



Subject: Public Hearing to Consider Ventura County Initiated Text Amendments to the Local Coastal Program (LCP), which includes Amendments to Chapter 4 of the Coastal Area Plan and Articles 2, 4, 5, 8, 11 and the addition of Appendix 15 of the Coastal Zoning Ordinance for Coastal Hazards, Sea Level Rise, and Other Minor Amendments (PL20-0039); and Consider a Finding that Adoption of the Proposed Amendments is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308.

A. PROJECT INFORMATION

1. **Applicant:** County of Ventura, Resource Management Agency (RMA), Planning Division, 800 South Victoria Avenue, Ventura, CA 93009.
2. **Location:** The proposed amendments to the Local Coastal Program (LCP) would be applicable to the coastal zone for unincorporated Ventura County (Figure 3) that includes areas within Supervisorial Districts 1, 2, and 5.
3. **Request:** The Planning Division requests that your Commission review this report and its attachments and adopt a resolution (Exhibit 2) recommending that the Board of Supervisors adopt the following staff recommended actions related to the proposed amendments to the Ventura County LCP, as described in Section E of this report and as summarized below:
 - Adopt proposed amendments to Chapter 4 of the Coastal Area Plan, which include new and revised goals, policies and programs for development related to coastal hazards, sea level rise, and climate change, and other minor amendments shown in Exhibit 3; and
 - Adopt proposed amendments to the Coastal Zoning Ordinance, which include amendments to Articles 2, 4, 5, 8, 11 and the addition of Appendix 15 related to coastal hazards, sea level rise, climate change, and other minor amendments shown in Exhibit 4.

The primary objective of the proposed amendments is to update the hazards sections of the LCP to include Coastal Hazards Screening Areas that would require substantial new development on or near the shoreline to plan and design for resilience to sea level rise.

4. Review/Decision-Making Authority:

Ventura County's LCP consists of the Coastal Area Plan (CAP), Coastal Zoning Ordinance (CZO) and Categorical Exclusion Order (E-83-1A). Article 14 of the County's CZO describes procedures for amendments and requires that proposed amendments be reviewed by the Planning Commission and shall make a recommendation of approval or denial to the Board. If approved by the Board, the locally adopted amendments are presented to the California Coastal Commission (Coastal Commission) for certification. The Coastal Commission must certify that the proposed LCP amendments, as set forth in the Coastal Act sections 30512 through 30513, are in conformance with Coastal Act policies and that the CZO amendments

are adequate to carry out the provisions of the CAP. The Coastal Commission must also make the related findings for certification set forth in the California Code of Regulations, title 14, section 13540. In addition, Public Resources Code Section 30514 states that a certified LCP may be amended by the local government but that the amendment does not take effect until certified by the Coastal Commission.

The County's permitting authority in the unincorporated coastal zone encompasses development in the public rights-of-way and in State parks. However, the County does not have land use authority over federal lands such as the Ventura County Naval Base at Point Mugu. The County's LCP and unincorporated coastal zone do not include the Channel Islands Harbor, which is managed by the County's Harbor Department and governed by the Harbor Public Works Plan and City of Oxnard's LCP. The Coastal Commission retains original permitting authority (with certain exceptions) for development on tidelands, submerged lands, and public trust lands. When development is proposed on beach areas, the County typically works with the Coastal Commission to process a consolidated permit which includes review for consistency with regulations pertaining to both jurisdictions. As described in Coastal Zoning Ordinance section 8181-9.5, the Coastal Commission also has appellate jurisdiction over development permits approved by local governments on lands between the sea and the first public road parallel to the sea, on or near sensitive locations (such as coastal bluffs), development that is not a principally permitted use, and major public works projects.

5. Project Background and Description:

a. Project Background

The Ventura County Resilient Coastal Adaptation Project is intended to increase resilience to coastal hazards and sea level in the unincorporated County's coastal zone. The two main phases of the project are briefly summarized below:

- **Phase I:** Understand sea level rise along the coastline through identification of structures and property at risk to sea level rise and develop adaptation strategies.
- **Phase II:** Adopt and certify LCP amendments with development standards designed to reduce risks from sea level rise over the life of the development.

Grants and Prior Public Hearings

Since 2017, the Planning Division received two grants to evaluate and plan for sea level rise and coastal hazards resilience along approximately 29 miles of unincorporated area coastline. The grants were divided into phases I and II and was named the VC Resilient Coastal Adaptation Project.¹

Phase I developed a Sea Level Rise Vulnerability Assessment (Exhibit 8), Sea Level Rise Adaptation Strategies Report (Exhibit 9), and draft CAP policies. These materials were reviewed during public workshops and culminated in a Board of Supervisors work session that resulted in authorization for the Planning Division to accept a grant for Phase II, as described below.

¹ <https://vcrma.org/divisions/planning/vc-resilient-coastal-adaptation-project/>

Planning Commission Staff Report for Coastal Hazards and Sea Level Rise Amendments (PL20-0039)

Planning Commission Hearing on February 20, 2025

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On March 7, 2019, the Planning Commission held a public work session and received the staff report (Exhibit 10) which included a Vulnerability Assessment and an Adaptation Strategies Report.

- The Vulnerability Assessment mapped the unincorporated County's geographic areas that could be impacted with up to five feet sea level rise, coastal erosion, Santa Clara River (fluvial) flooding, and a 100-year storm event (1% annual chance storm). The maps are the basis for an evaluation of the potential impacts on public beaches, infrastructure, private property, tourism, agriculture, environmental justice communities, public safety, and sensitive habitats.
- The Adaptation Strategies Report provides a summary of the Vulnerability Assessment results, describes various adaptation strategies that could be used to improve the resilience of unincorporated Ventura County, and provides examples of adaptation pathways to help illustrate coastal adaptation planning approaches.

The Planning Commission received the staff report and their comments supported beach nourishment, measures to reduce the loss of biological and ecological resources and provided comments to Planning staff about the importance of working with federal agencies for sea level rise planning, monitoring for the impacts of sea level rise on the coast and agriculture and using cost-benefit analyses to support sea level rise planning.

On September 10, 2019, the Board of Supervisors held a work session regarding the Vulnerability Assessment, the Adaptation Strategies Report, and the Board letter included an exhibit with preliminary draft LCP amendment policies (Exhibit 11). The Board ratified in a 5-0 vote the submission of another Coastal Commission grant application to conduct Phase II. The Board resolution and grant application directed Planning staff to carry out the following directives:

- Create and execute a public outreach plan.
- Form a County interagency sea level rise and coastal hazards working group to inform other agencies about the Vulnerability Assessment results and provide training about how to use the sea level rise models to plan for County assets near the coast.
- Prepare and present for County adoption and Coastal Commission certification LCP amendments.

On July 15, 2021, the Planning Commission held a work session to review the results and conclusions of the County interagency sea level rise working group. The resulting staff report is in Exhibit 12, and the Commission recommended continuing public outreach and keeping the public informed, coordinating efforts with local cities and Naval Base Ventura County, considering agricultural lands for saltwater intrusion, and adjusting planning timelines to plan for adaption sooner (e.g., using 10-year or 20-year storms instead of 1% annual chance storms).

Since the Planning Commission hearing, Planning staff have conducted public outreach and worked with Coastal Commission staff to refine the proposed CAP and CZO amendments. The amendments before your Commission today constitute Phase II of the grant funded Project.

Since LCP amendments are typically a long process (e.g. require at least four adoption hearings) this staff report and proposed amendments address a few other topics than coastal hazards and sea level rise, as follows:

- *Allow Open Decks in Side and Rear Yard Setbacks* – This is based on Board of Supervisors direction from September 16, 2014, which requested CZO revisions to allow for property owners to have open decks in the side and rear yard setbacks for small residential parcels in the Residential Beach (RB) and Residential Beach Harbor (RBH) zones. This would remedy nonconforming uses by amending the CZO to allow decks to extend further into setbacks.
- *Allow Corner Lot Owners in the RB Zone to Select which Street Frontage is Considered to be the Designated Front of their Lot* – This is based on Board of Supervisors direction from August 2, 2016 for Planning to study CZO amendments allowing corner lot property owners in the RB zone to select which street frontage is the designated front of their lot to allow for properties to face the ocean and have more expansive ocean viewsheds.
- *Public Noticing* – Effective January 1, 2025, State Bill AB 2904 required local jurisdictions to publicly notice hearings for zoning ordinance amendments at least 20 days prior to the hearing date.

The draft LCP amendments were released for public comment on June 5, 2024 and four public workshops were held in June 2024. A summary of the public outreach conducted, public comments submitted, and discussion of whether the comments resulted in modifications to the public review draft amendments is in Exhibit 13.

Sea Level Rise Science

As average global temperatures increase with climate change, several factors are contributing to rising sea levels. First, as ocean temperatures warm, the water in the ocean expands increasing the volume of sea water and causing higher sea levels. Second, increased global temperatures lead glaciers and ice caps to melt at faster rates, increasing the amount of liquid water in the ocean. As a result, extreme ice loss from the Greenland, Arctic, and Antarctic ice sheets is increasing the amount of water in the ocean. Consequently, ice melt is predicted to be the primary contributor to global sea-level rise. In California, ice loss from Antarctica causes higher sea-level rise than the global average due to changes in Earth's gravitational pull and rotation. For example, if the loss of Antarctic ice were to cause global sea level to rise by 1 foot, the associated sea-level rise in California would be about 1.25 feet (OPC, 2018).

Scientific understanding of sea level rise is constantly advancing as our understanding of climate cycles, earth science, and human impacts grow. While the exact rate and magnitude of sea level rise over the next century is uncertain, there will be a steadily observable increase in sea levels. Sea level rise is a slow-moving threat, and long-term planning can help prepare for challenges ahead. The first step in effective sea level rise planning is to understand the amount the sea will rise and where impacts are likely to occur.

The best available science reflected in the *California Sea Level Rise Guidance: 2024 Science and Policy Update* expects that by 2100, California statewide averaged sea levels will rise between 1.6 and 3.1 feet, although higher amounts are possible--depending on the rate of ice sheet loss and global greenhouse gas (GHG) emissions.

Sea levels may rise from 2.6 to 11.9 feet by 2150, and even higher amounts cannot be ruled out.

The ranges described above reflect variations in future climate change emissions, ocean warming, and ice sheet loss which will have large impacts on coastal communities. Costly and serious impacts of this projected rise in sea levels would be significant even with relatively small increases in height when combined with coastal erosion and damaging coastal storms. In Ventura County, about 5 feet of sea level rise would reduce the Central Coast beaches to about half of today's width, and narrow beaches and coves on the North and South Coasts will be inundated daily at high tide. According to the Vulnerability Assessment, with about 5 feet of sea level rise 2,085 acres of prime agricultural land, 2,230 structures, and 54 miles of roadways are vulnerable to coastal hazards. The economic impacts could be severe, with over \$2.3 billion in property at risk due to coastal flooding and erosion during a large coastal storm that combines with 5 feet of sea level rise. Over \$800 million in property values could be exposed to monthly tidal inundation. Moreover, the report estimated that coastal flooding and tidal inundation could result in around \$30 to \$58 million in economic loss in agricultural productivity.

Sea level rise will not have the same effect everywhere around the world, in fact melting ice sheets, tectonic forces, groundwater and other factors will cause differences in land motion, and in some places creating the appearance of falling or stagnate sea levels. Nonetheless, local sea level rise measured using data collected by local tide gauges shows a rising trend. The Santa Monica tide gauge shows an average historical rate of sea level rise of about 1.5 mm per year, or about a half an inch per decade. Accounting for the current rate of GHG emissions, a long-term time scale, and an understanding of feedback mechanisms such as ice-albedo feedback, the rate of sea level rise is projected to accelerate in the future creating increasingly upward curve (see figure below).

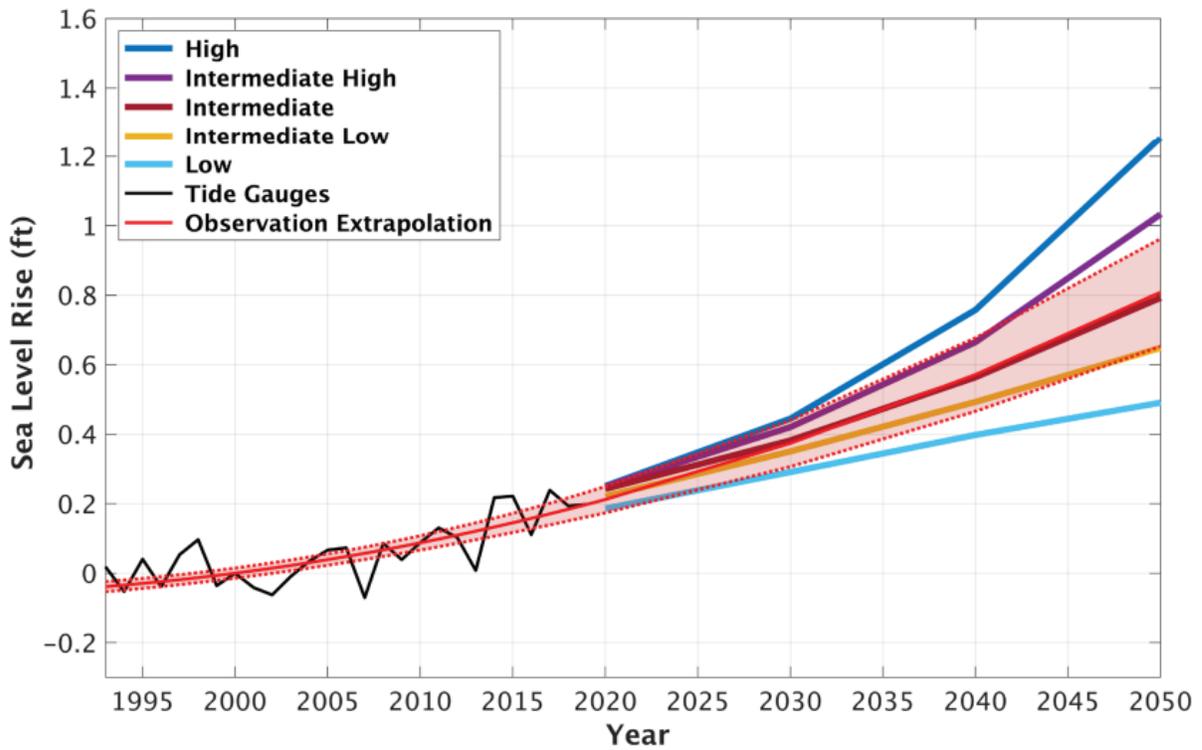


Figure 1 Sea Level Scenarios for California, in feet, from 2020 to 2050 relative to a baseline of 2000. California Sea Level Rise Guidance: 2024 Science and Policy Update. 2024. California Sea Level Rise Science Task Force, California Ocean Protection Council, California Ocean Science Trust.

The bottom numbers in the above chart show the expected sea level rise at specific time intervals, and the numbers on the left show the amount of sea level rise in feet. The colors delineate historical tide gauge measurements and the projected sea level scenarios. For example, the purple line which shows the “intermediate-high” scenario, which by the year 2050 is likely to result in over 1 foot of sea level rise, (California Sea Level Rise Guidance (2024)). This scenario is the one most frequently recommended by Coastal Commission guidance for planning and design of new structures and redevelopment.

The table below shows these sea level rise scenarios in a numerical format with more detail and longer time intervals. The “intermediate-high” scenario would result in 4.9 feet of sea level rise by 2100 and 8.3 feet by 2150.

YEAR	LOW	INT-LOW	INTERMEDIATE	INT-HIGH	HIGH
2020	0.2	0.2	0.2	0.2	0.3
2030	0.3	0.4	0.4	0.4	0.4
2040	0.4	0.5	0.6	0.7	0.8
2050	0.5	0.6	0.8	1.0	1.2
2060	0.6	0.8	1.1	1.5	2.0
2070	0.7	1.0	1.4	2.2	3.0
2080	0.8	1.2	1.8	3.0	4.1
2090	0.9	1.4	2.4	3.9	5.4
2100	1.0	1.6	3.1	4.9	6.6
2110	1.1	1.8	3.8	5.7	8.0
2120	1.1	2.0	4.5	6.4	9.1
2130	1.2	2.2	5.0	7.1	10.0
2140	1.3	2.4	5.6	7.7	11.0
2150	1.3	2.6	6.1	8.3	11.9

Figure 2: (A) Median values (i.e., 50th percentile) for Sea Level Scenarios. California Sea Level Rise Guidance: 2024 Science and Policy Update. 2024. California Sea Level Rise Science Task Force, California Ocean Protection Council, California Ocean Science Trust.

Locally, coastal erosion caused by large wave events is likely to result in significant impacts to coastal resources and infrastructure. When high tides and sea level rise combined with coastal storms, the flooding and erosion will become more severe. In Ventura County, early impacts of rising seas are already being experienced, including higher tides, coastal flooding during storms, periodic tidal flooding, and increased coastal erosion.

Adaptation to Sea Level Rise

Sea level rise is a slow-moving hazard, but the impacts will be exacerbated by storm events and episodic landslides. Inaction or delayed action may result in more costly damages and emergency repairs in the future due to the cumulative effect of sea level rise, flooding, storms, and coastal erosion. While the County could choose to “wait and see” or follow a policy of “non-intervention,” this approach is likely to result in substantial damages and costly emergency repairs that could be avoided through proactive planning to ensure conservation of coastal resources and protection of development.

Sea level rise adaptation approaches generally fall into three main categories: “protect,” “accommodate,” or “retreat.” Effective adaptation plans may use a combination or “hybrid” of these approaches which allows for changing conditions and balances economic, environmental, and safety goals over time.

A “protect” strategy would employ engineered structures or other physical measures to defend development (or other resources) in its current location without changes to the development itself. Protect strategies can be divided into “gray” and “green” defensive measures, and further divided into “hard” and “soft” measures. A “gray”, “hard” approach is usually an engineered structure that can be positioned either alongshore (such as a seawall, revetment, or offshore breakwater) or cross-shore (such as a groin or harbor jetty). Cross-shore structures tend to trap sand and widen

the beach up-coast of the structure. A “gray”, “soft”, protect approach may be to nourish beaches, while a “green”, “soft” approach may be to restore sand dunes.

The California Coastal Act allows protective devices for coastal-dependent uses, existing structures, and public beaches at risk of erosion when these seawalls and revetments are designed to eliminate or mitigate adverse impacts on local shoreline sand supply (Coastal Act Section 30235). It also directs that new development is sited and designed to not require future protection that may alter a natural shoreline. It is important to note that most protective devices are costly to construct, require steadily increasing maintenance costs, and have impacts on recreation, habitat, and natural defenses to coastal storm events such as beaches and wetlands.

The County and Caltrans have historically relied on “protect” strategies, primarily developing and maintaining shoreline protective devices along the North and South Coast Subareas. Wide beaches naturally protect the Central Coast Subarea, making shoreline protective devices unnecessary, except for harbors and the port.

The proposed amendments continue to allow shoreline protective devices but shift the primary emphasis from a “protect” strategy to an “accommodate” strategy. The amendments increase long term resilience to the hazards posed by sea level rise by increasing first floor building elevations. The proposed amendments would require new development to be designed for less reliance on protection devices, instead relying on elevating structures and utilizing resilient materials, increasing the strength of development confronted with erosion, flooding, and wave impacts. While the proposed amendments call for more community-scale planning in the future, they include policies to protect community character, require hazards disclosures, and design development to be less reliant on shoreline protective devices.

“Retreat” strategies remove or relocate existing development, and limit future development in hazardous areas. Retreat is not an evacuation, which is characterized by the movement of people after a disaster. Instead, retreat strategy is to relocate the most vulnerable development and infrastructure out of harm’s way while maintaining coastal resources and public access. Managed retreat is commonly considered as a longer-term strategy. The proposed amendments include retreat as an option, but do not mandate retreat.

Overall, the proposed amendments represent the first phase in sea level rise adaptation planning for Ventura County. With 29 miles of coastline, a variety of geographies, environments, and existing communities the effects of the proposed amendments would be phased in as new development occurs and allow for subsequent, more focused, phases as needed over time. Future phases could focus on more specific adaptation pathway planning for segments of coastline, coastal resources areas, and existing communities.

Planning Area

Sea level rise planning for the 29 miles of unincorporated County coastline (22.7 miles if the Naval Base is excluded) is challenging due to the unique geographic

characteristics of the three subareas: North, Central, and South Coast, as shown in the map below with length measurements:

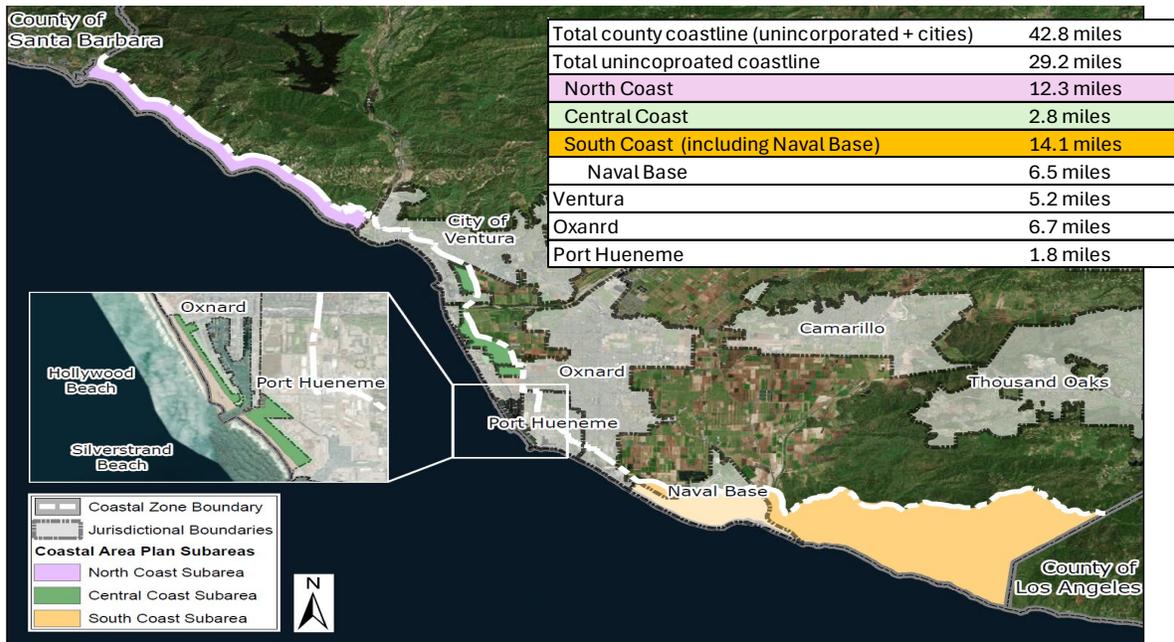


Figure 3: Map showing unincorporated County coastal zone and lengths of coastline.

The North Coast and South Coast Subareas are characterized by development on narrow beaches and steep topography east of Highway 101 and Pacific Coast Highway. These two subareas are also predominately protected by shoreline protective devices. In comparison, the wide beaches that protect the Central Coast subarea have not required shoreline protective devices. The flat topography of the Central Coast and presence of the Ventura, Santa Clara, and Calleguas river mouths leave more land susceptible to flooding compared to the narrow North and South coast shorelines. The Central Coast also will require more coordinated planning efforts with the adjacent jurisdictions such as the Naval Base Ventura County, and the Cities of Oxnard, Ventura, and Port Hueneme. The Central Coast Subarea also has high groundwater tables and large amounts of undeveloped agricultural lands that could be vulnerable to coastal flooding.

The North Coast Subarea spans 12 miles from the County line to the Ventura River and includes zoning for General Plan and CAP designated “Existing Communities.” Within the coastal zone are six residential Existing Communities, two industrial zoned areas, and coastal agriculture and open space. The La Conchita community and the La Conchita oil and gas industrial facility are not proposed to be included in the Coastal Hazard Screening Areas since the Vulnerability Assessment and sea level rise models generally do not show these communities will be impacted by up to about 5 feet of sea level rise. The four existing communities along the shoreline are protected by shoreline protective devices. At Seacliff and Solimar, the homeowner association maintains the devices. At Faria and Mussel Shoals the devices are under ownership

of individual property owners. Rincon Point is the only Existing Community on the North Coast shoreline with existing beaches generally in a natural state.

The Central Coast Subarea spans about 2.8 miles of disconnected unincorporated areas of the coastal zone that are mostly zoned for open space and agriculture and are generally not located on the shoreline. Two existing communities, Hollywood Beach and Silver Strand, are located along the shoreline and are zoned for residential and limited commercial development. These two communities are surrounded by the City of Oxnard, City of Port Hueneme, the Channel Islands Harbor, and the Pacific Ocean. Flooding is a significant hazard in the Central Coast due to the low, gently sloping ground elevation. Furthermore, at Silver Strand the tsunami evacuation route along South Victoria Avenue near Hobie Beach is vulnerable to flooding with 2.5 feet of sea level rise.

The South Coast Subarea spans 14 miles but about 6.5 miles consist of the NBVC and the remaining 7.5 miles are regulated by the LCP. The Existing Community of Solromar is located north of the Ventura-Los Angeles County line along a narrow coastal terrace. Most shoreline residential development in this community is either elevated on caissons or are condominiums protected by a homeowner-association-maintained shoreline protective device.

The Vulnerability Assessment identified approximately 4,700 residents across all three subareas are vulnerable to coastal hazards and up to five feet of sea level rise in the coastal zone. The Central Coastal subarea is home to more than 3,000 residents in the County's most populous unincorporated coastal communities of Hollywood Beach and Silver Strand. This accounts for 68% of the population in the sea level rise hazard areas.

b. Project Description

The proposed LCP amendments are included in the CAP and CZO. A new coastal hazards and sea level rise section 4.1.6 in the CAP would add and consolidate goals, policies, and programs. While most are new, some of the policies and programs are proposed to be moved from the hazards sections North, Central, and South Coast Subarea chapters (Exhibit 3, Sections 4.2, 4.3, and 4.4,) as the Planning Division continues a longstanding series of CAP amendments to transfer subarea sections into section 4.1, which sets policy based on topics instead of geographical location, in order to reduce repetition in the CZO. The North, Central, and South Coast Subarea sections 4.2 through 4.4 were also amended to include sea level rise planning for four topics: recreation and access, agriculture, energy and industrial facilities, and public works.

The proposed CZO amendments would implement standards for the goals, policies, and programs and includes a Hazard Report Appendix with maps that identify Coastal Hazard Screening Areas A and B. These maps are assessment tools to evaluate both private and public development during permit processing. The maps are based on the Vulnerability Assessment and include coastal areas projected to be impacted by sea level rise and other hazards. New development and substantial redevelopment in the proposed Coastal Hazard Screening Areas would be subject to development standards to ensure that it is designed to withstand sea level rise and other coastal

hazards for the expected life of the development, generally between 75 and 100 years per the Coastal Commission sea level rise guidance.

In the proposed CAP section 4.1.6 there are three goals, 75 policies and 13 new programs. The three goals are summarized below:

- Goal 1: Reduce Risk – to reduce risks to life and property from hazards while increasing resilience to coastal hazards. There are 49 policies related to this goal.
- Goal 2: Natural Adaptation – to conserve and protect coastal habitat, agricultural lands, and public beaches from harm and degradation. There are 19 policies related to this goal.
- Goal 3: Reduce Greenhouse Gas Emissions – to reduce greenhouse gas emissions from land uses and development in the coastal zone. There are seven policies related to this goal.

While the policies for Goal 1 would primarily apply to development in the Coastal Hazards Screening Areas, several amendments would apply to the entire coastal zone. Proposed amendments that apply to the entire coastal zone include:

- A new program (Exhibit 3, Section 4.1.1) for areas with a high likelihood of archaeological resources and high rates of coastal erosion;
- Revisions to the Coastal Trail Alignment and Access Goal to require planning and design to include sea level rise and coastal hazards. This also includes a revision to Coastal Trail Segment C1 to incorporate the La Jennelle jetty and shipwreck (Exhibit 3, Section 4.1.4);
- Geotechnical design features such as caissons and slope stabilization devices that would alter natural landforms would not be allowed for accessory uses, but would be allowed for principal structures (Exhibit 3, Section 4.1.6, Policy 1.22);
- Two policies that would allow deviation from CAP hazards policies and development standards to avoid a taking of private property without compensation if four permit findings are met (Exhibit 3, Section 4.1.6, Policies 1.35 and 1.36);
- Policies for natural adaptation strategies under Goal 2 (Exhibit 2, Section 4.1.6, Policies 2.1 through 2.19 1.36);
- Climate change and GHG reduction policies under Goal 3 that were modified to reflect local coastal conditions (Exhibit 3, Section 4.1.6, Policies 3.1 through 3.7); and,
- Minor CZO update to the public noticing Section 8181-6.2.1 to increase the notification period for public hearings for zoning amendments from 10 days to 20 days in accordance with AB 2904 (Exhibit 4).

The 13 new programs direct the Planning Division, the County Executive Office, Harbor Department, Public Works Agency, and County Office of Emergency Services to coordinate with other agencies and jurisdictions, develop neighborhood scale sea level rise adaptation plans, provide updates to the Board of Supervisors every five years or sooner, and seek funding for ongoing and future efforts to plan for sea level rise adaptation.

The amendments and this staff report also address two Board of Supervisor Requests:

- A 2016 Board request for an analysis of corner lots in the RB zone, and CZO amendments if needed, that would allow property owners to designate which street is the front of their lot to improve their ocean views. The analysis in Exhibit 14 focused on La Conchita as the community contains 29 of the 41 RB zoned corner lots and determined that CZO amendments would not fulfill the desired outcome and therefore were not included in the proposed amendments and will require further consideration by the Board.
- A 2014 Board requested CZO amendments to allow decks in side and rear setbacks for development in the RB and RBH Zones (Exhibit 15), and these amendments are included in the CZO (Exhibit 4, Section 8175-4.4).

6. Regulatory Setting

Planning for development along the coastline is a dynamic and complex topic that includes overlapping federal, State, and County agencies and regulations. Exhibit 16 contains a detailed description of the regulatory landscape for coastal hazards and sea level rise planning. This is helpful information for your Commission and the public to understand that the County's decision on sea level rise policy will need to be made within this regulatory context. In particular, the Federal Emergency Management Agency and the California Coastal Commission have important regulatory oversight to the County's land management as described below.

a. Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) coordinates the federal government's efforts to prepare for, prevent, respond to, and recover from all domestic disasters. FEMA works with local building and safety officials, public works agencies, and emergency response coordinators to plan for hazards, including the design of new development to protect from and/or accommodate flooding.

FEMA produces regulatory flood maps depicting areas at high risk of flooding, and along with private insurance companies, uses these maps to administer flood insurance programs such as the National Flood Insurance Program (NFIP). The NFIP oversees a network of private insurance companies to provide flood insurance, separate from homeowners insurance.

FEMA regulatory flood maps identify areas with a 1% annual chance storm, or greater annual chance of experiencing a 100-year storm event and a 500-year storm event. These flood maps are incorporated in the County's Floodplain Management Ordinance that includes development standards and is administered by the County's Public Works Agency. According to FEMA, coastal properties nationwide have a 26% chance of flooding over the life of a 30-year mortgage. Most homeowner's insurance does not cover flood damage and just one inch of floodwater can cause up to \$25,000 in damage.

The most recent FEMA regulatory flood maps along the Ventura coast became effective as of January 29, 2021. The Floodplain Administrator (Public Works Agency Watershed Protection District) can submit a letter to FEMA requesting revisions to the flood zone designation and these requests are sometimes on behalf of property owners.

The NFIP implements the Community Rating System, a voluntary program (but elements of which are codified in the County's Floodplain Management Ordinance) that ranks community flood plain management practices in exceedance of the minimum FEMA standards with a class rating from 9 to 1 (one is the highest possible rating). This program helps communities to reduce flood damage to property and each rating improvement provides a 5% decrease in flood insurance premiums countywide. Ventura County maintains a Class 5 rating, which means that property owners across the county are eligible for a 25% discount on their flood insurance premiums. The adoption of regulations that address coastal flooding and sea level rise support the County's FEMA rating.

The FEMA regulatory flood maps cover most of the unincorporated County's North and South Coast Subareas coastal shoreline. As further described in Exhibit 17, the base flood elevation required for new principal development by the FEMA maps is generally sufficient to include planning for 6.6 feet of sea level rise along the North Coast subareas and 6.8 feet of sea level rise along the South Coasts subareas of the County.

b. California Coastal Commission

Coastal Commission is charged with protecting and enhancing the California coast and releases guidance for local governments to incorporate sea level rise planning in their LCPs. Below are the various documents that have been released by Coastal Commission:

- March 2018 – *Coastal Adaptation Planning Guidance: Residential Development*: provides guidance for residential development in the coastal zone. A final version of this guidance has not been adopted yet.
- November 2021 – *Critical Infrastructure at Risk, Sea Level Rise Planning Guidance for California's Coastal Zone*: provides guidance for local governments that promotes resilient coastal infrastructure and protection of coastal resources with policy and planning information on sea level rise. The guidance addresses transportation and water infrastructure.
- May 2023 – *Public Trust Guiding Principles and Action Plan*: assesses the policy, legal, and coordination issues related to protecting public trust lands as sea level rise threatens the public trust lands.
- November 2024 – *Sea Level Rise Policy Guidance*: reflects the new Ocean Protection Council guidance and provides guidance for addressing sea level rise in local coastal programs and coastal development permit. This release satisfies the SB 272 requirement for Coastal Commission to publish guidance for local governments.

Key Coastal Act Provisions

While the entirety of the Coastal Act applies to LCP amendments, two Coastal Act sections, 30235 and 30253, regulate the construction of shoreline protective devices which include seawalls, boulder/rock revetements, retaining walls, and other types of coastal armor.

Coastal Act Section 30235 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.

The reference to “existing structures” has stirred debate and legal interpretations about whether this phrase was intended to apply to what existed at the effective date of the Coastal Act on January 1, 1977, or if it applies to structures that are built, regardless of the date of their development.

Coastal Act Section 30253, subparts a and b are applicable to shoreline protective devices:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The Coastal Commission’s sea level rise guidance interprets the Coastal Act provisions above, describes that shoreline protective devices contribute to beach erosion, and advocates for nature-based beach and bluff management and conservation. How this guidance and interpretation applies to the proposed amendments is discussed further in Section A.8 below.

7. Summary of Proposed Amendments to the Local Coastal Program:

Listed below is a sequential summary of the CAP and CZO sections proposed to be amended. Within Exhibits 3 and 4, the proposed changes are shown in legislative format with detailed staff explanations.

Proposed Amendments to the Coastal Area Plan

The proposed amendments to the CAP are in Chapter 4: Goals, Policies and Programs. All proposed amendments are shown in legislative format in Exhibit 3. Planning staff explanations are provided within the exhibits to describe why the amendments are proposed. For a more detailed explanation of the proposed amendments, see Section A.7 of the staff report.

- *Section 4.1.1 – Archaeological Resources:* The proposed amendments contain a new policy to protect archaeological resource in areas with high rates of coastal erosion and with a high likelihood of archeological resources.
- *Section 4.1.4 – Coastal Trail:* The proposed amendments contain three new policies for the coastal trail to encourage sea level rise and coastal hazard resilience planning and multi-modal routes.

- **Section 4.1.6 – Hazards, Sea Level Rise, and Climate Change:** The proposed amendments contain a package of new and revised goals, policies and programs for sea level rise and coastal hazards. This section also contains an updated introduction, descriptions of coastal hazards in the three subareas, and one table guiding development in Coastal Hazard Screening Areas. Section 4.1.6 would combine the policies and programs for sea level rise and coastal hazards from the individual subareas and into one section. Section 4.1.6 would replace the separate sections that currently address this topic area:
 - a) Section 4.2.4 – Hazards (North Coast)
 - b) Section 4.3.4 – Hazards (Central Coast)
 - c) Section 4.4.4 – Hazards (South Coast)

In the existing section on hazards, a staff explanation is provided under each policy to identify where the modified policy can be found in Section 4.1.6.

- **Sections 4.2, 4.3, and 4.4 – North Coast, Central Coast, and South Coast:** The proposed amendments remove the existing hazards section since the new Section 4.1.6 covers coastal hazards and sea level rise. For the section on Energy and Industrial facilities, the policies would be amended to include sea level rise planning for new development located in a Coastal Hazard Screening Area. An outdated reference to grading plans and the municipal stormwater permit would also be removed.

Proposed Amendments to the Coastal Zoning Ordinance

The proposed amendments to the CZO are shown in legislative format in Exhibit 4 and staff explanations are provided within the exhibits to explain the individual modifications. For a more detailed explanation of the proposed amendments, see Section A.7 of the staff report.

Article 2 – Definitions: Article 2 would be amended to clarify what is considered a shoreline protective device and “beach area” definition expanded to include not only sand but cobble and other materials. Article 2 would define coastal waters that are no longer under County jurisdiction. In addition, Article 2 would be amended to add a definition of “substantial redevelopment” which measures when a principal use is redeveloped by 50% or more and would be required to designed for coastal hazard and sea level rise.

Article 4 – Permitted Uses: The proposed amendments allow for uncovered porches and decks not more than 30 inches above the finished grade to be permitted ministerially and for decks 30 inches above the grade to be permitted through the discretionary process. This section is also amended to clarify when shoreline protective devices are exempt from the discretionary process by cross referencing exemptions in Article 5. This also updates the permitted uses by zone matrix table.

Article 5 – Development Standards/Conditions – Uses:
This article is proposed to be amended as follows:

- **Section 8175-3.6 – Connection of Structures:** This section was amended to provide standards for non-habitable accessory structures seaward of the principal structure based on the design flood elevation.

- *Section 8175-3.13.2 – Building Height Regulations in the RB and RBH Zones:* This section was amended to allow the first-floor elevation of a building in the RB and RBH zones to be determined using a technical Coastal Hazards Analysis Report (Proposed CZO Appendix H1) or at least 18 inches above the street centerline.
- *Section 8175-3.5 – Connection of Structures:* The proposed amendments provide new development standards for non-habitable accessory structures (e.g., stairs, decks, and spas) seaward of the principal structure. The design flood elevation determines the connection of non-habitable structures for consistency with required FEMA standards.
- *Section 8175-4.4 – Uncovered Porches and Decks:* The proposed amendments set additional development standards for porches and decks and clarify when a discretionary entitlement is required.
- *Section 8175-5.6 – Film Production, Temporary:* The proposed amendments reflect the new definition of “beach area” in Article 2.
- *Section 8175-5.7 – Oil and Gas Resources and Related Industrial Development:* The proposed amendments in this section would require coastal hazards and sea level rise planning in a development plan and removes an outdated reference to the municipal stormwater permit.
- *Section 8175-5.9 – Public Works Facilities:* The proposed amendments require sea level rise planning for new public works facilities. Minor updates to the types of public works facilities listed in this section were also included.
- *Section 8175-5.12 – Shoreline Protective Devices:* This section would be modified to implement the CAP polices and coastal hazard reporting requirements addressing the analysis and design of new development in Coastal Hazard Screening Areas. It references Coastal Act sections 30235 and 30253 when considering shoreline protective devices because these Coastal Act sections are currently included in the CAP policy allowing shoreline protective devices. Section 8175-5.12.3 would be added, and it provides standards that clarify how maintenance can be conducted for shoreline protective devices with a ministerial permit.

Article 8 – General Developments/Conditions – Resource Protection:

Sections 8178-4.1 and 8178-4.2 – Mitigation of Potential Hazards: These sections are proposed to be amended to implement the CAP polices and coastal hazard reporting requirements addressing the analysis and design of new development in Coastal Hazard Screening Areas.

Article 11 – Entitlements – Process and Procedures:

This article is proposed to be amended as follows:

- *Section 8181-3.5.4 – Required Permit Findings:* A proposed set of findings for development in the Coastal Hazard Screening Areas. These findings implement CAP policies that require conditions of approval for discretionary permits, a recordation of a hazards notice, a requirement for property owners to collect their property when it falls onto a beach, and address standards for emergency development.

- *Section 8181-3.7 – Emergency Coastal Development Permits:* The proposed modification would allow the Planning Director to provide an extension of time.
- *Section 8181-5.2 – Content of Applications:* The proposed amendments would add a reference to Coastal Hazards Analysis Report requirements for when submitting a permit application for development proposed in the Coastal Hazard Screening Areas.
- *Section 8181-10.4 – Modification of Permits (Applicant Initiated):* The proposed amendments clarify the type of permit that shoreline protective devices are eligible for and clarifies that modifications to shoreline protective devices are allowed with a minor modification or a new discretionary permit, and not a permit adjustment.

Proposed Appendix H1: Coastal Hazard Screening Area Maps and Coastal Hazards Analysis Report Requirements

A new appendix, Appendix H1 outlines the technical coastal hazard reporting requirements and includes sections about applicability, geotechnical reports, reporting requirements for beachfront development in Screening Area A, reporting and analyses required for shoreline protective devices, and reporting requirements for development in Screening Area B. Five maps are included that identify the locations of Coastal Hazard Screening Areas A and B. Substantial redevelopment along the shoreline located in Screening Area A would be required to plan for wave action, erosion and sea level rise. Substantial redevelopment development landward of the initial shoreline development is in Screening Area B and would require comparatively less analysis for sea level rise flooding based on the ground elevation of the site. Overall, the coastal hazards reports require the applicant to demonstrate that new development is designed to minimize risk from a variety of hazards, including flooding and sea level rise.

8. Analysis of Key Topics

The proposed package of LCP amendments includes a comprehensive update to the goals, policies, and implementation standards for development subject to coastal hazards and sea level rise.

Within the new section 4.1.6 of the CAP, new introductory narrative information is describing how hazards, sea level rise, and climate change could impact uses in the County’s coastal zone. This narrative is followed by three goals, 75 policies and 13 programs. The programs direct the next steps for sea level rise planning, including the development of more specific local sea level rise adaptation plans that are focused on neighborhood resilience. The policies are intended to address a wide range of coastal hazards and sea level rise planning topics, while recognizing that this is an initial step in a long process that will require planning efforts that extend beyond the time evaluated for other planning documents, such as the 2040 General Plan. Key topics addressed in the proposed CAP goals and policies and programs include the following:

- Coastal Hazard Screening Area Development Standards
- Adaptation Strategies, Community Character, and Visual Resources
- Shoreline Protective Devices
- Natural Adaptation

- Climate Change and Green House Reductions
- Neighborhood Scale Planning

Development Standards

The new CAP Section 4.1.6 includes proposed Goal 1 as follows:

Reduce Risk – to reduce risks to life and property from hazards while increasing resilience to coastal hazards.

There are 49 policies related to this goal because it is the primary focus of the amendments and would fulfill General Plan Program HAZ-H – Sea Level Rise Analysis in Siting and Design of New Development.

Sea Level Rise Scenarios and Expected Life of Development

New development and substantial redevelopment located in the Coastal Hazard Screening Areas would be required to be designed for resilience to coastal hazards and sea level rise. The amendments would continue to require a Geologic Hazards Analysis Report for when development is located within an area subject to geological hazards. The proposed CAP amendments in Exhibit 3, Section 4.1.6, Policy 1.4 include a table that assigns which sea level rise scenario would be required to be evaluated based on the expected life of different types of proposed development. For example, a residential project would be required to plan for 100 years using the “intermediate-high scenario”.

A residential project application proposed in 2025 would plan and design for sea level rise and coastal hazards up through year 2125. According to the “intermediate-high” sea level rise scenario listed in the Coastal Commission guidance (see sea level rise scenario table and accompanying discussion in section A.5.a, “sea level rise science”), and through application of the nearest local tide gauge measurements will include 6.8 feet of sea level rise on the South Coast Subarea and 6.6 feet of sea level rise along the North and Central Coast Subareas. An update to the State guidance may require LCP amendments to update the sea level rise scenarios in the proposed table.

The proposed policies describing how to use this table for development review are in Exhibit 3, Section 4.1.6, Policies 1.5 through 1.8. They describe that a development application proposed in a Coastal Hazards Screening Area is required to prepare a report that identifies coastal hazards and describe how the siting and design will minimize risks to life and property. If it is infeasible for the development to avoid coastal hazards it would need to be sited and designed to minimize risk using techniques such as elevating the finished floor (first floor). These reports require analyses of FEMA base flood elevation standards and projected sea level rise with a 1% annual chance storm. Whichever elevation is higher determines the first-floor design elevation.

On the small RB and RBH zoned lots that allow the highest density development in the County’s coastal zone, the principal design technique will be elevation of the first floor. Exhibit 18 includes a summary and maps that analyzed the projected flood depth of communities of Hollywood Beach and Silver Strand by about year 2125 with the “intermediate high” scenario. Applying this analysis, it means that in accordance with the proposed amendments, and in the Central Coast Subarea communities of

Hollywood Beach and Silver Strand, no additional elevation would be required on some sites, in other areas a few feet of elevation can be achieved by design with a raised building pad, and finally some areas may require five or six feet of elevation that requires the structure to be built on piles/stilts.

Most of the shoreline redevelopment in the North and South Coast Subarea communities would continue to be required to be built on piles/stilts, as is generally required by FEMA standards applicable to these areas today. Exhibit 17 evaluated the difference between existing FEMA requirements (as administered by the Public Works Agency application of the County's Floodplain Management Ordinance) and the proposed amendments planning for 6.6 (North and Central Coast) or 6.8 (South Coast) feet of sea level rise with a 1% annual chance storm. It determined that the FEMA base flood elevation increases that were effective after the flood zone map updates in 2021 are about equal to, or would require more elevation, of the first floor than 6.6 feet or 6.8 feet of sea level rise.

These policies also require analysis for public works projects, infrastructure, and other uses:

- Since public works projects can vary in scale and cost, for example from building a parking lot to constructing a bridge, there is flexibility for the agency directors to decide on a case-by-case basis the expected life of the development and which sea level rise scenario to apply to the design. Long-term projects such as a bridge, if planned and designed for a lower sea level-rise scenario, would be required to include in the permit a discussion about why a lower scenario was applied and to consider and document adaption options should the rate of sea level rise increase sooner than planned.
- Some of the less intensive uses such as recreational trails and habitat restoration would not require planning and design for as long of an expected lifetime and could use the "Intermediate" scenario.

Substantial Redevelopment

FEMA, the Coastal Act, and traditional land use planning practices use 50 percent replacement as a measurement to identify when an existing structure qualifies as a new structure. FEMA uses measurements for physical improvements or appraised value to measure for 50 percent or greater replacement (termed a "substantial improvement"). The Coastal Commission uses measurements of cumulative physical improvements and appraised replacement value to measure for 50 percent or greater replacement. The proposed CAP Policy 1.9 and amendments to the definitions in CZO Article 2 incorporate these measurements used by FEMA and the Coastal Commission to identify when an existing structure is renovated by 50 percent or greater. If this threshold is exceeded and the structure is in a Coastal Hazards Screening Area, then a coastal hazards analysis report would be required to demonstrate the proposed development is designed to be resilient to coastal hazards and sea level rise.

Connection of Accessory Structures

The proposed CAP Policies and CZO development standards prescribe new requirements for connections of non-habitable accessory structures located seaward of the principal structure. The standards describe the types of structures that can be designed to break away and break apart under flood forces or must be anchored to be resilient to coastal hazards.

Caisson Development

The proposed CAP Policies and CZO development standards limit the usage of caissons on bluffs and on sandy beaches to principal structures or internal accessory dwellings. If the development is damaged or destroyed due to coastal hazards or otherwise no longer requires the caisson, the caisson is to be removed to the extent feasible.

Bluff Development

The proposed CAP Policies and CZO development standards limit new development and substantial redevelopment along bluff faces and blufftops to public access improvements and drainage facilities.

Uncovered Decks and Porches

The proposed CZO Development standards for uncovered decks and porches in the RB and RBH zones allow some decks to extend into the setbacks but restrict decks from being built on or above a shoreline protective device, into environmentally sensitive habitat, or in a manner that obstructs public access to coastal resources.

Adaptation Strategies, Community Character, and Visual Resources

The Vulnerability Assessment and Adaptation Strategies Report identified three fundamental options for structures and development along the shoreline: retreat, protect, and accommodate. Another option, “wait and see” approach is generally not recommended by the scientific community and State guidance because it is likely to lead to higher repair and maintenance costs in the future, risk safety, and result in the loss of property.

The ***managed retreat approach*** involves removing or relocating development to be outside of hazard areas and limit construction of new development in hazardous areas. Managed retreat is a challenge for the developed areas of the unincorporated County since the shoreline existing communities have small parcel sizes and lack space to relocate. Pacific Coast Highway and Highway 101 run adjacent to the coast in the North and South Coast communities. These roads and the Santa Monica Mountains and Ventura foothills east of North Coast communities all are formidable geographic obstacles to retreat. There are also fiscal constraints for local governments to promulgate retreat by purchasing expensive coastal property. Proposed CAP Policy 1.48 (Exhibit 3) would require the County to evaluate the retreat option when creating an action plan for existing County facilities found to be vulnerable to sea level rise or coastal hazards. Coastal Hazards Reports can also identify areas on a lot to site the development further back from the shoreline, although this approach is less likely to be voluntarily used by small residential parcel owners if they seek to optimize views of the ocean and have neighboring residences on both sides.

While the ***protection approach*** is proven through the use of shoreline protective devices, this option is the least preferred by the State because seawalls and boulder

revetments alter the natural coastline and increase erosion. The Central Coast Subarea beaches are generally wide enough for natural protection options such as the beach berms, sand dunes, and in some cases cobble berms. Natural adaptation measures such as these would be prioritized over hard engineered structures such as seawalls and revetments (Exhibit 3, Policy 1.17). Most engineered protective adaptation measures are expensive, require high maintenance, and have impacts on recreation, habitat, and beaches. The proposed amendments allow shoreline protective devices when they are designed to be consistent with the Coastal Act, when no less damaging environmental alternative is feasible, and when designed to mitigate impacts to beaches (Exhibit 3, Policy 1.12). There is further discussion about these devices in subsection below titled “Shoreline Protective Devices”.

Since widespread managed retreat is not feasible at this time given geographic and economic challenges described above, and shoreline protective devices are expensive, generally cause impacts to beaches, and are undesirable from the State/Coastal Commission’s perspective, the **accommodate approach** is the most suitable and readily available adaptation measure for the County’s unincorporated coastal communities. Design for accommodation of coastal hazards and sea level rise will elevate structures during redevelopment in accordance with the type of land use, applicable sea level rise scenario, expected life of the development, and when substantial redevelopment occurs, as described the subsections above.

The proposed policies to elevate the first floor in Coastal Hazard Screening Areas will result in changes to neighborhood character as structures are redeveloped. Exhibit 17 provides analysis that demonstrates on the North and South Coast Subareas, development in the FEMA coastal flood hazard zones already requires enough elevation to account for 100 years of sea level rise (6.6 to 6.8 feet of sea level rise based on the “Intermediate-High” scenario); and therefore, the community character impacts to these subareas as a result of these amendments are minor because new development is already required to be substantially elevated. In isolated pockets of shoreline on the North and South Coast Subareas, where FEMA zones do not cover the principal structure footprint (Figure 4 below), then elevation as a sea level rise accommodation measure would be required. The pockets of shoreline elevated structures outside of the FEMA zones would eventually blend with the development in the FEMA zones as redevelopment occurs, and eventually the Existing Communities in Coastal Hazard Screening Areas would be comprehensively elevated to accommodate sea level rise and FEMA requirements.



Figure 4: Map showing FEMA flood maps zones on the North Coast Subarea. The blue circle indicates areas where the principal development footprint would be located outside of the FEMA zone while other nearby lots are mostly or entirely within the FEMA flood zone.

FEMA zones stop at the beach on Hollywood Beach and Silver Strand, and so for new development located inland of the beach only elevation as a sea level rise accommodation measure would be required (Exhibit 18). The charts below summarize the number of parcels in these communities and their approximate elevation needed to withstand 100 years of sea level rise (6.6 to 6.8 feet of sea level rise based on the Intermediate High scenario).

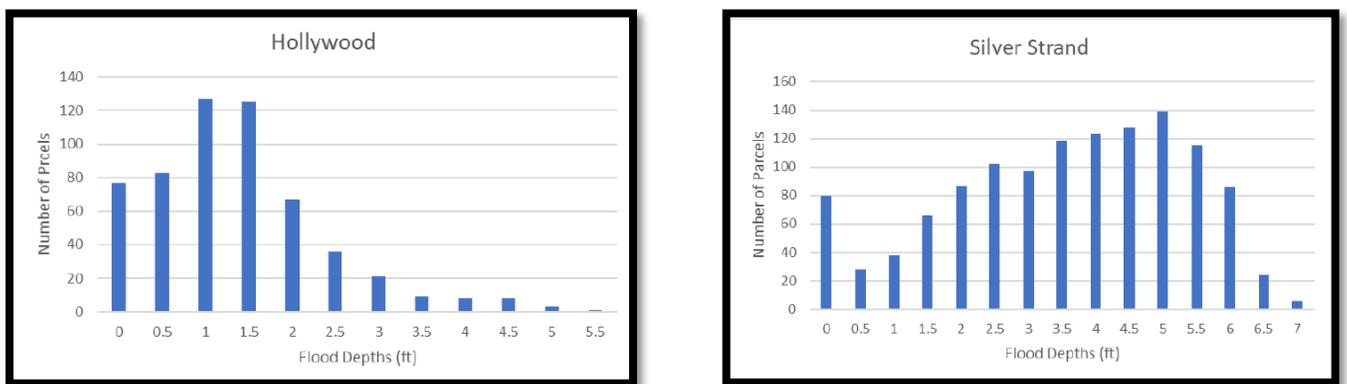


Figure 5: Bar charts showing the estimated flood depths for parcels at Hollywood Beach and Silver Strand based on 7 feet of sea level rise and 7-foot-high tides. See Exhibit 18 for more information.

Redevelopment in the Hollywood Beach community would be elevated about three feet or less and this small amount would be unlikely to impact community character. Redevelopment in areas of Silver Strand would be elevated up to 6.5 feet but this community is already densely built and is particularly vulnerable to flooding due to its

low elevation, high water table, and only one public road for access. Over time, as redevelopment occurs, the proposed policies would harmonize the scale of development throughout the existing communities in the Coastal Hazard Screening Areas while reducing risks to public safety and property damage.

Coastal Commission guidance recognizes that accommodation through elevation is a suitable sea level rise adaptation strategy, but it also recognizes the inherent tradeoffs between elevation and public visual impacts to coastal resources. Exhibit 18 includes visual impacts analysis of the potential building heights from the proposed amendments for residential structures in the North Coast communities. The public viewsheds are predominately stadium-angle views of the ocean for travelers at high speeds using Highway 101 and would not be significantly impaired by the new building elevations. Closer to the sea, along Pacific Coast Highway (often referred to as “old PCH or the Rincon Parkway) pedestrian, bicyclist, or motorist public views from the street level are already limited by existing homes. In other areas such as Hollywood Beach and Silver Strand, due to the relatively flat topography there are no public viewsheds that would be impacted by additional height. The public views to the ocean are primarily through stub-end streets and pedestrian accessways and would not be impacted by additional building elevations.

Shoreline Protective Devices

With over 18 miles of coastal armoring primarily in the North and South Coast Subareas, shoreline protective devices such as seawalls and boulder revetments line crucial transportation corridors and protect public recreation areas, wastewater infrastructure and private residences. The proposed amendments reference Coastal Act section 30235 which describes a new shoreline protective device is permitted to protect existing structures, coastal dependent uses, or public beaches in danger from erosion when designed to mitigate adverse impacts on shoreline sand.

When allowed, shoreline protective devices require a discretionary Coastal Development Permit, which in Article 4 of the CZO, is equivalent to a Planned Development Permit. The proposed amendments include an option to conduct limited repair and maintenance of revetments and seawalls with a ministerial Zoning Clearance under certain conditions (Exhibit 4, Section 8175-5.12.3). For example, repair and maintenance activities that are eligible for a Zoning Clearance do not use mechanized construction equipment on the sandy beach, may not impact Environmentally Sensitive Habitat Areas, or occur within 20 feet of coastal waters and streams. The updated use matrix in Article 4 is proposed to be updated to reflect this permit option.

The proposed policies reduce reliance on seawalls by elevating redevelopment. The proposed CAP Policies 1.2 through 1.8 would require new development in a Coastal Hazard Screening Area to be designed for resilience to sea level rise without reliance on a shoreline protective device, which would generally result in redevelopment being built on a raised building pad or pilings. Proposed CAP Policy 1.13 would require a condition of approval for substantial redevelopment of a commercial, residential or industrial structure with an existing legally permitted shoreline protective that prohibits enlargement of the shoreline protective device, but still allows maintenance for as long as it is needed to protect an Existing Community and when removal is not feasible.

This means that a shoreline protective device that is a segment of a longer device

lining an Existing Community would not need to be removed to avoid creating gaps. Gaps in an existing community's "coastal armor" would impact neighboring development that has not yet been redeveloped and designed for sea level rise accommodation.

Over time, as redevelopment occurs, more commercial, residential, and industrial shoreline structures will be elevated, and when all shoreline structures are elevated in an Existing Community, the community will no longer be reliant on shoreline protective devices. That will be a time to revisit whether the community's shoreline protective device is still needed and if it could feasibly be removed.

There has been recent litigation regarding the right to shoreline protective devices. In *Casa Mira Homeowners' Association v. California Coastal Commission* (2024) 107 Cal.App.5th 370 ("*Casa Mira*") decided by a State appeals court in December 2024 determined that only structures that existed prior to the date of adoption of the Coastal Act (January 1, 1977) were entitled to have shoreline protective devices. The court agreed with the Coastal Commission's interpretation of Public Resources Code Section 30235's reference to "existing structures" as not allowing for armoring of new structures that were built after the Coastal Act was enacted. Supreme Court review of this decision has been sought.

From a local land use planning perspective, this decision and its interpretation of the Coastal Act are problematic because County Assessor parcel data indicates that there are 116 principal structures in unincorporated Ventura County with shoreline protective devices built and permitted after 1977. Most of this post-1977 development has not been designed (e.g., elevated) for sea level rise resilience without protection from a shoreline protective device (Exhibit 13). The implication is that the State may no longer consider these 116 structures to be entitled to their shoreline protective devices.

The proposed amendments do not define or interpret the meaning of "existing structures" in Section 30235 and will therefore not be affected by the ultimate outcome of the *Casa Mira* decision.

Natural Adaptation

The new CAP Section 4.1.6 includes proposed Goal 2 as follows:

Natural Adaptation – To conserve and protect agricultural lands, public beaches, dunes, estuaries, and other sensitive coastal habitats from harm and degradation, the County shall implement adaptation policies, programs, and standards to increase resiliency from hazards and the effects of sea level rise.

There are 19 policies related to this goal and it is supported by General Plan Program HAZ-I, Estuaries, Wetlands, and Groundwater Basins Resilience A key theme for this topic is interagency coordination.

Coastal Erosion

Storm wave action erodes beach sediment, posing a threat to the public beaches and structures along the coastline. While sediment is naturally deposited on beaches and shores, this process is interrupted by humanmade watercourse channels such as harbors and ports, inland debris basins that accumulate sediment from rivers and streams, and development such as roads and retaining walls that disconnect eroding

coastal bluffs from the shoreline. To offset the loss of shoreline sand, sediment can be deposited at appropriate points to replenish the beach. Beach nourishment is an ongoing effort, and a local example is the federal Army Corps of Engineers dredging of the Channel Islands Harbor biannually and depositing the sand on the City of Port Hueneme's beaches. Proposed CAP Policy 2.2 encourages beach nourishment activities and proposed CAP Policy 2.8 describes requirements for beach nourishment to ensure that the appropriate sediment type and composition is deposited. Interagency cooperation and coordination of beach nourishment to ensure that sediment is deposited responsibly is included in proposed CAP Policies 2.13 and 2.15.

Another form of short-term protection against erosion is the vegetated coastal dunes. Coastal dunes are a type of dynamic habitat that is stabilized by distinct vegetation communities as the dunes transition landward from the shore and are highly dependent on wind and wave action. Most coastal dunes in the unincorporated County are interspersed along the wide beaches of the Central Coast Subarea, specifically in areas south of the Santa Clara River estuary and a small dune area on Hollywood Beach. There is also large sand dune inland from Thornhill-Broome Beach in the South Coast Subarea that is a popular attraction for recreationalists. Proposed CAP Policy 2.9 encourages, coastal dunes or areas that include special status species plants and animals will be maintained. Proposed CAP Policy 2.5 prioritizes "soft" shoreline protection over engineered shoreline protective devices for sea level rise adaptation measures.

Proposed CAP Program 4.6 addresses coastal erosion resulting from shoreline protective devices includes the development of a possible in-lieu fee program to mitigate the loss of sediment, habitat, and public access.

Estuaries and Offshore Resources

Climate Action Plan Program Haz-I – Estuaries, wetlands, and groundwater basins resilience, is addressed in the proposed amendments. This program involves coordination with regional stakeholders on assessing vulnerabilities of and increasing resiliency to sea level rise on estuaries, wetlands, and groundwater basins. The proposed amendments include Policy 2.13 that incorporates this program.

While offshore programs and activities are regulated by the state, the amendments encourage community programs that enhance coastal fisheries and marine resources. Proposed CAP Program 2.18 lists examples of community programs such as artificial reefs, seafloor kelp/eelgrass restoration, and resting/nesting areas for marine life.

Recreational Opportunities

In line with the Coastal Act, the proposed amendments protect public access and recreational opportunities by incorporating design for sea level rise during the development of new facilities. Four proposed policies (2.9, 2.14, 2.16, and 2.17) refer to public access and recreational opportunities for the present and future generations to enjoy coastal resources, by planning for coordination with other agencies, jurisdictions and organizations to protect recreational opportunities, preserving property designated as Coastal Open Space for recreation and other overall community benefit, and protecting coastal dunes to protect recreational uses.

Climate Change and Greenhouse Gas Reductions

The new CAP section 4.1.6 includes proposed Goal 3 as follows:

Reduce Greenhouse Gas Emissions – Reduce greenhouse gas emissions from land uses and development in the coastal zone.

California set a goal to achieve carbon neutrality by 2045, which requires significant reductions GHG emissions. Sea level rise projection scenarios are based on climate change projections that include a variety of factors and GHG emissions are a large contributor in addition to polar ice melt, as described in the Project Background and Description Section.

Seven policies are proposed under Goal 3 for reducing GHGs. These include Policy 3.3 supporting neighborhood electric vehicles, Policy 3.6 for public facilities and utilities to modernize and upgrade infrastructure, and Policy 3.7 for transit to provide more regional connections to the coastal areas. The general focus of this CAP section is emerging technologies and sustainable practices to increase transportation system efficiency and resiliency in the coastal zone.

Proposed CAP Policy 3.1 would require discretionary development on commercial and industrial lands to incorporate sustainable technologies to be as energy and water efficient as possible. Proposed CAP Policy 3.2 would require roads to be designed with permeable paving and other passive drainage facilities such as bio-swales to prevent flooding when feasible. These design features are intended to avoid flooding especially in the Hollywood Beach and Silver Strand communities that frequently experience nuisance flooding during storms that is expected to become more severe with sea level rise.

The State's efforts to reduce GHG emissions have focused on the transportation sector since transportation accounts for about 50% of the statewide GHG emissions². The County's Climate Action Plan includes analysis spanning a period of 2016 to 2022 that describes the annual miles traveled in the unincorporated area increased but the GHG emissions from combustion vehicles decreased. This trend is primarily due to the increase of zero emission vehicles that are powered by electricity. To encourage the trend toward zero emission vehicles, electric vehicle charging stations are prioritized at County facilities, coastal access points, and parking lots through CAP Policy 3.4.

9. Public Outreach

Leading up to the proposed LCP amendments before your Commission, there were six opportunities for public participation and comments during the two-phase grant project. As described in Section A.5, Project Background, each public hearing conducted by the Planning Commission and Board of Supervisors provided an opportunity for public review and comment regarding the Vulnerability Assessment, Adaptation Strategies Report, and draft LCP amendments. In 2018, three community workshops were conducted, with one workshop held in the North and South Coast Subarea, as well as one larger workshop conducted at the County Government Center. The most recent public outreach was conducted in June of 2024 when four community workshops were conducted, with one workshop held in each North,

²<https://lci.ca.gov/climate/carbon-neutrality.html>

Central, and South Coast Subarea. A summary of this public outreach, a copy of all written comments, and staff responses to public comments are included in Exhibit 13.

Planning staff also presented overview summaries about the project to various agencies and organizations upon request. Consultation with two Native American tribes was conducted pursuant to SB 18, which requires local governments to consult with California Native American tribes on matters related to preserving cultural places, mitigating impacts to sacred places, and land affected by plan adoption or amendment. These tribes were the Santa Ynez Band of Chumash Indians and the Barbareño/Ventureño Band of Mission Indians. The Santa Ynez Band of Chumash submitted a letter and report about coastal cultural heritage sites in the region (Exhibit 19). The consultations concluded without any modifications to the proposed amendments and the tribes will continue to receive project update notification emails.

Additional opportunities for public comment will also be provided during this public hearing before your Commission, and subsequent adoption hearings before the Board of Supervisors and the Coastal Commission.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The proposed amendments are being processed in accordance with Section 21080.9 of the Public Resources Code and Section 15265 of the CEQA guidelines, which exempt local governments from the requirement of environmental Impact report preparation or other CEQA document in connection with the approval of an amendment to an LCP. Instead, certification of an LCP and amendments thereto by the Coastal Commission are subject to review for compliance with the Coastal Act. The Coastal Commission's regulatory program for the preparation, approval and certification of LCPs has been certified by the Natural Resources Agency under Public Resources Code section 21080.5 as the functional equivalent for CEQA review. Because of this certification, the County and the Coastal Commission are exempt from typical CEQA review in connection with the County's proposed LCP amendments, provided that the Coastal Commission ultimately finds them consistent with the Coastal Act.

To this end, the Planning Division prepared two evaluations that will be submitted to the Coastal Commission:

- Exhibit 5: Coastal Act Consistency Analysis Table
- Exhibit 6: Cumulative Impact Analysis Table

As stated in the Coastal Policy Consistency Table in Exhibit 5, staff determined that the proposed LCP amendments conform to the policies of the Coastal Act. Also, as set forth in Exhibit 5, staff determined that approval of the LCP amendments will not result in cumulative environmental impacts within the meaning of CEQA. Staff further determined that no feasible alternatives or additional mitigation measures exist that would substantially lessen any significant adverse impacts on the environment from approval of the proposed LCP amendments.

C. LOCAL COASTAL PROGRAM (LCP) AMENDMENT FINDINGS AND SUPPORTING EVIDENCE

This section addresses the required findings for amendments to the LCP. As stated in Exhibit 5, the proposed LCP amendments conform to the policies of the Coastal Act.

Amendments to the CAP constitute a general plan amendment which, under State law, requires the amendment to be “in the public interest.” In addition, the Ventura County General Land Use Policy 15.2 requires that all area plans, including the CAP, be consistent with the applicable goals and policies of the General Plan.

The County’s approval of CZO amendments requires the Board to make similar findings of approval, as stated in Section 8184-1:

“...[The Coastal Zoning Ordinance] may be amended by the Board of Supervisors whenever the public health, safety, or general welfare, good zoning practice, and consistency with the Coastal Act, the County General Plan, or the Coastal Area Plan justify such action.”

The Board’s ability to make the required findings to adopt the proposed amendments is evaluated below for your Commission’s consideration in making its recommendations to the Board.

Finding 1: The proposed amendments would not be detrimental to the public health, safety, or general welfare.

The proposed LCP amendments are in the public interest due to proposed goals, policies, and programs that would reduce public health and safety risk from a known hazard, while reducing environmental impacts from new development and shoreline protective devices.

The proposed LCP amendments:

- Support general welfare by increasing resilience to coastal flooding;
- Improve safety along shoreline areas of the County while reducing public expenditures needed to respond to damaging storm flooding events along the coastline; and,
- Design for resilience to flooding harmonizes proposed coastal hazards and sea level rise requirements with existing FEMA standards. This comprehensive approach to flood hazards could improve the County’s NFIP Community Rating System score and reduce flood insurance premiums.

Finding 2: The proposed amendments are in conformance with good zoning practice.

The phased approach inherent in the proposed amendments would require new development to be designed for sea level rise. When substantial redevelopment occurs, elevation for sea level rise may be required within Coastal Hazard Screening Areas. In the North and South Coast Subareas of the County that fall within shoreline Coastal Hazards Screening Areas, the proposed amendments harmonize elevation policies with the existing FEMA floodzone/County Floodplain Management Ordinance standards. No new land uses are proposed and there are no revisions to the Specific Development Standards such as heights and setbacks.

Finding 3: The proposed amendments are consistent with the Ventura County General Plan.

The proposed LCP amendments are consistent with General Plan policies pertaining to hazards, sea level rise and climate change planning. The amendments also support natural resource preservation, including Environmentally Sensitive Habitat, maintaining beaches, and agriculture. Proposed amendments support climate change planning such as GHG reductions, public access to the coastline through amendments to the Coastal Trail and include a program that requires County engagement with Designated Disadvantaged Communities during the planning process. Housing supply would not be affected by the proposed amendments. There are no inconsistencies with the General Plan as further described in Exhibit 7.

Finding 4: The proposed amendments to the CAP and CZO conform with applicable federal and state law.

The proposed LCP amendments are consistent with the California Coastal Act and would not conflict with FEMA standards as administered through the County's Floodplain Management Ordinance. Coastal Commission staff provided extensive support and coordination meetings with Planning staff through multiple rounds of review and meetings to discuss the draft approach and to consider amendments that meet State level rise guidance goals while including considerations for local conditions.

There are inherent tradeoffs associated with sea level rise adaptation planning. The proposed amendments would require new development to design for flooding resilience that principally would require elevation. In the North and South Coastal Subareas this elevation is generally already required through implementation of the existing FEMA floodzone/County Floodplain Management Ordinance standards. The proposed amendments would expand the FEMA areas requiring elevation along the shoreline to reflect areas identified in the Vulnerability Assessment Report, as shown in the proposed Coastal Hazard Screening Area Maps. Exhibit 17 describes why the phased increase in building elevations resulting from the proposed amendments would not cause significant impacts to visual resources.

All required findings for approving the proposed LCP amendments, including the proposed Coastal Zoning Ordinance amendments, are addressed in Exhibit 7.

D. PLANNING COMMISSION HEARING NOTICE

The Planning Division provided public notice of this Planning Commission hearing in accordance with Government Code section 65090, AB 2904, and in accordance with CZO Section 8181-6.2.1. The Planning Division emailed approximately 980 notices of the Planning Commission hearing to the Local Coastal Program notification interested parties list and to responsible and affected public agencies, e.g. all incorporated cities. The Planning Division also placed the draft amendments at public libraries in the cities of Ventura and Oxnard, as well noticed this hearing through a 1/8-page legal notice in the Ventura County Star.

E. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that your Commission has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process; and
2. **ADOPT** a resolution in the form attached as Exhibit 2 recommending that the Board of Supervisors take the following actions:
 - a. **CERTIFY** that the Board has reviewed and considered the Board Letter and all exhibits thereto, the Planning Commission staff report and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing processes;
 - b. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the proposed LCP amendments are consistent with the California Coastal Act, including Chapter 3 thereof (Public Resource Code §30200 et seq.), as described in Exhibit 5 of the staff report;
 - c. **FIND**, on the basis of the entire record and as set forth in this Planning Commission Staff Report (Exhibit 1), that adoption of the proposed LCP amendments is exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 210801.9 and CEQA Guidelines Section 15265, as described in Exhibits 5 and 6 of the staff report;
 - d. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D of the Planning Commission staff report, that the that the proposed LCP amendments are consistent with the goals, policies and programs of the Ventura County General Plan, are in the interest of public health, safety and general welfare, and constitute good zoning practice, as described in Exhibit 7 of the staff report;
 - e. **ADOPT** a resolution approving the proposed amendments to Chapter 4 of the Coastal Area Plan, which include new and revised goals, policies and programs for development related to coastal hazards, sea level rise, and climate change, and other minor amendments as shown in legislative format in Exhibit 3 of the staff report;
 - f. **ADOPT** the proposed ordinance amending Coastal Zoning Ordinance Articles 2, 4, 5, 8, 11 and the addition of Appendix 15 related to coastal hazards, sea level rise, climate change, and other minor amendments as shown in legislative format in Exhibit 4 of the staff report;
 - g. **DIRECT** staff to transmit the proposed LCP amendments to the Coastal Commission for certification; and
 - h. **SPECIFY** that the Clerk of the Board of Supervisors is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This staff report was reviewed by County Counsel. The Board of Supervisors hearing to consider the proposed amendments to the LCP is anticipated to be presented to the Board of Supervisors in late spring.

If you have any questions concerning the information above, please contact Aaron Engstrom, Case Planner, at (805) 654-2936 or by email at Aaron.Engstrom@ventura.org.

Prepared by:



Aaron Engstrom, Project Planner
Area Plans and Resources Section
RMA/Planning Division

Reviewed by:



Dave Ward, AICP, Planning Director
RMA/Planning Division

EXHIBITS³

- Exhibit 1 - (Placeholder for Planning Commission Staff Report)
- Exhibit 2 - Planning Commission Resolution
- Exhibit 3 - Proposed Coastal Area Plan in Legislative Format (with staff explanations)
- Exhibit 4 - Proposed Coastal Zoning Ordinance in Legislative Format (with staff explanations)
- Exhibit 5 - Coastal Act Consistency Analysis
- Exhibit 6 - Cumulative Impacts Analysis
- Exhibit 7 - Required Findings and Supporting Evidence
- Exhibit 8 - Vulnerability Assessment – [online link](#)
- Exhibit 9 - Sea Level Rise Adaptation Strategies Report – [online link](#)
- Exhibit 10 - Planning Commission Staff Report, March 7, 2019 Hearing – [online link](#)
- Exhibit 11 - Board of Supervisors Letter, September 10, 2019 Hearing – [online link](#)
- Exhibit 12 - Planning Commission Staff Report, July 15, 2021 – [online link](#)
- Exhibit 13 - Public Outreach Summary
- Exhibit 14 - Residential Beach Zone Corner Lots in La Conchita
- Exhibit 15 - Board Resolution for Decks in Setbacks, September 16, 2014
- Exhibit 16 - Applicable Federal, State and Local Regulations
- Exhibit 17 - FEMA and Coastal Viewshed Analysis
- Exhibit 18 - Hollywood Beach and Silver Strand Flood Depth Analysis
- Exhibit 19 - Santa Ynez Band of Chumash Indians Request for SB 18 Consultation Letter

³ Within the Board of Supervisors letter, this Planning Commission staff report will be included as Exhibit 1