

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-21-0778

Co-Applicants: Malibu Bay Club and the California Department of Parks and Recreation

Agent: Kevin Conklin, for Malibu Bay Club

Project Location: 41000 Pacific Coast Highway, Ventura County.

Project Description: At the Malibu Bay Club, a private housing community, repair and improvements to an existing 787 foot seawall, including: resurfacing of minor seawall cracks, spalls, and abrasions; removal of existing seawall cap and replacement with new cast-in-place concrete cap; installation of guardrail along top of seawall and around stairwells; removal and replacement of four beach access stairways, and installation of stairway handrails; removal and replacement of sidewalk, and repair of storm drains and sinkholes located along the landward edge of seawall.

Staff Recommendation: Approval with conditions.

Summary of Staff Recommendation

Commission staff recommends that the Commission **approve** coastal development permit application (CDP) 4-21-0778 with the following seven (7) special conditions: (1) Public Rights, (2) Public Access Signage Plan, (3) Construction Responsibilities and

Best Management Practices, (4) Public Access Program During Project Activities, (5) Future Authorizations and Analysis, (6) California State Lands Commission Approval, and (7) Assumption of Risk, Waiver of Liability, and Indemnity Agreement.

The Malibu Bay Club, a private housing community, is proposing several repairs and improvements to an existing 787-foot-long seawall that is located seaward of the housing community and was originally constructed prior to the effective date of the Coastal Act. The subject property is located adjacent to existing residential development, downcoast of County Line Beach, and upcoast of Leo Carrillo State Park. The California Department of Parks and Recreation holds an easement on the subject property which allows lateral public access along the length of the subject property's seaward extent, both on top of and seaward of the seawall, and as such is a co-applicant for the subject project.

The proposed project would include repair and resurfacing of minor surface damage to the seawall, along with removal and replacement of: the existing seawall cap, four existing beach access stairways, and a sidewalk located along the landward edge of the seawall. The applicant has also proposed to repair storm drains and sinkholes along the inner boundary of the seawall, install guardrails along the top of the seawall and around stairwells, and install handrails within each of the existing beach access stairwells. Construction machinery required for the project would follow a designated access route located entirely within developed areas of the subject property and would operate entirely from atop the seawall. Project staging would also be located within developed areas of the subject property and would not be located on the beach. No alterations or modifications to the existing rock revetment located at the base of the seawall would occur as a part of the subject project.

To ensure that public access is protected both during and after project activities, staff is recommending Special Conditions Two (2) and Four (4). Special Condition Two (2) requires the applicant to post public access signage informing the public of the right to utilize the lateral easement areas both landward and seaward of the seawall and the four existing stairways that allow access to and passage along the length of the easement. Additionally, Special Condition Four (4) requires the applicant to submit a signage and access plan to protect public access during project activities. Furthermore, Special Condition Three (3) requires the protection of coastal waters during construction and ensures that construction material, debris, or other waste associated with project activities does not enter the water.

Although the Commission has previously certified a Local Coastal Program (LCP) for the County of Ventura, the project is located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

Table of Contents

I. Motion and Resolution	4
II. Standard Conditions	4
III. Special Conditions	5
1. Public Rights	5
2. Public Access Signage Plan	5
3. Construction Responsibilities and Best Management Practices	6
4. Public Access Program During Project Activities	7
5. Future Authorizations and Analysis	7
6. California State Lands Commission Approval	7
7. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.....	8
IV. Findings and Declarations	8
A. Project Description and Background	8
B. Public Access.....	10
C. Coastal Hazards.....	11
D. Marine Resources	13
E. California Environmental Quality Act.....	14
APPENDIX A – Substantive File Documents	15

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Aerial](#)

[Exhibit 3 – Plans](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 4-21-0778 pursuant to the staff recommendation.

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the 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 of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

All Special Conditions shall apply to Malibu Bay Club only.

1. Public Rights

- A. The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. By acceptance of this permit, the permittee acknowledges, on behalf of itself and its successors in interest, that issuance of the permit and construction of the permitted development shall not constitute a waiver of any public rights that exist or may exist on the property now or in the future.
- B. The permittee shall maintain the public access and recreation easement areas (including stairways) in good condition to ensure the public's ability to utilize these areas.
- C. The permittee and any successors-in-interest shall not interfere with or block the public's ability to utilize the stairways or any other designated public access or recreational areas on site. Malibu Bay Club shall also take all reasonable steps to ensure that its members abide to the same prohibition.

2. Public Access Signage Plan

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval by the Executive Director a Public Access Signage Plan, prepared in consultation with the California Department of Parks and Recreation, showing the location, size, design, and content of all signs to be installed on the subject site consistent with the following provisions:

- A. The language shall inform the public of the right to utilize the easement area both landward and seaward of the seawall and the four approved stairways that allow access to and passage along the length of the easement area. Such a signage plan shall specify the type, size, design, text, and location of public access signage and shall include a minimum of one sign at each of the four existing stairways, in locations visible from the beach. The applicant acknowledges and agrees that no signs shall be posted on the sandy beach, rock revetment, seawall, or along the identified public access areas unless specifically authorized by the approved signage plan, a separate coastal development permit, or an amendment to this coastal permit. No signs that restrict public access to State tidelands, designated public vertical or lateral access or recreation areas, or which purport to identify the boundary between State tidelands and private property shall be permitted. The applicant shall also provide written evidence that the signs are acceptable to the California Department of Parks and Recreation in type, size, design, text, and location.
- B. The permittee shall install all signs in accordance with the approved plans within 90 days after issuance of this permit. The Executive Director may grant

additional time for good cause. The permittees, or their successors in interest, shall repair and maintain each approved sign in good condition for the life of the project and replace each sign immediately if destroyed, removed, damaged beyond repair, or when otherwise necessary, as consistent with the approved final Public Access Signage Plan.

3. Construction Responsibilities and Best Management Practices

By acceptance of this permit, the permittee acknowledges and agrees to assure that the following occurs concurrent with, and after the completion of, all project operations:

- A. No construction material, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion. Any and all debris resulting from construction activities shall be removed immediately. Any debris inadvertently discharged into coastal waters or onto the beach shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.
- B. Construction vehicles shall be restricted to designated access routes. Construction equipment and materials shall be stored only in designated staging and stockpiling areas as depicted on the final approved plans ([Exhibit 3](#)). Equipment shall not be in contact with coastal waters at any time.
- C. All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and coastal waters, and shall not be stored in direct contact with the soil or sand.
- D. All beach sand excavated during stairway replacement work shall be redeposited on the beach following completion of stairway renovations.
- E. Any fueling and maintenance of construction equipment shall occur only within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be refueled or washed within 100 feet of coastal waters.
- F. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.
- G. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- H. Access Corridors. Construction staging and access corridors shall not impede public access to or along the shoreline, to the maximum extent feasible, and the

staging site and access corridors shall be removed and restored to their pre-construction condition within 72 hours following completion of project activities.

4. Public Access Program During Project Activities

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Program and Plan that describes the methods (including signs, fencing, posting of project staff people, etc.) by which safe public access around construction activity areas and staging areas shall be maintained during all project operations. The applicant shall maintain public access pursuant to the approved version of the Public Access Program. Any proposed changes to the approved Public Access Program shall be reported to the Executive Director. No change to the Public Access Program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

5. Future Authorizations and Analysis

By acceptance of this permit, the permittee acknowledges and agrees that any future proposal for development or redevelopment involving the seawall and/or revetment that requires a coastal development permit, shall include (in addition to all other application submittal requirements) submittal of a complete evaluation of all feasible alternatives to the retention of the seawall/revetment in its existing location that is prepared by a qualified engineer with experience in coastal engineering. The evaluation of all feasible alternatives shall address, at a minimum, removal and/or relocation of the approved seawall/revetment and leach field infrastructure to a more landward location outside of any expected wave-caused or shoreline hazard zone. The information concerning the alternatives evaluation shall be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative for addressing shoreline protection, public access, and other coastal resource issues under the Coastal Act.

6. California State Lands Commission Approval

Prior to the issuance of the coastal development permit, the applicant shall provide to the Executive Director written evidence from the California State Lands Commission which indicates that an application for jurisdiction determination review has been submitted to the California State Lands Commission for review of development located on the project site, including but not limited to, the rock revetment and seawall.

Application processing status updates shall be submitted to the Executive Director at least once every six months, until final California State Lands Commission authorization is received or until the California State Lands Commission provides written confirmation that no authorization is required. A copy of the final authorization or evidence that no authorization is required shall be submitted to the Executive Director.

The applicant shall inform the Executive Director of any changes proposed to the rock revetment or seawall resulting from review by the California State Lands Commission. Such changes shall require Commission approval of an amendment to this coastal

development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new coastal development permit is legally required.

7. Assumption of Risk, Waiver of Liability, and Indemnity Agreement

By acceptance of this coastal development permit, the permittee acknowledges and agrees: (i) that the site may be subject to hazards, including but not limited to storm waves, surges, flooding, landslide, erosion, and tsunami, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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; (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; (v) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; (vi) any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and (vii) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The Malibu Bay Club is proposing repairs and improvements to an existing seawall located on the seaward side of the Malibu Bay Club condominium complex, within the unincorporated area of Ventura County ([Exhibit 1](#)). The subject property is located adjacent to existing residential development, downcoast of County Line Beach, and upcoast of Leo Carrillo State Park.

The proposed project would include repair and resurfacing of minor surface damage to the 787-foot-long seawall, along with removal and replacement of the existing seawall cap, four existing beach access stairways, and a sidewalk located along the landward edge of the seawall. The proposed project also includes repair of storm drains and sinkholes located along the landward edge of the seawall, installation of guardrails along the top of the seawall and around stairwells, and installation of handrails within each of the existing beach access stairwells. Construction machinery required for the project would follow a designated access route located entirely within developed areas of the subject property and would operate entirely from atop the seawall. Project staging would also be located within developed areas of the subject property and would not be

located on the beach. No alterations or modifications to the existing rock revetment located at the base of the seawall would occur as a part of the subject project.

The Malibu Bay Club condominium complex was constructed prior to the effective date of the Coastal Act. According to County records, a prior seawall located at the subject property was destroyed by wave action in 1980. Ventura County permit PD-985 allowed for construction of the subject seawall. As a prior-to-issuance condition of that County permit, the applicant (Malibu Bay Club) was required to irrevocably offer to dedicate to a public agency, an easement to grant lateral public access along the length of the subject property's seaward extent, both on top of and seaward of the seawall. Specifically, PD985 required:

- a. *Lateral access and active recreation from the mean high tide line to the toe of the rock seawall, along the seaward width of the property; and*
- b. *Lateral access (limited exclusively to the rights of the public to pass and repass) for a depth of ten feet measured landward from the top of the rock seawall, along the seaward width of the property. The document shall include a deed restriction, in form and content approved by the County, restricting the applicant from interfering with public access on the seawall as described above and requiring the applicant to maintain the surfacing material and staircase as described below in a condition suitable for public use. The restriction may include reasonable provisions for limiting or prohibiting public access during high seas when access would be inconsistent with public safety.*

An offer to dedicate the required public access easement was recorded on February 22, 1985. On October 11, 1988, the offer to dedicate was accepted by the California Department of Parks and Recreation, who holds the described easement. Given that portions of the proposed development would occur within the easement area and in accordance with Section 30601.5 of the Coastal Act, an invitation to join the subject application as a co-applicant was sent to the California Department of Parks and Recreation. The California Department of Parks and Recreation provided a written acceptance of the invitation, and as such is a co-applicant for the subject project.

The subject CDP application was submitted to the Commission on November 1, 2021. The permit application was deemed incomplete and letters outlining the additional information needed were sent to the applicant on November 24, 2021, December 28, 2021, December 29, 2022, and March 8, 2023. The applicant provided all of the information requested by staff and the permit application was deemed complete for filing on March 14, 2023.

Although the Commission has previously certified a Local Coastal Program (LCP) for the County of Ventura, the project is located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is the Chapter 3 policies of the Coastal Act.

B. Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided, and that development not interfere with the public's right to access the coast.

The proposed project is designed to maintain and improve the safety and useability of the existing seawall and public access amenities, including the four existing stairways which allow passage between the top of wall area and the beach. Over the years, the existing seawall has fallen into a state of disrepair. Spalls and minor cracks have appeared on the seaward face of the seawall, concrete has degraded in the stairways, and sinkholes have developed along the existing pedestrian sidewalk located immediately landward of the top of wall. Handrails in staircases and guardrails along the top of wall do not currently exist but are proposed to be added as a part of the subject application in order to enhance safety and useability.

Along with repair and resurfacing of minor surface damage to the seawall, the proposed project would include removal and replacement of the existing seawall cap, four existing beach access stairways, and the sidewalk along the inner boundary of the seawall. Aging storm drains and existing sinkholes along the sidewalk would be repaired.

As described above, County of Ventura Permit PD-985 was conditioned to require lateral public access along the length of the seawall, both between the mean high tide line and the toe of the seawall, and landward from the top of the seawall for a depth of ten feet, as well as access between both areas. Much of the proposed work would occur within a lateral public access easement held by the California Department of Parks and Recreation (a co-applicant to this application), requiring temporary disruption of public access to the top of wall area. To ensure the safety of recreational users at the project site and to ensure that the interruption to public access at the project site is minimized, the Commission requires the applicant to submit a public access plan, pursuant to **Special Condition Four (4)**, to the Executive Director for review and approval. **Special Condition Four (4)** requires a description of the methods (including signs, fencing, etc.) by which safe public access to and around the construction activity areas shall be maintained during all project operations. Additionally, in order to ensure that impacts to

public access at the project site are minimized, **Special Condition Three (3)** requires that access corridors and staging areas avoid impeding public access to or along the shoreline to the maximum extent feasible, and that the site be returned to its pre-construction condition within 72 hours following completion of project activities.

The Commission notes that numerous unauthorized postings of signs illegally attempting to limit, or erroneously noticing restrictions on, public access have occurred on beachfront private properties within the project area. These signs have an adverse effect on the ability of the public to access public trust lands and lands that have been specifically designated for public use, such as the easement areas on the project site. Therefore, **Special Condition Two (2)** provides that no signs shall be posted on the property subject to this permit which either (a) explicitly or implicitly indicate that any portion of the beach on the subject site located seaward of any existing structure is private or (b) contain messages that attempt to prohibit public use of the beach.

Further, in order to ensure that members of the public are aware of the public access easements on the site, the Commission finds it necessary to require the applicants to design and implement an affirmative public access signage plan. Such signage plan, required by **Special Condition Two (2)** shall specify the type, size, design, text, and location of public access signage and shall include a minimum of one sign at each of the four existing stairways, informing the public of the right to utilize the lateral easements both landward and seaward of the seawall and the four existing stairways that allow access to and passage along the length of the easement. As conditioned, the proposed work would protect and enhance existing public access along this stretch of the coast.

Lastly, to further ensure protection of public access consistent with the requirements of the Coastal Act, the Commission finds that **Special Condition One (1)** is necessary to require the applicant to acknowledge that public rights may exist on the property and that the issuance of the permit does not waive such public rights and to ensure that the public access amenities at the project site are maintained to facilitate continued public use.

For these reasons, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30210 and 30211.

C. Coastal Hazards

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding

area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act mandates that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed development consists of minor surface repairs, replacement of the seawall cap, and repairs and improvements to public access amenities. While the proposed work would function to maintain the existing seawall and repair areas that have deteriorated over time, it would do so without significant alteration. Therefore, the proposed improvements will not serve to extend the life of the existing seawall. No alterations or modifications to the existing rock revetment located at the base of the seawall are proposed as a part of the subject project.

Construction of the existing seawall, which replaced a former wall that was destroyed in 1980 by wave action, was to protect an existing septic system, septic leach field, and condominium complex from hazards, including wave action and uprush. When proposed development is sited in areas with identified hazards, the Commission considers the hazard associated with the project site, its inhabitants, and any potential cost to the public, as well as the individual's right to use their property as they desire. As such, the Commission finds that due to the possibility of erosion and flooding, the applicant shall assume these risks as a condition of project approval. Therefore, **Special Condition Seven (7)** 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 development. The applicant's assumption of risk shows that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. Current guidance produced by the Ocean Protection Council (OPC) provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing sea level rise. Notably, it provides a set of projections that OPC recommends using when assessing potential sea level rise vulnerabilities for various projects, and offers the current best available science on sea level rise for the State of California. Although the current proposal is relatively minor in nature, the Commission finds that **Special Condition Five (5)** is necessary in order to require that any future proposal for enhancement, reinforcement, or any other development or redevelopment involving the seawall and/or revetment that requires a coastal development permit shall require a complete evaluation of all feasible alternatives to the retention of the seawall/revetment in its existing location. The report shall be prepared by a qualified engineer with experience in coastal engineering, and shall address, at a minimum and in detail, alternatives including removal and/or relocation of the approved seawall/revetment and leach field infrastructure to a more landward location outside of any expected wave-caused erosion zone.

Lastly, given the location of the subject development, an evaluation of the subject development by the California State Lands Commission is necessary. As such, **Special Condition Six (6)** requires the applicant to provide written evidence to the Executive Director which indicates that an application has been submitted for review. **Special Condition Six (6)** also requires that application processing status updates are submitted to the Executive Director at least once every six months, until final California State Lands Commission authorization is received or until the California State Lands Commission provides written confirmation that no authorization is required. A copy of the final authorization or evidence that no authorization is required shall be submitted to the Executive Director.

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

D. Marine Resources

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

Section 30230 of the Coastal Act requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. Section 30231 requires that the biological productivity and quality of coastal waters be maintained.

The proposed project would occur within an existing developed area, but would be located immediately adjacent to the sandy beach and coastal waters. Construction would include the use of mechanized equipment, which would be utilized from the landward side of the seawall. Additionally, staging and storage of construction materials will occur landward of the seawall.

Coastal waters located adjacent to the project site could be adversely impacted as a result of construction activities by unintentional introduction of debris or pollutants. To ensure that construction material, debris, or other waste associated with project activities does not enter the water, **Special Condition Three (3)** requires that all stockpiles and construction materials shall be stored in a manner that encloses them on all sides, and in locations located as far away as possible from drain inlets and coastal waters. To further protect water quality, this condition prohibits the storage of any construction materials, debris, or waste where it could potentially be subject to wave erosion and dispersion. Additionally, this condition requires immediate recovery of any debris inadvertently discharged into coastal waters or onto the beach and requires that all beach sand excavated during stairway replacement be redeposited on the beach following completion of stairway renovation.

Therefore, for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30230 and 30231.

E. California Environmental Quality Act

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application No. 4-21-0778 and associated file documents.

Ventura County Permit No. PD-985 and associated file documents.