

CALIFORNIA COASTAL COMMISSION

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W14a-b

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Staff: TL-V
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STAFF REPORT: REGULAR CALENDAR

Application Nos.: 4-23-0791 and 4-25-0159

Applicant: City of Ventura Public Works Department

Project Location: Ventura Promenade, Ventura County

Project Description: Retention of 175 linear feet of concrete grouting poured beneath a portion of the Ventura Promenade and approximately 677 cubic yards of rock revetment added to an existing 200-linear-foot rock revetment placed pursuant to Emergency Permit No. G-4-20-0004. Repairs to public access infrastructure along the Ventura Promenade including replacing and redesigning an existing beach access stairway, placing approximately 1,991 cubic yards of additional rock to repair a 400 linear foot section of existing revetment, replacing existing public benches and bench pedestals, repairing concrete overhangs, and retaining the improvements made to the Oak Street drain outfall pursuant to Emergency Permit No. G-4-24-0064.

Staff Recommendation: Approval with conditions.

Summary of Staff Recommendation

Staff recommends **approval** of the proposed development with 10 special conditions: (1) Limited Authorization Period, (2) Final Stairway Plans, (3) Revetment Monitoring Program, (4) Future Maintenance, (5) Future Modifications to Shoreline Protective Device, (6) Construction Timing and Public Access, (7) Construction Responsibilities and Best Management Practices, (8) Sensitive Species Monitoring, (9) Required Approvals, and (10) Assumption of Risk, Waiver of Liability, and Indemnity Agreement. The proposed project includes components that are located within the City of Ventura's CDP jurisdiction under their certified LCP as well as components within the retained jurisdiction of the Coastal Commission. The City of Ventura, as both the applicant and the appropriate local government, has requested and Commission staff has agreed to process the subject applications as consolidated CDPs as provided for by Section 30601.3 of the Coastal Act. As such, the standard of review for the subject application is the Chapter Three policies of the Coastal Act, with the applicable policies of the certified LCP serving as guidance.

The goal of the proposed project is to maintain or enhance existing public access and recreational facilities along the Ventura Promenade – a pedestrian walkway spanning much of the downtown area's waterfront, protected by a pre-coastal revetment. The proposed project includes the retention of emergency repairs made to the promenade foundation and revetment pursuant to Emergency CDP No. G-4-20-0004; the retention of emergency repairs made to the Oak St. storm drain outfall pursuant to Emergency CDP No. G-4-24-0064; the redesign and replacement of one of the promenade's concrete beach access stairways; the placement of additional rock along 400 linear feet of the existing revetment; and maintenance to the public viewing alcoves, bench pedestals, and benches along the promenade.

During high tide events and coastal storms, the promenade, stairways, and revetment are subject to high-energy wave uprush, which causes significant deterioration in the infrastructure over time. For instance, the lower steps of the existing stairway are partially eroded, and much of the revetment has been scattered seaward of its original design. This can reduce the revetment's ability to protect the promenade from wave uprush, causing emergencies like the one requiring the repairs for which the City is now seeking authorization. To avoid similar emergencies in the future, the City is proposing to add new revetment rock to two segments of the existing revetment.

While this will reduce the area of usable sandy beach for public recreation, the Coastal Act allows for the construction of new or substantially redesigned shoreline protective devices in cases, such as this one, where they are necessary to protect existing infrastructure. In order to ensure that long-term impacts from the stairway and revetment are minimized while providing protection to existing development and facilitating public beach access, it is necessary to look at alternative adaptation strategies for Ventura Beach and adjacent beaches comprehensively. In order to effectively plan for long-term adaptation of the subject site and downtown area as a whole, the City of Ventura has initiated the preparation of a Beach Management and

Adaptation Plan which, when complete, will provide a comprehensive shoreline adaptation strategy for the city shoreline.

As such, Commission staff recommends approving the revetment improvements for a limited 10-year term and requiring that any extension of this term be considered by the Commission, as detailed in **Special Condition 1**. Additionally, **Special Condition 4** would require the applicant to contact the Executive Director if and when repair or maintenance is necessary, to determine whether a Coastal Development Permit is required. **Special Condition 5** would require the applicant to waive any rights to future seaward extension of the revetment, unless the proposed work is consistent with a future LCP amendment certified by the Commission that implements a comprehensive shoreline adaptation strategy for the area, such as that anticipated through the City's Beach Management and Adaptation Plan. Allowing the approved development to stay in place, with no additions or seaward encroachment, for an initial period of 10 years will allow sufficient time for the City to conduct a long-term hazards analysis and return with an application for a subsequent Coastal Development Permit for the least impactful long-term solution. Prior to the termination of the initial authorization period, the City may apply for additional years of authorization, but such a request must be accompanied by a long-term management plan analyzing feasible alternatives for future adaptation.

To limit temporary impacts to public access and recreation during construction, **Special Condition 6** prevents work from being conducted in the summer, requires at least half of the width of the promenade to remain open to pedestrian access at all times, and reiterates the City's obligation to adhere to the approved staging and access plan, including to its proposal to conduct project activities one-by-one, so as to limit the total impacts occurring at any given time. Because the stairway and revetment additions will have some adverse impacts on public access and recreation through the occupation of additional beach space and will lead to additional shoreline hardening, **Special Condition 2** would require the City to submit final plans eliminating the seaward encroachment of the stairway and minimizing the use of solid concrete walls. Additionally, **Special Condition 3** requires implementation of an approved revetment monitoring program to document the condition, performance, and footprint of the revetment through its life in order to identify necessary repairs in a timely manner and ensure that revetment rock does not migrate into nearby beach area. Due to the inherent risk of shoreline development, **Special Condition 10** requires the City to waive liability and indemnify the Commission against damages that might result from the proposed development.

To avoid impacts to coastal wildlife and water quality, **Special Condition 8** requires sensitive species monitoring by a qualified environmental resource specialist. The City is also required to adhere to the Avoidance and Minimization Measures recommended by its biological consultants, and, through **Special Condition 9**, to the permitting requirements of other agencies including California Department of Fish and Wildlife, State Lands Commission, U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and California Department of Parks and Recreation.

These special conditions will ensure that the project is the least impactful to coastal resources during the proposed retention period, while also ensuring comprehensive adaptation planning for future development within the subject site. Commission staff therefore recommends that the Commission **APPROVE** both subject Coastal Development Permit applications, as conditioned. The motions to accomplish this are on **page 7**.

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EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Project Components Map
- Exhibit 3 – G-4-20-0004 Revetment Plan and As-Built Photos
- Exhibit 4 – G-4-24-0064 Oak St Drainage Outfall Plan
- Exhibit 5 – Existing Stairway Diagram and Photo
- Exhibit 6 – Proposed Stairway Design
- Exhibit 7 – Proposed Revetment Additions Plans
- Exhibit 8 – Alcoves Maintenance Plans

Exhibit 9 – Staging and Access Plan

Exhibit 10 – Revised Stairway Illustration

I. MOTIONS AND RESOLUTIONS

A. Approval of CDP 4-23-0791

Motion:

I move that the Commission **approve** Coastal Development Permit No. 4-23-0791 pursuant to the staff recommendation.

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

Resolution to Approve the Permit:

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

B. Approval of CDP 4-25-0159

Motion:

I move that the Commission **approve** Coastal Development Permit No. 4-25-0159 pursuant to the staff recommendation.

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS

Special Conditions One (1) through Ten (10) shall apply to CDP 4-25-0159. Special Conditions One (1), Three (3), Four (4), Five (5) and Ten (10) shall also apply to CDP 4-23-0791.

1. Limited Authorization Period

- A. This permit authorizes both the proposed additions to the shoreline protective device as shown in Exhibit 7 and the completed repairs to the shoreline protective device made pursuant to Emergency CDP No. G-4-20-0004 and as shown in Exhibit 3, hereafter referred to collectively as “the revetment additions,” for a 10-year period from the date of permit issuance.
- B. If the permittee proposes to retain any portion of the revetment additions beyond the initial 10-year authorization period in this permit as described in subsection (a) of this Special Condition, then the permittee shall submit a complete permit or amendment application to the California Coastal Commission to request up to a 10-year extension to the authorization, no later than six (6) months prior to the termination of the initial 10-year authorization period. The permittee shall include in this application an updated long-term hazards management plan that includes evaluation of alternatives to the shoreline protective device that reduce impacts

to sand supply, public access and recreation, and any other relevant coastal resources present at the site at that time. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative for addressing site issues under the Coastal Act. The updated long-term hazards management plan shall refer to the City's forthcoming Beach Management and Adaptation Plan and ensure that any alternatives to the shoreline protection device are harmonized with adaptation strategies contained in the Beach Management and Adaptation Plan. The updated long-term hazards management plan shall also include mitigation for the effects of any remaining portion of the shoreline protective device on sand supply, public access and recreation, surf conditions, or any other relevant coastal resources during the expected life of the remaining shoreline protective device beyond, but not including, the initial period of authorization.

- C. Should the City not submit a permit or amendment application requesting retention of the revetment additions beyond the initial 10-year authorization, or if such an application is denied, then within 90 days of the termination of the initial authorization period, the permittee shall submit, to the Executive Director, a plan for the removal of the entire revetment additions for determination by the Executive Director as to whether a new Coastal Development Permit or an amendment to this Coastal Development Permit is necessary. The removal of the revetment additions shall be completed within 180 days of authorization of the removal plan.

2. Final Stairway Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of detailed Final Stairway Plans. The Plans shall be prepared by a licensed professional or professionals (e.g., geotechnical engineer, surveyor, etc.) and shall include a graphic scale. As illustrated in Exhibit 10, the Plans shall be substantially in conformance with the proposed design shown in Exhibit 6, except that they shall be modified to meet the following requirements:

- A. Seaward Extent of Stairway.** The lower landing of the stairway shall be shortened such that it does not extend further seaward than the existing stairway. The length of the upper landing (as measured from the edge of the promenade to the seaward-most point of the curved landing wall) and width of the staircase shall not be increased beyond the dimensions shown in Exhibit 6. No part of the structure shown in the Final Stairway Plans shall extend further seaward than the seaward-most part of the existing staircase.

Although not for construction, the Final Stairway Plans shall include a comparison overlay plan depicting the new and existing stairway in the same diagram in order to demonstrate that there will be no seaward encroachment beyond the existing stairway.

B. Stairway Walls. The concrete wall located along the seaward face of the stairway depicted on Exhibit 6 shall be removed, and the stairway structure shall be constructed on piles. The remaining walls should be evaluated for removal; however, where removal is determined to be infeasible from an engineering perspective, the walls shall be the minimum amount necessary and the height shall be reduced such that the top of the wall is shorter than or at the same elevation as the immediately adjacent revetment. Any needed handrails may be added to the revised design.

C. Revetment Repairs at Stairway. The existing revetment shall be reconfigured in-kind to ensure continuity after construction of the proposed stairway. The Final Stairway Plans shall clearly show all portions of the existing revetment that will be restacked or removed during demolition of the existing stairway and construction of the proposed stairway. The final plans shall clearly show that no new rock will be added to the existing revetment in the location of the proposed stairway. This prohibition shall include relocating rock from other locations along the existing revetment.

The Final Stairway Plans shall also show the final alignment of the revetment as integrated with the proposed stairway and surrounding revetment. No part of the revetment in this area shall be located seaward of the proposed stairway, or otherwise encroach seaward beyond the footprint of the existing revetment.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

3. Revetment Monitoring Program

A. Prior to issuance of the Coastal Development Permit, the applicant shall submit, for review and written approval of the Executive Director, a long-term monitoring plan for the entire shoreline protective device: the approximately 1,850-ft. long revetment. The purpose of the plan is to monitor and identify damage or changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach, and to assess the revetment's long-term impacts to public access and coastal hazards to inform future, site-specific adaptation and planning efforts. The monitoring plan shall incorporate, but not be limited to, the following:

- i. An evaluation of the current condition and performance of the revetment, addressing any migration or movement of rock that may have occurred on the site and any significant weathering or damage to the revetment that may adversely impact its future performance;
- ii. Measurements taken from the benchmarks established in the approved final plans to determine settling or seaward movement of the revetment.

Changes in the beach profile fronting the site shall be noted and the potential impact of these changes on the effectiveness of the revetment evaluated;

- iii. Recommendations on any necessary maintenance needs, changes, or modifications to the revetment to assure its continued function and to assure no encroachment beyond the permitted toe; and
- iv. An agreement that the permittee shall apply for a Coastal Development Permit within 90 days of submission of any monitoring report for any necessary maintenance, repair, changes, or modifications to the revetment recommended by the monitoring report that the Executive Director determines require(s) a Coastal Development Permit, except as described in **Special Condition Four (4)**.

B. The above-cited monitoring information shall be prepared by a licensed engineer familiar with shoreline processes. Monitoring shall continue throughout the life of the revetment or until the revetment is removed or replaced under an amendment to this Coastal Development Permit or pursuant to a separate Coastal Development Permit. The monitoring data shall be submitted to the Executive Director in annual reports, starting one (1) year following the date of Commission action on this permit.

C. The applicant shall undertake the development in accordance with the approved monitoring plan. Any proposed changes to the approved monitoring plan shall be reported to the Executive Director. No changes to the monitoring plan shall occur without a Coastal Commission approved amendment to this permit unless the Executive Director determines that no amendment is legally required.

4. Future Maintenance

A. The applicant shall maintain the revetment approved by CDP Nos. 4-23-0791 and 4-25-0159 in their approved state. Periodic use of heavy machinery on the sandy beach during low tide for the sole purpose of restoring the revetment to its approved state by restacking rip rap that has scattered onto the sandy beach is authorized under this permit. The applicant shall notify the Executive Director no less than 10 days prior to any use of heavy machinery for restacking purposes.

B. The applicant shall maintain the public access stairway in its approved state.

- i. The applicant shall implement a biweekly stairway cleaning and maintenance program to keep the lower landing of the stairway clear of driftwood, cobble, and other large debris which could impede public access.
- ii. Periodic patching and maintenance of the concrete is authorized under this permit. The applicant shall notify the Executive Director no less than 10 days prior to conducting these repairs.

- C. Any change in the design of the revetment or future additions to or reinforcement of the revetment or the public access stairway beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition will require a Coastal Development Permit. However, in all cases, if after inspection it is apparent that repair and maintenance is necessary, the applicant shall contact the Executive Director to determine whether a Coastal Development Permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a Coastal Development Permit or permit amendment for the required maintenance.

5. Future Modifications to Shoreline Protective Device

By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no future repair, maintenance, enhancement, reinforcement, or any other activity affecting the revetment approved pursuant to CDP Nos. 4-23-0791 and 4-25-0159, as described and depicted on the approved final plans and on Exhibits 3 and 7 to this staff report, shall result in any encroachment seaward of the authorized footprint of the shoreline protective device unless the proposed work is consistent with a future LCP amendment certified by the Commission. Such an LCP amendment would implement a comprehensive shoreline adaptation strategy (such as the City's forthcoming Beach Adaptation and Management Plan) that includes a comprehensive shoreline planning process that evaluates and balances the impacts and benefits of various adaptation alternatives on coastal-dependent uses, public recreation, public access, public safety, critical infrastructure, and beach widths along the downtown shorefront. Any proposed changes to the shoreline protective device resulting in seaward encroachment shall also include an evaluation of alternatives, at the time of application, to the shoreline protective device that reduce impacts to sand supply, public access and recreation, or any other relevant coastal resources at the site.

Any proposed changes to the shoreline protective device described and depicted on the approved final plans and on Exhibits 3 and 7 shall be reported to the Executive Director. No changes to the approved final plans shall occur without a new Coastal Development Permit or an amendment to this Coastal Development Permit, unless the Executive Director determines that a new Coastal Development Permit or an amendment is not legally required.

6. Construction Timing and Public Access

By acceptance of this permit, the permittee acknowledges and agrees that no project operations, including, but not limited to construction, staging, demolition, operations of equipment, sand excavation, rip rap relocation, material removal, or other construction or activities involving mechanized equipment shall take place between Memorial Day in May through Labor Day in September of each year, to avoid impacts to public access and on public recreational use of the beach and promenade. The permittee acknowledges and agrees that at no time will more than 50 percent of the pedestrian corridor be blocked by construction activities. The permittee shall maintain public access pursuant to the approved staging and access plan (Exhibit 9), and any proposed

changes to the approved staging and access plan shall be reported to the Executive Director. No change in the approved staging and access plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

7. Construction Responsibilities and Best Management Practices

It shall be the permittee's responsibility to assure that the following occurs concurrent with, and after the completion of, all project operations:

- A. No construction material debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion. Any and all debris resulting from construction activities shall be removed immediately. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this Coastal Development Permit.
- B. Construction vehicles shall be restricted to designated haul routes. Construction equipment and materials shall be stored only in designated staging and stockpiling areas as depicted in the final approved plan (Exhibit 9).
- C. Any fueling and maintenance of construction equipment shall occur only within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be refueled or washed within 100 feet of coastal waters.
- D. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.
- E. Best Management Practices (BMPs) shall be implemented to control erosion from the disturbed area and prevent sediment and potential pollutants from entering coastal waters and/or sensitive habitat during project construction and excavation.
- F. Construction activities shall be implemented in a manner that avoids the removal or disturbance of wrack to the maximum extent feasible. However, if construction activities cannot feasibly avoid removal or disturbance of wrack located within the construction area or along the access route, it shall be removed for the duration of the construction work, and subsequently relocated to the area from which it was removed upon completion of the work. Unless temporarily relocated for the duration of construction work, this permit does not allow for the removal of wrack from this area. Debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed by hand as needed.

- G. No machinery or mechanized equipment shall be allowed at any time within the active surf zone, except for that necessary to remove errant rocks from the beach seaward of the revetment.
- H. All excavated beach sand shall be redeposited on the beach within the immediate vicinity of the construction area.

8. Sensitive Species Monitoring

By acceptance of this permit, the permittee agrees to retain the services of a qualified environmental resource specialist to conduct surveys of sensitive species and oversee implementation of the Avoidance and Minimization Measures recommended by the report prepared by Rincon Consultants, Inc. dated July 1, 2025 and titled "Biological Study Letter Report for the Ventura Promenade Repairs Project". The permittee shall have the environmental resource specialist ensure that all project activities are carried out consistent with the following:

- A. The environmental resource specialist shall conduct a visual survey of the project site, to determine presence and behavior of any Western Snowy Plover, California Least Tern, or California grunion, no more than seven days prior to any project construction activities on the beach.

By February 25 of each year until construction is completed, the applicant shall obtain the seasonally predicted run schedule for the California grunion, as identified by the California Department of Fish and Wildlife. If grunion are present in any life stage, no construction activities on the beach shall occur during the grunion spawning activity below the semilunar high tide mark.

In the event that the Western Snowy Plover or California Least Tern are present and exhibit reproductive or nesting behavior, no construction activities shall occur on the beach until any and all Western Snowy Plovers or California Least Tern have left the project area or its vicinity.

In the event that the Western Snowy Plover or California Least Tern are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resource specialist shall determine if there is a risk of adverse impacts to such species from the approved construction activities and implement resource protection measures as appropriate to ensure adverse impacts to such resources are avoided. The applicant shall also immediately notify the Executive Director of the presence of such species and what measures are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Fish and Wildlife Department, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.

- B. If the environmental resource specialist becomes aware of any breach in permit compliance or any unforeseen sensitive habitat issues, the environmental resource specialist shall inform the applicant, and the applicant will cease work. If significant impacts or damage occur to the marine environment or wildlife species, the applicant shall be required to submit a revised, or supplemental, program to adequately mitigate such impacts. The revised, or supplemental, program shall be submitted to the Executive Director for review and approval.

9. Required Approvals

By acceptance of this permit, the permittee acknowledges and agrees to obtain all other State or Federal permits that may be necessary for any aspects of the proposed project (including, but not limited to, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, California State Lands Commission, California Department of Fish and Wildlife, Regional Water Quality Control Board, and California Department of Parks and Recreation). Any proposed changes to the approved final plan that may be required by any other agency shall be submitted to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

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

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards including but not limited to storm waves, flooding, erosion, and sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; 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.

In addition, if any development authorized under CDPs 4-23-0791 and 4-25-0159 comes to be located on lands impressed with a public trust interest due to the movement of the mean high tide line, the applicant would also be subject to the State Lands Commission's (or other designated trustee agency's) discretionary leasing approval. Any development that comes to be located on public trust lands due to the movement of the mean high tide line must be removed unless the Coastal Commission determines that the development may remain pursuant to the Coastal Act.

IV. FINDINGS AND DECLARATIONS

A. Project Background and Description

This report addresses two Coastal Development Permit (CDP) applications by the City of Ventura for development to maintain or enhance existing public access and recreational facilities along the Ventura Promenade – a pedestrian walkway spanning much of the downtown area’s waterfront (**Exhibit 1**). Through the first subject CDP application, No. 4-23-0791, the City of Ventura is seeking follow-up authorization to Emergency CDP No. G-4-20-0004 for the retention of concrete fill and rock placed to repair a 200-foot segment of the promenade. Through the second subject CDP application, No. 4-25-0159, the City of Ventura is seeking follow-up authorization to Emergency CDP No. G-4-24-0064 for the retention of repairs made to the outfall of the Oak Street public storm drain running beneath the promenade. As part of this second application, the City is also proposing several refurbishments to the promenade that were not part of the emergency authorization, including the replacement and redesign of an existing beach staircase, the addition of new rock to the existing revetment, and maintenance of the existing public viewing alcoves. Each of these project components are shown in **Exhibit 2** and described in further detail below.

Coastal Development Permit No. 4-23-0791

Follow-Up Authorization to Emergency CDP No. G-4-20-0004

The first component of the City’s proposal is to authorize retention of the concrete grouting and additional armor stone placed pursuant to Emergency CDP No. G-4-20-0004. During a king tide event in January of 2020, wave uprush eroded some of the existing riprap and other fill beneath the promenade’s surface, causing portions of the structure to collapse. This damage occurred in spite of the existing revetment located immediately seaward of where the promenade damage occurred. To prevent further damage, the City placed 8 large gravel bags and 1,000 standard gravel bags within the voids (which the Commission later authorized pursuant to 30611 Emergency Permit Waiver No. G-4-20-0003-W). The City of Ventura then sought emergency authorization to remove the gravel bags and place concrete fill within the voids beneath the promenade left by erosion, and to add additional rock to the rock revetment located immediately seaward of the damaged promenade. Emergency CDP No. G-4-20-0004 was issued on January 15, 2020 and specifically authorized the placement of concrete fill within the voids of the damaged 200-foot segment of the promenade and the installation of up to 650 cubic yards of 1-5 ton ungrouted rock within the footprint of the adjacent, existing revetment.

While constructing the subject emergency project, approximately 27 cubic yards of additional rock (beyond the 650 cubic yards of rock that was authorized in the emergency permit) was placed on the existing revetment. As such, CDP application No. 4-23-0791 includes the retention of the repairs made to the promenade, including the 10 cubic yards of concrete fill and grouting placed beneath the promenade as well as the

geotextile fabric, and 677 cubic yards of 1-5 ton ungrouted rock placed within the footprint of the previously existing revetment seaward of the promenade (**Exhibit 3**).

Coastal Development Permit No. 4-25-0159

Follow-Up Authorization to Emergency CDP No. G-4-24-0064

The first project component proposed as part of CDP application No. 4-25-0159 is to authorize retention of the Oak Street drainage repairs completed pursuant to Emergency CDP No. G-4-24-0064. In the winter of 2023, an existing storm drainage outfall within the promenade revetment became damaged and clogged with cobble and other debris as the result of high tides and swell surge. The obstruction caused back pressure, forcing stormwater into the adjacent residential development leading to flooding and damage. In September of 2024, to prevent further damage during subsequent rainy seasons, the City of Ventura sought emergency authorization to remove the obstruction and repair the drainage outfall. Emergency CDP No. G-4-24-0064 was issued on September 30, 2024 and authorized replacement of the seaward-most, 28-foot long, 42-inch-diameter, pipe; installation of a new headwall, junction box, 90-degree triangular wing at the outfall junction, and an additional 36-inch-diameter overflow pipe above the replacement pipe; and the removal of debris from further-landward portions of the storm drain (**Exhibit 4**). To accomplish this work, the emergency CDP also allowed for temporary removal of the existing riprap, to be reinstated in the original design configuration following completion of the repairs. The City began work following issuance of the emergency permit and completed the repairs on January 10, 2025.

Replacement and Redesign of an Existing Beach Stairway

In addition to permanent authorization for storm drain repairs, the subject proposal also includes the approval of development that has not yet been constructed. First, the applicant proposes the replacement of an existing beach access stairway. As shown in **Exhibit 5**, the existing concrete stairway is 11-feet wide and extends about 19 horizontal feet perpendicularly from the wall of the promenade. Sitting only a few feet above the mean high tide line, the stairway is regularly subject to wave uprush, sometimes from waves carrying cobble or other marine debris. This has caused the stairway to deteriorate significantly; repairs are necessary to improve pedestrian safety.

As part of CDP application No. 4-25-0159, the City is proposing to demolish the existing stairway and construct a new beach access stairway in the same general location. The proposed design, shown in **Exhibit 6**, is a concrete stairway comprised of an upper and lower landing connected by a staircase which descends parallel to the promenade. The upper landing that would adjoin the promenade is a 12-foot wide pathway comprising a rectangle and approximate quarter-circle which together are roughly 16 feet in length. The staircase is proposed to be constructed mostly within the footprint of the existing revetment, which may need be restacked to accommodate the proposed staircase. The staircase is approximately eight (8) feet wide and descends approximately 11 feet over its roughly 22-foot length. The proposed lower landing which would open onto the sandy

beach would be a rectangular pathway roughly 15 feet long and 11 feet wide. The concrete walls of the structure would be just over one (1) foot thick, have a minimum height relative to the stairway deck of around three (3) feet, and be topped with guardrails. At its most-seaward point, the concrete landing would extend about 21 horizontal feet from the promenade wall. The seaward face of the upper landing and staircase would be a solid concrete wall roughly 15 feet seaward of the promenade wall. The maximum height of the stairway would be around 15 feet above the sandy beach, but would not exceed the elevation of the promenade wall and railing.

After the demolition of the existing stairway portions of the revetment in this area may need to be restacked to protect the portion of the promenade in the location of the existing stairway and make space for the proposed stairway. The wall of the promenade will also need to be modified to close the gap at the existing stairway entrance and open a new entrance at the upper landing of the proposed stairway.

As explained further in the Coastal Hazards and Public Access and Recreation sections of this staff report, Special Condition Two (2) requires the applicant to submit, for the review and written approval of the Executive Director, Final Stairway Plans which reduce the length of the lower landing and add further details concerning modifications to the existing revetment near the stairway, such that the footprint of the proposed structure does not extend further seaward of the existing development footprint.

Additions to the Existing Revetment

Outside of the location of the proposed stairway, the subject project also includes the placement of additional rock revetment within two sections of the existing revetment located immediately seaward of the promenade (**Exhibit 7**). Along the 100-linear-foot downcoast section ("Segment A" on Exhibit 7), the City proposes to add approximately 593 cubic yards of 4-ton armoring rocks, collectively weighing around 890 tons, within an area of about 3,395 square feet. Along the 300-linear-foot upcoast section ("Segment B" on Exhibit 7), the City proposes to add approximately 1,398 cubic yards of 4-ton armoring rocks, collectively weighing around 2,100 tons, within an area of about 7,978 square feet. In total, therefore, the City is proposing the addition of approximately 1,991 cubic yards of armoring rock, altogether weighing around 2,990 tons, to about 400 linear feet of existing revetment within an area of about 11,373 square feet. In both segments, rock will be placed at a 1.5:1 slope and will not increase the overall height of the revetment. Along each segment, the toe of the revetment will be extended seaward of its previous location by up to five-and-a-half (5.5) feet.

Maintenance of the Existing Public Viewing Alcoves

The final component of the proposed project is maintenance of the existing viewing alcoves. As shown in Exhibit 2, the Ventura Promenade has nine (9) overhang alcoves with aluminum guardrails and 11 concrete bench pedestals supporting 22 benches. These benches all face the ocean and serve as important seating and viewing areas for the public. Unfortunately, the infrastructure at the existing public viewing alcoves has deteriorated over time. For instance, cracks appear in many of the concrete overhangs

and pedestals, and corrosion is visible in the metal bench frames and guard rails. Therefore, the subject project includes proposed repair and maintenance activities in these areas.

Specifically, the applicant proposes to patch cracks in the concrete and replace, in-kind, the aluminum guardrails of three (3) alcove edges; repair the mortar of the bottom faces of all nine (9) alcove overhangs with corrosion resistant cement-slurry; and replace, in-kind, seven (7) of the bench pedestals and 14 of the benches (**Exhibit 8**).

Staging, Access, and Closures

In order to conduct the proposed refurbishments described above, public access along the promenade will be temporarily restricted during the construction process. However, the City proposes to conduct activities sequentially in order to minimize the area of the promenade that is impacted at any given time. The City also proposes to preserve lateral access along the entire promenade by keeping the inland half of the walkway unrestricted at all times. During construction of the staircase and two revetment segments, the unrestricted portion of beach will remain accessible via the access stairways immediately upcoast and downcoast of the construction zone. Construction activities associated with the proposed development would span over approximately 120 days. Equipment will be staged in a portion of Promenade Park, a grass area landward of the promenade pathway at the western end of the project site which will be temporarily fenced during construction (**Exhibit 9**). Construction access to the promenade will be provided via Shoreline Drive (Figueroa Street) and Paseo De Playa, with the former also facilitating construction access to the beach for work on the revetment and stairway.

Ventura Promenade History

The Ventura Promenade is an approximately 40-foot wide, concrete, pedestrian walkway that runs along the City's downtown shoreline between the first line of structures and the sea and extends for a distance of approximately 1,850 linear feet. Located roughly between Figueroa Street and the Ventura pier, the combination concrete deck and rock revetment structure is one of the most significant public coastal access amenities within the City. The promenade was originally constructed, prior to the effective date of the Coastal Act, in two phases between 1967 and 1970 and consists of a rock revetment and a reinforced concrete pedestrian deck. The revetment section was constructed first to stabilize the shoreline at the time, protect the adjacent, landward development and provide a suitable foundation for the pedestrian walkway. The reinforced concrete deck is roughly 40 feet wide and includes beach access stairwells, and numerous benches and viewing areas. Specifically, the promenade includes nine cantilevered public viewing alcoves with bench seating and three stairways that provide direct access to the beach. Elevated planters, lighting, and other landscape design features distributed along the promenade deck complete the design. Adjacent development landward of the promenade includes residential units, public and private parking, public open space, and the Crown Plaza hotel. Due to the geography of the

area, the promenade is visible from the Ventura Beach, the Ventura Pier, and select elevated locations in the northern downtown corridor.

Over its lifetime, the promenade has been subject to wave uprush from coastal storm events. The harsh marine environment has resulted in the deterioration of the revetment, stairs, and concrete deck, requiring frequent maintenance and, as discussed further below, occasional emergency repairs. Thus, the primary purpose of the proposed project is to authorize retention of previously completed emergency repairs and maintain and enhance the promenade's public access benefits and recreational facilities.

Permitting Jurisdiction and Standard of Review

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 has CDP review authority over the portions of the project within its respective LCP jurisdiction. However, Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated Coastal Development Permit application, when certain criteria are satisfied, for the entirety of a proposed project that would otherwise require separate CDPs from both a local government with a certified LCP and the Commission.

Pursuant to Section 30601.3(a)(2), the applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. In this case, the City of Ventura, serving as both the applicant and the appropriate local government, recommended the issuance of a consolidated CDP in a letter submitted to Commission staff dated April 25, 2025.

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

B. Coastal Hazards

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states in part that new development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter the natural landforms along bluffs and cliffs

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.

In addition, the City of Ventura LCP includes the following applicable provisions, used as guidance:

Policy 15.4 of the City of Ventura certified Land Use Plan states, in part:

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

Coastal Act Section 30235 allows for the permitting of shoreline protective devices when needed to protect existing development and designed to eliminate or mitigate adverse impacts on local shoreline sand supply and Coastal Act Section 30253 requires that new development shall minimize risks to life and property in areas of high flood hazard. Coastal Act Section 30270 requires the Commission to take into account the effects of sea level rise in coastal resources planning and management. The City of Ventura's certified LCP contains the relevant policy cited above, requiring that new or substantially redeveloped shoreline protection devices are necessary to serve coastal-dependent uses or protect existing structures or public lands in danger from erosion, when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and when access to and along the shoreline is provided.

An issue of major concern facing California today is the gradual loss of sandy beaches due to natural processes (e.g. erosion, subsidence, and storm events) combined with anthropogenic factors (e.g. coastal development and sand supply disruptions). Seawalls, revetments, and other types of hard armoring have long been used to protect backshore development from erosion and flooding, but future accelerated sea level rise and extreme storm events will heighten the rate of beach loss and potential exposure of

the backshore to hazards. Hard armoring already results in unintended ecological and public access consequences, such as loss of biodiversity and ecosystem services and displacement of recreational beach area with protective structures.

The Ventura promenade is located at the northern end of Pierpont Bay. The crenulated-shaped bay experienced severe erosion in the early 1900s when the area was rapidly developed. Erosion conditions worsened until the 1960s when the Army Corps of Engineers constructed a series of groins approximately two miles down-coast that retained additional sediment within the littoral cell and resulted in a widened beach condition between Ventura Harbor and the Ventura Promenade. Down-coast of the Ventura Promenade, the beach begins to widen as the stabilizing effects of the first groin and the change in shoreline orientation become of greater influence.

The proposed project includes retention of emergency revetment rock that was added to the existing revetment through G-4-20-0004, following high tide and storm events which eroded portions of the existing revetment and promenade foundation. As a component of CDP No. 4-25-0159, the City of Ventura is also proposing the addition of new rock to two segments of the existing revetment, as depicted on Exhibit 7.

The Coastal Act acknowledges that seawalls, revetments, retaining walls, groins, and other such structural or “hard” methods designed to forestall erosion also alter natural landforms and natural shoreline processes. The installation of shoreline armoring, such as the subject revetment additions, has the potential to increase local or downcoast erosion. Besides occupying a portion of the sandy beach, coastal armoring can cause passive and active erosion. Regarding passive erosion, whenever a hard structure is built along an eroding coastline, the shoreline can eventually migrate landward on either side of the structure, resulting in gradual loss of the beach in front of and to either end of the armoring. In addition, localized scour is often observed at the downdrift end of armoring as a result of wave reflection and would also hasten the loss of sand at what is already a fairly narrow beach.

Accordingly, with the exception of new coastal dependent uses, Coastal Act Section 30235 limits the construction of shoreline protective structures to those required to protect existing permitted development or public beaches in danger from erosion. Furthermore, Section 30253 requires that new development be sited, designed, and built in a manner to not require construction of shoreline protective devices that would substantially alter natural landforms along the shoreline. The Coastal Act provides these limitations because shoreline protective devices can have a negative effect on the coastal environment, including adverse effects on sand supply, public access, coastal views, natural landforms, and shoreline beach dynamics on- and off-site, that can result in the loss of sandy beach areas.

Under Coastal Act Section 30235, shoreline protective structures shall be permitted if: (1) there is an existing structure, public beach area, or coastal dependent use; (2) the existing structure, public beach area, or coastal dependent use is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure or public beach area, or to serve the coastal dependent use; and (4) the

required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply. In this case, the existing segment of the promenade in the project area is subject to periodic wave attack and has been damaged over time. The existing promenade was constructed utilizing a slab-on-grade foundation, prior to the effective date of the Coastal Act. An existing 1,850-linear-foot rock revetment was constructed, at the same time as the promenade, at the project site between 1967 and 1980, in order to protect the promenade from wave up-rush erosion. Unfortunately, much of the rock has migrated seaward over time, reducing the efficacy of the revetment and exposing the promenade foundation to wave uprush and erosion. As discussed in the Project Description and Background Section of this report, Emergency CDP No. G-4-20-0004 was issued in direct response to a section of the promenade collapsing due to this erosion. Retention of the revetment rock placed in this emergency, and the proposed placement of additional rock along two other segments of the revetment, are necessary to stabilize the portions of the promenade.

An October 2009 coastal hazards report entitled “Coastal Engineering Analysis: Promenade Beach & Stair Improvements” completed by Noble Consultants on behalf of the City confirmed that the promenade is vulnerable to wave runup and coastal erosion, which are expected to increase with sea level rise. The report examined several alternatives to fortifying the existing revetment for the protection of coastal-dependent uses located within the area, including managed retreat, construction of a seawall, and a “no project” alternative. An updated assessment of project alternatives specific to the project site was also provided through a preliminary design memorandum dated February 9, 2023 and prepared by Noble Consultants. The updated analysis recommended proactive additions to a total of 900 linear feet of the existing revetment, and found that the 400 feet of revetment improvements proposed as a component of CDP No. 4-25-0159 and retention of the revetment placed pursuant to Emergency CDP No. G-4-20-0004 were immediately critical to avert structural damage to the promenade. The Commission’s staff engineer agrees with the applicant’s consultant that the identified existing structure is in danger of erosion and the proposed revetment additions and retention of the as-built emergency revetment are the least impactful way to feasibly address the risk. Allowing the retention of the as-built emergency repairs and the placement of additional rock along vulnerable, deteriorated portions of the existing revetment will allow sufficient time for the City to conduct a long-term hazards analysis and return with an application for a subsequent coastal development permit for the least impactful long-term solution.

In December of 2024, the City of Ventura received a grant from the Coastal Commission’s LCP Local Assistance Grant Program to prepare a comprehensive update to the City’s LCP which would examine and address, among other issues, infrastructural vulnerability to coastal hazards. The LCP update will utilize the latest scientific data outlined in the Ocean Protection Council State of California Sea Level Rise Guidelines 2024 and will incorporate an adaptive pathways approach to coastal management. This approach involves phased and responsive strategies based on specific triggers and thresholds that will be defined based on the projections of sea level rise. Under the terms of the grant, the City has agreed to prepare a Beach Management and Adaptation Plan. This plan will align the City’s beach management activities, which

include maintaining public infrastructure, with sea-level rise policy recommendations based on the best available science, and consolidate these activities into one long-term programmatic CDP. The Beach Management and Adaptation Plan and comprehensive LCP update are both scheduled for completion by summer of 2027.

To protect the promenade and facilitate beach access until sea-level rise and coastal hazards can be meaningfully addressed as part of this long-term planning effort, the Commission finds it appropriate to approve the retention of the additional rock placed pursuant to Emergency CDP No. G-20-0004 and the placement of new additional rock along 400 linear feet of the existing revetment for a limited term. **Special Condition One (1)** authorizes these improvements to the revetment for a 10-year period, and requires that any extension of this term be considered by the Commission. Prior to the termination of the initial authorization period, the City may apply for 10 additional years of authorization, but such a request shall include an updated long-term hazards management plan that includes evaluation of alternatives to the shoreline protective device that reduce impacts to sand supply, public access and recreation, and any other relevant coastal resources at the site. This evaluation shall refer to the City's forthcoming Beach Management and Adaptation Plan and ensure that any alternatives to the shoreline protective device are harmonized with adaptation strategies contained therein. Additionally, **Special Condition Four (4)** requires the applicant to maintain the existing revetment in its approved design and authorizes necessary restacking of rocks. Special Condition Four (4) also requires the applicant to contact the Executive Director when repair or maintenance of the revetment is necessary, to determine whether a Coastal Development Permit or amendment of this permit is required. To ensure the protection of public beach space seaward of the revetment, **Special Condition Five (5)** requires the applicant to waive any rights to future seaward extension of the revetment unless the proposed work is consistent with a future LCP amendment certified by the Commission that implements the comprehensive shoreline adaptation strategy for the area.

In addition to the subject rock revetment, CDP No. 4-25-0159 also includes the replacement of an existing public access stairway. The proposed stairway design was selected following extensive coordination between City and Commission staff and evaluation of several project alternatives. The relevant file documents which examine alternative stairway designs include the February 2023 preliminary design memorandum, a May 2023 staircase wave load analysis, an updated staircase wave load analysis dated June of 2025, a February 2026 staircase design alternatives letter, and a revised staircase design alternatives letter containing the current proposal dated April 2026. These alternatives analyses, all prepared by Noble Consultants, emphasize that repairing the existing stairway in-place is not the City's preferred approach because the existing orientation directly faces any oncoming waves, resulting in significant deterioration of the steps over time. The design proposed by the City, as depicted on Exhibit 6, orients the staircase parallel to the promenade in order to potentially reduce the frequency at which maintenance is required. However, the proposed design also includes a lower landing at the bottom of the stairway which would extend further seaward than the existing stairway and revetment footprint. Furthermore, the proposed design includes a perimeter of solid concrete walls between 10 and 15 feet tall. To

reduce the area of sandy beach that will be covered by the stairway due to seaward encroachment and to avoid unnecessary shoreline hardening, **Special Condition Two (2)** requires the City to submit plans which reduce the length of the lower landing and propose an open, pile-supported stairway design which utilizes pedestrian safety handrails and minimizes the use of solid concrete walls.

Lastly, due to the inherent risk of shoreline development, **Special Condition Ten (10)** requires the City to waive liability and indemnify the Commission against damages that might result from the proposed shoreline protective device. The risks of the proposed development include the possibility that the shoreline protective device will not protect against damage to the promenade from storm surge, uprush, overtopping, flooding, and erosion. Although the Commission has sought to minimize these risks, the risks cannot be eliminated entirely. Given that the applicant has chosen to construct the proposed development despite these risks, the applicant and any future successors in interest must assume the risks.

Coastal hazards and shoreline protective devices also raise public trust concerns. The common law public trust doctrine protects the public's right to access tidelands, submerged lands, and navigable waters, which the State holds in trust for the public's use and enjoyment. This doctrine is enshrined in California's Constitution, which provides in Article 10, section 4, that no individual may "exclude the right of way" to any "frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State." Cal. Const. Art. 10, Sec. 4. The Constitution further directs the Legislature to enact laws that give the most "liberal construction" to Article 10, section 4, so that access to navigable waters of the State "shall be always attainable for the people." The Commission has a responsibility to implement the Coastal Act in a manner that protects public trust resources and public trust uses both now and in the future.

The public trust boundary is an ambulatory line in most locations, and as erosion occurs or sea levels rise, the public trust boundary will move inland as the mean high tide line moves inland. As the shoreline migrates inland, structures may become located on public trust lands, occupying land that would otherwise be available for public access, ecosystem services and other coastal resource benefits held in trust for the public. **Special Conditions Nine (9) and Ten (10)** require coordination and any necessary approvals from the State Lands Commission should approved development lie upon public trust lands.

These special conditions will ensure that the project remains in a configuration that can be considered the least impactful to coastal resources during the approved retention period, consistent with Sections 30235, 30253, and 30270 of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the relevant sections of the Coastal Act and the applicable guidance policies of the City of Ventura LCP regarding coastal hazards.

C. Public Access and Recreation

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

In addition, the City of Ventura LCP includes the following applicable provisions, used as guidance:

Policy 15.10 of the City of Ventura certified Land Use Plan states, in part:

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 Policy 15.10 of the certified City of Ventura LCP mandate that maximum public access and recreational opportunities be provided. Coastal Act section 30211 requires that development shall not interfere with the public's right of access to the sea, including the use of dry sand areas. Coastal Act Section 30212 requires that new development shall provide public access to the shoreline, except where adequate access exists nearby.

The project site is located on and immediately seaward of the Ventura Promenade, an approximately 40-foot wide, concrete, pedestrian walkway that runs along the City's downtown shoreline between the first line of structures and the sea and extends for a distance of approximately 1,850 linear feet. Located roughly between Figueroa Street and the Ventura pier, the combination concrete deck and rock revetment structure is one of the most significant public coastal access amenities within the City. Public access to Ventura Beach and Surfer's Point is available via three beach access

stairways descending from the promenade. As a component of the subject project, the City of Ventura is proposing to redesign and replace one of these stairways, which has deteriorated over time in the harsh marine environment. In addition, the City is proposing to retain the emergency repairs to the promenade foundation and revetment made pursuant to Emergency CDP No. G-4-20-0004 and to place additional rock along two segments of the existing revetment.

The primary purpose of the proposed project is to maintain and enhance existing public access and recreational facilities along the City's beach front. However, due to the location of the proposed development, during construction, public access will be temporarily impacted. Construction activities associated with the proposed development would span over approximately 120 days. Equipment will be staged in a portion of Promenade Park, a grass area landward of the promenade pathway at the western end of the project site which will be temporarily fenced during construction (**Exhibit 9**). Construction access to the promenade will be provided via Shoreline Drive (Figueroa Street) and Paseo De Playa, with the former also facilitating construction access to the beach for work on the revetment and stairway. The City proposes to conduct construction activities sequentially in order to minimize the area of the promenade that is impacted at any given time. During construction of the staircase and two revetment segments, the beach will remain accessible via the access stairways immediately upcoast and downcoast of the construction zone. The City also proposes to preserve lateral access along the entire promenade by keeping the inland half of the walkway open for public use at all times. In order to ensure that temporary impacts to public access and recreation are minimized during construction, **Special Condition Six (6)** requires that the applicant acknowledge and agree that no construction will take place during the peak visitor season between Memorial Day and Labor Day, that at no time will more than half of the promenade width be blocked by construction, and that all project activities will follow the approved staging and access plan.

While the proposed development is necessary to protect public infrastructure facilitating recreation and public access along the oceanfront, the expanded revetment and redesigned stairway would nevertheless occupy beach space that would otherwise be available for lateral access and public recreation. As discussed previously, the proposed stairway design was selected following extensive coordination between City and Commission staff and evaluation of several project alternatives. These alternatives analyses, prepared by Noble Consultants, state that repairing the existing stairway in-place is not the City's preferred approach because the existing orientation directly faces any oncoming waves, resulting in significant deterioration of the steps over time.

While the proposed stairway design would have a substantially larger footprint (approximately 650 square feet) compared to the existing stairway (approximately 200 square feet), much of the proposed staircase would be located in an area currently occupied by the existing revetment. Thus, the overall impact to the area of sandy beach that would result from the proposed design is less than the change in the footprint would suggest. However, as depicted on Exhibit 6, the proposed design includes a lower landing at the bottom of the stairway, which would extend further seaward than the existing stairway and revetment footprint. Adverse impacts to public recreation and

lateral access can be further reduced by reducing the overall footprint and seaward encroachment of the proposed stairway. Therefore, in order to minimize impacts the stairway would have on public beach space and lateral beach access, **Special Condition Two (2)** requires the City to submit plans which reduce the length of the lower landing, and which clearly demonstrate that no new revetment rock will be placed seaward of the stairway. Even once shortened, however, the proposed landing may inadvertently catch and retain large debris such as driftwood or cobble which inhibit and deter pedestrians attempting to use the stairway. To ensure that public access to the beach in this area is not impacted, **Special Condition Four (4)** requires the City to implement a stairway cleaning and maintenance program to remove all large debris from the landing on a biweekly basis.

In past permit actions, the Commission has found that rock revetments require relatively frequent repair and maintenance due to the natural settling or subsidence of the rock structure into the sand over time and to the inadvertent loss of rock material due to errant rock becoming dislodged from the structure and settling seaward of the structure. This errant rock can adversely impact the public's ability to utilize the sandy beach area seaward of a rock revetment over time. To ensure that errant rock that could adversely impact lateral public access along the sandy beach in a timely manner, **Special Condition Three (3)** requires implementation of an approved revetment monitoring program to document the condition, performance, and footprint of the revetment, throughout the life of the revetment or until the revetment is removed or replaced, in order to identify necessary repairs in a timely manner and to ensure that revetment rock does not permanently migrate into nearby beach area. **Special Condition Four (4)** requires the City to maintain the existing revetment in its approved state, and to notify the Executive Director no less than ten (10) days prior to any use of heavy machinery to retrieve errant rock and/or for restacking purposes. Additionally, **Special Condition Five (5)** is required to ensure that no future repair, maintenance, enhancement, reinforcement, or any other activity will result in any seaward encroachment of the subject revetment unless approved consistent with a future LCP amendment certified by the Commission that implements a comprehensive shoreline adaptation strategy for the subject site (such as the City's forthcoming Beach Management and Adaptation Plan). Such an LCP amendment shall include a comprehensive shoreline planning process that evaluates and balances the impacts and benefits of various adaptation alternatives on coastal-dependent uses, public recreation, public access, public safety, critical infrastructure, and beach widths at the downtown shoreline. Finally, to ensure that the as-built revetment additions and proposed revetment additions are retained for the minimum duration of time necessary for the City to design and propose the least-impactful permanent management strategy for the protection of future public access at the subject site, **Special Condition One (1)** authorizes the revetment for an initial ten-year period only. Prior to the termination of the initial authorization period, the City may apply for an additional ten years of authorization, but such a request must be accompanied by an updated long-term hazards management plan that includes evaluation of alternatives that reduce impacts to sand supply, public access and recreation, and any other relevant coastal resources at the site. This evaluation shall refer to the City's forthcoming Beach Management and Adaptation Plan and ensure that any alternatives to the shoreline protective device are harmonized with adaptation

strategies contained therein. The plan shall also include mitigation for the effects of any remaining portion of the shoreline protective device on sand supply, public access and recreation, surf conditions, or any other relevant coastal resources during the expected life of the remaining shoreline protective device beyond the initial period of authorization.

These special conditions of approval will ensure that the construction activities, proposed structures, ongoing maintenance, and longer-term planning efforts associated with the project are consistent with the public access and recreation policies of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the relevant sections of the Coastal Act and the applicable guidance policies of the City of Ventura LCP regarding public access and recreation.

D. Biological Resources and Water Quality

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, 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.

In addition, the City of Ventura LCP includes the following applicable provisions, used as guidance:

Policy 12.2 of the City of Ventura certified Land Use Plan states, in part:

New development that could result in the elimination or conversion of biologically significant natural communities should be analyzed to include evaluation of measures to avoid or minimize the impact on sensitive habitats to the extent feasible.

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. Section 30231 requires that the biological productivity and quality of coastal waters be maintained. Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designated to prevent impacts which could degrade those resources. Policy 12.2 of the City of Ventura certified Land Use Plan requires that impacts to sensitive habitats be avoided or minimized to the extent feasible.

Several components of the proposed project, including the placement of around 1,991 cubic yards of additional armoring rock along 400 linear feet of the existing revetment and the construction of a beach access stairway, have the potential to impact biological resources. Despite the existing hardscape on the surrounding beach, which includes the Ventura Pier and a children's play structure to the east as well as the rock revetment and cobble shoreline of Surfer's Point to the north and west, the sandy shoreline at the project site frequently hosts foraging shorebirds and other forms of marine life.

The applicant's biologist has submitted a biological report for the site, prepared in July 2025 by Rincon Consultants, Inc., which did not observe any special status species at the project site but nonetheless noted moderate potential for Western Snowy Plover and California Legless Lizards to occur. The report recommended three avoidance and minimization measures for the project: a workers environmental awareness program, general best management practices, and western snowy plover and nesting bird monitoring. While not discussed in the biological report, the subject beach could also be a location for California Grunion spawning. To ensure that the applicant avoids adverse impacts to sensitive species that may be present at the project site, **Special Condition Eight (8)** requires that an environmental resource specialist oversee implementation of the avoidance and minimization measure recommended by Rincon Consultants, survey the project area for sensitive species prior to implementation of any project activities, periodically monitor the active work areas, and undertake protective measures if any sensitive species or active nests are identified. In addition, **Special Condition Nine (9)** requires the applicant to comply with all permit requirements and mitigation measures of the California Department of Fish and Wildlife, State Lands Commission, U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Regional Water Quality Control Board, and California Department of Parks and Recreation with respect to preservation and protection of water quality and the marine environment. Any change in

the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed changes shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Lastly, as the proposed project includes the use of heavy equipment on the sandy beach, **Special Condition Seven (7)** mandates the use of Best Management Practices to prevent the discharge of hazardous material during project activities. These practices are necessary to avoid pollution of the sandy beach and coastal waters.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the relevant sections of the Coastal Act and the applicable guidance policies of the City of Ventura LCP regarding water quality and marine resources.

E. California Environmental Quality Act

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

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

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application No. 4-23-0791 and associated file documents.

Coastal Development Permit Application No. 4-25-0159 and associated file documents.

Emergency Coastal Development Permit Application No. 4-20-0004 and associated file documents.

Emergency Coastal Development Permit Application No. 4-24-0064 and associated file documents.