

EXHIBIT 5

Coastal Act Consistency Analysis

Coastal Hazards and Sea Level Rise
Local Coastal Program Amendments

County of Ventura
Planning Commission Hearing
Case No. PL20-0039
Exhibit 5 - Coastal Act Consistency Analysis

This Exhibit provides a Coastal Act Consistency Analysis for topics addressed in the proposed Local Coastal Program (LCP) amendments for coastal hazards and sea level rise. The analysis in this exhibit focuses on proposed amendments in Coastal Area Plan (CAP) Section 4.1.6 and implementing Coastal Zoning Ordinance (CZO) amendments which include topics related to coastal hazards and sea level rise planning, natural adaptation, climate change and greenhouse gas reduction, and shoreline protective devices. Additional modifications are also proposed that constitute minor changes to the LCP.

DEVELOPMENT STANDARDS	
COASTAL ACT SECTION	DISCUSSION
<p>Section 30253: <i>New development shall do all of the following:</i></p> <ul style="list-style-type: none"> a) <i>Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</i> b) <i>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.</i> c) <i>Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.</i> d) <i>Minimize energy consumption and vehicle miles traveled.</i> e) <i>Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.</i> 	<p>Consistent. The proposed LCP amendment references this section of the Coastal Act and clarifies the types of analysis required to ensure that risk from coastal hazards and sea level rise for new development and substantial redevelopment is minimized. The following proposed amendments to the CAP and CZO are consistent with Section 30253 as follows:</p> <ul style="list-style-type: none"> • The two of the three new goals in the CAP are: reduce risks to life and property from hazards, and to reduce greenhouse gas emissions. This guidance is compliant with Sections 30253(a) and (d). • CZO Section 4.1.6 Policies 1.5 and 1.6 describe the requirements for technical analysis of coastal hazards. This guidance is consistent with Sections (a) and (b). • CZO Section 4.1.6 Policies 1.12, 1.13, 1.14 on shoreline protective devices comply with Section 30253. Policy 1.12 references compliance with Section 30253. • Definition of “substantial redevelopment” added to the CZO. The threshold for substantial redevelopment includes the FEMA definitions and generally a 50% alteration in the structure. • Appendix 15, located at the end of the CZO amendments requires technical analyses to assess and design for coastal hazards in new development and substantial redevelopment that is proposed to be located in a Coastal Hazards Screening Area. These areas are unincorporated County shorelines and coastal neighborhoods that were determined to be vulnerable to sea level rise. For shoreline development in the Coastal Hazard Area A, subject to wave action and rising sea levels, a

	<p>technical report is required that includes waves and erosion. For shoreline development in the Coastal Hazard Area B, subject to rising sea levels, a still water flood analysis is required. The Appendix also includes sections pertaining to analysis required for shoreline protective devices and geologic hazards analysis. This guidance is consistent with Section 30253(a) and (b).</p> <ul style="list-style-type: none"> • In CZO Section 8181-3.5.4, the five additional permit findings for development and substantial redevelopment in the Coastal Hazard Screening Areas comply with Section 30253(a) and (b). • Section 4.1.6 Policies 3.1, 3.3, 3.4, 3.7 aim to reduce vehicle miles traveled, promote electric vehicles, and to minimize energy consumption for discretionary development. This policy guidance is consistent with Section 30253(d).
SHORELINE PROTECTIVE DEVICES	
COASTAL ACT SECTION	DISCUSSION
<p>Section 30235: <i>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 fishkills should be phased out or upgraded where feasible.</i></p>	<p>Consistent. Seawalls, revetments, breakwaters, and other shoreline protective devices would be allowed in accordance with Section 30235. Replacement and modified shoreline protective devices may be approved in accordance with Section 30235 and applications for such devices are required to include a technical impact analysis demonstrating that no less damaging alternative is feasible (CAP Section 4.1.6, Policy 1.12) and to mitigate impacts to beaches, including through an in-lieu fee if necessary (CAP Section 4.1.6, Policy 1.14 and Program 4.6). The proposed LCP amendments are consistent with Section 30235 as follows:</p> <ul style="list-style-type: none"> • Section 4.1.6 Policies 1.12, 1.13, 1.14 regarding shoreline protective devices comply with Section 30235. Policies 1.12 and 1.13 reference compliance with Section 30235 and specifically lists the “existing structures” and “public beaches in danger from erosion” as development eligible for protective shoreline devices. Policy 1.14 requires mitigation of impacts to beaches and sand supply with Program 4.6 setting a timeframe of ten years for the County to apply for grants to explore the feasibility of the in-lieu fee program. Policy 1.17 describes preferred alternatives for shoreline protective devices in more detail. This guidance is compliant with Section 30235.

	<ul style="list-style-type: none"> • To ensure that discretionary approvals related to shoreline protective devices are compliant with Section 30235, Appendix 15 requires a technical analysis of the impacts of shoreline protective device on sand supply and discussion of mitigation measures included to address shoreline protective device impacts. • CZO 8175-5.12.1 also references Section 30235 and implements the policies described above. A new subsection 8175-5.12.3 would allow for limited ministerial repair and maintenance of shoreline protective devices consistent with the existing Section 8174-6.3.2, titled "General Exemptions and Exclusions," which is consistent with Coastal Act Section 30610(d).
SEA LEVEL RISE	
COASTAL ACT SECTION	DISCUSSION
<p>Section 30001.5: <i>The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:</i></p> <ul style="list-style-type: none"> a) <i>Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.</i> b) <i>Ensure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.</i> c) <i>Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.</i> d) <i>Ensure priority for coastal-dependent and coastal-related development over other development on the coast.</i> e) <i>Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.</i> f) <i>Anticipate, assess, plan for, and, to the extent feasible, avoid, minimize, and mitigate the adverse environmental and economic effects of sea level rise within the coastal zone.</i> 	<p>Consistent. The focus of the proposed LCP amendments is planning for coastal hazards, which includes sea level rise. The general provisions of the CAP and CZO are consistent with Section 30001.5(f) as follows:</p> <ul style="list-style-type: none"> • Section 4.1.6 Policy 1.4 provides guidance for new development and substantial redevelopment that anticipates and plans for the projected effects of coastal hazards and sea level rise. The development standards ensure that new development and substantial redevelopment is designed in compliance with State recommended sea level rise scenarios over the expected life of the development. CZO Section 8178 would implement these CAP policies. • Since sea level rise projections are revised when new science emerges, Section 4.1.6 Policy 1.47 and Program 4.2 direct the County to update the Vulnerability Assessment every ten years, or sooner if new guidance is released. Section 4.1.6 Program 4.5 directs the County to update the Board of Supervisors as to the most up to date sea level rise projections. This ongoing maintenance and updates are consistent with Section 30001.5(f) and sets a schedule on when updates are expected to occur. • Various other proposed policies in the new section 4.1.6 include real estate disclosures (Policy 1.34), policies to clean up debris on

	beaches (1.31), and natural adaptation goals and policies (Policies 2.1 through 2.19).
<p>Section 30233</p> <p>a) <i>The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:</i></p> <ol style="list-style-type: none"> (1) <i>New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.</i> (2) <i>Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</i> (3) <i>In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.</i> (4) <i>Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.</i> (5) <i>Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</i> (6) <i>Restoration purposes.</i> (7) <i>Nature study, aquaculture, or similar resource-dependent activities.</i> <p>b) <i>Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.</i></p> <p>c) <i>In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Wildlife, including, but not limited to, the 19 coastal wetlands identified in its report</i></p>	<p>Consistent. While the County has no authority seaward of the mean high tide line, local beaches are in danger of erosion and past efforts to provide dredged material as beach replenishment have been successful along the Central Coast. The general provisions of the CAP and CZO are consistent with Section 30233 as follows:</p> <ul style="list-style-type: none"> • Section 4.1.6 Policy 2.8 focuses on natural adaption and the placing of sediment along the shoreline if the sediment matches the characteristics of the beach sediment. Depending on the source of the sediment, this section is consistent with Section 30233(a)(5 and 6)) if the source is a coastal water, wetland, estuary, or lake, or consistent with Section 30233(d) if the source is from erosion control or flood control facilities. • The Army Corps of Engineers conducts biannual dredging of the Channel Islands Harbor and deposits the sediment on Silver Strand and City of Port Hueneme beaches. Section 4.1.6 Policy 2.7 supports dredging and placement of sediments consistent with Section 30233(a).

<p>entitled, “Acquisition Priorities for the Coastal Wetlands of California”, shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.</p> <p>For the purposes of this section, “commercial fishing facilities in Bodega Bay” means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.</p> <p>d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.</p>	
SEA LEVEL RISE	
COASTAL ACT SECTION	DISCUSSION
<p>Section 30211: <i>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.</i></p>	<p>Consistent. The proposed LCP amendments protect public access to coastal resources and are consistent with Section 30211 as follows:</p> <ul style="list-style-type: none"> • To ensure that the public trust land is not encroached upon by private development, Section 4.1.6 Policies 1.15 and 1.16 provide guidance confirming that development is either not public trust lands or that the permittee has a lease from the State Lands Commission. • CZO Section 8175-4.4 sets standards for uncovered decks and porches. Residential Beach (RB) and Residential Beach Harbor (RBH) are the two most common zones along the shoreline development and have a three-

	<p>foot rear yard setback for uncovered decks and porches. CZO Section 8175-4.4(b) prohibits uncovered decks and porches in RB and RBH zoned properties from obstructing public access to beach areas and publicly accessible coastal resources. Other zones have a 10-foot rear yard setback. This updated guidance protects the public's right of access to the sea as required by Section 30211.</p> <ul style="list-style-type: none"> Coastal Trail Policies 1.7, 1.13, and 1.14 require sea level rise planning design to be incorporated into Coastal Trail segments. Additionally, Coastal Trail Policy 1.15 directs the County to consider acquiring abandoned railroad rights of way for public access and recreation, since some segments of rail line may be vulnerable to sea level rise. To protect public access to coastal resources, Program 4.11 encourages inter-agency cooperation with rail operators and state agencies. These policies and programs are consistent with Section 30211.
<p>Section 30421: <i>State and regional agencies shall identify, assess, and, to the extent feasible and consistent with their statutory authorities, avoid, minimize, and mitigate the impacts of sea level rise.</i></p>	<p>Consistent. The proposed LCP amendments would provide a basis for sea level rise planning along 22 miles of unincorporated coastline unincorporated Ventura County based on areas identified in a vulnerability assessment and adaptation strategies report, and best available science models. To plan for sea level rise and coastal hazards the new section in the proposed LCP amendments includes three new goals, 75 policies, and 13 new programs in Section 4.1.6. There are also amendments to other sections, the CZO, and a new Coastal Hazards Reporting requirements appendix.</p>
<p>Section 30501, Procedures: <i>The commission shall adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including, but not limited to, all of the following: (a) A common methodology for the preparation of, and the determination of the scope of, the local coastal programs, taking into account the fact that local governments have differing needs and characteristics. (b) Recommended uses that are of more than local importance that should be considered in the preparation of local coastal programs. Those uses may be listed generally or the commission may, from time to time, recommend specific uses for consideration by a local government. (c) Recommendations and guidelines,</i></p>	<p>Consistent. As described through this exhibit, the proposed LCP amendments are consistent with the Coastal Act. They also rely heavily on Coastal Commission Sea Level Rise Guidance and the sea level rise scenarios and example policies provided within the guidance. When reviewing these amendments, the Coastal Commission may consider Section 30501, subsections (b) and (c) in the context of sea level rise adaptation strategy tradeoffs in the local County of Ventura setting. The proposed LCP amendments will result in new development on small residential zoned parcels being elevated to accommodate sea level rise. As described in the Exhibit 17, this elevation is generally already required by FEMA/County Floodplain Management Ordinance regulations along the North and South Coast of the</p>

<p><i>which shall be periodically updated by the commission to incorporate new information as it becomes available, for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, taking into account local and regional conditions and the differing capacities and funding available to local governments.</i></p>	<p>County, but the proposed adaptation strategies contained in these amendments will result in some change to community character that is necessary to avoid, minimize, and mitigate the impacts of sea level rise. This local adaptation measure would reduce reliance on shoreline protective devices through elevation of new development.</p>
ENVIRONMENTAL JUSTICE	
COASTAL ACT SECTION	DISCUSSION
<p>Section 30107.3:</p> <ul style="list-style-type: none"> a) <i>“Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.</i> b) <i>“Environmental justice” includes, but is not limited to, all of the following:</i> <ul style="list-style-type: none"> (1) <i>The availability of a healthy environment for all people.</i> (2) <i>The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.</i> (3) <i>Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.</i> (4) <i>At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.</i> 	<p>Consistent. The proposed LCP amendments are consistent with the principles of environmental justice as defined by Section 30107.3. Proposed CAP Section 4.1.6, Policies 1.46 and 1.49, and Program 4.3 promote outreach and education to Designated Disadvantaged Communities about climate change and sea level rise. These policies and program promote environmental justice by including Designated Disadvantaged Communities during the decision-making process for sea level rise planning land use decisions and are consistent with Section 30107.3.</p>