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STAFF REPORT: REGULAR CALENDAR

Application No.: **4-24-0874**

Applicant: **City of Ventura**

Project Location: Ventura Pier, California Street and Harbor Boulevard, City of Ventura, Ventura County

Project Description: Conduct pier repair and maintenance activities for a five-year time period (2025-2030). Proposed activities include replacing timber piles, biomass removal, wrapping existing piles with fiberglass jacket pile wrap, replacing timber braces, replacing sections of decking and handrails, and painting steel bents, piles, and pile caps. Maintenance and repairs will not expand the existing pier development past its permitted configuration and specifications.

Staff Recommendation: Approval with conditions.

Summary of Staff Recommendation

Staff recommends **approval** of the proposed development with eight (8) special Conditions: (1) Term of Permit Approval, (2) Project Timing, (3) Evidence of Required Approvals, (4) Construction Responsibilities and Debris Removal, (5) Removal of Construction Debris, (6) Assumption of Risk, and (7) Public Access Program, and 8) Pre-Construction Survey.

The City of Ventura is proposing to conduct routine repair and maintenance activities to the Ventura Pier for a five-year period (2025-2030). Proposed activities include

replacing existing timber piles, removing biomass, wrapping existing piles with fiberglass jacket pile wrap, replacing timber braces, replacing sections of decking and handrails, and painting steel bents, piles, and pile caps. The maintenance and repairs will not expand existing pier past its existing permitted configuration and specifications.

The Ventura Pier is located southeast of California Street and south of Harbor Boulevard. Two restaurants and public restrooms are located on the pier. Additionally, a multiuse public pathway is located immediately landward of the pier, and extends west towards the Ventura River, and east towards San Buenaventura State Beach.

The proposed maintenance work will not necessitate closure of public access to the Pier. When the piles are being driven, the area around the equipment will be fenced off in such a way that pedestrians will be able to pass by the work area and continue to the end of the pier. During the transfer of equipment and staging materials from the staging area to the pier, pedestrian traffic will be temporarily halted. This process will involve two flagmen and is proposed to take no more than five minutes for trucks to travel onto the pier. In order to ensure that impacts to public access and recreation are minimized to the maximum extent possible, **Special Condition Two (2)** requires the applicant to agree, by acceptance of the permit, to undertake construction activities only during weekdays between Labor Day and Memorial Day. Furthermore, to ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized, **Special Condition Seven (7)** requires the applicant to submit a public access plan.

The proposed project has been designed in a manner to minimize adverse effects to the coastal and marine resources on and adjacent to the subject site. However, the presence of construction equipment, building materials, and debris on the subject site could pose hazards to sensitive marine organisms if construction site materials were discharged into the marine environment or left inappropriately on the project site. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition Four (4)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. To further minimize the potential for unintended transport of debris or hazardous substances into coastal waters, **Special Condition Five (5)** of the subject permit requires that all construction debris be disposed of at an appropriate debris disposal site.

The proposed project includes components that are located within the City of Ventura's Local Coastal Program (LCP) jurisdiction as well as components within the retained jurisdiction of the Coastal Commission. The City of Ventura, as both the applicant and the local government agency with CDP jurisdiction, has requested, and Commission staff has agreed to process the subject application as a consolidated CDP as provided in Section 30601.3 of the Coastal Act. As such, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the certified City of Ventura LCP serving as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act and the guidance policies of the certified City of Ventura LCP. Therefore, staff recommends that

the Commission approve Coastal Development Permit No. 4-24-0874. The motion and resolution to adopt the staff recommendation for approval of the permit can be found on **page 5**.

Table of Contents

I. MOTION AND RESOLUTION 5

II. STANDARD CONDITIONS 5

III. SPECIAL CONDITIONS 6

1. Term of Permit Approval. 6
2. Project Timing. 6
3. Evidence of Required Approvals. 6
4. Construction Responsibilities and Debris Removal. 6
5. Disposal of Construction Debris 7
6. Assumption of Risk. 7
7. Public Access Program 8
8. Pre-Construction Survey 8

IV. FINDINGS AND DECLARATIONS 8

A. Project Description and Background 8
B. Public Access 9
C. Marine Resources and Water Quality 11
D. Hazards and Geological Stability 14
E. California Environmental Quality Act 15
APPENDIX A – Substantive File Documents 17

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial Map

Exhibit 3 – Five Year Maintenance Plan

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 4-24-0874 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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 the 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

1. Term of Permit Approval.

This coastal development permit authorizes implementation of the approved pier maintenance activities on a temporary basis only for a period of five (5) years from the date that Coastal Development Permit 4-24-0874 is approved by the Commission, after which time all activities shall cease unless a new coastal development permit or an amendment to this coastal development permit authorizing additional future pier maintenance activities is approved and issued by the California Coastal Commission.

2. Project Timing.

BY ACCEPTANCE OF THIS PERMIT, the applicant agrees that construction activities shall be undertaken during weekdays between Labor Day and Memorial Day. In no case may project activities be undertaken during weekend days or public holidays. The Executive Director may extend the time allowed to complete authorized activities upon a showing of good cause.

3. Evidence of Required Approvals.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant agrees to obtain, and provide evidence to the Executive Director of, all other State or Federal permits that may be necessary for construction of the proposed development (including permits from California Department of Fish and Wildlife, California Regional Water Quality Control Board, and the United States Army Corps of Engineers) and/or evidence that notice has been provided to such agencies and no permit is required. No changes to the Coastal Commission approved plans that may be required by the above-stated resource agencies shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

4. Construction Responsibilities and Debris Removal.

BY ACCEPTANCE OF THIS PERMIT, the applicant agrees to comply with the following construction related requirements:

a. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave or tidal action, erosion, or dispersion.

b. Any and all debris resulting from construction activities shall be removed from the site within twenty-four (24) hours of completion of construction and disposed of at an appropriate location.

c. If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity.

d. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.

e. Divers shall recover nonbuoyant debris discharged into coastal waters as soon as possible after loss.

f. The applicant shall dispose of all construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a separate coastal development permit shall be required before disposal can take place.

g. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicant and applicant's contractors shall have adequate equipment available to contain any such spill immediately.

h. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.

i. Any wood treatment used shall conform to the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote or ACA (Ammoniacal Copper Arsenate) is prohibited. No wood treated with ACZA (Ammoniacal Copper Zinc Arsenate) shall be used where it could come into direct contact with the water.

j. The applicants shall use the least damaging method for any activity that will disturb benthic sediments. The applicant shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

5. Disposal of Construction Debris

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all debris removed from the project site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

6. Assumption of Risk.

BY ACCEPTANCE OF THIS PERMIT, THE APPLICANT ACKNOWLEDGES AND AGREES (i) that the site may be subject to hazards from storm waves, tsunami, surges, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such

hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

7. Public Access Program

a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Program that describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around construction areas, shall be maintained during all project operations. Where public paths or bikeways will be closed during active operations, a person(s) shall be onsite to detour traffic or adequate fencing and signage shall be used. The applicant shall maintain public access pursuant to the approved version of the report. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

b. The applicant shall post each construction site with a notice indicating the expected dates of construction and/or public access or parking lot closures.

8. Pre-Construction Survey

Prior to commencement of any underwater development authorized pursuant to this coastal development permit, the applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of eelgrass, surfgrass, *Caulerpa taxifolia*, *Undaria pinnatifida*, or rocky habitat around the pier pilings targeted for replacement. The survey shall include a visual examination of the substrate and pier pilings. The survey shall be conducted in accordance with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service standards. If the survey identifies any of the above-mentioned species or habitats within the project area, the Executive Director shall determine if an amendment or new permit is required to authorize measures to avoid, minimize and otherwise mitigate impacts that the proposed development might have.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The City of Ventura proposes to conduct routine repair and maintenance activities for a five-year period (2025-2030) on the Ventura Pier. The Ventura Pier is a historic structure (originally constructed in 1872) that is used by the public for fishing and other

recreational purposes. The pier is owned by the City and is located at the western edge of San Buenaventura State Beach. The landward-most portion of the pier contains visitor-serving commercial uses including two restaurants, and public restrooms (Exhibits 1 and 2). These facilities will remain open throughout the proposed construction periods. The Ventura Pier is comprised of both timber and steel piles.

The proposed repair and maintenance activities include replacing timber piles, removing biomass, wrapping existing piles with fiberglass jacket pile wrap, replacing timber braces, replacing sections of decking and handrails, and painting steel bents, piles, and pile caps. The proposed five-year maintenance plan is attached as Exhibit 3. This plan outlines the anticipated work activity over the next five years; however, each phase of maintenance and repair work will be scheduled as needed. The routine maintenance of the pier will occur within the existing footprint above the water line, except for pile driving new timber pile(s) and biomass removal, which will take place above and below the waterline. In order to perform work to the underside of the pier, ladders and scaffolding will be erected. Hand tools will be used to perform work to the underside of the pier, while a crane and pile driver situated on the pier will be used to replace the piles. When not in use, the equipment will be stored in a 180 square foot fenced-in staging area located to the east of the pier, between the bike path and parking lot (Exhibit 2). The staging area will be utilized only during active maintenance activities, which typically last 1-2 weeks. When equipment is not in use, materials will be removed from the staging area. Proposed maintenance and repairs would not expand existing development past its existing permitted configuration and specifications.

At its meeting in May of 2020, the Commission approved Coastal Development Permit (CDP) 4-19-1283 with special conditions. Similar to the currently proposed project, that permit allowed for pier maintenance and repair activities for a period of five years (2020-2025).

The proposed project includes components that are located within the City of Ventura's Local Coastal Program (LCP) jurisdiction as well as components within the retained jurisdiction of the Coastal Commission. The City of Ventura, as both the applicant and the local government with CDP jurisdiction, have requested and Commission staff has agreed to process the subject application as a consolidated CDP as provided in Section 30601.3 of the Coastal Act. As such, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the certified City of Ventura LCP serving as guidance.

B. Public Access

Coastal Act Section 30210 states:

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

Coastal Act Section 30211 states:

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

Coastal Act Section 30220 states:

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Policy 15.10 of the City of Ventura LUP states:

> The City shall continue to ensure maximum public access consistent with public safety and fragile coastal resources. To carry out its intent, the City shall implement the policies of this Comprehensive Plan.

Coastal Act Section 30210 and Coastal Act Section 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. Section 30220 protects coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas for such uses. City of Ventura LUP Policy 15.10 protects maximum public access consistent with public safety and fragile coastal resources.

The historic Ventura Pier, located adjacent to San Buenaventura State Beach, is a popular recreational facility for residents and visitors to the City of Ventura. The landward most portion of the pier contains visitor-serving commercial uses including two restaurants, and public restrooms. These facilities will remain open throughout proposed construction periods. The replacement of piles will be conducted from the pier. When the piles are being driven, the area around the equipment will be fenced off in such a way that pedestrians will be able to pass by the work area and continue to the end of the pier.

The project includes the use of a small vacant area between a bike path and parking lot east (inland) of the pier for temporary storage of construction materials. This proposed staging area is not maintained for recreational use and is not suitable for parking. Therefore, use of this area for temporary storage will not adversely impact public access or coastal recreation. During the transfer of equipment and staging materials from the staging area to the pier, pedestrian traffic will be temporarily halted. This process will involve two flagmen and is proposed to take no more than five minutes for trucks to travel onto the pier. The city will use the State Parks parking lot and staging area to minimize disruptions to Harbor Boulevard.

While the proposed repair and maintenance activities do not require a full closure of the pier, extreme circumstances that pose life-safety risks may necessitate closure. A recent closure occurred from January 2023 to June 2024, following extensive damage from the 2023 winter storms and the high surf events of 2024. Any full closures of the

pier would only occur during emergencies and/or when significant damage sustained would prevent safe public access and are not authorized by the subject permit.

In order to ensure that impacts to public access and recreation are minimized to the maximum extent possible, **Special Condition Two (2)** requires the applicant to agree, by acceptance of the permit, to undertake construction activities only during weekdays between Labor Day and Memorial Day. Special Condition Two is necessary to ensure that public access to the pier is only impacted in the non-summer months, when the pier receives fewer visitors, and to weekdays as proposed by the applicant. Furthermore, to ensure the safety of recreational users of the project site and to ensure that the interruption to public access of the project site is minimized, the Commission requires the applicant to submit a public access plan, pursuant to **Special Condition Seven (7)**, to the Executive Director for review and approval. Special Condition Seven (7) requires a description of the methods (including signs, fencing, posting or security guards, etc.) by which safe public access to and around the project area shall be maintained during all project operations.

Therefore, as conditioned, the proposed project is consistent with Coastal Act Policies 30210, 30211, and 30220, and Policy 15.10 of the City of Ventura LUP.

C. Marine Resources and Water Quality

Coastal Act Section 30230 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.

Coastal Act Section 30231 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.

Coastal Act Section 30233(a), in relevant part, states:

> The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and

> where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
> ...
>
> (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

Coastal Act Section 30240 states:

> (a) Environmentally sensitive habitat areas shall be protected against a significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Resources Goal No. 3 of the City of Ventura LUP states:

> Assure that any development of the coastal zone preserves and maintains the natural assets of the shoreline.

Section 30230 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. Further, Section 30231 requires that the biological productivity and quality of coastal waters be maintained and restored where feasible. Section 30233 limits diking, filling, or dredging in open coastal waters to enumerated uses, including for boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that allowable development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. Resources Goal No. 3 of the Certified City of Ventura Local Coastal Program mandates that development preserve and maintain the natural assets of the shoreline, such as quality of offshore waters and other marine resources.

The proposed 5-year pier repair and maintenance project includes replacing timber piles, removing biomass, wrapping existing piles with fiberglass jacket pile wrap, replacing timber braces, replacing sections of decking and handrails, and painting steel bents, piles, and pile caps. The maintenance and repairs will not expand the existing pier past its permitted configuration and specifications. As all work on the pier will be conducted from the existing decking, or by divers using hand-held equipment, the construction activities will not require permanent or temporary use or occupation of the sandy beach. The project does include use of a small vacant area between the multiuse public pathway and public parking lot east of the pier for temporary storage of pilings

and equipment. This proposed staging area contains sparse ruderal vegetation and is not maintained for recreational use. Use of this area for temporary storage will not degrade the habitat or recreational values.

The proposed pile replacement portion of the project constitutes “fill” within the meaning of Section 30233 of the Coastal Act. However, the replacement is “in-kind” in that the new piles will be comprised of the same material as the existing piles and will occupy the same area as the existing piles. Furthermore, the Commission notes that the proposed fill (replacement of existing pilings) is specified as an allowable use under Coastal Act Section 30233(a)(4) (i.e., recreational piers providing public access and recreational activities) when there is no feasible less environmentally damaging alternative and adverse effects to the marine environment are minimized.

The proposed project has been designed in a manner to minimize adverse effects to the coastal and marine resources on and adjacent to the subject site. Several surveys have been conducted in the waters beneath the pier in order to determine the presence of biological resources, and past surveys have not found noxious algae, eelgrass, surfgrass, or rocky habitat around the pier pilings. A recent 2024 Marine Survey Report confirmed these findings and noted that no environmentally sensitive habitat areas (ESHA) exist in the project location. Based upon these past surveys, the presence of noxious algae, or sensitive species and habitats is unexpected. However, in order to ensure that the subject maintenance work avoids any potential adverse impacts, **Special Condition Eight (8)** requires the applicant to undertake a survey of the project area and a buffer area at least 35 feet beyond the project area prior to the commencement of any underwater development authorized pursuant to this coastal development permit. If the survey identifies any of the above mentioned species or habitats within the project area, the Executive Director shall determine if an amendment or new permit is required to authorize measures to avoid, minimize and otherwise mitigate impacts that the proposed development might have.

Additionally, the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment, materials, and/or debris. Construction activities associated with the proposed project could result in the generation of debris and/or presence of equipment, materials and hazardous substances that could be subject to run-off and wind dispersion into the marine environment. The presence of construction equipment, building materials, and debris on the subject site could pose hazards to sensitive marine organisms if construction site materials were discharged into the marine environment or left inappropriately on the project site. In addition, such potential discharges and disturbances to the marine environment could result in adverse effects to offshore habitat from increased turbidity and pollutants of coastal waters. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition Four (4)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. To further minimize the potential for unintended transport of debris or hazardous substances into coastal waters, **Special Condition Five (5)** of the subject permit requires that all construction debris be disposed of at an

appropriate debris disposal site and requires the applicant to provide evidence to the Executive Director of the disposal site prior to issuance of the CDP. Furthermore, in order to ensure that any potential changed circumstances which may be discovered at some future point in time, such as new information regarding sensitive habitat and wildlife resources on site, are considered, **Special Condition One (1)** specifically limits the term of the subject permit to a period of no more than five (5) years from the date of Commission action.

Furthermore, marine resources and water quality can also be adversely affected by the use of toxic chemicals used to treat wood products that come into contact with the water. The toxic chemicals can leach out of treated wood and poison marine organisms. Some wood treatments can be used if the wood does not come into contact with the water. Therefore, **Special Condition Four (4)** also requires that any wood treatment used shall conform with the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote or ACA (Ammoniacal Copper Arsenate) is prohibited. No wood treated with ACZA (Ammoniacal Copper Zinc Arsenate) shall be used where it could come into direct contact with the water.

Lastly, in order to ensure that the proposed project is consistent with all regulations of other agencies, **Special Condition Three (3)** requires the applicant to agree to obtain and provide evidence to the Executive Director of all necessary approvals from the California Department of Fish and Wildlife, United States Army Corps of Engineers, and/or the Regional Water Quality Control Board prior to commencement of construction, or evidence that notice has been provided to such agencies and no permit is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30230, 30231, 30233, and 30240, as well as Resources Goal No. 3 of the City of Ventura LUP.

D. Hazards and Geological Stability

Coastal Act Section 30253 states, in pertinent part, that new development shall:

> (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard
>
> (2) Assure stability and structural integrity, and neither create or contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction or protective devices that would substantially alter natural landforms along bluffs and cliffs.

Policy 15.3 of the City of Ventura LUP states:

> New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards. All new development will be evaluated in conjunction with the City's Safety Element of this Comprehensive

> Plan, and for its impacts to and from geologic hazards (including seismic, safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation measures shall be required where necessary.

Section 30253 of the Coastal Act mandates that new development shall minimize risks to life and property in areas of high geologic and flood hazard. Policy 15.3 of the certified LUP mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic and flood hazard.

The proposed development is located in an area of the Coastal Zone that has been identified as subject to potential hazards from wave action during the winter storm season. The pier has previously been subject to substantial damage as the result of storm occurrences. Although the proposed project will increase the stability of the developed portions of the subject site in relation to wave caused erosion, there remains some inherent risk to development on such sites. The Coastal Act recognizes that certain types of development, such as the proposed project to replace damaged pilings and cross braces on the pier, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the owner's property rights. As such, the Commission finds that due to the unforeseen possibility of liquefaction, storm waves, surges, and erosion, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Six (6)** requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will demonstrate 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.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30253, and Policy 15.3 of the City of Ventura LUP.

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 4-24-0874 and associated filed documents

City of Ventura certified Local Coastal Program

Marine Survey Report dated September 2024