locations within the project area, the northbound and southbound shoulders shall be maintained with a minimum 4 ft. in width to provide pedestrian and bicycle access.

All requirements above and all requirements of the approved Revised Final Plans shall be enforceable components of this CDP. The Applicant shall undertake development in accordance with this condition and the approved Revised Final Plans. Minor adjustments to the above requirements, as well as to the Executive Director-approved Revised Final Plans, which do not require a CDP amendment or a new CDP (as determined by the Executive Director), may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

7. **Public Access Plan.** WITHIN SIX MONTHS OF ISSUANCE OF THE CDP, the Applicant shall submit, for review and written approval of the Executive Director, a Public Access Plan indicating how public access will be improved in the project vicinity, including providing additional parking representing the equivalent of seven parking spaces and repairing or replacing the vertical public accessways at PM 2.4 and the vertical public accessway at PM 3.2. The Public Access Plan shall include project plans and details on the anticipated timeline for the construction of the access improvements. The improvements identified in the Public Access Plan shall be completed no later than one year from completion of construction.

8. **Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:

(a) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to

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take place shall be minimized to the fullest extent possible in order to have the least impact on coastal resources.

**(b) Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public access and public views during construction. The Construction Plan shall limit construction activities to avoid coastal resource impacts as much as feasible, and lighting of the work area is prohibited during anticipated California Grunion runs, as described in more detail below in Special Condition Nine (9).

**(c) Construction Timing.** Construction is prohibited during weekends from the Saturday of Memorial Day weekend through Labor Day inclusive, unless the Executive Director authorizes such work due to extenuating circumstances. Maintenance of equipment and material storage is permitted during weekends and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise).

**(d) Construction BMPs.** The Construction Plan shall identify the type and location of all erosion control and water quality best management practices (BMPs) that will be implemented during construction to protect coastal water quality, including at a minimum all of the following:

- i. **Runoff Protection.** Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of all construction areas to prevent construction-related runoff and sediment from discharging from the construction area entering into storm drains, or otherwise offsite or towards the beach and ocean. Special attention shall be given to appropriate filtering of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment and filtration equipment. All runoff controls shall be in place during construction.
- ii. **Equipment BMPs.** Equipment washing, and maintenance shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall

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take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

- iii. **Good Housekeeping BMPs.** The construction site shall maintain good construction housekeeping controls and procedures at all times (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
- (e) **Restoration.** All construction debris shall be removed. All beach areas, other public recreational access and use areas, and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. If native soils are removed as part of the construction debris, the removed material shall be screened to separate native soil from the construction debris. The native soils shall be returned to the site after all construction debris has been screened out from it.
- (f) **Traffic Management Plan.** The Final Construction Plans shall include a Traffic Management Plan for each project element to be undertaken, or a statement (and supporting evidence) that no traffic impacts will result from the proposed construction and no plan is necessary. The Traffic Management Plan shall limit lane closures and the use of public access pull outs for construction staging or operations to the maximum extent feasible, and provide for full and continuous access for bicyclists through the work corridor at all times by providing designated adequate space to safely traverse through the work zone.
- (g) **Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.
- (h) **Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated as the point of contact during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator's contact

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information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible. This information shall indicate that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.

- (i) **Construction Specifications.** The construction specifications and materials shall include appropriate control provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- (j) **Notification.** The Applicant shall notify staff of the Coastal Commission's South Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Applicant shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or a new CDP (as determined by the Executive Director), may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 9. **Biological Monitoring During Construction.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Applicant shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, "environmental specialist") with appropriate qualifications acceptable to the Executive Director, to monitor the site during construction activities and conduct surveys of sensitive species (including birds and other terrestrial and marine species) and to monitor all project operations. Prior to commencement of development, the Applicant shall submit the contact information and qualifications of all monitors with a description of their duties and their on-site schedule to the Executive Director for review and approval. The Applicant shall ensure that the Environmental Specialist shall perform all of the following duties, and the Applicant shall observe the following requirements:

- (a) If any construction activity occurs on or affects the sandy beach below PM 4.2 between March 1st and September 1<sup>st</sup>, including lighting and work during non-

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daytime hours, then the Applicant shall have the environmental resource specialist conduct a survey of the project site to determine if spawning California Grunion are present during the seasonally predicted run period, as identified by the California Department of Fish and Wildlife (CDFW). If the environmental resources specialist determines that any grunion spawning activity is occurring and/or that grunion are present in or adjacent to the project site, then no construction or demolition activities shall occur on or affect the area of the beach for the duration of the seasonally predicted run period (e.g., two hours for four nights following both the full and new moons) as predicted by CDFW. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed or removed at any of the above sites. The Applicant shall have the environmental resource specialist provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife.

- (b)** The environmental resource specialist shall conduct surveys of sensitive species (e.g., raptors) no more than two weeks before any project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site. Follow-up surveys must be conducted three calendar days prior to the initiation of construction. The environmental resource specialist shall be onsite during project activities to observe/identify any sensitive species/breeding behavior/nests active within 300 feet (500 feet for raptors/owls) of any project activities.
- (c)** In the event that any sensitive species are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding / reproductive cycle of the subject species, the environmental resource specialist shall implement a resource avoidance program with sufficient buffer areas to ensure adverse impacts to such resources are avoided. The Applicant shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received from the relevant agency, subject to the approval of the Executive Director.
- (d)** If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor or heron is found, the Applicant shall notify the appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident. The Applicant shall notify the California Coastal Commission in writing by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

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- (e) If an active nest of any federally or state-listed threatened or endangered species, species of special concern, or raptor, least tern, black-crowned night heron, great blue heron, snowy egret, or other sensitive species is found within 300 feet of construction activities (500 feet for raptors), the Applicant shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The Applicant shall ensure that the environmental resources specialist is present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The Applicant shall ensure that the environmental resources specialist shall monitor birds and noise during all periods of project activities. Activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest site(s). If construction noise exceeds a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not sufficiently reduce noise levels, construction within 300 ft. (500 ft. for raptors/owls) of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed, or nesting is complete.
- (f) The Applicant shall ensure that the environmental resources specialist is present during all project activities. If the environmental resource specialist becomes aware of any breach in permit compliance or any unforeseen sensitive habitat issues, the environmental resources specialist shall so inform the Applicant, and the Applicant will cease work. If significant impacts or damage occur to sensitive habitats or to wildlife species, the Applicant shall be required to develop and implement a revised, or supplemental, program to adequately mitigate such impacts. The revised, or supplemental, program shall be submitted to the Executive Director for review and approval.
- (g) For the purpose of this special condition, "sensitive species" shall be taken to mean any special-status wildlife species. Special-status species are species listed as: Endangered, Threatened, or Rare under the federal or state Endangered Species Acts; Candidate Species, California Fully Protected Species, and, pursuant to CEQA Guidelines Section 15380(d), all other species tracked by the California Natural Diversity Database (CNDDDB), which are considered by the California Department of Fish and Wildlife to be those species of greatest conservation concern; and locally important species including raptors, herons, and songbirds.



#### IV. FINDINGS AND DECLARATIONS

##### A. Project Location and Background

The proposed project is located between Postmiles (PM) 4.0 and 4.2 along the southbound side of Pacific Coast Highway (PCH) in the southern part of unincorporated Ventura County between the City of Oxnard (14 miles northwest) and the Los Angeles County line (5 miles east). Construction of this section of PCH, as well as the installation of rock shoreline protection (RSP) or revetment on the seaward slopes of this section of PCH, predate the passage of Proposition 20 in 1972 and the establishment of the Coastal Act in 1976. The proposed secant wall at PM 4.0 is adjacent to a narrow stretch of PCH flanked by steep cliffs on the northbound, inland side, which are part of Point Mugu State Park, and a steep existing revetment on the southbound, seaward side. The proposed secant wall at PM 4.2 is adjacent to Sycamore Cove beach within Point Mugu State Park, which is accessed from a day use parking lot on the seaward side of PCH. Sycamore Canyon campground is located .3 miles from the project site on the landward side of PCH, from there an extensive inland trail system connects to the Santa Monica Mountains National Recreation Area.

In 2013, following the Camarillo Springs Wildfire that impacted an area of 28,000 acres including the project vicinity, Caltrans installed K-rail<sup>3</sup> topped with chain-link fence at various locations from PM 2.6 to 10.2, including PM 4.0 on the northbound shoulder of PCH, to prevent debris from the fire-damaged bluffs from entering the roadway after rain events. The Ventura County Planning Division issued a zoning clearance for this work, under the contingency that Caltrans would eventually remove the K-rail and rock fence. Pedestrian and bicycle access in the shoulder of northbound PCH at PM 4.0 are greatly reduced, if not completely eliminated, by the existing K-rail. At PM 4.0, the northbound and southbound shoulders are also too narrow for parking. At PM 4.2, the existing paved northbound and southbound shoulders are at least 4 ft wide and public access parking is possible.

In addition to the annual risk of wildfire, the project area has historically been impacted by coastal erosion and high surf caused by storms that have passed through the region. During Hurricane Marie in August 2014, the existing revetment at PM 4.0 was damaged and at PM 4.2, the vegetated slope between PCH and day use beach at Sycamore Cove was severely eroded. Conditions worsened at PM 4.0 and PM 4.2 during the storms of December 2014.<sup>4</sup> That month, in response to the storm damage, the Governor declared a state of emergency for Ventura County, among other counties. In January 2015, another major storm caused portions of the unprotected and eroded fill

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<sup>3</sup> K-rail, also known as a Jersey barrier, is used to separate lanes of traffic or block shoulder access to vehicles with a modular concrete or plastic barrier.

<sup>4</sup> An Emergency Permit was issued by Ventura County to Caltrans and California State Parks on December 31, 2014 for roadway repairs and stabilization at multiple locations along Pacific Coast Highway, including Point Mugu State Park and Sycamore Canyon Campground. That emergency permit was amended on January 20, 2015 to expand the scope of work.

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embankment at PM 4.0 to collapse leaving the guardrail hanging off the cliff adjacent to the southbound shoulder.

To stabilize PCH at PM 4.0 following the storm damage, Caltrans proposed placing 4- and 8-ton rocks from the waterline on the toe of the slope to a height of about 20 feet and for approximately 400 feet along PCH. Pursuant to the Governor's state of emergency declaration, Commission staff issued Exemption No. 4-15-0027-X, authorizing the proposed development.

In response to the storm damage at PM 4.2, Caltrans first reconstructed the vegetated slope that extends from the shoulder of PCH to the state park beach. However, high surf continued to erode the slope, and eventually public access to the beach area below the roadway was restricted to protect public safety due to the instability of the slope. In response, in November 2015, at PM 4.2, Caltrans installed 3- and 4-ton rock slope protection at the toe of the slope extending laterally for 75 feet, which was temporarily authorized under Emergency Coastal Development Permit (ECDP) No. G-4-15-0035. This emergency CDP also temporarily authorized the replacement of the vegetated slope.

See **Exhibit 1** for the project location and **Exhibit 2** for photos of the project area.

### **B. Investigation of Coastal Act Violations**

In 1979, parking was restricted in the vicinity of Sycamore Cove Beach by prohibiting overnight parking through the installation of several "No Parking 10pm to 5am" signs along the southbound shoulder of PCH. According to an email from Caltrans dated December 17, 2020, there is no official Caltrans record for the 1979 sign installation order. However, it is noted in a letter from Caltrans to Commission staff dated February 1, 2021, that the 1979 installation order was issued by Caltrans at the request of the County of Ventura.

Furthermore, according to a Traffic Investigation Report from Caltrans, Caltrans received an email complaint from State Parks on May 21, 2018, requesting the installation of "No Parking" signs to replace signs that had been removed or destroyed. State Parks reported missing signs along the segment of PCH from PM 4.3 to PM 4.5. Caltrans recommended replacement of the missing no parking signs and the installation of the signs was completed on or about August 1, 2019.

Additionally, some or all of signs that were in this area previously indicated "No Parking from 10:00pm to 5:00am," and have been replaced with signs that read, "No Parking Any Time." According to a letter from Caltrans to Commission staff dated February 1, 2021, there are "No Parking Any Time" signs along the road where it is unsafe for cars to park due to inadequate shoulder width and sight distance issues. In the February 1, 2021 letter, Caltrans staff notes "this change in signage may have been made in error and these signs will be replaced."

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Commission enforcement staff have opened up an investigation into the 1979 and 2018 installation of parking signs, but as of the date of this staff report, Commission staff have not yet confirmed whether a CDP was sought or obtained by Caltrans for the installation of the aforementioned signs and will take action as deemed appropriate.

### C. Project Description

The purpose of this project is to perform permanent restoration of damage incurred by severe storm events that occurred between August 2014 through January 2015 within the project limits, to alleviate future slope undermining due to ongoing wave-induced erosion, and to prevent possible failure of the roadway. Caltrans asserts that additional shoreline protection is needed at both PM 4.0 and 4.2 to prevent roadway failure at these two locations because there has been accelerated structural undermining of the slope due to ongoing wave-induced erosion, which has resulted in cracks and displacements of the roadway shoulder.

Caltrans proposes to construct two pile secant walls on the southbound or coastal side of PCH at PM 4.0 and 4.2 in order to protect the roadway from coastal erosion and stabilize the roadway foundation. The secant wall at PM 4.0 is proposed to be 100 feet deep and 600 feet long, stretching from PM 3.94 to 4.06. At this location, Caltrans also proposes to retain the additional rock slope protection that was authorized under Exemption No. 4-15-0027-X. The second secant wall at PM 4.2 is proposed to be 100 feet deep and 200 feet long, stretching from PM 4.16 to PM 4.19. At this location, Caltrans also proposes to temporarily retain the rock slope protection that was temporarily authorized under ECDP No. G-4-15-0035 for 4.2, which will be removed after construction of the secant walls is completed as required by **Special Condition One (1)**.

Both secant walls will be constructed using the “cast-in-drilled-hole” (CIDH) technique that will consist of 42-inch diameter primary and secondary piles. To construct the primary piles, a series of holes will be drilled down vertically into the shoulder until bedrock is reached. Reinforcement cages will be inserted, and concrete will be poured into the hole to create reinforced concrete piles. Secondary piles will then be drilled between the primary concrete piles in an overlapping alignment down into bedrock. Reinforcement cages will be inserted, and concrete will be poured into the hole to complete the secondary pile. If ground water is encountered within the pile holes, special methods will be utilized to pour and cure concrete under water. Holes will then be drilled laterally from the seaward wall face of the piles, extending 4 feet into the ground surface under PCH, and ground anchors will be installed. The soil excavated during drilling would be stock piled, properly covered to avoid producing airborne particles and then disposed offsite. Minor excavation will also be involved to place a concrete barrier on top of the piles and also to install the ground anchors. All work would be performed within Caltrans’ right-of-way within and immediately adjacent to the shoulder of southbound PCH, on the seaward side of the metal beam guardrails for both proposed secant walls. See **Exhibit 3** for Proposed Project Plans.

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In order to accommodate the drilling rig and other equipment necessary for installing the piles for the secant walls in the southbound shoulder, the traffic lanes will be temporarily shifted inland into the northbound shoulder, which is proposed to be paved prior to construction. The existing K-rail will be removed from the northbound shoulder of PCH and cable net mesh is proposed to be installed over approximately 1.5 acres of the bluff face at PM 4.0 to protect passing vehicles, bicycles, pedestrians, and construction workers from rockfall hazards during construction. A temporary construction easement of 0.244 acres will be required from the California Department of Parks and Recreation (State Parks) for construction access and staging.

Following completion of construction of the secant walls, the cable net mesh will be removed, travel lanes and K-rail will be shifted seaward to restore their existing alignment, the existing metal beam guardrail will be replaced with the Midwest Guardrail System (concrete Type 85 barriers) and electrical utility poles located on the seaward side of the roadway throughout the project area will be relocated to the northbound shoulder of PCH.

Extension of the existing guardrail by 270 feet at PM 4.2 would narrow the southbound shoulder and eliminate space for approximately 13 parked vehicles where parking is currently allowed from 5 am to 10 pm. To mitigate for this loss of public access parking, Caltrans proposes to restripe the parking lot at the Sycamore Cove day use beach within Point Mugu State Park to create an additional six spaces. Caltrans will also remove "No Parking" signage from 400 ft of the southbound shoulder of PCH near the entrance to Sycamore Cove day use beach and Sycamore Canyon campground, which would provide space for approximately 20 parked vehicles.<sup>5</sup> Finally, Caltrans proposes to install bicycle and pedestrian safety signage, as well as paving of the shoulder on both sides of PCH, to enhance public access.

### **D. Standard of Review**

The proposed project includes components that are located within the County of Ventura Local Coastal Program (LCP) jurisdiction, as well as components within the retained jurisdiction of the Coastal Commission. The County of Ventura would typically have jurisdiction over the portions of the project within its respective LCP jurisdiction. However, Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated CDP application, when certain criteria are satisfied, for the entirety of a proposed project that would otherwise require separate CDPs from both a local government with a certified LCP and the Commission.

Pursuant to Section 30601.3(a)(2), the Applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. In this case, the County of Ventura submitted a letter to Commission staff dated December 17, 2020, requesting that the Commission assume jurisdiction

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<sup>5</sup> As of the date of this staff report, Commission staff have found no record of CDP authorization of the "no parking" signs at this location.

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over all activities associated with the proposed project. The Applicant both consented to and facilitated this consolidated jurisdictional process.

The standard of review for a consolidated CDP application submitted pursuant to Section 30601.3(a) is the Chapter Three policies of the Coastal Act (commencing with Section 30200), with the appropriate LCP used as guidance. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the Ventura County's certified LCP serving as guidance.

### **E. Hazards and Shoreline Protective Devices**

#### ***Applicable Policies***

Section 30235 of the Coastal Act, which has been incorporated in the certified Ventura County LCP, 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, which has been incorporated in the certified Ventura County LCP, states in part that new development shall:

- (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.*

The Ventura LCP includes Beach Erosion Goals in order to protect public safety and property from beach erosion as provided for in existing ordinances, and within the constraints of natural coastal processes.

***Beach Erosion Policy 1.*** *Construction or maintenance of shoreline structures will be limited to only those projects needed to protect existing development, public recreation, and existing roads from beach erosion.*

***Beach Erosion Policy 2.*** *Proposed shoreline protective devices will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253.*

***Beach Erosion Policy 3.*** *All shoreline protective structures which alter natural*

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*shoreline processes will be designed to eliminate or mitigate adverse impacts on local shoreline and sand supply.*

***Beach Erosion Policy 7. Permitted shoreline structures will not interfere with public rights of access to the shoreline.***

#### ***Consistency Analysis***

As described above, the Ventura coastal area, where the proposed project is located, has historically been subject to flooding and damage resulting from wave action during storm conditions. Major storm events in winter of 2014-2015 caused damage to PCH at both PM 4.0 and 4.2. In December 2014, the Governor declared a state of emergency to provide funding to repair the storm damage. As described above at PM 4.0, Exemption No. 4-15-0027-X authorized repairs to the existing revetment in February 2015. At PM 4.2, ECDP No. G-4-15-0035 was issued in October 2015 to authorize Caltrans to conduct the minimum amount of work necessary to address the emergency, which was determined to be construction of a 75 linear-foot rock revetment approximately 8 feet-high and recontouring of the eroded slope. Pursuant to Condition 4 of that ECDP the authorized development is considered to be temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. To prevent additional coastal erosion and stabilize the roadway foundation, Caltrans proposes to construct two secant walls on the southbound or coastal side of PCH in Ventura County in the roadway shoulder at Postmiles 4.0 and 4.2 and, at a later date, to remove the 75 linear-foot rock revetment that was temporarily approved via ECDP G-4-15-0035.

#### ***Impacts from Shoreline Armoring***

Coastal Act Section 30235 acknowledges that seawalls, revetments, and other types of shoreline protective devices designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 imposes a limited requirement to approve the construction of shoreline protective works when they are required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion. The Ventura County LCP policies for beach erosion limit construction of shoreline structures to the uses identified in Section 30235.

The Coastal Act provides this override provision because without it, shoreline structures would almost never be allowed, given that they can have a variety of adverse impacts on coastal resources, including on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on- and off-site, ultimately resulting in the loss of beach. The first way in which shoreline armoring can reduce public access is that it encroaches directly upon valuable beach space. Second, fixing the backshore prohibits landward migration of the shoreline and results in “coastal squeeze,” or the loss of beach space and/or habitat. This reduces the usable area of any beach, and in this case the state park beach, for the public. The third way in which it can affect public access is through a progressive loss of sand due to retention of sandy bluff material that would become beach sand if the bluffs were to continue to erode. Fourth, shoreline protective devices such as revetments and bulkheads can alter patterns of scour,

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resulting in end effects through the reflection of wave energy to adjacent unprotected sections of shoreline.

Shoreline protective devices also directly interfere with public access to tidelands by impeding the ambulatory nature of the mean high tide line (the boundary between public and private lands) during high tide and severe storm events, and potentially throughout the entire winter season. In this case, the beach adjacent to PM 4.2 is entirely public land held by State Parks. The impact of a shoreline protective device on public access is most evident on a beach where wave run-up and the mean high tide line are frequently observed in an extreme landward position during storm events and the winter season. As sea level rises more beach will be submerged, initially during high tide conditions and eventually during all tide conditions. The shoreline protective device will halt the creation of new, inland beach area to replace the seaward beach that will continue to be lost to erosion and rising sea level, and eventually eliminate all dry beach and all lateral access opportunities along the beach as the entire area seaward of the armoring will be inundated.

As a result of the well-recognized impacts associated with shoreline protective device projects, the Commission regularly finds that new shoreline armor inconsistent with multiple Coastal Act (or LCP) policies and can only approve it when the 30235 override (or LCP equivalent) applies and the armoring is the least environmentally damaging, feasible alternative. This often necessitates an alternatives analysis based upon data specific to the site. The Coastal Act and Ventura County LCP require such projects to be sited and designed to protect views to and along the ocean and scenic coastal areas; to eliminate or mitigate adverse impacts on local shoreline sand supply; to avoid impediments to public access; to be compatible with the continuance of sensitive habitat and recreation areas; and to prevent impacts, that would degrade sensitive habitats, parks, and recreation areas.

#### *Sea Level Rise*

The State of California has undertaken significant research to understand the possible range of sea level rise to expect over this century, based on future emission scenarios, and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released "Rising Seas in California: An Update on Sea-Level Rise Science." This report synthesizes recent research on sea level rise science, notably including probabilistic sea level rise projections, as well as the potential for rapid ice loss to lead to extreme sea level rise. This science synthesis was integrated into the OPC's *State of California Sea-Level Rise Guidance* 2018 Update (Guidance). This OPC Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing potential sea level rise vulnerabilities for various projects.

The appropriate time horizon to use to evaluate sea level rise depends on the expected useful life of development, after which point development is expected to be removed, replaced, or redeveloped. The Commission's *Sea Level Rise Policy Guidance* identifies transportation infrastructure, such as PCH, as "critical" infrastructure given its long

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design life, low adaptive capacity, and the high consequences associated with its failure. In such cases, the OPC Guidance and Coastal Commission SLR Guidance recommend that applicants understand the risks associated with the medium-high risk aversion scenario and extreme (H++) risk aversion scenario and anticipate the need to plan for those scenarios over the expected life of the structure, which for critical infrastructure like PCH is typically considered to be 100 years. Taken together, the Rising Seas science report, updated OPC Guidance, and the Commission's *Sea Level Rise Policy Guidance* represent the current best available science on sea level rise for the State of California.

The OPC Guidance provides sea level rise projections, which the Commission adopted in 2018, for twelve California tide gauges, and recommends using the projections from the tide gauge closest to the project site. In this case, the Santa Monica Tide Gauge is the closest. As requested by Commission staff, the Applicant provided a Wave Runup Study in support of the proposed project, which concluded that the proposed secant walls, and by extension PM 4.0 and PM 4.2 of PCH in Ventura County, should be safe from coastal hazards under the medium-high risk aversion scenario through the year 2095, i.e., over an expected life of 75 years. The report states that the extreme risk aversion scenario was considered and discussed, but was not included in the calculations of the Wave Runup Study.<sup>6</sup>

The following table depicts projected sea level rise at the Santa Monica Tide Gauge under low-risk, medium-high risk, and extreme-risk aversion scenarios over the 75-year project life, which was used by the Applicant, and over a 100-year project life as recommended by the Commission's SLR Guidance for critical infrastructure that has little to no adaptive capacity, would be significantly costly to repair, and/or would have considerable public safety or environmental impacts, all of which apply to PCH. This table is provided to demonstrate the range in projections between 2095 and 2120.

<b>Projected Sea Level Rise (in feet)</b>			
	<b>Low Risk Aversion</b>	<b>Medium-High Risk Aversion</b>	<b>Extreme Risk Aversion</b>
<b>2090</b>	2.8	5.5	8.1
<b>2100</b>	3.3	6.8	10.0
<b>2110</b>	3.5	7.2	11.7
<b>2120</b>	4.0	8.5	14.0

#### *Shoreline Protection on the Subject Site*

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<sup>6</sup> See page 52 of Wave Runup Study for Sycamore Cove Beach (Final), May 17, 2019.



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Section 30235 requires the Commission to authorize shoreline protection devices (or cliff retaining walls) even if they would be inconsistent with other Chapter 3 policies, but only when necessary to protect an existing structure or public beach in danger of erosion (or when necessary to serve coastal-dependent uses). Coastal Act Section 30253 prohibits new development that would “in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.” Coastal Act Section 30253 also requires that new development minimize risk, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Thus, while Section 30253 prohibits development that would in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, Section 30235 of the Coastal Act requires that such construction be permitted, even when it alters natural shoreline processes, when required to protect existing structures and when it is designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In this case, PCH, the pre-Coastal Act existing structure, is at risk currently due to geologic instability and wave runup, as well as in the future from storm surge and sea level rise, all of which threaten its structural integrity. The proposed secant walls are intended to restore stability to PCH, and as described below, there is no feasible alternative to the proposed secant walls at this time that could both protect the endangered pre-Coastal Act structure and remain consistent with all applicable provisions of the Coastal Act. Although there are revetments at both Postmile 4.0 and 4.2, which currently provide some protection to PCH, Commission staff concur with the Applicant that the proposed secant walls are needed to ensure the near-term geologic and engineering stability of the existing public highway and to protect access to coastal dependent uses. Thus, while the project cannot not be found consistent with the prohibitions under Section 30253 regarding protective devices, as well as Sections 30210, 30212 and 30252 regarding maximum access from the nearest public roadway to the shoreline and along the coast, particularly for non-automobile circulation, the armoring in this case is authorized using the “override” provisions of 30235.

However, as discussed above, Section 30235 of the Coastal Act also requires that, when new shoreline protective devices are allowed, such devices shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Thus, when read in tandem with other applicable Coastal Act policies protecting coastal resources as cited in these findings, this Section 30235 evaluation is often conceptualized as a search for the least environmentally damaging feasible alternative that can serve to achieve the stated project goal of protecting the threatened structure.

First, the Applicant has submitted the aforementioned Wave Run-up Study, which found that the “No Project” alternative, or failure to construct the two secant walls, is not a feasible alternative because significant erosion has generated a nearly vertical escarpment within a few feet of the guardrail at PM 4.0 and there is active erosion at the slope adjacent to PM 4.2, which if left unaddressed, could result in damage to or loss of portions of PCH. Additionally, the Applicant submitted a Value Analysis that evaluated

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the feasibility of two additional alternative project designs, a tangent pile wall and a causeway, based on cost, constructability, and duration of construction. Both alternatives were determined to be infeasible because they would require complete closure of this section of PCH, which would significantly impact traffic circulation and public access in the project vicinity. Finally, although realignment of PCH at this location was not analyzed, the topography in the project vicinity, i.e., a narrow coastal terrace bounded by steep cliffs and steep coastal hillsides, would complicate the landward relocation of PCH.

Second, in past permit actions, the Commission has found that adverse impacts to shoreline processes from shoreline protective devices are greater when they are subject to wave action. As such, in past permit actions, the Commission has required that all new development on a beach, including shoreline protective devices, be located as far landward as possible in order to reduce adverse impacts to the sand supply and public access resulting from the development. In this case, all portions of the proposed secant walls will be located under the shoulder of PCH behind the existing revetment at PM 4.0 and vegetated slope at PM 4.2. Thus, the proposed secant walls will not result either in any seaward encroachment by new development on the sandy beach and is not expected to result in impacts to sand supply during the 30-year term of authorization.

However, as originally proposed, the project did not include the removal of any portions of the 75-foot-long rock revetment that was authorized temporarily pursuant to the ECDP G-4-15-0035 at PM 4.2 nor the pre-Coastal Act revetment and additional revetment authorized pursuant to Exemption No. 4-15-0027-X at PM 4.0. Failure to remove the revetments would result in continued adverse impacts to shoreline processes, sand supply, public access and recreation due to the area of beach occupied by the rock, which would be regularly subject to wave action. The revetment at PM 4.0 was constructed prior to the Coastal Act except for the revetment augmentation authorized pursuant to Exemption No. 4-15-0027-X. Furthermore, the revetment extends from PM 4.0 approximately three miles downcoast and Caltrans asserts that maintaining the revetment at PM 4.0 in front of the proposed secant wall at this location is necessary to dissipate wave energy.

However, the structural stability of the proposed secant wall at PM 4.2 is not dependent in any way on the existing revetment, nor would the revetment be necessary to ensure the stability of the highway after the new secant wall is constructed. Therefore, the Commission finds **Special Condition One (1)** to be necessary, which requires the removal of the existing revetment at PM 4.2. Thus, this project will reduce the footprint of shoreline armoring at PM 4.2 and will restore the area of sandy beach that was previously available for use by the public at Sycamore Cove while continuing to ensure the geologic and engineering stability of PCH.

Due to the possibility of tsunamis, storm waves, storm surges, and coastal erosion at the subject site, the Applicant shall assume these risks as conditions of approval and the Commission requires the Applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted

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development. The Applicant's Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition Two (2)**, will ensure that the Applicant is aware of and appreciates the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the development it protects, and will effectuate the necessary assumption of those risks by the Applicant.

##### *Long-term SLR adaptation*

Coastal Act Section 30253 requires that new development not rely upon the construction of protective devices in the future. As discussed above the project has been designed and analyzed under the medium-high and extreme SLR risk aversion scenarios for a 75-year design life and found to be safe from hazards. However, the Commission's adopted SLR guidance recommends that certain types of critical infrastructure, such as PCH, evaluate risks over an expected life of 100 years and be designed accordingly. Because the project has not analyzed hazards for an expected life of 100 years, it is unknown whether the project will be sufficiently safe from SLR for 100 years and whether or not it will require the construction of additional protective devices in the future.

In recent CDPs regarding PCH, such as at Piedras Blancas in San Luis Obispo and at Gleason Beach in Sonoma County, the Commission allowed temporary armoring to protect the threatened, existing highway structures for an interim period of time until the structures could be relocated, reconfigured or otherwise adapted for resiliency into the next century. Under this approach, the CDPs then directed that, depending on the most environmentally-preferred adaptive alternative selected, either the temporary armoring would be removed to restore coastal processes along the shore or the environmentally-preferred alternative would advance another shoreline protection reuse strategy in ways that are consistent with Coastal Act policies. This approach both ensures that infrastructure public services are maintained and that coastal resources are protected over the long-term. Moreover, such phasing adaptation strategies can reduce upfront costs and allow for the planning time needed for development of longer-term adaptation strategies.

Thus, **Special Condition Three (3)** limits the term of authorization for the approved development to thirty years and requires that the Applicant develop a long-term solution by 2051. While the project has been analyzed and found to be safe beyond 2051, the development, design, and analysis of alternatives for large infrastructure projects such as this section of PCH require considerable time and funding to plan and implement. As such, this 30-year authorization period is appropriate in order to allow the Applicant to protect PCH in the near-term while also providing sufficient time to plan for and implement long-term protection or other adaptation strategies before this section of PCH is impacted by SLR in the future.

Additionally, the proposed project is intended to protect and support a small section of PCH within a corridor that raises numerous challenges: it has been identified as highly vulnerable in Caltrans District 7's Climate Change Vulnerability Assessment and as a first priority segment in Caltrans District 7's Adaptation Priorities Report; it has very

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limited, if any, alternate routes, in the event of damage; and it serves as an emergency evacuation route for adjacent communities. For these reasons, the Commission finds that **Special Condition Four (4)** is required. Under **Special Condition Four (4)**, the Applicant must submit the recently initiated Corridor Climate Resiliency and Highway Safety Corridor Plan within five years of completion of construction and an Asset-Specific Adaptation Plan within ten years of completion of construction. The Corridor Plan will provide regional context for the Asset-Specific Adaptation Plan. The Asset-Specific Adaptation Plan will identify current and future hazards over a 100-year timespan at the subject site, using best available science, and will analyze alternatives for addressing those identified vulnerabilities, including potential options for phasing, as well as feasibility.

Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30235 and 30253 of the Coastal Act and Beach Erosion Policies 1, 2, 3 and 7 of the certified LCP.

### F. Public Access and Recreation

#### ***Applicable Policies***

The Coastal Act calls for the provision of maximum public recreational access opportunities, consistent with the requirement for protection of natural resource areas from overuse, as follows:

***Section 30210.*** *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.*** *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 30212 (in part).*** *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.*

***Section 30214 (in part).*** *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics.*

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Coastal Act Section 30252 requires that new development to maintain access to the coast including by providing adequate parking facilities, as follows:

**Section 30252 (in part).** *The location and amount of new development should maintain and enhance public access to the coast by ... (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...*

In 2017 the Commission certified an amendment to the County of Ventura certified LCP with regard to the California Coastal Trail (CCT). The LCP policies include several goals: providing a continuous trail route along coastal areas of Ventura County that forms a part of the statewide California Coastal Trail system; providing access to other trails, the shoreline, public recreational opportunities, and coastal points of interest; and ensuring that the design and construction of a Coastal Trail provides a safe, pleasant and memorable user experience that allows recreational travel to occur by various modes of non-motorized transportation.

**Coastal Trail Policy 1.1.** *The California Coastal Trail (Coastal Trail) shall be provided through unincorporated Ventura County, and shall be located as close to the ocean as feasible, preferably along the shoreline or within sight or sound of the sea.*

**Coastal Trail Policy 1.2.** *The County's Coastal Trail includes both Multi-Modal and Single-Mode Routes, and the Multi-Modal Route shall connect to Coastal Trails segments in Santa Barbara County, Los Angeles County, and the cities of Ventura, Oxnard and Port Hueneme. Additional routes may be identified that are parallel to specific segments of the Multi-Modal Route to improve access and connectivity.*

**Coastal Trail Policy 1.3.** *The Coastal Trail maps (Figures 4.1-1 – 4.1-7) shall be used to determine the general alignment of the Coastal Trail through unincorporated Ventura County. However, the provision of additional trail routes shall not be precluded on the basis that the trail route is not shown on the Coastal Trail maps.*

**Coastal Trail Policy 1.11.** *Coastal Trail routes shall remain free from impediments such as gates, guardhouses, and other structures that block access to or along the Coastal Trail.*

**Coastal Trail Policy 2.2.** *The Multi-Modal Route shall be designed, at a minimum, to provide access to both hikers/walkers and bicyclists, unless equivalent replacement segments are established that, at a minimum, provide the following:*

- *A Single-Mode trail segment for hikers/walkers that includes a walkable surface at all times of the day/year as well as a trail alignment that provides a more pleasant trail experience; and*
- *A Single-Mode trail segment for bicyclists that is a Class 1 Pathway or a Class*

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2 bike lane.

**Coastal Trail Policy 2.3.** *Segregated Multi-Modal Routes (Type A-2) shall be provided, whenever feasible, but where there are siting and design constraints, a shared Multi-Modal Route (Type A-1) may be provided.*

**Coastal Trail Policy 2.4.** *Coastal Trail segments located in areas with high user demand (e.g., near public parking lots, staging areas, popular beaches, or nature viewing areas) should be designed for both active and passive use (e.g. casual walkers, beach cruiser bikes, long-distance hikers or bicyclists) and, where feasible, shall be compliant with the requirements of the Americans with Disabilities Act of 1990 (ADA).*

**Coastal Trail Policy 2.8.** *When the Multi-Modal Route is located within a public road right-of-way, its design features should include the following:*

- a. Walkers/Hikers: Coastal Trail facilities for hikers/walkers should be Class 1 Pathways, sidewalks, or natural surface trails that are separated from vehicular traffic. In areas with high user demand (e.g. near public parking areas, popular beaches, or nature viewing areas), hiking/walking trails should be physically separated from bicycle traffic where feasible. In areas with limited user demand, trail facilities may be limited to the side of the roadway closest to the ocean.*
- b. Bicyclists: Coastal Trail facilities for bicyclists should be a trail segment located outside the road travel way on one (or both) sides or the roadway (i.e. a Class 1 Pathway) or should be a dedicated bicycle lane (Class 2 bike lane), located on both sides of the roadway with striping and signage. Facilities located on only one side of the roadway shall be located on the side of the roadway closest to the ocean whenever feasible.*

**Coastal Trail Policy 3.7.** *The County shall not approve a coastal development permit to close, abandon, or render unusable by the public any existing coastal accessway that serves as or supports connections to the Coastal Trail network, except where there is no feasible alternative to protect public safety. Where feasible, the closure shall be temporary, alternate access provided in the interim period, and the accessway reopened once the public safety issue is resolved. Should the closure become permanent, the impact to coastal access shall be mitigated.*

### **Consistency Analysis**

Currently within the project site, PCH is generally constrained between the steep bluff face on the northbound inland side of the roadway and by a steep drop to the ocean on the southbound seaward side of the roadway, particularly at PM 4.0 where rockfall hazards and protective K-rail have resulted in a very narrow shoulder. At PM 4.2 there is a wider shoulder on both sides and informal vertical access to the Sycamore Cove day use beach. However, the beach ends at a natural rock formation at approximately PM 4.1 and lateral access downcoast is not possible even at low tide. Thus, the shoulder of PCH serves as the only continuous lateral public access along this section

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of the coast.

### *Public Access Parking*

Coastal Act Section 30210 states that maximum access shall be provided for all the people and Coastal Act Sections 30211 and 30212 state that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects. Coastal Act Section 30252 requires that new development should maintain and enhance access to the coast through various means including providing adequate parking.

Public access parking is currently possible along the southbound shoulder at PM 4.2. As a part of the proposed project, the existing guardrail would be extended by 270 ft, which would narrow the width of the road shoulder and eliminate the ability of the public to park in this location. The Applicant estimates that this length is the equivalent of approximately thirteen parking spaces. To partially mitigate for this loss of shoulder parking, the Applicant has proposed to restripe the day use public access parking lot at Sycamore Cove on behalf of State Parks, which will create six additional parking spots. Currently, “no parking” signs are located approximately 500 feet upcoast at PM 4.3, near the entrance to the Sycamore Cove day use beach, and the Applicant proposes to remove those signs along 400 ft of shoulder, which could accommodate approximately twenty parked cars. As noted earlier, as of the date of this staff report, Commission staff have found no evidence of a permit for the installation or replacement of those parking signs. Given the uncertainty of the status of the parking signs, their removal to accommodate approximately twenty parked cars is not being considered as mitigation for this project. Thus, with the proposed loss of thirteen spaces in the shoulder and the proposed addition of six spaces in the day use parking lot, the project would result in a net loss of seven parking spaces. Further investigations into the history of the parking signs will continue in coordination between Commission enforcement staff, Caltrans, State Parks, and Ventura County, in order to resolve this potential Coastal Act violation.

### *Multimodal Access*

Regarding multimodal access, the California Coastal Trail (CCT) is a statewide trail alignment mapped along the entire 1,100-mile coast of California between Oregon and Mexico. In 2017, the Commission heard and approved an amendment to the County’s LCP to add a new CCT section to the LCP that established a policy framework for a non-motorized, multi-modal trail network along the 28-miles of Ventura County’s coastline. Ventura LCP Coastal Trail Policies 1.1 and 1.2 require that new development provide for and/or expand the CCT as well as multi-modal trail components. Policy 1.3 of the County’s LCP states that the CCT maps (Figures 4.1-1 – 4.1-7) of the LCP shall be used to determine the general alignment of the CCT through unincorporated Ventura County. Figure 4.1-7 (South Coast Segment S1 of the Coastal Trail) shows a multimodal planned CCT component along PCH at PM 4.0 and 4.2. Finally, Ventura LCP Coastal Trail Policies 2.2, 2.3, 2.4, and 2.8 provide specifics on the types of multi-modal trail enhancements that are best suited for the various design constraints.

As described above, in 2013, following the Camarillo Springs Wildfire that impacted an

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area of 28,000 acres, including the project vicinity, Caltrans installed K-rail<sup>7</sup> topped with chain-link fence at various locations from PM 2.6 to 10.2, including PM 4.0, on the northbound shoulder of PCH to prevent debris from the fire-damaged bluffs from entering the roadway after rain events. The Ventura County Planning Division issued a zoning clearance for this work, under the contingency that Caltrans would eventually remove the K-rail and rock fence. As a result, pedestrian and bicycle access in the shoulder of northbound PCH at PM 4.0 are greatly reduced, if not completely eliminated, by the existing K-rail. The southbound shoulder of PCH at PM 4.0 varies from 0-2 feet and is constrained by the existing metal beam guardrail and electrical utility poles.

At PM 4.2, PCH is less constrained by the surrounding topography and the northbound and southbound shoulders vary from 8-20 feet. Currently both the northbound and southbound shoulders are only partially paved from PM 4.0 to 4.2. Informal trails currently exist at approximately PM 4.1 leading to the natural rock formation and at PM 4.2 extending from the southbound shoulder of PCH to the day use beach over the recontoured slope and revetment that were temporarily authorized by ECDP G-4-15-0035.

During construction, cable net mesh will be temporarily installed on the cliff face located immediately landward of PM 4.0 so that traffic can be safely shifted over to allow drilling equipment to access the southbound road shoulder. Additionally, the entirety of the existing unpaved northbound shoulder will be paved to facilitate traffic during construction. After completion of construction the southbound shoulder will be completely paved, the cable net mesh will be removed and both lanes of traffic will be shifted back to the general alignment that currently exists, except that the project will maintain a minimum of four-foot-wide shoulders on both the northbound and southbound lanes aside from a 150-foot-long section where the shoulders will be limited to two feet as a result of rockfall hazards and protective K-rail.

Coastal Trail Policy 2.3 states that multi-modal trail routes that separate hikers/walker from bicyclists shall be provided, whenever feasible, but where there are siting and design constraints, a shared multi-modal route may be provided. Pursuant to that policy, providing a shared multi-modal trail route is appropriate in this instance. Coastal Trail Policies 2.2 and 2.8 require that multi-modal routes be designed at a minimum to provide a surface that is usable year-round and also a Class 1 Pathway, which consists of a paved, striped lane separated from traffic that is reserved for bicyclists. Policy 2.8 also suggests adding signage to help facilitate safe trail usage by bicyclists. In the proposed project, following completion of construction, both the northbound and southbound shoulders will be paved and a minimum of 2 feet of shoulder will be provided. The Applicant has also proposed to install signage to warn drivers of the presence of bicyclists and pedestrians.

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<sup>7</sup> K-rail, also known as a Jersey barrier, is used to separate lanes of traffic or block shoulder access to vehicles with a modular concrete or plastic barrier.



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Coastal Trail Policies 1.11 and 3.7 prohibit development from rendering trails unusable or impeding trail use. Currently, as a result of the coastal bluffs, rockfall hazards, and protective K-rail, the cross section of PCH at PM 4.0 is constrained to extent that the available shoulder for hikers/walkers and bicyclists is as narrow as zero to two feet. As such, the current conditions are an impediment to trail users, inconsistent with policies 1.11 and 3.7. Following completion of the project, both northbound and southbound directions will maintain a minimum of four-foot-wide shoulders except for a 150-foot-long section where shoulders will be two feet wide. Thus, the proposed project would be an improvement over existing condition.

However, to ensure that the proposed public access improvements are reflected in the final project plans, **Special Condition Six (6)** requires that the Applicant submit Revised Final Plans showing a minimum shoulder width of 2 feet through the project limits. Additionally, to ensure that the proposed signage for bicyclists is incorporated into the final project, **Special Condition Five (5)** requires the Applicant to submit a signage plan prior to commencement of construction indicating the location and design of all signs. Finally, in order to ensure that the secant walls are constructed in a manner that avoids impacts to public access, **Special Condition Eight (8)** requires that the Applicant submit a construction plan prior to commencement of construction, describing how traffic will be managed and how bicycles and pedestrians will move through the site during construction.

#### *Maximum Access*

The section of PCH where the project is located is a very popular destination for a variety of recreational users, such as from motorists, picnickers, beachgoers, hikers, bicyclists, and surfers. The existing rock revetment at the slope of PM 4.2 has been in place since the Commission temporarily authorized an ECDP in 2015. Over the last five years, the revetment has occupied a portion of Sycamore Cove beach, which would otherwise have been available to the public and those impacts should be mitigated to be consistent with Sections 30210, 30211, and 30212 to maximize access and provide additional access improvements. Additionally, as discussed above, while the project includes restriping of the public access parking lot at Sycamore Cove on behalf of State Parks, there will be a net loss of seven parking spaces. The Applicant has not proposed additional enhancements to parking, and additional parking improvements are necessary.

In 1980, the Commission granted Caltrans a CDP for construction of revetment at six sites along PCH. To mitigate for the impacts to access as a result of the revetment, the CDP No. 214-31 included a special condition for Caltrans to construct and maintain three vertical accessways at PM 3.2, PM 2.4, PM 1.85 and/or PM 1.75. Two of the stairways at PM 3.2 and 2.4 have been damaged by coastal erosion and are unsafe for public use (**Exhibit 2**). Therefore, the Commission finds **Special Condition Seven (7)** necessary. It requires the Applicant to submit a Public Access Plan, proposing additional public access improvements within 1-2 miles of the proposed secant walls that will provide maximum access from PCH to the shoreline and/or along the coast, including improvements to the vertical accessways at PM 3.2 and 2.4, as well as the

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provision of the equivalent of seven parking spaces. Finally, the Corridor Plan, required by **Special Condition Four (4)**, will also analyze multimodal needs in the area surrounding the proposed project and will provide regional context for the multimodal improvements that could be implemented through future projects.

Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30210, 30211, 30212, and 30252 and Coastal Trail Policies 1.1, 1.2, 1.3, 1.11, 2.2, 2.3, 2.4, 2.8, and 3.7 of the certified LCP.

### G. Environmentally Sensitive Habitat Areas and Marine Resources

#### ***Applicable Policies***

Environmentally sensitive habitat areas (ESHAs) are defined in Section 30107.5 of the Coastal Act as areas “in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments.” Coastal Act Section 30240 states that ESHA shall be protected against significant disruption of habitat values and that only resource-dependent uses are allowed within an ESHA. Section 30240 also requires that development adjacent to such areas be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of the ESHA.

Coastal Act Section 30240 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.*

Coastal Act Section 30230 requires that marine resources are maintained, enhanced and restored while 30231 requires that the productivity of coastal waters necessary for the continuance of healthy populations of marine species shall be maintained and restored by minimizing wastewater discharges, maintaining vegetation buffer areas that protect riparian habitats, and minimizing stream alterations:

***Section 30230 (in relevant part).*** *Marine resources shall be maintained, enhanced, and where feasible, restored....*

***Section 30231.*** *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,*

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*minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The Ventura LCP includes ESHA policies, including Goal 2 which is specifically focused on supporting the State in protecting tidepools and Goal 4 to preserve and protect the upland habitats of the Santa Monica Mountains.

***ESHA Goal 2 Policy 5.*** *An Applicant for any new coastal project, including shoreline protective devices, will demonstrate that their proposal will not cause long-term adverse impact on the beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater, and findings to be made will include, but not be limited to, proper wastewater disposal.*

***ESHA Goal 4 Policy 1.*** *New development, including all private and public recreational uses, shall preserve all unique native vegetation, such as Giant Coreopsis and Dudleya cymosa ssp. Marcescens.*

### **Consistency Analysis**

As described above, the proposed project would construct two secant walls by drilling holes in the shoulder of PCH, inserting reinforced cages, and filling the holes with concrete. After the secant wall has been constructed, the shoulder of PCH will be repaved. A temporary construction easement would be required seaward of the southbound shoulder on the existing coastal bluff and existing rock revetment at PM 4.0 and on the southbound shoulder of the dirt slope at PM 4.2.

The project also proposes to install cable net mesh netting on the bluff face located inland and above PM 4.0 for the duration of construction. This cable net mesh netting is necessary to protect the public and construction workers from rockfall hazard so that both traffic lanes can be safely redirected to the toe of the cliff face. The area of the netting will cover approximately 62,000 square feet, or approximately 1.5 acres. The cable net mesh will be comprised of a square weave with 6-inch wide or larger openings and will be secured to the cliff face with bolted anchors. Following completion of construction, the bolts will be cut flush with the rock surface and the netting will be removed from the cliff face using a winch.

Caltrans prepared a Mitigated Negative Declaration (MND), which analyzed the project's potential impacts on various resources, including biological and marine resources. The MND included a habitat survey of the project impact area, which included a vegetation survey of the project's impact area.

At PM 4.0, the vegetation survey showed that the cliff face inland and above the roadway, which would be impacted by the temporary netting, is comprised primarily of

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Fountain Grass (*Pennisetum setaceum*), with less than 1% cover of scattered native species including Bladderpod (*Peritoma arborea*), California four o'clock (*Mirabilis laevis* Var. *crassiflora*), Chalk Dudleya (*Dudleya pulverulenta*), Coastal Buckwheat (*Eriogonum cinereum*), and Lemonade Berry (*Rhus integrifolia*). One specimen of non-native Tree Tobacco (*Nicotiana glauca*) was also observed. The right of way on the southbound or seaward side of PCH at PM 4.0 is primarily bare ground, fountain grass (*Pennisetum setaceum*), and occasional laurel sumac and lemonade berry. After reviewing the vegetation survey results, Commission staff ecologists confirmed that this area does not constitute ESHA pursuant to Section 30107.5 of the Coastal Act.

Surveys for animal species occurrence and habitat in the area of the temporary cable net mesh identified Mexican free-tailed bat (*Tadarida brasiliensis*), Cliff Swallows (*Petrochelidon pyrrhonota*), and Red-Tailed Hawk (*Buteo jamaicensis*). Cliff swallows and Red-tailed Hawks are not considered endangered, threatened, or a species of concern, but they are protected under the Migratory Bird Treaty Act (MBTA). The Mexican free-tailed bat is listed as both a state and federal species of concern.

At the base of the existing revetment at PM 4.0, there is a rocky intertidal zone that consists of various sized boulders and a sandy substrate in the low-intertidal zone, which stretches approximately 50ft seaward and is backed by kelp forest that extends into the ocean. Kelp forest is associated with the following three protected habitat types, according to the National Marine Fisheries Service (NMFS) database: Groundfish Essential Fish Habitat; Coastal Pelagic Essential Fish Habitat; and Highly Migratory Essential Fish Habitat.

At PM 4.2, the northbound and southbound shoulders of PCH are bare of vegetation and the slope that extends from the southbound shoulder to the day use beach is vegetated with primarily Laurel sumac, Lemonade berry, Toluaca (*Datura wrightii*), and invasive species, such as Purple fountain grass (*Pennisetum Setaceum*), and Tree tobacco (*Nicotiana glauca*). Similar to PM 4.0, Commission staff ecologists verified that the vegetation identified in the project impact area does not constitute ESHA pursuant to Section 30107.5 of the Coastal Act. At PM 4.2, there is also an adjacent sandy beach area, which is devoid of vegetation, but is known to be California grunion (*Leuresthes tenuis*) habitat.

Coastal Act Section 30240 states that ESHA shall be protected against significant disruption of habitat values and that only resource-dependent uses are allowed within an ESHA. Section 30240 also requires that development adjacent to such areas be sited and designed to prevent impacts that would significantly degrade those areas. Sections 30230 and 30231 require new development to maintain the biological productivity of coastal waters and marine resources through avoidance of impacts. More specifically, Ventura County LCP policy ESHA Goal 2 Policy 5 requires shoreline protective devices to avoid impacts to the beach and intertidal environment and Goal 4 Policy 1 requires new development to preserve native vegetation.

While Section 30240 does not apply to this project because ESHA does not occur within

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the project impact area, the other policies cited above require the proposed development to avoid impacts. Both of the proposed secant walls will consist of 42-inch diameter piles drilled within the unvegetated road shoulder of PCH until bedrock is reached. After completion of drilling the piles will be filled with concrete and horizontal anchors will be installed. All of the work is expected to take place within the road shoulder and no mechanized equipment will be required to access the beach or intertidal environment. Construction would likely result in minimal/incidental sedimentation and rockfall directly into the underlying rocky intertidal zone. This sedimentation has the potential to reduce the biological productivity and quality of coastal waters because sedimentation directly affects marine ecology by increasing water turbidity. Turbidity reduces the penetration of sunlight needed by aquatic vegetation, which translates to negative effects on plant establishment and overall productivity, which in turn impacts aquatic species that depend on such vegetation for food and cover. In addition, aquatic animals are affected by turbidity in the following ways: reduced visibility for visual predators such as birds and mammals and inhibited feeding effectiveness for benthic filter feeding organisms.

In the MND prepared for the project and the supplemental environmental study, Caltrans identified this sedimentation and rockfall as a potentially significant impact that could be effectively mitigated with the implementation of Best Management Practices (BMPs). To ensure that these BMPs are effectively incorporated into the project, the Commission finds **Special Condition Eight (8)** necessary which requires the Applicant to submit final construction plans, including BMPs, prior to commencement of construction. **Special Condition Eight (8)** will ensure that the necessary construction BMPs are incorporated and impacts to the marine environment that could result from sedimentation and rockfall are avoided.

Additionally, the Commission finds that the project area is within the expected range of the California Grunion. To ensure that any potential adverse effects to the California Grunion are minimized, **Special Condition Nine (9)** requires that a qualified biologist or environmental resource specialist shall conduct a survey of the project site each day prior to commencement of any construction activities that occur between March 1st and September 1st, to determine whether any California Grunion, or eggs, are present. In the event that the California Grunion are present on the project site, and exhibit reproductive behavior, the environmental specialist shall require the Applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director. The monitor(s) shall require the Applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The monitor(s) shall immediately notify the Executive Director if activities outside of the scope of this coastal development permit. If significant impacts or damage occur to the California Grunion, the Applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

#### 4-20-0616 (Caltrans, VEN-1 PM 4.0 / 4.2 Secant Walls)

Finally, habitat for several species of birds and one species of bat were observed in the project impact area on the bluff face where the temporary net mesh will be installed. Therefore in order to ensure that project activities avoid impacts to the bird and bat species, **Special Condition Nine (9)** is required, which states that the environmental resource specialist will conduct surveys of sensitive species no more than two weeks before any project activities to detect any active sensitive species, reproductive behavior, and active nests within 500 feet of the project site. Follow-up surveys must be conducted 3 calendar days prior to the initiation of construction. The environmental resource specialist shall be onsite during project activities to observe/identify any sensitive species/breeding behavior/nests active within 300 feet (500 feet for raptors/owls) of any project activities.

Therefore, for all of the above reasons, the Commission finds the project, as conditioned, to be consistent with the water quality, marine resources of Coastal Act Policies 30230, 30231, and Ventura LCP ESHA Goal 2 Policy 5 and ESHA Goal 4 Policy 1.

#### **H. California Environmental Quality Act (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Caltrans, acting as lead CEQA agency, prepared a Mitigated Negative Declaration for the proposed project. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The preceding findings in this report have discussed the relevant coastal resource issues with the proposal, and the CDP terms and conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources. Further, all public comments received to date have been addressed in the preceding findings, which are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

**V. APPENDICES**

**A. Substantive File Documents**

- VEN-1 Permanent Slope Restoration Project Negative Declaration/ Finding of No Significant Impact, June 2019
- Natural Environment Study (Re-Amended), September 2018
- Wave Runup Study for Sycamore Cove Beach (Final), May 2019
- Caltrans District 7 Adaptation Priorities Report, January 2021
- Coastal Development Permit No. 214-31