

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
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# F11a

**DATE:** April 18, 2024

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, District Director  
Barbara Carey, District Manager  
Jacqueline Phelps, District Supervisor  
Walt Deppe, Environmental Scientist

**SUBJECT:** City of San Buenaventura Local Coastal Program Amendment No. LCP-4-SBV-23-0059-2 (Advanced Water Purification Facility) for May 10, 2024 Commission Meeting

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## SUMMARY OF STAFF RECOMMENDATION

The City of San Buenaventura's proposed Local Coastal Program (LCP) Amendment No. LCP-4-SBV-23-0059-2 consists of changes to the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified LCP. Staff recommends that the Commission, after public hearing, **approve** the proposed LCP amendment, as submitted by the City of San Buenaventura (City of Ventura). No modifications are necessary because the proposed amendment to the LUP, as submitted, is consistent with, and meets the requirements of, the policies of Chapter 3 of the Coastal Act. Additionally, the proposed amendment to the LIP, as submitted, conforms with and is adequate to carry out the provisions of the Land Use Plan. The motions and resolutions for Commission action can be found starting on **page 7** of this staff report.

The City of San Buenaventura (City of Ventura) is requesting that the Commission certify amendments to the Land Use Plan (LUP) and the Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP) to: (1) Create a new sub-area designation called "Southeast Harbor" in the Ventura Harbor section of the LUP and apply it to an approximately 10-acre vacant parcel (APN 138-0-050-090) that has been conditionally annexed into the City of Ventura from unincorporated Ventura County; (2) Apply the "Harbor Commercial" (HC) land use and zoning designation (including revisions to the LUP land use maps and LIP zoning map) to the same approximately 10-acre parcel; and (3) Add associated policies and development standards pertaining to the Harbor Commercial (HC) designation in the Ventura Harbor area and to development of public service facilities in the Southeast Harbor area.

The City of Ventura Water Department is planning the development of an Advanced Water Purification Facility on the subject site as part of the VenturaWaterPure Program. The existing Ventura Water Reclamation Facility (VWRF), southwest of and seaward of Harbor

Boulevard from the subject site, treats municipal wastewater to tertiary standards and discharges it into the Santa Clara River Estuary near its connection to the Pacific Ocean. The City is required to develop alternatives for dealing with the reclamation and diversion of the treated effluent as part of a consent decree with Ventura Coastkeeper and Heal the Bay. In May 2023, the Commission approved CDP No. 9-22-0733, with conditions, for the construction and operation of an ocean outfall, pump station, and associated onshore conveyance pipeline, and the discharge of tertiary-treated effluent from the Ventura Water Reclamation Facility through the outfall and the future discharge of concentrate produced from the pending Advanced Water Purification Facility. The proposed Advanced Water Purification Facility development and other project components are not a part of this LCP amendment request. The facility will require other entitlements, including a CDP and building permits, by the City of Ventura prior to construction, following certification of the proposed LCP amendment.

The subject 10-acre parcel, which is vacant and undeveloped, is located in the Coastal Zone at the southeast corner of Harbor Boulevard and Olivas Park Drive, currently in the unincorporated area of Ventura County, but within the City of Ventura's Urban Restriction Boundary and Sphere of Influence. The parcel is designated by Ventura County's General Plan and Local Coastal Program as Open Space (OS), and has a County zoning designation of Coastal Open Space (10 acre minimum parcel size/slope density formula). While not in the City of Ventura's jurisdiction prior to the conditionally approved annexation, the parcel also has historically been "pre-zoned" with a land use designation of Planned Commercial Tourist Oriented (PC-T) in the LUP portion of the City of Ventura's LCP and is mentioned in Olivas Community area section of the Land Use Element section of the LUP. Commission approval of the zoning change portion of the LCP amendment normally cannot occur until the property is within the City, and LAFCo would normally not approve the reorganization until the Commission has approved zoning for the parcel in question. In this case, LAFCo held a public hearing on February 21, 2024, and conditionally approved the annexation to take effect upon certification of the proposed LCP amendment by the Commission.

The standard of review for the changes to the Land Use Plan is whether the amendment meets the requirements of and is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed changes to the Local Implementation Plan is whether the amendment conforms with and is adequate to carry out the provisions of the Land Use Plan portion of the certified City of Ventura LCP as amended.

The City considered several alternative sites for the development of the AWPf and determined that the subject Harbor Boulevard site was ideally situated for the contemplated use because it is within the City's sphere of influence, is surrounded by territory within the City's jurisdiction, and consists of vacant land that is located immediately across Harbor Boulevard from the VWRf (i.e., the facility it is designed to enhance). The site is not considered prime agricultural land, is not irrigated, does not support agriculture, and has not historically supported livestock or crops, and the conversion of the existing open space land is expected to lead to planned, orderly, and efficient development. Additionally, the Ventura Harbor area already includes extensive existing public access and lower-cost recreation uses.

## LCP-4-SBV-23-0059-2 (Advanced Water Purification Facility)

Since there is no designated public facilities land use section or zoning designation in the LCP, the City determined that it would be appropriate to add the parcel as a new area designation in the Ventura Harbor section of the LUP and apply the existing Harbor Commercial (HC) land use and zoning designation. The proposed LUP amendment would designate the primary land use in the Southeast Harbor area as a public water treatment facility along with ancillary office and meeting spaces, and parking for use by facility employees, visitors, and the general public. Other land uses that may be allowed in the Southeast Harbor area would be visitor serving commercial recreation, public park, and recreation. The LUP portion of the proposed LCP amendment would also create new site-specific policies and development standards (**Exhibit 3**) that would apply to a new Southeast Harbor area (i.e., the subject parcel only) designation, tailored for the anticipated future site use (i.e., the Advanced Water Purification Facility), including requirements for designing the development to complement the existing visual character of the harbor. The City's viewshed assessment concluded that views from the key viewpoints analyzed for massing allowed by the proposed development standards would not have significant adverse visual impacts.

The LUP portion of the proposed LCP amendment also includes new policies for the Southeast Harbor area for land use, automobile, visitor, and bicycle parking, landscaping, bird-safe building standards, biological resources, stormwater management, and potential coastal hazards. These policies would also include landscaping requirements and interpretive educational information, such as signage or kiosk(s) in appropriate publicly accessible locations around the outside perimeter of the property to address topics relevant to the site development, such as recycled water and coastal resources. The proposed amendment would require any development at the parcel to be sited and designed to avoid impacts to ESHA and any future development proposal for the site would be subject to existing LCP policies governing ESHA protection, as applicable, and an evaluation of the historical presence of wetlands at the site would be required.

Commission Staff and City Staff coordinated extensively to work on LUP amendment language that Commission Staff would be able to recommend be approved as submitted. For the reasons described in this report, Staff recommends that the Commission find that the proposed LUP amendment, as submitted, is consistent with Chapter 3 policies of the Coastal Act, and the LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. As such, staff recommends that the Commission approve LCP Amendment LCP-4-MAL-18-0024-1 as submitted.

### **Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on January 29, 2024. The proposed amendment affects the LCP's LUP and LIP, and the 90-working-day action deadline is June 6, 2024. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until June 6, 2024, to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (i.e., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for

final Commission action on the proposed amendment by one year, pursuant to Coastal Act Section 30517. To do so, staff recommends a **YES** vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion: I move that the Commission extend the time limit to act on City of San Buenaventura Local Coastal Program Amendment Number LCP-4-SBV-23-0059-2 to June 6, 2025, and I recommend a yes vote.**

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### Exhibits

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[Exhibit 3 – Proposed LUP Amendment Text Changes in Strikethrough/Underline](#)

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[Exhibit 6 – Proposed Zone Map Change for Parcel](#)

[Exhibit 7 – Ordinance No. 2023-08 \(LIP Amendment\)](#)

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[Exhibit 9 – Vicinity Map](#)

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## **I. PROCEDURAL OVERVIEW**

### **A. Standard of Review**

The Coastal Act provides:

The Commission shall certify a land use plan, or amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) ... (Section 30512(c))

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter... (Section 30513)

...The Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out together with its reasons for the action taken... (Section 30513)

The Commission may suggest modifications... (Section 30513)

Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the Commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513... (Section 30514(b))

Pursuant to Section 30512(c), the standard of review that the Commission utilizes in reviewing the adequacy of the proposed amendment to the City's certified land use plan (LUP) is whether the proposed amendment is consistent with, and meets the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the City's certified local implementation plan (LIP), pursuant to Sections 30513 and 30514(b) of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the LUP portion of the City's certified local coastal program (LCP).

### **B. Procedural Requirements**

If the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary pursuant to Section 13544(b)(2) of Title 14 of the California Code of Regulations. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City Council, and the LCP amendment is not effective, pursuant to Section 13542(f). Should the Commission deny the LCP Amendment, as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications

and submitting them by resolution to the Executive Director for a determination that the City Council's acceptance is consistent with the Commission's action. In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations, the modified LCP Amendment will become final at the subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the City Council's action in accepting the suggested modifications approved by the Commission for this LCP Amendment is legally adequate. If the City Council does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

### **C. Public Participation**

Section 30503 of the Coastal Act requires public input in the preparation, approval, certification, and amendment of any LCP. The City held a series of public hearings on the subject amendment request. The hearings were duly noticed, consistent with the provisions of Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission's consideration of the subject amendment has been distributed to all known interested parties.

## **II. STAFF RECOMMENDATION, MOTION, AND RESOLUTION FOR THE LAND USE PLAN AMENDMENT**

Following public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided.

### **A. APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED**

#### MOTION I:

**I move that the Commission certify Land Use Plan Amendment No. LCP-4-SBV-23-0059-2 as submitted by the City of San Buenaventura.**

#### STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Land Use Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

#### RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby **certifies** the City of San Buenaventura Land Use Plan Amendment No. LCP-4-SBV-23-0059-2 as submitted by the City of San Buenaventura and adopts the findings set forth below on the grounds that the amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act.

Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the land use plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan amendment may have on the environment.

### **III. STAFF RECOMMENDATION, MOTION, AND RESOLUTION FOR THE LOCAL IMPLEMENTATION PLAN AMENDMENT**

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

#### **A. APPROVAL OF THE LOCAL IMPLEMENTATION PLAN AS SUBMITTED**

##### MOTION I:

**I move that the Commission reject Local Implementation Plan Amendment No. LCP-4-SBV-23-0059-2 as submitted by the City of San Buenaventura.**

##### STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Passage of this motion will result in denial of the Implementation Plan Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

##### RESOLUTION TO DENY AS SUBMITTED:

The Commission hereby **certifies** the City of San Buenaventura Local Implementation Plan Amendment No. 4-SBV-23-0059-2 as submitted and adopts the findings set forth below on the grounds that the Local Implementation Plan Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Local Implementation Plan amendment will meet the requirements of 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 Local Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Local Implementation Plan amendment.

### **IV. FINDINGS FOR APPROVAL OF THE LOCAL COASTAL PROGRAM AMENDMENT AS SUBMITTED**

The proposed amendment affects the Land Use Plan (LUP) and Local Implementation Plan



(LIP) components of the certified City of San Buenaventura (City of Ventura) Local Coastal Program (LCP). The standard of review that the Commission uses in reviewing the adequacy of the LUP amendment is whether the LUP, as amended, would continue to meet the requirements of and be consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed LIP, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the LIP, as amended, would remain in conformance with, and adequate to carry out, the provisions of the LUP portion of the certified City of Ventura LCP, as amended.

The following findings support the Commission's approval of the LCP amendment as submitted. The Commission hereby finds and declares as follows:

### **A. Amendment Description and Background**

The City of San Buenaventura (City of Ventura) is requesting that the Commission certify Amendment Request No. LCP-4-SBV-23-0059-1 to amend the Land Use Plan (LUP) and the Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP) to:

- 1) Create a new sub-area designation called "Southeast Harbor" in the Ventura Harbor section of the LUP and apply it to an approximately 10-acre vacant parcel (APN 138-0-050-090) that has been conditionally annexed into the City of Ventura from unincorporated Ventura County;
- 2) Apply the "Harbor Commercial" (HC) land use and zoning designation (including revisions to the LUP land use maps and LIP zoning map) to the same approximately 10-acre parcel; and
- 3) Add associated policies and development standards pertaining to the Harbor Commercial (HC) designation in the Ventura Harbor area and to development of public service facilities in the Southeast Harbor area.

The subject 10-acre parcel, which is vacant and undeveloped, is located in the Coastal Zone at the southeast corner of Harbor Boulevard and Olivas Park Drive (**Exhibits 9-11**), currently in the unincorporated area of Ventura County, but within the City of Ventura's Urban Restriction Boundary and Sphere of Influence. The site is surrounded by agricultural land to the north, a golf course to the east and southeast, open space to the south, and urban development to the west, all of which are located within the existing jurisdictional area of the City except the agricultural land to the north, across Olivas Park Drive, which is in the unincorporated area of the County. The proposal area is separated from surrounding uses by Harbor Boulevard (to the west) and Olivas Park Drive (to the north). Additionally, while the subject site is adjacent to agricultural property across Olivas Park Drive, the area closest to the proposal area is and has historically been used for parking, equipment storage/staging, and other agricultural support operations. The nearest area used for agricultural cultivation (i.e., row crops) is approximately 350 feet from the boundary of the proposal area.

The parcel is designated by Ventura County's General Plan and Local Coastal Program as Open Space (OS), and has a County zoning designation of Coastal Open Space (10 acre minimum parcel size/slope density formula). While not within the City of Ventura's jurisdiction prior to the conditionally approved annexation, the parcel also has historically been "pre-zoned" with a land use designation of Planned Commercial Tourist Oriented (PC-T) in the LUP portion of the City of Ventura's LCP and is mentioned in Olivas Community area section of the Land Use Element section of the LUP. The proposed amendment is attached as **Exhibits 1-7** and the vicinity map and aerial images are attached as **Exhibits 9-11**.

### **Future Advanced Water Purification Facility Proposal**

The City of Ventura Water Department is planning the development of an Advanced Water Purification Facility that will serve the residents of the City of Ventura on the subject site. This project is part of the VenturaWaterPure Program that has been discussed and approved at the City Council level. The existing Ventura Water Reclamation Facility (VWRF), which is southwest of and seaward of Harbor Boulevard from the subject site, was constructed in 1958 and treats municipal wastewater to tertiary standards (i.e., partial denitrification and filtration). Approximately 4.7 MGD of this tertiary-treated water is currently discharged into the Santa Clara River Estuary near its connection to the Pacific Ocean. In March 2010, the Ventura Coastkeeper (a program of the Wishtoyo Foundation) and Heal the Bay filed a lawsuit alleging that the discharges of the tertiary-treated effluent into the estuary violated the Clean Water Act and Porter-Cologne Water Quality Control Act. The City, Ventura Coastkeeper, and Heal the Bay entered into a consent decree requiring the City to develop alternatives for dealing with the reclamation and diversion of the treated effluent that would improve conditions for the habitats and species within the estuary.<sup>1</sup>

The City ultimately determined that reducing the volume of tertiary-treated water being directed into the estuary would be the most beneficial to the native species and habitats it supports and began the process of designing and planning a project that would achieve a reduction of 90 to 100 percent of discharge volume. The planned Purification Facility would receive tertiary-treated water from the Reclamation Facility and would provide additional advanced water treatment, including partial denitrification and filtration. The treated water would then be conveyed to groundwater storage areas for eventual municipal water use and concentrated effluent would be discharged offshore in an ocean outfall. The Ventura Water Pure Project includes two phases: Phase 1a and Phase 1b. Phase 1a includes construction of an Advanced Water Purification Facility, a new ocean outfall, a pump station, groundwater injection wells, upgrades at the existing Ventura Water Reclamation Facility, and conveyance pipelines. Phase 1a would divert 60 percent of the current discharge to the SCRE by 2025 and then Phase 1b would potentially divert up to 90-100 percent starting of the treated wastewater currently being discharged into the estuary by approximately 2030.

In May 2023, the Commission approved a CDP with conditions (CDP No. 9-22-0733) for

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<sup>1</sup> *Wishtoyo Foundation/Ventura Coastkeeper, et al., v. City of San Buenaventura*, United States District Court for the Central District, No. CV 10-02072 (consent decree filed 3/3/2012).

the construction and operation of an approximately 6,800-foot-long ocean outfall, pump station, and associated onshore conveyance pipeline, as well as the discharge of tertiary-treated effluent from the Ventura Water Reclamation Facility through the outfall and the future discharge of concentrate produced from the planned Advanced Water Purification Facility.

The City considered several alternative sites for the development of the Advanced Water Purification Facility and determined that the subject Harbor Boulevard site was ideally situated for the contemplated use because it is within the City's sphere of influence, is surrounded by territory within the City's jurisdiction, and consists of vacant land that is located immediately across Harbor Boulevard from the Ventura Water Reclamation Facility (i.e., the facility it is designed to enhance). The City is currently in the process of seeking authorization for the other components of the planned project in the coastal zone (including construction and operation of the Advanced Water Purification Facility and associated groundwater injection wells) through the subject LCP amendment and a separate CDP application under the City's CDP jurisdiction. If these authorizations are granted and the Advanced Water Purification Facility and injection wells are constructed, most of the current wastewater stream would be beneficially reused (i.e., recycled) as a new source of drinking water and the remaining concentrated effluent from the Advanced Water Purification Facility would be discharged through the approved ocean outfall, which is currently under construction. The proposed Advanced Water Purification Facility development itself is not a part of this LCP amendment request. The facility will require the necessary entitlements, including a Coastal Development Permit (CDP) and building permits, by the City of Ventura prior to construction and following certification of the proposed LCP amendment. Preliminary designs of the facility indicate that the Ventura Water Department proposes to add visitor-serving amenities such as public parking, public meeting spaces, and environmental education opportunities for the site.

### **City of Ventura LCP Background**

The City of Ventura Local Coastal Program was first certified in two segments: a complete Ventura Harbor LCP, certified on May 21, 1981, and the City LCP, certified on February 23, 1984. The certified 1989 Comprehensive Plan is the current Land Use Plan (LUP) and the certified Zoning Regulations of the Municipal Code are the current Implementation Plan (IP) for areas of the City within the Coastal Zone where the subject parcel is located. The City adopted a 2005 General Plan that has never been submitted to the Commission as an LCP amendment for review and certification; thus, the 2005 City of Ventura General Plan is not a component of the City's LCP. As a result, the policies of the uncertified 2005 General Plan are only applicable in those areas of the City located outside of the Coastal Zone.

### **Ventura County LCP Background**

The subject parcel is currently designated by Ventura County's General Plan and Local Coastal Program as Open Space (OS) and has a County zoning designation of Coastal Open Space (10 acre minimum parcel size/slope density formula). The LCP states that the purpose of the County's Open Space land use designation is to provide for the preservation and enhancement of valuable natural and environmental resources while allowing

reasonable and compatible uses of the land, and to protect public safety through the management of hazardous areas such as flood plains, fire prone areas, or landslide prone areas. Principal permitted uses are one dwelling unit per parcel, agricultural uses as listed as principal permitted uses in "Agricultural" designation and passive recreational uses that do not alter physical features beyond a minimal degree and do not involve structures. Minimum lot size in the "Open Space" designation is 10 acres. The Coastal Open Space zone has standards for maximum building coverage of 5% of total lot area and maximum height of 25 ft (although height may be increased to 35 ft if each side setback is at Least 15 ft).

### **City's LCP Amendment Actions**

The City held public hearings on the subject LCP amendment, including a Planning Commission Hearing on July 26, 2023, and City Council Hearings on September 25, 2023 and October 9, 2023. On September 25, 2023, the City Council held a public hearing and approved Resolution No. 2023-72 (**Exhibit 1**), directing City staff to submit a major amendment to the City's Land Use Plan and Implementation Plan of the Local Coastal Program to the Commission to incorporate:

(1) Resolution No. 2023-71 (**Exhibit 2**) to amend LUP language in the Comprehensive Plan (**Exhibit 3**), and to make LUP map changes (**Exhibits 4 and 5**) and a Zoning map change (**Exhibit 6**), and

(2) Ordinance No. 2023-08 (**Exhibit 7**) for amendments to the Zoning Regulations of the LIP to amend Section 24.238.020, each of which is explained in more detail below. On October 9, 2023, the City Council waived the second reading in full and adopted the text amendments to the Zoning Regulations to amend that section.

Additionally, the City Council passed Resolution No. 2023-70 (**Exhibit 8**) on September 25, 2023, for reorganization of territory as part of their annexation process for the subject parcel. These actions are discussed in more detail below. The City of Ventura submitted the subject LCP Amendment to the Commission on December 6, 2023. The amendment submittal was deemed complete by Commission staff and filed on January 29, 2024.

### **LAFCo Conditional Approval of Annexation**

As part of the planned Advanced Water Purification Facility project, the City of Ventura requested an annexation of the site into the City. The Local Agency Formation Commission for Ventura County (LAFCo) must approve and record a reorganization for the proposed site to be annexed into the City of Ventura. The reorganization consists of 1) an annexation of the 10-acre parcel into the City of Ventura, 2) annexation to the Ventura Port District, 3) detachment from the Ventura County Fire Protection District, 4) detachment from the Ventura County Resource Conservation District, and 5) detachment from County Service Area No. 32. The City Council passed Resolution No. 2023-70 (**Exhibit 8**) to request the approval of this annexation. Commission approval of the zoning change portion of the LCP amendment normally cannot occur until the property is within the City, and LAFCo would normally not approve the reorganization until the Commission has approved zoning for the parcel in question. In this case, LAFCo held a public hearing on February 21, 2024, and

conditionally approved the annexation to take effect upon certification of the proposed LCP amendment by the Commission. The Ventura LAFCo Resolution (No. LAFCo 23-26) approving the reorganization for the subject parcel includes a condition that the reorganization “shall not be recorded until such time as the LAFCo Executive Office has received written documentation of the California Coastal Commission’s approval of an amendment of the City’s Local Coastal Program that would accommodate the anticipated development within the proposal area.”

### **LUP Amendments**

Proposed amendments to the LUP (in the 1989 Comprehensive Plan portion) are provided in Resolution No. 2023-71 (**Exhibit 2**) and are shown in strikethrough/underline format in **Exhibit 3**. The subject parcel is proposed to be assigned a land use designation of Harbor Commercial. This City Council resolution also dealt with similar amendments to the City’s 2005 general plan; however, those changes are not part of this LCP amendment because the 2005 General Plan was never certified as part of the LCP and does not apply in the Coastal Zone.

Key elements of the proposed LUP Amendment include: (1) changing the site’s LUP land use designation from Planned Commercial Tourist Oriented (PC-T), which is the current pre-annexation land use, to Harbor Commercial (H-C); (2) removing discussion of the land use designation intent and rationale for the site from the Olivas Community section of the Comprehensive Plan’s Land Use Element (**Exhibit 3**); (3) establishing a new planning area, the “Southeast Harbor”, within the Ventura Harbor section of the Comprehensive Plan’s Land Use Element, and creating new site-specific policies and development standards (**Exhibit 3**) that would apply to the newly formed Southeast Harbor area (i.e., the subject parcel only), tailored for the anticipated future site use (i.e., the Advanced Water Purification Facility); and (4) making LUP map changes for the Ventura Harbor Area and Land Use Maps. The current maps referenced in the Ventura Harbor section of the LUP (**Exhibit 5**) would be replaced with new maps (**Exhibit 4**), adding the parcel as a new Harbor Area called the Southeast Harbor and designating it with a land use of Harbor Commercial. While the other four Harbor Areas (South Peninsula Harbor Area, Southwest Harbor Area, Central Harbor Area, and the Northeast Harbor Area) are within the jurisdictional boundaries of the Ventura Port District (a public entity), the new Southeast Harbor Area is located outside the boundaries of the Ventura Port District.

### **LIP Amendments**

Key elements of the proposed LIP Amendment include: (1) Modifying the City’s zoning designations map to show the subject site as zoned H-C, Harbor Commercial; and (2) modifying the organization structure for allowable land uses in the H-C, Harbor Commercial District in the Zoning regulations of the Ventura Municipal Code portion of the LIP, to clarify that public facilities are generally allowed, and not just part of Commercial Fishing facilities.

The project proposes a zone change on the subject parcel to H-C, Harbor Commercial. The City’s H-C zoning district describes the uses in the zone as those that: 1) Provide an area in which coastal-dependent, coastal-related, recreational, visitor- serving, recreational

boating, and commercial fishing facilities shall be emphasized and located to function safely, efficiently, and harmoniously; 2) Regulate, with both general and specific development standards, a high level of site development and operational performance with due consideration to visual impacts, and to public access opportunities; and 3) Provide visitor and recreational facilities serving low and moderate income persons.

The City's proposed pre-zoning (prior to annexation) and zoning (upon annexation) map amendment is included in Resolution No. 2023-71 (**Exhibit 2**) as an exhibit shown in (**Exhibit 6**) of this report, and the zoning map change is specific to the subject parcel. Staff would note that while Resolution No. 2023-71 refers to "pre-zoning" the parcel, the zone change to H-C Harbor Commercial would become effective once LAFCo records the annexation to the City following Commission approval of the subject amendment. Section 24.105.130 of the Municipal Code provides that unincorporated territory may be pre-zoned by the City to determine the zoning classification that will apply to such territory if it is subsequently annexed to the City. As part of the annexation of the parcel to the City of Ventura, the parcel is required to be pre-zoned in the same manner as properties already in the city, which is a zone map amendment.

The H-C zone district already allows government and public service facilities such as the proposed Advanced Water Purification Facility. However, the existing Zoning Regulations portion of the LIP includes public facilities as a land use in the H-C zone district under the category of Commercial Fishing, rather than as its own general use type. This appears to be an error in the certified LCP, and the LCPA proposes to clarify this section. The proposed change to Chapter 24.238 (H-C Harbor Commercial Zone) of the City's Zoning Regulations of the LIP (**Exhibit 7**) would move section 24.238.020 (Uses-Permitted), part 2(c)(10), for "[p]ublic service facilities, including fire and police stations, libraries, public parking lots, sewer treatment facilities, utility substations" out of the "Commercial Fishing" subcategory, and into the General subcategory of 24.238.020.2.

## **B. Consistency Analysis**

### **Relevant Coastal Act Policies**

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 30212 of the Coastal Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30231 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30241 of the Coastal Act states, in part:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses...

Section 30243 of the Coastal Act states, in part:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Section 30251 of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 of the Coastal Act states:

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.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254 of the Coastal Act states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other



development.

Section 30270 of the Coastal Act states:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

## Discussion

As described above, the subject parcel is currently designated by Ventura County's General Plan and Local Coastal Program as Open Space (OS) and has a County zoning designation of Coastal Open Space (10 acre minimum parcel size/slope density formula). These designations generally allow agriculture, passive recreation (without structures), and very low-density residential uses and likely reflect surrounding development east of Harbor Boulevard. As shown on **Exhibit 10**, the properties north of Olivas Park Drive are in agricultural use, including an agricultural equipment storage yard and growing of row crops. South of Olivas Park Drive, there is an existing municipal golf course (directly adjacent to the subject site) and agricultural development. Existing developments west of Harbor Boulevard (all within the Ventura City limits) are all higher in intensity, including Ventura Harbor, harbor-related hotel and commercial uses, and the Ventura Water Reclamation Facility development.

The City proposes to redesignate the subject property for Harbor Commercial uses and to add development standards tailored to the development of a municipal use such as the planned Advanced Water Purification Facility. In order to review this proposal for consistency with the Coastal Act, it is necessary to compare it to the requirements of the applicable Chapter 3 policies. Section 30241 of the Coastal Act requires that the maximum amount of prime agricultural land shall be maintained in agricultural production. While the subject parcel is located very near to extensive areas of agriculture on the Oxnard Plain, the site has not been used for agriculture. The Ventura County LCP does not map the site as containing prime ag soils. Additionally, the City's EIR for the VenturaWaterPure project determined that the subject site was identified by the Farmland Mapping and Monitoring Program as "Other Land," and therefore is not considered Prime, Unique, or Important farmland. Further, aerial photographs have documented the site as being vacant and not farmed (including no presence of crops, trees, or livestock operations) for more than 30 years. As such, the proposed redesignation of the subject site will not result in the conversion of agricultural land. Additionally, the development of the site with the uses that are allowable in the HC zone will not conflict with agricultural uses in the area. The nearest area used for agricultural cultivation (i.e., row crops) is approximately 350 feet from the subject site.

The proposed LCPA adds development standards (**Exhibit 3**) for the new "Southeast Harbor" area with a land use and zoning designation of H-C Harbor-Commercial that include: designing development to complement the existing visual character of the harbor; limiting lot coverage for buildings and structures to no more than 50%, limiting buildings on

the site to a maximum of 45 feet in height, and incorporating building setbacks from Harbor Boulevard and Olivas Park Drive. These development standards are consistent with the other approved Harbor Areas on the landside of the Ventura Harbor in the Comprehensive Plan. While the other designated Harbor Areas have lower lot coverage limits than the proposed Southeast Harbor area, this new area is unique from other Harbor Areas in that it is on the landside of Harbor Boulevard (**Exhibits 9-11**), and across from a strip mall and the Ventura Water Reclamation Facility, and not directly adjacent to water areas of the Ventura Harbor or Pacific Ocean. Additional standards such as landscaping, neutral colors, and interpretive walking paths are also part of the proposed development standards.

As required by Coastal Act Section 30251, the visual qualities of coastal areas shall be protected by maintaining views to and along the ocean and scenic coastal areas. A Viewshed Assessment dated June 29, 2023, was developed by Environmental Science Associates (ESA) for the City to analyze any potential new aesthetic impacts of the proposed development standard to allow for a maximum of 45 feet in height for the new "Southeast Harbor Area". The site is currently vacant, but inland and across the road from the main harbor area, and any type of development would be visible to pedestrians and drivers from Harbor Boulevard and Olivas Park Drive. The report concluded that views from the key viewpoints analyzed would not have a significant adverse visual impact due to adjacent landscaping, distance from any significant visual resources that could be impacted by the development, blockage of water views by existing development from the impacted viewpoints, and the limited duration of view blockages by a potential structure from passing vehicles and the limited pedestrian traffic in the area. Notable visual resources that could be impacted to some degree include the distant hillsides, mountains, boat masts, power poles, and palm trees. However, some of these would still remain visible or be only briefly obstructed during transit past the site, thereby maintaining the overall visual character of the Harbor Boulevard viewshed. Therefore, the Commission finds that proposed development standards that will apply to a future project will protect visual resources consistent with Section 30251 of the Coastal Act.

While not in the City of Ventura's jurisdiction prior to the proposed annexation, the City had previously applied a "pre-zone" land use designation of Planned Commercial Tourist Oriented (PC-T) to the subject parcel in the LUP portion of the City of Ventura's LCP and is mentioned in Olivas Community area section of the Land Use Element section of the LUP. However, the Ventura Harbor area already includes extensive existing public access and lower-cost recreation uses, including Surfer's Knoll Public Beach, several public parking areas, picnic tables, public restrooms, pedestrian and bicycle accessways along the harbor-front, benches, bicycle storage racks, Channel Islands National Park Service Headquarters, small boat sailing, renting and berthing areas, public boat launch facility, and lower cost eating establishments. Additionally, the proposed land use and zoning designation of Harbor Commercial will allow for visitor serving uses, should the Advanced Water Purification Facility or other municipal facility not be developed on the site.

The Harbor Commercial (HC) land use designation specifies that development within the harbor should be oriented toward recreation, visitor-serving, marina, and commercial fishing uses, and that private residential and general industrial uses are not appropriate uses within the harbor area. The Land Use Plan, in the Harbor Commercial section of the

Land Use Element of the Comprehensive plan for Ventura Harbor also states:

“Uses within the Harbor Commercial area shall be designated as either priority or non- priority uses. Priority uses include those uses listed in the Harbor Commercial (HC) section of the City's Zoning Ordinance under the headings of: (1) commercial visitor- serving, (2) recreation, boating, fishing, (3) commercial fishing, and (4) public service facilities.”

It is clear from the LUP that public service facilities were meant to be listed as a separate priority use from commercial fishing, and not under that use type. Therefore, the proposed change to the LIP to amend the organization structure for allowable land uses in the H-C, Harbor Commercial District in the Zoning Regulations of the LIP, to clarify that public facilities are generally allowed, and not just part of Commercial Fishing facilities, is consistent with the certified LUP.

Since there is no designated public facilities land use section in the LUP, nor a public facilities zoning designation in the LIP, the City determined that it would be appropriate to add the parcel as a new area designation in the Ventura Harbor section of the LUP and apply the existing Harbor Commercial (HC) land use and zoning designation. The proposed LUP amendment would also add language to specify that “[p]ublic service facilities may also be allowed within the HC designation when a specific site within the harbor area is found to be suited for public use, and will not displace existing recreation, visitor serving or commercial fishing uses.”

Section 30254 of the Coastal Act requires new or expanded public works facilities to be designed and limited to accommodate needs generated by development or uses permitted. The proposed amendment would accommodate future public works facilities, including those required to provide a more sustainable and diversified water supply portfolio for the City of Ventura. Any future development proposal for the site would be subject to applicable existing LCP policies governing new or expanded public works facilities. As the proposal area is owned by the City and is anticipated to be developed for municipal purposes in support of the City's water treatment facilities, approval of the proposal would not create opportunities for additional growth within this area. The proposal area consists of vacant land that is owned by the City and is planned for municipal use. No development is proposed that would result in a change of density within the proposal area or the creation of new housing.

Commission Staff and City Staff coordinated extensively to work on LUP amendment language that Commission Staff would be able to recommend be approved as submitted. There are proposed new policies for the “Southeast Harbor” area (**Exhibit 3**) that include policies for land use, automobile, visitor, and bicycle parking, landscaping, bird-safe building standards, biological resources, stormwater management, and potential coastal hazards. The incorporation of the proposed specific development standards will better ensure that the development of a new Advanced Water Purification Facility is feasible, adequate for the use it is intended to serve, and located in close proximity to existing development and the existing Ventura Water Reclamation Facility across the street. The proposed LUP amendment would designate the primary land use in the Southeast Harbor

area as a public water treatment facility along with ancillary office and meeting spaces, and parking for use by facility employees, visitors, and the general public. Other land uses that may be allowed in the Southeast Harbor area would be visitor serving commercial recreation, public park, and recreation.

Section 30252 of the Coastal Act requires the location and amount of new development to maintain and enhance public access to the coast. Section 30210 of the Coastal Acts mandates that maximum access and recreational opportunities be provided. Section 30212(a) further requires that new development projects require public access from the nearest public roadway to the shoreline and along the coast. The proposed LUP amendment would not accommodate uses that would generate substantial increases in public use or vehicle traffic such that public access to the coast would be impeded, nor would it prevent public access to coastal resources. The proposed LUP amendment also includes policies that would enhance public access, including by requiring accessible automobile parking beyond the standard requirements, visitor-serving parking, electric vehicle infrastructure, bicycle parking, a bike repair station, and a public path. These policies would also include landscaping requirements and interpretive educational information, such as signage or kiosk(s) in appropriate publicly accessible locations around the outside perimeter of the property to address topics relevant to the site development, such as recycled water and coastal resources.

Section 30231 requires that the biological productivity and quality of coastal waters be maintained. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHA) shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. The proposed amendment would require any development in the Southeast Harbor area to be sited and designed to avoid impacts to ESHA and any future development proposal for the site would be subject to existing LCP policies governing ESHA protection, as applicable. Further, the proposed amendment includes additional policies requiring adherence to bird safe building standards, stormwater best management practices for water quality, and a biological resources evaluation prior to development of the site, including an evaluation of the historical presence of wetlands at the site. Also, to address potential impacts to archaeological or paleontological resources as required by Coastal Act Section 30243, the City's EIR for the proposed Advanced Water Purification Facility project included cultural resources mitigation measures.

As required by Coastal Act Section 30253, new development must minimize risks to life and property in areas of high geologic, flood, and fire hazard. The preparation of a coastal hazards analysis is an essential requirement to inform the appropriate siting and design of development in or adjacent to flood hazard areas to ensure consistency with these development standards. Coastal Act Section 30270 also requires the Commission to take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise. The proposed amendment has policies that reduce potential impacts related to hazards, site alteration, air quality regulations, energy consumption, and vehicle miles traveled. The proposed amendment includes additional policies related to flooding, sea level rise, and tsunami which would also apply to future site

development and minimize future hazards risks.

The Commission therefore finds, for all of the reasons described above, that the proposed LUP amendment, as submitted, is consistent with Chapter 3 policies of the Coastal Act and the LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended.

### **C. California Environmental Quality Act**

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission; however, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is not obligated to prepare an EIR for each LCP action.

Nevertheless, the Commission is required, in approving an LCP submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

For the reasons discussed in this report, the LCP amendment as submitted is consistent with the intent of the applicable policies of the Coastal Act, the amendment will have no significant adverse effects on the environment within the meaning of CEQA, and no feasible alternatives are available which would substantially lessen any significant adverse effect which the approval would have on the environment. Therefore, the Commission further finds that the proposed LCP amendment, as submitted, is consistent with CEQA.