

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



W 16e

ADDENDUM

DATE: June 9, 2008
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item W 16e, Channel Islands Harbor Notice of Impending Development 3-07 (Channel Islands Harbor Marina Restroom and Public Restroom Remodel)
Wednesday, June 11, 2008

The purpose of this addendum is to attach and address recently received public comments, modify special conditions, modify the Findings in Section IV., and correct inadvertent typographical errors.

Note: ~~Strikethrough~~ indicates text to be deleted from the May 28, 2008 staff report and underline indicates text to be added to the May 28, 2008 staff report.

1.) Section III. Special Conditions:

8. Tree Replacement

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, a tree replacement planting program, prepared by a certified licensed arborist, which specifies the replacement tree locations, tree size, planting specifications, and a five-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. One (1) ~~specimen size 24" x 24"~~ box, or larger, native or non-native, non-invasive trees, such as Catalina Cherry, Island Oak, or California Sycamore, shall be planted on the south side of the linear park on the west side of the harbor as mitigation for impacts as a result of removing the Myoporum adjacent to building 3. The applicant shall commence tree replacement prior to or concurrently with the commencement of construction activities authorized under NOID 3-07. An annual monitoring report, prepared by a certified licensed arborist, for tree replacement shall be submitted for the review and approval of the Executive Director for each of the five years following implementation of the planting program.

2.) Section B. **Marine Resources**, shall be modified as follows:

Section 4.5 (Biological) of the PWP states:

Within Channel Islands Harbor terrestrial biological resources are limited in distribution and significance. The area is completely developed with commercial, recreational and residential structures; terrestrial vegetation consists entirely of introduced landscaping species.¹

¹ The Third Amendment to the PWP (Waterside), PWPA 1-07, approved by the Commission on February 8, 2008, has modified this policy. However, this Amendment has not yet been effectively certified as of June 2008.

-Page 14, first full paragraph:

If great blue or black-crowned night herons were to begin nesting near the project site, there is the potential that activities associated with construction and remodeling activities, such as excessive noise from construction equipment, could adversely impact nesting herons. Therefore, the Commission is requiring **Special Condition One (1)** to prohibit all outside exterior construction during the core nesting season of the night herons, great blue herons or egrets (February 1 – August 15). However, exterior construction may commence as early as June 1st if surveys conducted pursuant to **Special Condition 1.B.** do not identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species within 300 feet of the project site or identify birds exhibiting reproductive or nesting behavior within 300 feet of the project site. According to staff biologist, Dr. Jonna Engel, Although the nesting season is recognized to extend as late as August 15th, if the birds have not established nests within 300 feet of the project sites by June 1st, it is highly unlikely that any new nests would be established after June 1st. Exterior construction includes all activities occurring outside of the approved building, including sawing, hammering, and the use of any power equipment outside. This prohibition will minimize potential noise impacts to birds associated with construction activities. Additionally, in order to provide further protections for avian species that may exhibit breeding behavior outside of the core nesting season stated above, **Special Condition One (1)** also requires that biological surveys be conducted prior to, and weekly during, any construction activities that could commence or continue into the heron and egret breeding season from December 1st through January 31st and from June 1st through September 30th. Commission staff biologist, Dr. Jonna Engel, has determined that the appropriate monitoring period for the breeding and nesting season is December 1 through September 30. These surveys are important and necessary to provide up-to-date information regarding the numbers and locations of nests established by sensitive bird species within the harbor prior to commencing or continuing exterior construction activities. This condition requires all surveys to be submitted to the Executive Director of the Coastal Commission. In the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within 300 feet of the project site, **Special Condition One (1)** requires all construction activities to cease and immediate notification of the Executive Director of the Coastal Commission. Construction activities can not recommence until an independent qualified biologist or environmental resource specialist determines that fledging has completed and the Executive Director of the Coastal Commission has re-authorized construction activities.

3.) Section C. **Public Access and Recreation – Public Parkland**, shall be modified as follows:

-Page 17-18:

The Beacon Foundation has raised objections to this project asserting that the project will take additional park land. (**Exhibits 11 and 12**) However, the improvements and renovations to the restroom buildings, including a small pathway to access building 3, the addition of 32 sq. ft. to building 3, and the addition of 32 sq. ft. to restroom building 1 comply with Policy 20 of the PWP because the project will not impact open space and is not being developed or used for purposes other than a park. ~~will result in minor impacts to the square footage of the park.~~ The additional interior square footage of 32 sq. ft. each to buildings 1 and 3 will be located under the existing rooflines of each building and will not result in the loss of any grass area that is currently available to the public. The pathway to building 3 will be approximately 64' by 4' and makes an insignificant change to the nature of the ground cover in the park. ~~taking up only minimal park space adjacent to the building.~~ The use of the park will not be impacted and the park facilities will be improved for both boaters and the general public.

Additionally, the Beacon Foundation raised concerns that the public restroom will not be functionally renovated or made ADA compliant. As stated above, Coastal Act Section 30213~~2~~ states, in part, that lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. The public restrooms are support facilities that contribute to the use of the harbor for visitor-serving recreation and public access. The proposed renovations will improve the public's ability to utilize the restroom facility. The plans show that the building's roof will be replaced, the exterior of the building will be resurfaced, the existing screen walls at the entrance will be replaced, the interior facilities will be upgraded to include ADA accessible features, and new water fountains will be added to the outside of the building entrance. Section 30213 of the Coastal Act does not require the Commission to request more extensive upgrades than the renovations already proposed by the Harbor Department for the public restroom facilities, nor does this section of the Coastal Act mandate that the public restrooms and private restrooms be renovated to the same standard. Thus, The the proposed public restroom renovation is consistent with all applicable policies of the PWP, City of Oxnard LCP, and incorporated provisions of the Coastal Act.

List of Attachments:

1. June 2, 2008 letter from The Beacon Foundation to the California Coastal Commission.
2. June 9, 2008 letter from Ventura County Harbor Department



The Beacon Foundation

PMB 352
3844 W Channel Islands Blvd
Oxnard, CA 93035

June 2, 2008

W16 e

Re: NOID 3-07 Channel Islands Marina Landside Private Facilities

Dear Commissioners and Alternate Commissioners:

What seems a small project, is a template for Ventura County to sacrifice public access, biological species, and environmental justice for private harbor development.

1. Abandoning Public Access

The project includes three existing buildings on public parkland. Two are private marina facilities and one is a public restroom. This is the only public restroom in the west harbor linear park.

The two private and locked restrooms will be renovated inside and out and brought into ADA compliance. The public restroom will not be renovated inside or brought into ADA compliance. The public restroom gets a new façade matching the private facilities and masking its unimproved and disgusting interior condition. Please see attached photos.

It is shocking for a County to renovate private restrooms and ignore degradation of the only public one. It is no less shocking that Commission staff is thus far going along.

Attached to the staff report is a County diagram depicting interior renovation of the public restroom. We initially assumed this was part of the project. However, a careful reading of the staff report and an e-mail from CCC staff reveals that the County has not committed to, and is not being required to commit to, actually do the public restroom renovation – now or ever.

This violates Coastal Act Section 30212 protection of lower cost visitor access and environmental justice. The staff report states (page 18):

"The public restrooms are support facilities that contribute to the use of the harbor for visitor-serving recreation and public access. The proposed renovations will improve the public ability to utilize the restroom facilities."

The first sentence gets it right but the second misses the truth. Putting a new "face" on the public restroom makes it prettier for the private marina tenants but abandons public users to a functionally derelict facility.

2. Bye Bye Birdies.

Much Commission effort was expended on protection of birds from impacts of the of the Boating Instruction and Safety Center (BISC) project. NOID 3-07 is on the same public park and within about 100 feet of the proposed BISC compound.

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Despite this proximity, the staff report proposes:

- A. Dilution of the bird protections adopted by the Commission in April.
- B. Allowing removal of trees without a trimming or removal policy.

A.

Staff dilution of bird protections is graphic. The BISC findings approved at the Commission's May meeting flatly prohibited (Modification 5) all exterior construction during the nesting season of February 1st through August 15th. The staff report dated April 22, 2008 for NOID 3-07 incorporated this identical prohibition. Without explanation, this framework of protection is abandoned in the May 28 NOID 3-07 staff report.

The May staff report (Special Condition 1, page 3) inserts a new provision that exterior construction may commence "as early as June 1st if surveys by the project employed biologist do not identify actual presence of heron or egrets within 300 feet. This defeats the purpose of the restriction. If the birds aren't there at an arbitrary date of June 1st construction activity with no noise restrictions, can commence. Once the construction commences it is as certain as certain can be that birds will not thereafter begin nesting at this site. As shown in the attached photo taken April 29, 2008, there is pre-nesting activity in the area and this will not mature if construction commences. It is painfully obvious that Commission approval of this NOID will result in immediate construction.

B.

In its original proposal for the BISC, the County proposed to "mitigate" taking of nesting trees by merely replacing them elsewhere in the harbor with newly planted trees. The County originally proposed 15 gallon replacement trees – i.e. trees of perhaps five foot height that would take a decade or more to become even arguably a candidate for heron nesting. This "fix" has obvious shortcomings and was never embraced by Commission staff — until now.

The NOID 3-07 staff report proposes to allow cutting of a tree in the heron nesting grove for the sole purpose of accommodating a new entrance door to the private marina office. As "mitigation," the County will plant three "specimen" trees of unspecified size at some other location chosen by the County subject to Executive Director approval.

This meets none of the CEQA criteria (Guideline 15370) for a mitigation. It would not avoid the impact of the taking; limit the magnitude; rectify the impact; reduce it; or compensate for it. If this approach is approved it will be a template for removing the nesting trees on the Harbor Peninsula that stand in the way of development plans for an eight story new hotel.

This half baked and permissive template for tree removal is proposed in the absence of any County tree trimming or removal policy. The Commission has pointed to the need for an approved policy but staff now proposes to proceed without one. No removal of potential nesting trees should be allowed in the absence of an adopted policy.

2. Taking Park Land Without a PWP Amendment.

NOID 3-07 will expands the footprint of the private marina buildings by some 64 square feet and take an additional 264 square feet for a new concrete walkway for the sole

purpose of serving a new grove side entrance to the private marina office. The Commission Amended the Public Works Plan to specify the BISC as an exception to the PWP firm protection of parkland. Amended Policy 20 reads:

"All areas designated as public parks and beaches in Figure IV of the Plan shall be protected as open space and shall not be developed or utilized for other use without an amendment to the plan."

An amendment to the PWP is clearly required for any taking of protected park land. The staff report (page 18) asserts that the taking will result in "minor impacts to the square footage of the park." There is no de minimus concept in Policy 20 and the subjective judgment that this is a permissible "drop in the bucket" is unsupported.

3. Gaming the System?

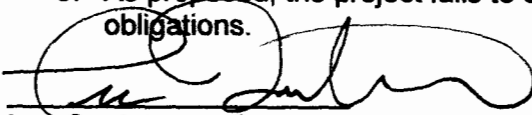
NOID 3-07 was set for hearing last month. The County postponed it at the last minute. It is a late addition to the Commissions agenda for June. The San Rafael location requires an overnight stay for anyone from the project area wishing to attend. When the item was set for hearing in Marina Del Rey, at least six members of the public prepared testimony in opposition. The last minute postponement and the last minute addition to the agenda at this remote hearing location, raises concern the public is being deprived of the opportunity to be heard.

4. Failure to Satisfy Commission CEQA Obligations.

There are feasible alternatives and mitigations that would substantially lessen adverse environmental impacts. Mitigations include renovation of the public restroom; preservation of bird protections adopted for the adjacent BISC project; requirement of a tree trimming and removal policy; restriction of the project to existing building footprints; elimination of a new private marina office entrance and its walkway; and rejection of the taking of a heron grove tree to make way for this entrance and walkway.

CONCLUSIONS

1. A condition is needed to require the renovation of the public restroom and to require this be done at the same time as the private restroom renovations.
2. Bird protections adopted for the BISC project need to be fully applied here.
3. Replacement of trees with "specimens" is not a mitigation and an approved Tree Trimming/Removal policy need to be required as a pre-requisite to removal of trees that are part of nesting groves.
4. Action on NOID 3-07 should be continued to allow public testimony within 100 miles of the project location.
5. As proposed, the project fails to conform with the Commission's CEQA obligations.



Lee Quaintance, Secretary



W16 e
Public Restroom

W16 e



APRIL 29, 2008



CHANNEL ISLANDS HARBOR
Ventura County Harbor Department
3900 Pelican Way • Oxnard, CA 93035-4367



Lyn Krieger
Director

June 9, 2008

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www.channelislandsharbor.org

Patrick Kruer, Chair
California Coastal Commission
The Monarch Group
7727 Herschel Ave.
La Jolla, CA 92307

Re: Item W 16e, June 11, 2008
NOID 3-07, Channel Islands Harbor Marine Restroom and Public
Restroom Remodel, Channel Islands Harbor, California

Dear Chair Kruer and Members of the Commission:

This letter is written in response to the letter from the Beacon Foundation dated June 2, 2008.

The project is the remodeling of three restroom buildings, with the addition of 32 square feet to two of the buildings to accommodate handicapped accessible showers. The new construction will occur under the existing eaves of the buildings. Removal of one Myoporum is proposed that is located very close to the building and hangs over the roof. No Myoporum in the Harbor, including this one, has ever contained a heron nest during the six nesting seasons of monitoring contracted by the County.

1. "Abandoning Public Access." Mr. Quaintance uses this term, but may be confused about the nature of the application. The NOID proposes the remodel of all three restroom facilities, two of them used by tenants of the Channel Islands Harbor Marina and one open to the general public. The improvements to the two marina restrooms will be funded by the lessee as a part of their overall marina improvements; funding for the public restroom, however, will come from the Ventura County Harbor Department. The Harbor Department has no intention of making improvements to the exterior of the building without also improving the interior. This would be illogical, and cannot be concluded from the application materials.

The Harbor included the public restroom in this NOID because it makes sense to do so. The restroom is clearly in need of improvements. We

have not proposed an expansion of the footprint because there are no showers or laundry facilities within the public restroom building and the modifications necessary to meet accessibility standards can be done within the existing footprint. However, the Harbor does not have a ready funding source for these improvements at this time. It should be noted that the County has evidenced a strong commitment to public restroom facilities. The Kiddie Beach restroom was rebuilt in 2001. Two beach restroom's (on Hollywood and Silverstrand Beaches) are in the process of being replaced and are nearly complete. A third beach restroom has been budgeted and is in the permitting process. This restroom, in the park, will be among the next scheduled for renovation. Because this is operated as a City park, the County will also look to the City of Oxnard for assistance in making improvements. It is our hope that we can combine the construction of this facility with that of another in the general area occurring at the same time to save mobilization costs. Regardless, we do not believe the Commission can condition the renovation of one restroom on the renovation of another.

2. "Bye Bye Birdies." Sarcasm aside, there is a practical, factual basis for beginning construction in June if there are no nests present. This is a small project, which we are planning to complete before the beginning of next year's nesting season. The heron in the harbor have already nested and the hatchlings have fledged this year. To force the contractor to wait until August just delays the project even further, costing time and money for no real benefit if the herons are not present, and potentially pushing construction into the 2009 nesting season. I will point out that the heron have not nested in this area since 2003. The herons have nested this year on this side of the Harbor, far north of this site and directly above a public sidewalk where revetment and parking lot repairs were taking place, and while construction on Marine Emporium Landing was underway.

The Myoporum proposed for removal is not now and never has been a nesting tree. In fact, the heron have never nested in any of the Myoporum in the harbor. It is located within a few feet of the existing building. Its canopy overhangs the roof of the office (see photograph attached). The relocation of the marina office door from the waterside to the street side will accommodate those recreational boaters who have business with the marina office. The new office door does not in any way limit the use of the park by the public.

The requirement to replace a non-native, invasive Myoporum shrub with a native or non-native drought tolerant tree that is more appropriate to this area and climate will undoubtedly improve the function and appearance of

the park and is consistent with the direction the Harbor Department is moving with all new development. Some of the existing Myoporum in this area are in decline after 40 years, and will soon have to be removed. A tree that is actually a tree rather than a shrub and that is native to this area or this type of climate will have a greater chance of surviving for many decades. Other trees in this park area have not (see photographs submitted with this letter).

A specimen tree is generally a 24-inch box size or above, and is a tree with superior quality and appearance. It is the opinion of some landscape experts (see attached article) that a 15-gallon tree does better in a transplanted situation. The growth of the tree depends on the species, for example, a sycamore will grow much faster than an oak tree, but also requires more water. The Harbor Department will plant a specimen tree of at least 24-inch box size.

The County of Ventura has determined that this small restroom project is Categorically Exempt from the California Environmental Quality Act. Removal of the one Myoporum, a shrub that has never been used for a heron nest, is not an impact in need of mitigation.

The Harbor Department has submitted a draft Tree Pruning and Replacement Policy to Coastal staff for their review. However, such a policy is not necessary for the Commission to act favorably on this project.

3. "Taking Parkland without a PWP Amendment." The addition of 32 square feet to each of two restroom buildings does not take parkland. The addition will occur under the eaves of each of the buildings near the walkway area, where there is currently shrubbery. This area has never been used as parkland and is currently maintained by the lessee as a part of their leasehold. Such an expansion, for the purpose of adding accessible shower facilities for the recreational boating public who use this marina, is less than the 10% increase allowed under Sec. 3.1 of the PWP, which states, "Any expansion of the existing and permitted structures described in Appendix A and B shall be prohibited except for minor alterations which result in an increase of less than 10% of the internal floor area or an increase of 10% in height of the structure."

Mr. Quaintance comments that the County is "Gaming the System". The County is not clear what this phrase means. The NOID for this project was mailed to members of the public, including Mr. Quaintance and other members of the Beacon Foundation, and posted on the three buildings, as well as on the County Harbor Department's website, on December 7, 2007. The public has had six

months to comment on this small project. The Harbor Department has received no comments from any members of the public. We previously requested that the project be postponed from the May 2008 hearing approximately a week before the hearing date. It was the Coastal staff's opinion that only the Chair could grant such a continuance. The reason for our request was that we had not had sufficient time to discuss the suggested conditions with Coastal staff.

Channel Islands Harbor was created as a recreational boating facility to accommodate boaters. The Harbor's individual marinas were constructed with private funds on private leaseholds to be rented at market rates and operated by private entities. The marina facility buildings were constructed in these specific locations within the park area to be available to those members of the public who want to utilize the boating facilities. The large parking lots constructed along Harbor Blvd. were constructed for the use of the boaters using the marinas, as well as other members of the public. The underground utilities were installed along the linear sidewalk at the water's edge in order to serve these buildings. The use of this Harbor by boaters, who pay rent to keep their boats in a slip within a marina, was a part of the original intent of the Harbor plan.

In 1984, when the County conducted a feasibility study to determine the need for additional boat slips, the purpose was specifically stated to: 1) analyze the supply and demand for boating facilities in the coastal areas of Ventura County; 2) identify potential siting opportunities for needed facilities; and 3) develop an implementation program for feasible boating facilities in selected areas. A discussion of this study was made a part of the Public Works Plan adopted by the Coastal Commission in 1986.

The marinas have always been made available to the public, albeit not for free. To suggest that the sole purpose of the Harbor is to serve users of the park, or to serve only those who do not pay for any service within the marina, is inconsistent with the Public Works Plan as it has existed from the inception of the Harbor. It is also inconsistent with the mission and purpose of the Harbor Department and with the Harbor Department's actions in this regard.

The Harbor Department has an established track record of providing upgraded facilities for members of the public who use the Harbor and the surrounding beaches. The restroom on Kiddie Beach was replaced, in spite of great opposition from the neighbors across the street. The restrooms on Hollywood Beach and Silverstrand Beach are in the process of being replaced in spite of vehement opposition from private residents on the beaches. The Boating Instruction and Safety Center (BISC) a project funded by the State for programs which will allow the public to learn about sailing and other ocean-related subjects was approved only after years of opposition and at huge costs to the Harbor

Patrick Krueger, Chair
California Coastal Commission
June 9, 2008
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Department. The Harbor Department uses the money it collects from rent of Harbor properties, including from marina operators, to provide public services such as a 24-hour a day Harbor Patrol; provision of a free public launch facility, soon to be replaced; water quality tracking and education systems; maintenance of public dock facilities and public beaches; special events such as the 4th of July celebrations, Tall Ship programs, Christmas Parade of Light celebration, and other events that bring residents and visitors to the Harbor to experience the ocean and boating amenities this area offers.

The Harbor Department has worked with Coastal Commission staff to craft conditions to this project that are reasonable and in keeping with the nature and scope of the construction. It is a small project that will be completed in a few months. We ask that you approve the project so that we can finish the construction by fall of this year. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Lyn Krieger', with a stylized flourish at the end.

Lyn Krieger
Director

Enclosure

C: Ventura County Board of Supervisors
Brian Dunn, Harbor Lessee





CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



W 16e

DATE: May 28, 2008

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, South Central Coast District Manager
Barbara Carey, Supervisor, Planning and Regulation
Amber Tysor, Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) 3-07**, for Channel Islands Harbor Marina Restroom and Public Restroom Remodel for Public Hearing and Commission Action at the June 11, 2008, Commission Meeting in Santa Rosa.

SUMMARY AND STAFF RECOMMENDATION

The Ventura County Harbor Department proposes to remodel an existing restroom building (building 1), remodel an existing office building and restroom (building 3), and repair a public restroom (building 2) located along the west side of the harbor in the linear park at 3840, 3850, and 3750 Harbor Boulevard, Oxnard, Ventura County. The three buildings to be repaired and remodeled will be referred to as Building 1, Building 2, and Building 3.

Building 1 is a restroom building located at the northern portion of the linear park between Cabezone Way and Barracuda Circle and is adjacent to a public walkway. This building currently serves harbor boaters and contains restroom facilities, showers, a laundry facility, and a utility room for maintenance and storage. The internal building area is now 623 sq. ft. and the proposed remodel includes the addition of 32 sq. ft. of internal floor area (a 5.1% increase in internal building area). Approximately 8 to 10 Hollywood Juniper shrubs directly adjacent to the building will be removed, as well as other vegetation such as Yucca and Bird of Paradise.

Building 2 is a public restroom located near the middle of the linear park just south of Barracuda Way next to the public walkway along the marina edge. The proposed repairs to this building include resurfacing the exterior block wall material with a new stucco exterior, replacing the roof with standing seam metal or concrete tile, and adding new screen walls. Vegetation along the perimeter of the building will be removed, including Hollywood Junipers.

Building 3 is currently occupied by an office for Channel Islands Harbor Marina and a restroom for use by boaters, located at the southern end of the linear park north of Marina Circle. Interior remodeling of this building is proposed in order to add handicapped accessible restrooms and shower facilities, additional office area, a storage and maintenance area, and a new west facing entry area for the marina office. The building area is 1,030 sq. ft and 32 sq. ft will be added. The height of the building is 11'3" and will not change. The exterior finish will be stucco in a natural color, with off-white trim and blue doors. Additional remodeling includes exterior handicapped accessible drinking fountains, and new exterior screen walls at the entry door. A small pathway, extending from the existing pathway connecting the parking lot to the pathway along the water, will be added to access the newly proposed west facing door of the office. The Harbor Department originally proposed a walkway winding through the middle of the park, but has submitted revised plans to construct a walkway to Building 3 connected to the existing walkway to minimize impacts to park area. One mature *Myoporum* will be removed on the south western side of this building adjacent to the office area. Biological reports indicate that this *Myoporum* has never been used as a nesting site for herons. The Harbor Department has proposed to provide mitigation for removal of the *Myoporum*.

The required items necessary to provide a complete Notice of Impending Development were received in the South Central Coast Office on March 28, 2008, and the notice was deemed filed on April 8, 2008.

Staff is recommending that the Commission determine that the impending development **is consistent** with the certified Channel Islands Harbor Public Works Plan (PWP), as modified pursuant to **nine (9) special conditions** regarding: (1) protection of nesting and roosting birds, (2) construction and maintenance responsibilities and debris removal, (3) water quality management plan, (4) removal of temporary construction trailer, (5) lighting restriction, (6) approval of resource agencies, (7) invasive plants, (8) tree replacement, and (9) *Myoporum* removal survey. As conditioned, the project is consistent with all resource protection policies and provisions of the Public Works Plan. See associated Motion and Resolution beginning on **Page 2**. The standard of review for the proposed NOID is conformity with the policies of the certified PWP.

I. PROCEDURAL ISSUES

Sections 30605 and 30606 of the Coastal Act and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified PWP. Section 13354 requires the Executive Director or his designee to review the Notice of Impending Development (or development announcement) within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all necessary supporting information has been received.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of filing the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified PWP and whether conditions are required to bring the development into conformance with the PWP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified PWP.

II. STAFF RECOMMENDATION:

MOTION: *I move that the Commission determine that the development described in the Ventura County Harbor Department Notice of Impending Development 3-07 (Restroom Remodeling), as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 2-06, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH PWP:

The Commission hereby determines that the development described in the Notice of Impending Development 3-07, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS:

1. Protection of Nesting and Roosting Birds

A. No exterior construction shall occur from February 1st through August 15th, the core nesting season for black-crowned night herons, great blue herons, and snowy egrets. However, exterior construction may commence as early as June 1st if surveys conducted pursuant to 1.B., below, do not identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species within 300 feet of the project site or identify birds exhibiting reproductive or nesting behavior within 300 feet of the project site. Exterior construction includes all activities occurring outside of

the approved buildings, including sawing, hammering, and the use of any power equipment outside.

B. Surveys

1. Prior to all construction activities (both interior and exterior) occurring from December 1st through September 30th, an independent qualified biologist or environmental resource specialist shall conduct biological surveys of all trees within 300 feet of the project site and this survey must be immediately submitted to the Executive Director of the Coastal Commission. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species in or near the project site, and if they are exhibiting reproductive or nesting behavior.

2. Once a week upon commencement of exterior construction activities that will be carried out from December 1st through January 31st and from June 1st through September 30th, a qualified independent biologist or environmental resource specialist shall conduct weekly biological surveys of all trees within 300 feet of the project site. These surveys must be immediately submitted to the Executive Director of the Coastal Commission.

C. Daily Monitor

1. During exterior construction activities that will be carried out from December 1st through January 31st and from June 1st through September 30th, a daily monitor shall determine compliance with construction related special conditions at all times during construction.

2. Should the monitor observe any failure to comply with any component of this special condition or any other construction related special condition to this NOID, said monitor shall require that construction be immediately stopped and the monitor shall notify the Director of the Harbor Department and the Executive Director of the Coastal Commission immediately. Construction shall not be resumed until conformance with the requirements of the special condition is confirmed and the Executive Director of the Commission authorizes construction to recommence.

D. In the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within 300 feet of the project site, all construction activities must cease and the Executive Director of the Coastal Commission must be immediately notified. Construction activities can not recommence until an independent qualified biologist or environmental resource specialist determines that fledging has completed and the Executive Director of the Coastal Commission has re-authorized construction activities.

2. Construction and Maintenance Responsibilities and Debris Removal

The Ventura County Harbor Department shall comply with the following construction-related requirements:

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion. No demolition or construction materials, debris, or waste shall be placed or stored in the park. No construction equipment or trailers shall be stored in the park.
- B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to ESHA, wetlands or their buffers.
- C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located within the coastal zone, a separate Notice of Impending Development shall be required before disposal can take place.
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- J. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- L. The least damaging method shall be used for the construction of pilings and any other activity that will disturb benthic sediments. The suspension of benthic sediments into the water column shall be minimized to the greatest extent practicable.

- M. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- N. All BMPs shall be maintained in a functional condition throughout the duration of the project.

3. Water Quality Management Plan

A. ***Prior to commencement of development***, the applicant shall submit, for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP), prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. The proposed development shall reduce or maintain pre-development peak runoff rates and average volumes to the maximum extent practicable.
- b. Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters. Structural Treatment Control BMPs shall be implemented when a combination of Site Design and Source Control BMPs are not sufficient to protect water quality.
- c. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
- d. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- e. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
- f. Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.

g. Parking lots and streets shall be swept on a weekly basis, at a minimum, in order to prevent dispersal of pollutants that might collect on those surfaces, and shall not be sprayed or washed down unless the water used is directed through the sanitary sewer system or a filtered drain.

h. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.

i. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

j. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.

k. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

l. It is the Harbor Department's responsibility to maintain or ensure that its lessee maintains the drainage system and the associated structures and BMPs according to manufacturer's specifications.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a new Notice of Impending Development unless the Executive Director determines that no new Notice of Impending Development is legally required.

4. Removal of Temporary Construction Trailer

The applicant shall remove the temporary construction trailer and all construction related debris from the staging site within sixty (60) days of completion of any and all development authorized under Channel Islands Harbor NOID 3-07.

5. Lighting Plan

A. ***Prior to commencement of the development***, the Harbor Department shall submit, for the review and approval of the Executive Director, a lighting plan for the

approved structures and associated pathway. The lighting plan shall incorporate the following requirements:

- (1) Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels, including all public open space areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.
 - (2) The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and trees.
- B. The Harbor Department shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur unless the Executive Director determines that no new Notice of Impending Development or Public Works Plan Amendment is legally required.

6. Resource Agencies

The Ventura County Harbor Department shall comply with all requirements (including required mitigation measures) from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment including bird nesting and foraging activity. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a new Notice of Impending Development pursuant to the requirements of the Coastal Act and the California Code of Regulations.

7. Invasive Plants

By acceptance of this Notice of Impending Development, the applicants agree that vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, and no plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified by the State of California shall be employed in any landscaping or planter areas, or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

8. Tree Replacement

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, a tree replacement planting program, which specifies replacement tree locations, tree size, planting specifications, and a five-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. One (1) specimen size native or non-native, non-invasive trees, such as Catalina Cherry, Island Oak, or California Sycamore, shall be planted on the south side of the linear park on the west side of the harbor as mitigation for impacts as a result of removing the Myoporum adjacent to building 3. The applicant shall commence tree replacement prior to or concurrently with the commencement of construction activities authorized under NOID 3-07. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Executive Director for each of the five years following implementation of the planting program.

9. Myoporum Removal Survey

Prior to commencement of development and prior to removal of the Myoporum, a qualified independent biologist or environmental resource specialist shall conduct a survey of the Myoporum to determine whether black-crowned night herons, great blue herons, snowy egrets, or other sensitive species are exhibiting reproductive or nesting behavior in the Myoporum or connecting canopy. This survey must be immediately submitted to the Executive Director of the Coastal Commission. In the event that the survey identifies any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior, the Myoporum must not be removed and the Executive Director of the Coastal Commission must be immediately notified. Construction activities and/or tree removal can not recommence until an independent qualified biologist or environmental resource specialist determines that fledging has completed and the Executive Director of the Coastal Commission has re-authorized construction activities.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED

The following findings support the Commission's approval of the Notice of Impending Development, as conditioned. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION AND BACKGROUND

The Ventura County Harbor Department proposes to remodel an existing restroom building (building 1), remodel an existing office building and restroom (building 3), and repair a public restroom (building 2) located along the west side of the harbor in the linear park at 3840, 3850, and 3750 Harbor Boulevard, Oxnard, Ventura County. The three buildings to be repaired and remodeled will be referred to as Building 1, Building 2, and Building 3. (Exhibits 1-10)

Building 1 is a restroom building located at the northern portion of the linear park between Cabezone Way and Barracuda Circle and is adjacent to a public walkway. This building currently serves harbor boaters and contains restroom facilities, showers, a laundry facility, and a utility room for maintenance and storage. The internal building area is now 623 sq. ft. and the proposed remodel includes the addition of 32 sq. ft. of internal floor area (a 5.1% increase in internal building area). Approximately 8 to 10 Hollywood Juniper shrubs directly adjacent to the building will be removed, as well as other vegetation such as Yucca and Bird of Paradise. **(Exhibits 1-3)**

Building 2 is a public restroom located near the middle of the linear park just south of Barracuda Way next to the public walkway along the marina edge. The proposed repairs to this building include resurfacing the exterior block wall material with a new stucco exterior, replacing the roof with standing seam metal or concrete tile, and adding new screen walls. Vegetation along the perimeter of the building will be removed, including Hollywood Junipers. **(Exhibits 4-6)**

Building 3 is currently occupied by an office for Channel Islands Harbor Marina and a restroom for use by boaters, located at the southern end of the linear park north of Marina Circle. Interior remodeling of this building is proposed in order to add handicapped accessible restrooms and shower facilities, additional office area, a storage and maintenance area, and a new west facing entry area for the marina office. The building area is 1,030 sq. ft and 32 sq. ft will be added. The height of the building is 11'3" and will not change. The exterior finish will be stucco in a natural color, with off-white trim and blue doors. Additional remodeling includes exterior handicapped accessible drinking fountains, and new exterior screen walls at the entry door. A new sidewalk, extending perpendicular from the existing pathway connecting the parking lot to the waterside pathway, will be added to access the newly proposed west facing door of the office. The Harbor Department originally proposed a walkway winding through the middle of the park, but has submitted revised plans to construct a walkway to access building 3 from the existing walkway minimize impacts to park area. One mature Myoporum will be removed on the south western side of this building adjacent to the office area. Biological reports indicate that this tree has not been used as a nesting site for herons since the Harbor began monitoring for such nesting. The Harbor Department has proposed to provide mitigation for this tree removal. **(Exhibits 7-9)**

Temporary closure of the public walkway in front of the buildings may be required during construction. Signage and notices will be used to direct sidewalk users to other available pathways. All construction areas will be fenced and secured. Additionally, the construction staging area is located in the public parking area off of Harbor Blvd. directly adjacent to the proposed project sites.

Background

On September 19, 1986, the Channel Islands Public Works Plan (PWP) was effectively certified by the Commission. The purpose of the PWP, as certified, is to provide "a detailed and specific planning document to guide future Harbor development."

Jurisdiction within the Channel Islands Harbor is shared by both the County of Ventura and the City of Oxnard. Oxnard's City limits extend to all Harbor land areas. Based on a previous agreement between the two governmental authorities and the Commission's certification of the Public Works Plan, the County assumed planning and regulatory authority within the Harbor. Under the certified PWP, the County is responsible for approval of all development within the Harbor permitted by the plan. Under the PWP, the County must submit a Notice of Impending Development (NOID) describing any proposed development that is listed in the plan, for review and approval by the Commission. For a project contained in the certified PWP, the Commission's review of a Notice of Impending Development is limited to determining whether the development is consistent with the PWP, or can be made consistent by imposing reasonable terms and conditions to ensure that the development conforms to the PWP.

Requirements for the level of information contained in a Public Works Plan are contained in Section 13353 of Title 14 of the California Code of Regulations, which states that a PWP "shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan." Such information includes: 1) the specific type of activity or activities proposed to be undertaken; 2) the maximum and minimum intensity of activity or activities proposed to be undertaken; 3) maximum size of facilities proposed to be constructed pursuant to the plan; and 4) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plan. The Coastal Act envisions that a Public Works Plan functions more as a Specific Plan or a master development permit in order for specific projects or activities described in the PWP to be approved quickly through the Notice of Impending Development Process at later dates with minimal review. Activities, projects, or facilities not specifically proposed in a Public Works Plan in the level of detail described above may require an amendment to the certified PWP that must be approved by the Coastal Commission prior to approval and issuance of a Notice of Impending Development for said activity, project, or facility.

The standard of review for the Notice of Impending Development is the certified 1986 PWP. The PWP contains policies and provisions that identify areas for harbor development while protecting coastal resources including the marine environment, scenic and visual resources, and public access and recreation.

B. MARINE RESOURCES

The certified Channel Islands Harbor PWP incorporates by reference Sections 30240, 30230, and 30231 of the Coastal Act. Section 30240 provides for the protection of Environmentally Sensitive Habitat Areas. Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored.

Section 30240 of the Coastal Act States:

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

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

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

In addition, Policy 2 under Biological Resources in the Public Works Plan states:

Use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters.

The Channel Islands Harbor Public Works Plan contains policies to protect marine and biological resources and environmentally sensitive habitat areas in and around Harbor waters. The proposed project is for the remodel of three separate restroom buildings in the linear park located on the western side of the Harbor. This development has the

potential to adversely impact marine and biological resources during the construction phase of the project.

1. Nesting Birds

Section 4.5 (Biological) of the PWP states:

Within Channel Islands Harbor terrestrial biological resources are limited in distribution and significance. The area is completely developed with commercial, recreational and residential structures; terrestrial vegetation consists entirely of introduced landscaping species.

Several bird species, such as great blue herons, black-crowned night herons, and snowy egrets utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed as threatened or endangered, their presence is considered important because some species of herons and egrets are considered Sensitive Species and play an integral role in the ecosystem as top wetland predators.

The three restroom buildings proposed to be remodeled are located in the linear park on the western side of Channel Islands Harbor. This linear park contains several trees with interconnected canopies which have been documented to contain heron nesting sites in the past, particularly during the 2003 and 2004 nesting season. **(Exhibit 10)** The nesting trees range from only a few feet away from each building to more than a 150 feet away. The Harbor Department's biologist, Dr. Jeffery Froke, regularly conducts surveys of trees within the Channel Islands Harbor to identify the location of great blue heron, black-crowned night heron, and snowy egret nesting areas and has documented nesting sites within the Harbor since 2003. In total, from 2003 to 2007, Dr. Froke has identified approximately 24 black-crowned night heron nests, approximately 8 great blue heron nests, and 1 snowy egret nest (2004) on the west side of the harbor, mostly in the linear park. **(Exhibit 10)**

On January 14, 2008, Dr. Froke submitted a report entitled *Channel Islands Harbor Heronry Nest Tree Distribution*. The report, which includes tables, charts, and aerial photo provides a summary of the annual and total distribution of nest trees for all tree species used by all heron nesting species during nest years 2003 – 2007. **(Exhibit 10)**. During the study period, the report states that 43 individual trees were used for nesting and 90 separate uses of the trees were observed. Black-crowned Night-Herons accounted for 63 of the 90 uses, Great Blue Herons accounted for 26 uses and one (1) Snowy Egret use was counted. "Use" means that one or more pairs of a species used the tree for nesting in a given year. Use does not represent a count of nests. The report provides that Heron nesting on the west side of the Harbor accounted for 33 tree-uses (37%) over the five-year period with the majority of 57 tree-uses (63%) occurring on the Peninsula. The largest annual tree-usage, including nesting, occurred during the 2003 nesting season by Black-crowned Night Herons on the west side of the Harbor. Total use of trees has varied over the period from 32 in 2003, 20 in 2004, 11 in 2005, 13 in 2006, and 14 in 2007. Use of trees on the west side of the Harbor over the period has decreased from 19 in 2003 to 8 in 2004 to 4 in 2005 to 1 (Great Blue Heron) in 2006 to

1 (Black-crowned Night Heron) in 2007. (**Exhibit 10**). Greg Ainsworth, consulting biologist for the Harbor Department, most recently documented an active Great Blue Heron nest on the west side of the peninsula on March 21, 2008 during biological monitoring for compliance with conditions set forth in NOID 2-06 for the Marine Emporium Landing Parcel X-1-B.

If great blue or black-crowned night herons were to begin nesting near the project site, there is the potential that activities associated with construction and remodeling activities, such as excessive noise from construction equipment, could adversely impact nesting herons. Therefore, the Commission is requiring **Special Condition One (1)** to prohibit all outside exterior construction during the core nesting season of the night herons, great blue herons or egrets (February 1 – August 15). However, exterior construction may commence as early as June 1st if surveys conducted pursuant to **Special Condition 1.B.** do not identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species within 300 feet of the project site or identify birds exhibiting reproductive or nesting behavior within 300 feet of the project site. Although the nesting season is recognized to extend as late as August 15th, if the birds have not established nests within 300 feet of the project sites, it is highly unlikely that any new nests would be established after June 1st. Exterior construction includes all activities occurring outside of the approved building, including sawing, hammering, and the use of any power equipment outside. Additionally, in order to provide further protections for avian species that may exhibit breeding behavior outside of the core nesting season stated above, **Special Condition One (1)** also requires that biological surveys be conducted prior to, and weekly during, any construction activities that could commence or continue into the heron and egret breeding season from December 1st through January 31st and from June 1st through September 30th. Commission staff biologist, Dr. Jonna Engel, has determined that the appropriate monitoring period for the breeding and nesting season is December 1 through September 30. These surveys are important and necessary to provide up-to-date information regarding the numbers and locations of nests established by sensitive bird species within the harbor prior to commencing or continuing exterior construction activities. This condition requires all surveys to be submitted to the Executive Director of the Coastal Commission. In the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within 300 feet of the project site, **Special Condition One (1)** requires all construction activities to cease and immediate notification of the Executive Director of the Coastal Commission. Construction activities can not recommence until an independent qualified biologist or environmental resource specialist determines that fledging has completed and the Executive Director of the Coastal Commission has re-authorized construction activities.

Further, **Special Condition One (1)** also requires a daily monitor to determine compliance with all construction related special conditions at all times during exterior construction activities that will be carried out from December 1st through January 31st and from June 1st through September 30th. Should the monitor observe any failure to comply with any component of this special condition or any other construction related special condition to this NOID, the monitor must assure that construction is immediately

stopped and must notify the Director of the Harbor Department and the Executive Director of the Coastal Commission immediately. Construction shall not be resumed until conformance with the requirements of the special condition is confirmed and the Executive Director of the Commission authorizes construction to recommence.

In addition to potential impacts to heron nesting from construction activities, the introduction of new lighting can have impacts. In order to ensure that the proposed redevelopment and remodeling of the existing restroom buildings does not result in impacts to herons from lighting, the Commission finds it necessary to require the applicant to prepare and implement a lighting plan. The plan must indicate that all exterior lighting is of low intensity, directed downward and will not spill over into park areas. **Special Condition Five (5)** details the requirements of the lighting plan.

One very large Myoporum that is located very close to the southwest corner of building 3 is proposed to be removed to allow for renovations of the office section of this building and to allow for access to a new doorway for this building. The subject Myoporum shrub is quite large and has been trimmed over the years into a tree form. While the harbor-wide biological monitoring since 2003 has not identified this Myoporum as containing any heron nests, it is located within the park area, in proximity to other trees where herons have nested. **(Exhibit 13)** The removal of the Myoporum will reduce the total number of areas where herons could potentially nest in the harbor. In order to ensure that this removal does not have adverse impacts on heron nesting, the Commission finds it necessary to require the applicant to survey the Myoporum prior to removal and to plant a replacement tree within the park area. **Special Condition Nine (9)** requires a survey prior to removal to determine whether birds are nesting, roosting, or exhibiting reproductive behavior and in the event that any nest is found, prohibits removal of the Myoporum until fledging has been completed and the Executive Director of the Coastal Commission authorizes the removal. Additionally, the Harbor Department has offered to provide a replacement planting as mitigation for the loss of the Myoporum. To ensure adequate mitigation, **Special Condition Eight (8)** requires the Harbor Department to prepare and implement a tree replacement program. The tree replacement plan required by this condition shall indicate the location, size, and species of one native or non-native, but non-invasive tree to be planted within the southern portion of the park area. The replacement tree is required to be monitored for a period of at least five years to ensure that the replacement program is successful. Therefore, although one Myoporum will be removed, the special conditions, explained above, will assure that healthy populations of sensitive bird species will be maintained. This project will be compatible with the continuance of sensitive bird species habitat because only one non-nesting Myoporum directly adjacent to building 3 will be removed, all trees that have provided heron nesting habitat in the previous years will not be disturbed, and mitigation of one replacement tree will be provided in the park.

The Beacon Foundation has submitted two letters to the Commission regarding the proposed project **(Exhibits 11 and 12)**. The Beacon Foundation objects to the removal of this Myoporum and proposed mitigation because the Myoporum is part of a canopy of vegetation that makes up the heron rookery. The Beacon Foundation also raised concerns about impacts to herons from construction. **Special Condition One (1)**,

Special Condition Eight (8), and **Special Condition Nine (9)** address these concerns by providing protections for birds prior to Myoporum removal, during construction, and by requiring mitigation for the lost Myoporum.

2. Resource Agencies

In addition, in order to ensure that the proposed project is consistent with all California Department of Fish and Game and other agency regulations, **Special Condition Six (6)** requires the applicant to agree to comply with all requirements and mitigation measures from the California Department of Fish and Game, United States Army Corps of Engineers, US Fish and Wildlife Service, and the Regional Water Quality Control Board prior to commencement of construction.

The proposed remodel and repair of the three buildings has the potential to impact marine and biological resources. Special Conditions One (1) and Nine (9) relating to nesting birds, which will minimize these impacts, have been required. The Commission, therefore, finds that the proposed Notice of Impending Development is consistent, as conditioned, with the biological policies of the certified PWP.

C. PUBLIC ACCESS AND RECREATION- PUBLIC PARKLAND

The buildings to be remodeled and repaired are all located within the public park (linear park) on the west side of the harbor. The City of Oxnard LCP contains Coastal Act policies relative to the protection and provision of public access and recreation including lower cost visitor and recreational facilities:

Section 30213 states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The Public Works Plan Policies relevant to development in the public park are include:

Policy 20 under Land and Water Recreation, of the Public Works Plan:

All areas designated as public parks and beaches in Figure IV of the Plan shall be protected as open space and shall not be developed or utilized for other uses without an amendment to the plan.

Policy 21 under Land and Water Recreation:

Harbor activities shall be clustered into locations appropriate to their use to protect and enhance public recreational activities in the Harbor. Land uses shall be compatible and consistent with the kind, location and intensity of development and resource protection and development policies prescribed by this Land Use Plan.

Policy 2d under Public Access and Recreation :

Future building or redevelopment in the Harbor shall not exceed 2 stories or 25 feet in height...Height shall be measured from the centerline of the frontage road.

Policy 1 under Section 4.0 of the PWP, Coastal Issues and Development policies states that all development in the Harbor shall be subject to the following policy:

Any expansion of the existing and permitted structures described in Table 1 shall be prohibited except for minor alterations which result in an increase of less than 10% of the internal floor area or an increase of 10% in height of the structure.

The buildings proposed to be repaired and remodeled are located in the linear park on the west side of the harbor. This park is designated a "public park" in the PWP. The park is shown on the map on Figure IV, page 27, as a "recreational, access, and visitor-serving facility" and it is listed on Table I on page 22 as a public park. Policy 20, under "Land and Water Recreation," states that that public park land shall be protected as open space. The proposed project to remodel and repair restrooms, add 32 sq. ft. to the office building, add 32 sq. ft. to restroom building 1, and add a pathway 4' x 64' to access building 3 from the existing pathway, will not change the use of the linear park and will not interfere with the use as public open space. Each building will remain the same height, about 11 ft. 3 in. and the additional internal floor area of buildings 1 and 3 will be increased by less than a ten percent. Building 2 is a public restroom for harbor users and Buildings 1 and 3 are building for use by the boating community as restrooms, shower and laundry facilities, and as an office for the marina. The repairs and reconstruction will not impact the public or boater's use of the harbor park land, except for a limited time during the construction phase when the construction area will be closed off for construction safety. If the public sidewalk abutting the water's edge has to be closed at any point during construction, signs will temporarily direct pedestrians around the site.

The Beacon Foundation has raised objections to this project asserting that the project will take additional park land. (**Exhibits 11 and 12**) However, the improvements and

renovations to the restroom buildings, including a small pathway to access building 3, the addition of 32 sq. ft. to building 3, and the addition of 32 sq. ft. to restroom building 1 will result in minor impacts to the square footage of the park. The additional interior square footage of 32 sq. ft. each to buildings 1 and 3 will be located under the existing rooflines of each building and will not result in the loss of any grass area that is currently available to the public. The pathway to building 3 will be approximately 64' by 4', taking up only minimal park space adjacent to the building. The use of the park will not be impacted and the park facilities will be improved for both boaters and the general public. Additionally, the Beacon Foundation raised concerns that the public restroom will not be functionally renovated or made ADA compliant. As stated above, Coastal Act Section 30212 states, in part, that lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. The public restrooms are support facilities that contribute to the use of the harbor for visitor-serving recreation and public access. The proposed renovations will improve the public's ability to utilize the restroom facility. The public restroom renovation is consistent with all applicable policies of the PWP.

The Commission finds that the proposed project to repair and remodel restrooms, add an additional 32 square feet of office space to building 3, and add 32 sq. ft to restroom building 1, and the addition of a pathway to building 3 will not result in adverse impacts to public access and recreation in the linear park. Therefore, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with applicable public access policies of the certified Public Works Plan.

E. WATER QUALITY

As previously explained in the Biological Resources section above, the certified Channel Islands Harbor PWP incorporates by reference Coastal Act Sections 30230 and 30231, mandating that marine resources and coastal water quality shall be maintained and where feasible restored. Additionally, Coastal Act Section 30232, also incorporated into the certified PWP, requires protection against spillage of hazardous substances into the marine environment relating to any development.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

In addition, Policy 2 under Biological Resources in the Public Works Plan states:

Use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters.

Policy 4 under Biological Resources states:

Adequate cleanup procedures and containment equipment shall be provided by the Harbor for all hazardous materials stored in the Harbor.

Construction Activities

The proposed repairs and remodeling of buildings 1, 2, and 3 has the potential to adversely impact coastal water quality through introduction of pollutants associated with construction activities.

Construction, debris removal and erosion and sediment control measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from the use of construction materials and methods. To ensure that these measures are properly implemented and in order to ensure that adverse effects to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the Harbor Department, as required by **Special Condition Two (2)**, to implement construction phase best management practices (BMPs), including

submit a final Construction, Debris Removal and Erosion and Sediment Control Plan. This plan will include measures such as storage of all construction materials or waste in a manner which prevents their movement via runoff, or any other means, into coastal waters, the removal of any and all construction equipment, materials and debris from the project site at the conclusion of construction, the disposal of all demolition and construction debris at an appropriate site, and the implementation of appropriate erosion and sediment control BMPs.

Additionally, runoff from the proposed building has the potential to impact water quality in the Harbor. Therefore, **Special Condition Three (3)** requires the Harbor Department to submit a water quality management plan. The proposed development will result in an increase in hard surface areas. As described above, the proposed development includes a new walkway extending from the existing walkway to access building 3, a 32 sq. ft. addition to the office area of building 3 and 32 sq. ft. to the internal floor area of restroom building 1. The site is adjacent to harbor waters and runoff associated with the impervious surface on the site may impact water quality in the harbor.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and cleaners; soap and dirt; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act and the Public Works Plan, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms,

rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85th percentile, 24 hour storm event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three (3)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Therefore, the Commission finds that the proposed Notice of Impending Development for the repairs and remodeling of the three buildings, as conditioned to incorporate a water quality management plan and to incorporate best management practices during construction, is consistent with the applicable water quality protection policies of the certified Public Works Plan.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act ("CEQA"),¹ has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Sections 15303 and 15332. 14 C.C.R. § 15303 (construction of small structures); 14 C.C.R. § 15332 (in-fill development project); see also CEQA section 21084 (authorizing promulgation of regulations listing categorical exemptions). For CEQA purposes, the Commission's role with respect to this project is that of a responsible agency. Despite the lead agency's determination of categorical exemption for the project, the Commission has separately considered the potential environmental impacts of the project as it would be characterized under both CEQA and the Coastal Act. As an agency with a certified regulatory program under CEQA section 21080.5, the Commission regularly assesses whether its approval of a project, as modified by any conditions of approval, is consistent with the provisions in CEQA Section 21080.5(d)(2)(A) that a proposed project not be approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect the activity may have on the environment. As in other contexts, the Commission has considered that question here.

The Commission has imposed conditions upon the Notice of Impending Development to include such feasible measures as will reduce environmental impacts of new development. The Commission incorporates its findings on Coastal Act and PWP consistency at this point as if set forth in full. These findings address and respond to all

¹ Cal. Pub. Res. Code ("PRC") §§ 21000 *et seq.* All further references to CEQA sections are to sections of the PRC.

public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development approved by this NOID, as conditioned, is consistent with the policies of the certified PWP. Feasible mitigation measures that will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that Notice of Impending Development, as conditioned herein, is consistent with CEQA Section 21080.5(d)(2)(A), and the applicable provisions of the Public Works Plan.

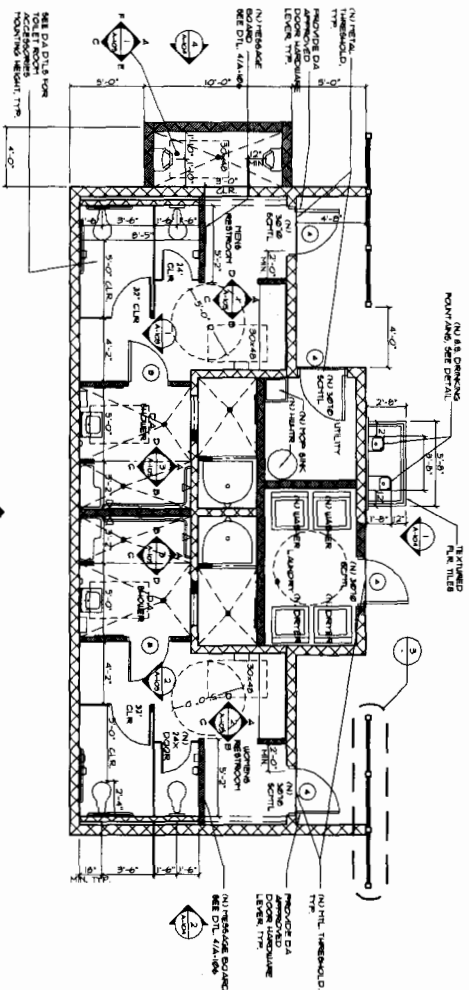
CHANNEL ISLANDS HARBOR MARINA RESTROOM PLAN CHANGE ADDITION

Oxnard, California

ADDRESS : 3750 HARBOR BLVD.
REFERENCE CASE NUMBER : 06 - 2652

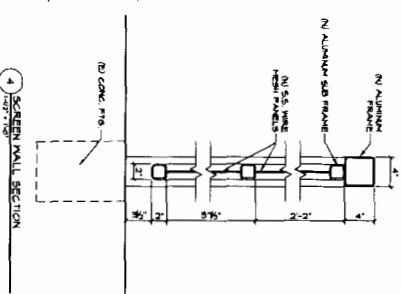
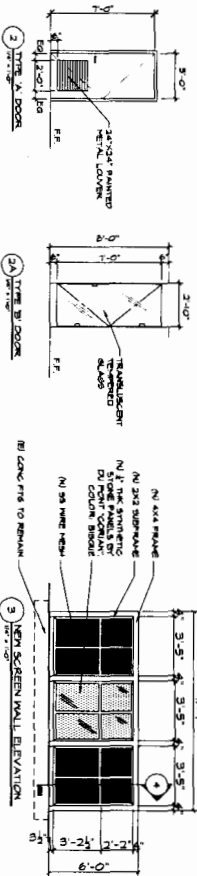


SHEET	TITLE
3705 S. HARBOR INDEX	
A-101	FLOOR PLAN
A-102	ROOF PLAN / DEMO PLAN
A-103	FLOOR FINISH / REFINISHED CLG. PLANS
A-104	EXTERIOR ELEVATIONS
A-105	INTERIOR ELEVATIONS
A-106	DETAILS
A-107	NOT USED
A-108	NOT USED
A-109	DETAILS



WALL TYPE LEGEND

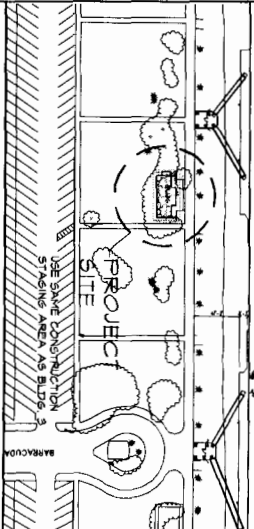
XXXX	EXISTING CMU
----	DEMOLITION
----	NEW CMU



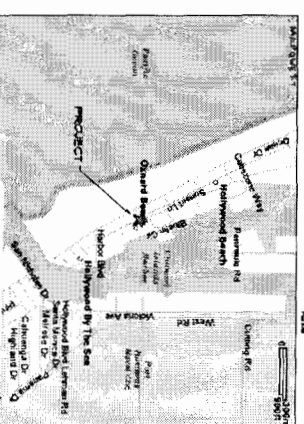
GENERAL NOTES

1. DO NOT SCALE. DIMENSIONS AND LOCATIONS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHALL BE USED FOR CONSTRUCTION. DIMENSIONS SHALL BE USED FOR CONSTRUCTION.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES AND REGULATIONS.
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PROJECT MAP



AREA MAP



Bryant Palmer Solo Inc.

3750 Harbor Blvd.
Oxnard, CA 93025

CHANNEL ISLANDS HARBOR MARINA
RESTROOM PLAN CHANGE ADDITION

SUBMITTALS

DATE	DESCRIPTION
9/10/2007	NOI SUBMITTAL

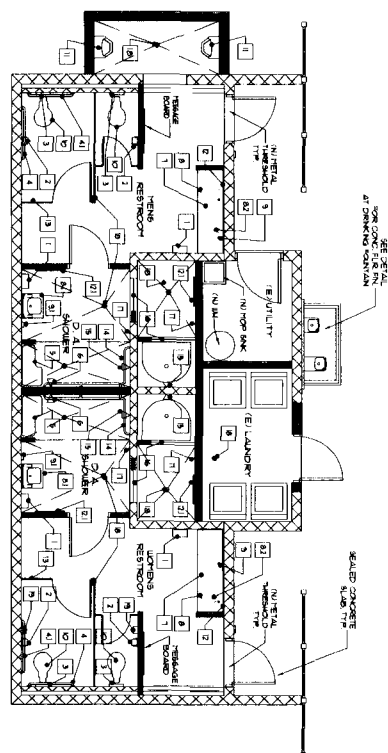
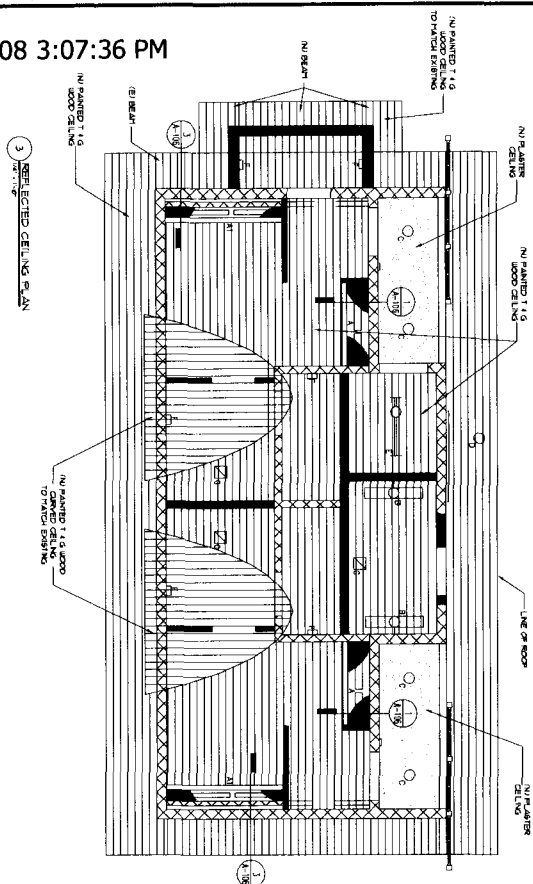
REVISIONS

DATE	DESCRIPTION
9/10/2007	NOI SUBMITTAL

FLOOR PLAN
Bldg 1

A101

EXHIBIT 1
Channel Islands Harbor NOID 3-07
Building 1 Floor Plan



LEGEND

- | | | | |
|----|-------------------------|----|----------------------------------|
| 1 | (N) TOLL FREE DISPENSER | 21 | (N) SHOWER DISPENSER (WALL MTD) |
| 2 | (N) TOLL FREE DISPENSER | 22 | (N) WATER CLOSET |
| 3 | (N) TOLL FREE DISPENSER | 23 | (N) URINAL, (2) A APPROVED TYPE |
| 4 | (N) TOLL FREE DISPENSER | 24 | (N) SHOWER |
| 5 | (N) SHAM BAR (MTD) | 25 | (N) SHOWER (WALL MTD) |
| 6 | (N) SHAM BAR (MTD) | 26 | (N) FLOOR MOUNTED WITH THERM |
| 7 | (N) TILING SHOWER MAT | 27 | (N) PARTITIONS COOL TO BE OPENED |
| 8 | (N) TILING SHOWER MAT | 28 | (N) NO WALL SHOWERS |
| 9 | (N) TILING SHOWER MAT | 29 | (N) SHOWER HEAD / MOUNT WALL |
| 10 | (N) TILING SHOWER MAT | 30 | (N) SHOWER CUPBOARD AND |
| 11 | (N) TILING SHOWER MAT | 31 | (N) URINAL, ROBE HOOK |
| 12 | (N) TILING SHOWER MAT | 32 | (N) FLOOR DRAIN (BY SHOWER) |
| 13 | (N) TILING SHOWER MAT | 33 | (N) SANITARY DISINFECTANT |
| 14 | (N) TILING SHOWER MAT | 34 | |
| 15 | (N) TILING SHOWER MAT | 35 | |
| 16 | (N) TILING SHOWER MAT | 36 | |
| 17 | (N) TILING SHOWER MAT | 37 | |
| 18 | (N) TILING SHOWER MAT | 38 | |
| 19 | (N) TILING SHOWER MAT | 39 | |
| 20 | (N) TILING SHOWER MAT | 40 | |

FINISH SCHEDULE

FINISH SCHEDULE									
MARK	LOCATION	NAME	WCR	SIZE	COLOR	FINISH	PROFIT	SUPPLIER	REMARKS
C1-1	ROOF RAIL	ALUMINUM	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-2	ROOF RAIL	ALUMINUM	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-3	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-4	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-5	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-6	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-7	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-8	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-9	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-10	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-11	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-12	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-13	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-14	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-15	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
C1-16	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
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C1-65	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
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C1-73	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
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C1-90	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
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C1-99	WALL/ROOF	WALL TIE	200	2"X2"	2001 ANOD. ALUM.	PAV. 100%	2001	2001	
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* ALL EXPOSED NON-CERAMIC TILED SURFACES TO BE PLASTER FINISH, TYP. VERIFY IN FIELD

LIGHTING SCHEDULE

LIGHTING SCHEDULE						
TYPE	DESCRIPTION	WIRING	MODEL	SIZE	NO. LAMPS	REMARKS
A	SWITCH FLOODLIGHT					SWITCH
A1	SWITCH FLOODLIGHT					SWITCH
B	WALL MOUNTED FLOODLIGHT	FLOODLIGHT	CHINO SERIES	4"	1-12-27/2000W	WALL SWICH
C	5" X 5" RECESSED LIGHT	CHINO	BULLHORN SERIES	5" X 5"	1-12-27/2000W	CHINO RECESSED
D	1" X 5" FLOODLIGHT	CHINO	BULLHORN SERIES	1" X 5"	1-12-27/2000W	CHINO SWICH
E	4" CIRCULAR FLOOD	CHINO	5 SERIES	4"	1-12-27/2000W	CHINO SWICH
F	WALL MOUNTED LIGHT FIXTURE					WALL SWICH
G	DOWNLIGHT 7W					CIRC SWICH

[illegible]

SUBMITTALS

MARK	DATE	DESCRIPTION
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REVISIONS

MARK	DATE	DESCRIPTION
------	------	-------------

DO NOT SCALE THE DRAWING SCALES INDICATED ARE FOR RELATIVE SCALE ONLY. OFFSHORE SHALL GOVERN OVER SCALE.

CAD File: C:\Users\johndoe\AppData\Local\Temp\AutoCAD_2024_08_26_14_30.dwg

Date:

Checked By:

Seab.

Drawing table

FLOOR FINISH

ACCESSOR

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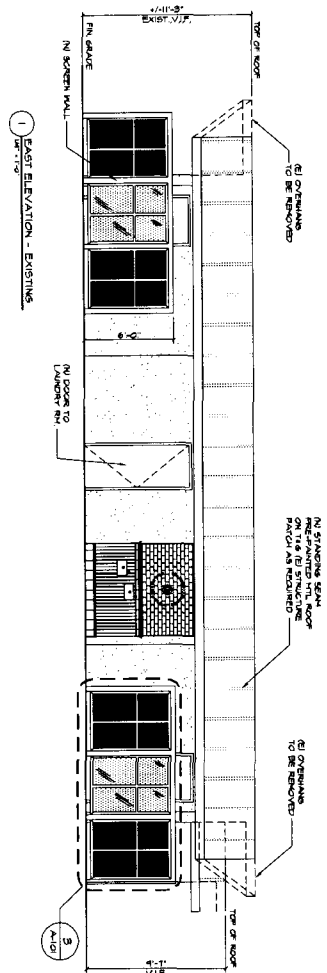
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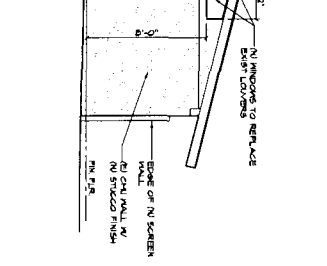
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Low/Energy

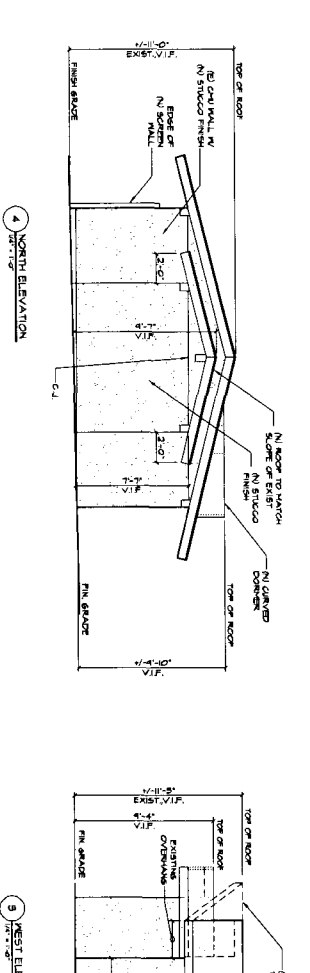
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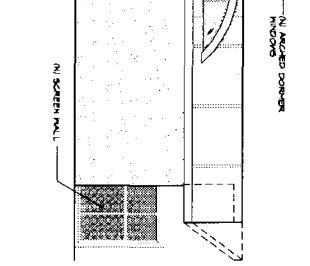
1 EAST ELEVATION - EXISTING



3 SOUTH ELEVATION



4 NORTH ELEVATION



5 WEST ELEVATION

BPS
Bryant Palmer Soto Inc.
Architectural Firm
10000 N. 10th Ave., Suite 100
Phoenix, AZ 85020
Tel: 602.998.8888
Fax: 602.998.8889
www.bpsarchitect.com

Project
**CHANNEL ISLANDS HARBOR MARINA
RESTROOM PLAN CHANGE ADDITION**
3718 S. Harbor Blvd.
Oxnard, CA 93025

SUBMITTALS	
DATE	DESCRIPTION
9/07/07	NOID SUBMITTAL

REVISIONS	
DATE	DESCRIPTION
8/14/07	BUILDING REVISIONS

DO NOT SCALE THE DRAWING. SCALE: AS SHOWN ON THE DRAWING. ALL DIMENSIONS SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE UNLESS NOTED OTHERWISE.	
DATE	03/06/07-05/07
Drawn By	MM
Checked By	DW
Scale	AS NOTED
Drawing Title	

EXTERIOR ELEVATIONS

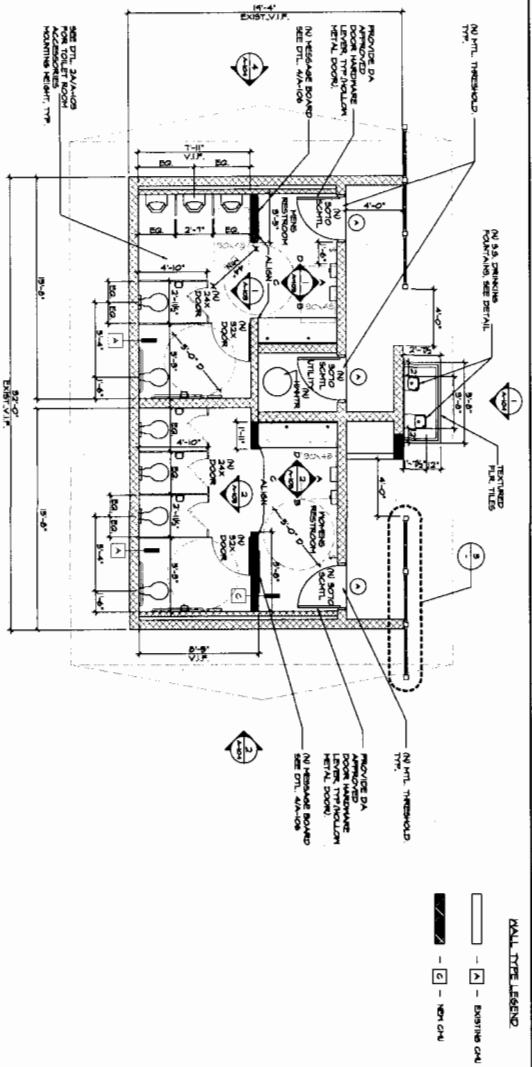
A104

CHANNEL ISLANDS HARBOR MARINA BUILDING 2 - RESTROOM RENOVATION

Oxnard, California
CASE NUMBER : 06 - 2852
ADDRESS : 3800 HARBOR BLVD.



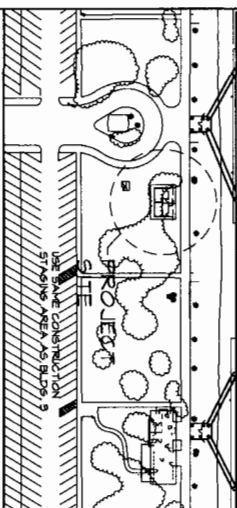
INDEX	
SHEET	TITLE
A-101	FLOOR PLAN
A-102	WALL ELEVATIONS
A-103	SECTION
A-104	EXTERIOR ELEVATIONS
A-105	DETAILS
A-106	DETAILS



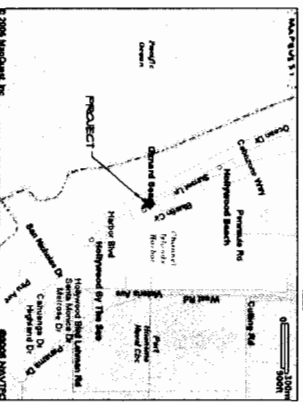
GENERAL NOTES

1. DO NOT SCALE DRAWINGS. CONSTRUCTION SHALL BE ACCORDING TO THE NOTES AND DIMENSIONS SHOWN ON THE DRAWINGS. DIMENSIONS SHALL BE GIVEN IN FEET AND INCHES. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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PROJECT MAP



AREA MAP



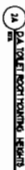
BPS
Bryant Palmer Solo Inc.
3800 Harbor Blvd., Suite 100
Oxnard, CA 93055
Tel: 805-382-3003
Fax: 805-382-3005

CHANNEL ISLANDS HARBOR MARINA
BUILDING TWO RENOVATION
Sheet: CA 93055

SUBMITTALS	
DATE	DESCRIPTION
10/18/2007	NOI SUBMITTAL

REVISIONS	
DATE	DESCRIPTION

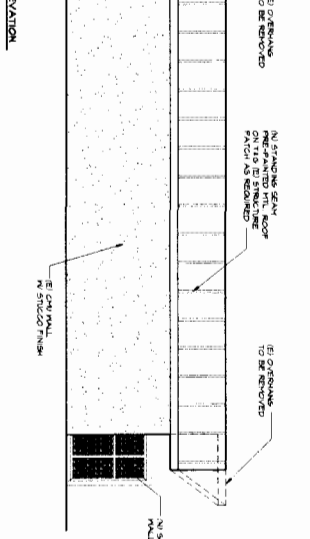
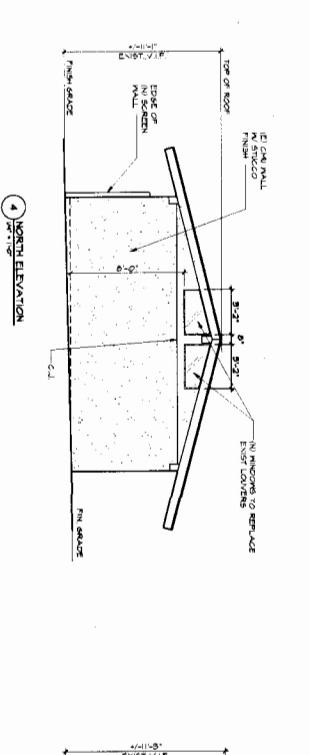
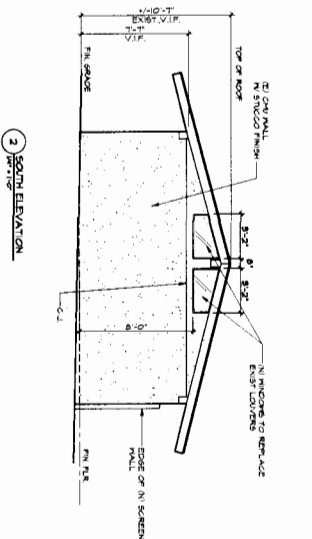
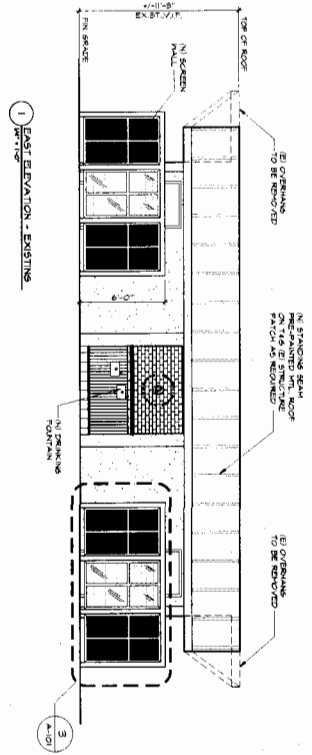
Job No.	03-0007-005-02
Client	Channel Islands Harbor Marina
Drawn By	WJ
Checked By	WJ
Scale	AS NOTED
Drawing Title	BUILDING 2 FLOOR PLAN
Sheet	A-101



* ALL EXPOSED NON-CERAMIC TILED SURFACES TO BE PLASTER FINISH, TYP. VERIFY IN FIELD

LIGHTING SCHEDULE

[illegible]



BPS
Bryant Palmer Solo Inc.
10000 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90210
Tel: 310.274.1100
Fax: 310.274.1101

CHANNEL ISLANDS HARBOR MARINA
BUILDING TWO RENOVATION
Oxnard, CA 93035

SUBMITTALS

DATE	DESCRIPTION
01/16/07	NOO SUBMITTAL

REVISIONS

DATE	DESCRIPTION
01/16/07	BUILDING RENOVATION

DO NOT SCALE THE DRAWINGS
ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
DIMENSIONS SHALL BE GIVEN OVER SCALE

DATE	DESCRIPTION
03/06/07	ISSUE 02

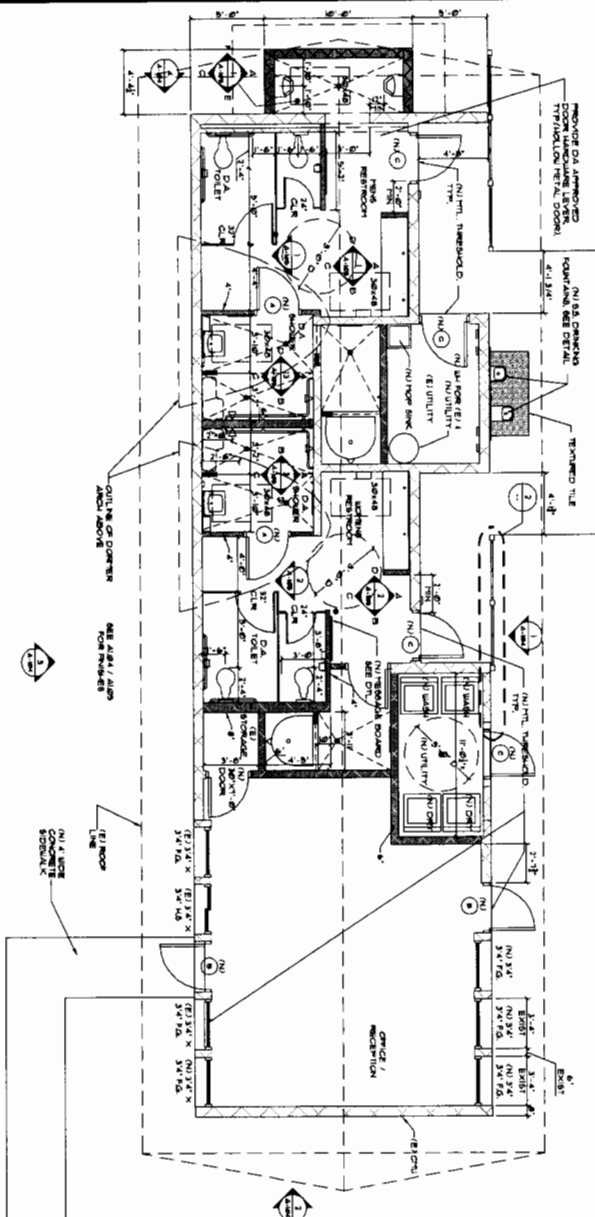
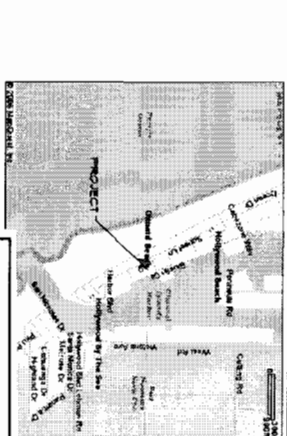
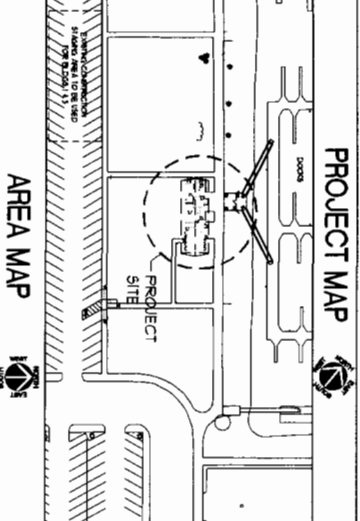
BLDG. 2
EXTERIOR ELEVATIONS

EXHIBIT 6
Channel Islands Harbor NOID 3-07
Building 2 Elevations

ADDRESS : 3840, 3850 HARBOR BLVD
REFERENCE CASE NUMBER : 06-2652



SHEET	TITLE
36-40 / 1950	HARBOR BLVD INDEX
A-61	FLOOR PLAN
A-62	ARCHITECTURAL SITE PLAN
A-63	ROOF PLAN / DECK PLAN
1-103-4	FLOOR FINISH / REFLECTED CIG. PLAN
1-103-4	FIXTURES / ACCESSORIES PLAN
A-193	EXTERIOR ELEVATIONS
A-195	INTERIOR ELEVATIONS
A-197	DETAILS
A-198	NOT USED
A-199	DETAILS

[illegible]

Channel Islands Harbor NOID 3-07

Building 3 Floor Plan

BPS

Bryant Palmer Solo Inc.
Solo Division, Palmer and Co. Inc., 50000
10000 Highway 101, Suite 100, San Diego, CA 92108
Tel. (619) 444-1100

3801 Highway 101, Suite 100, San Diego, CA 92108

Channel Islands Harbor Marina
Restroom & Pan Changes
Additions
2801 John F. Kennedy Blvd.
San Diego, CA 92108

Project: Channel Islands Harbor Marina
Restroom & Pan Changes
Additions
2801 John F. Kennedy Blvd.
San Diego, CA 92108

Contractor: BPS
K. Scott Smith

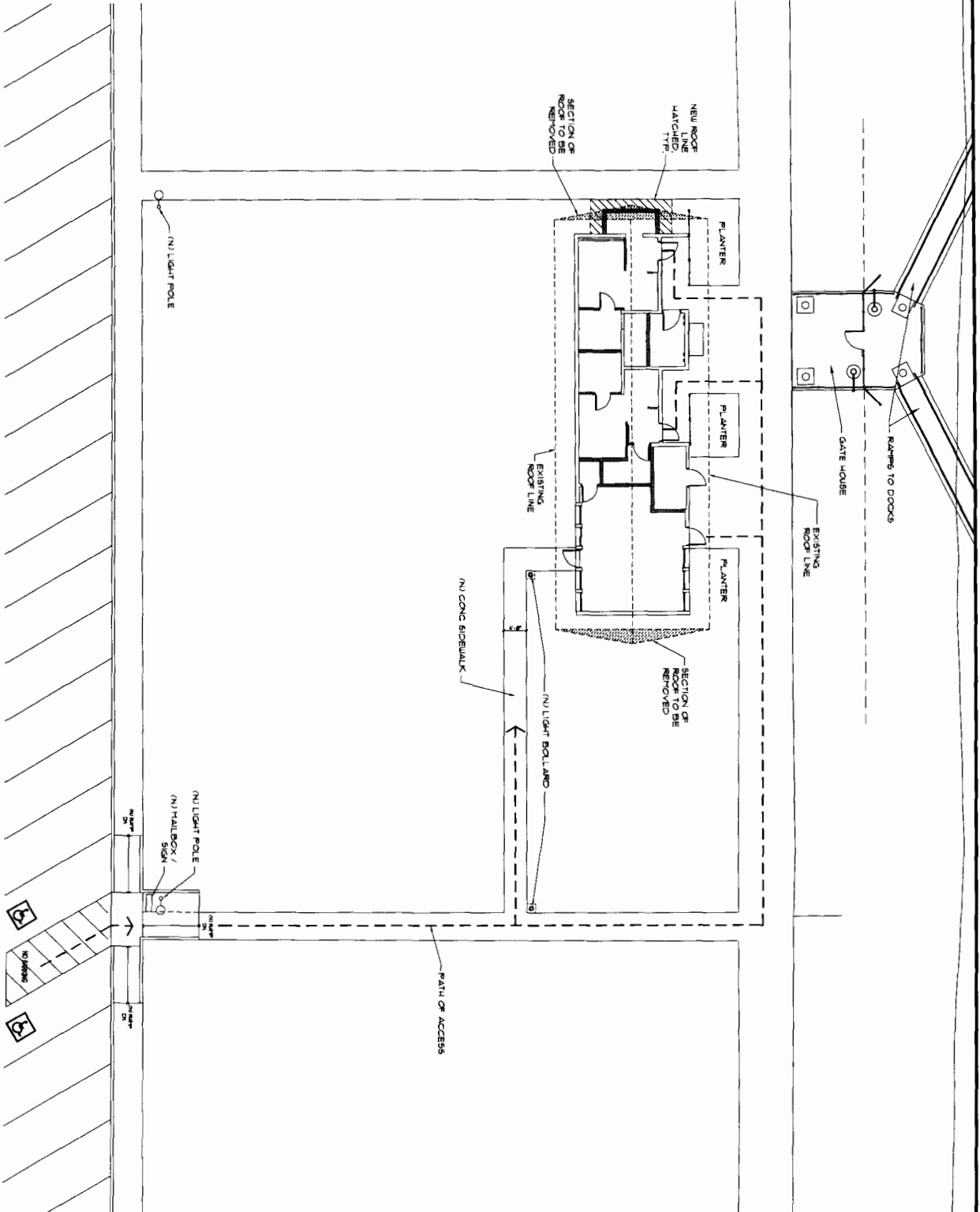
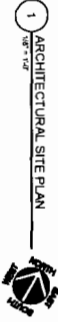
SUBMITTALS

MARK	DATE	DESCRIPTION
	6-16-07	BUILDING REVISIONS
	9-7-07	NOID SUBMITTAL

[illegible]

FLOOR PLAN
Bldg 3
A101

3/17/2008 4:04:33 PM



BPS
Bryant Palmer Soto Inc.
1000 S. Harbor Blvd.
Santa Ana, CA 92701
Tel: 714.241.1111
Fax: 714.241.1112

Project: CHANNEL ISLANDS HARBOR MARINA
RESTROOM PLAN CHANGES
ADDITIONS
2101 S. Harbor Blvd.
Orange, CA 92668

NOT SCALE. ALL DIMENSIONS ARE APPROXIMATE. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

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S-1207	NOV 2007	NOV SUBMITTAL

MARK	DATE	DESCRIPTION

DATE: 03-20-08
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CHECKED BY: [Signature]
SCALE: 1/8" = 1'-0"
SHEET: 1 OF 1
PROJECT: CHANNEL ISLANDS HARBOR MARINA
ARCHITECTURAL SITE PLAN
A101A

EXHIBIT 8
Channel Islands Harbor NOID 3-07
Building 3 Architectural Site Plan



Jeffrey B. Froke, Ph.D.

CALIFAUNA

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TEL (831) 224-8595 / FAX (831) 649-3765

jbfroke@mac.com

05 February 2008

RECEIVED
FEB 21 2008

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Report on Annual Tree-Use Sequence by Nesting Great Blue Herons & Black-crowned Night Herons at Channel Islands Harbor, Ventura County, CA / 2003-2007

As previously reported, Great Blue Herons (GBH) and Black-crowned Night Herons (BCNH) nested over a five-year consecutive period (2003-2007) inside the urban marina environment at Channel Island Harbor. A third species, the Snowy Egret, also nested in the same environment, but for one season only (1 pair on the Westside of the harbor during 2004). As an outlier, the species is not discussed further in this report.

This report focuses on the observed selection of 43 specific nest trees by the herons. The following two graphs show the number of nest trees used by each of the two heron species over the five-year period; and in particular how the nest-tree uses were distributed between the PENINSULA and WESTSIDE segments of the harbor area. By the way, these data describe all nesting by the two species of herons anywhere in the harbor setting during 2003-2007.

In summary, BCNH nested in a total of 33 of the 43 nest trees, and GBH in 13; and four of the GBH nest-uses overlapped with those of the BCNH (pairs of both species nested simultaneously in the four of the same trees).

Patterns of use represent the most telling findings from these data: Over the five-year period, BCNH nested in 28 -> 15 -> 9 -> 5 and then 6 trees; and the principal location of BCNH nest trees shifted from the Westside in 2003 (57 pct) to the Peninsula in 2004 (73 pct), 2005 (66 pct), 2006 (100 pct), and 2007 (83 pct).

Simultaneously, GBH nested in 4 > 4 > 2 > 8 and then 8 trees; and the principal location of GBH nest trees shifted from the Westside in 2003 and 2004 (75 pct each year) to the Westside/Peninsula in 2005 (50/50 pct), and the Peninsula in both 2006 and 2007 (86 and 100 pct, respectively).

Wildlife Science & Management Consulting

EXHIBIT 10

Channel Islands Harbor NOID 3-07

Dr. Froke Reports

All together, dominant nest tree-use by the two heron species moved from the Westside in 2003 (60 pct) to the Peninsula in 2004 and thereafter (63, 64, 92, and 100 pct, in sequence).

Ultimately, the Westside counted for the majority of 2003 tree-uses when there was a larger population of BCNH present; but following the first year, BCNH numbers both diminished steeply and most/all of the remaining tree-users moved across the Channel in 2004. Concurrently, BCNH tree-uses dropped off from a high of 28 (2003) to a low of 5 and 6 in 2006 and 2007.

Similarly, GBH had nested mostly on the Westside in 2003 and 2004 (75 pct of nest-uses both years), then switched to the Peninsula in 2005 - 2007 (first 50 pct, then 88 and 100 pct, in sequence).

The following graphics are intended to illustrate these clear nesting shifts from the *Westside to the Peninsula* as well as the *decrease of BCNH* that occurred while the *GBH increased* in numbers and corresponding nest-uses.

JBF

Final, 05 Feb 08.2



JEFFREY B. FROKE, Ph.D.

CALIFAUNA

3158 Bird Rock Road / Pebble Beach, CA 93953

TEL (831) 224-8595 / FAX (831) 649-3765

jbfroke@mac.com

14 January 2008

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JAN 22 2008

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

CHANNEL ISLANDS HARBOR HERONRY

NEST TREE DISTRIBUTION

The following table represents the annual distribution of nest trees for all tree species used by all nesting heron species during nest years 2003-2007. During the five-year study period, 43 individual trees were used for nesting; and altogether, 90 uses of those trees were counted. Black-crowned Night-Herons (BCNH) accounted for 63 of the 90 total tree-uses*, Great Blue Herons (GBH) 26, and Snowy Egret (SNEG) 1 (2004 only).

Hérons nesting along the PENINSULA counted for 57 tree-uses (63 pct) over the five-year period, and the balance of 33 tree-uses (37 pct) occurred on the WESTSIDE. The largest annual tree-usage (and nesting effort) was made by BCNH on the Westside during the 2003 nesting period (BCNH used 16 Westside trees for nesting). Presently shown data do not reflect the actual number of nests used during any period. These nest effort data do exist and are reportable, per species.

Tree-use data are being analyzed to understand the annual patterns of new tree accession (NTA). NTA represents tree selection patterns of individuals or a population of animals (herons) that annually select nest trees from a larger field of suitable trees, and particularly when they adopt a previously unused tree for nesting, i.e., the population of nest trees increases over time by accession.

DEFINITION: USE means that one or more pairs of a species used the tree for nesting in a given year. Whether one or two GBH pairs nests in a tree, the event is a single use. The actual count of nests is not factored into this description of use.

CIH Nest Tree Distribution, 2003-2007

CIH AREA	2003		2004			2005		2006		2007		TOTALS
	BCNH	GBH	BCNH	GBH	SNEG	BCNH	GBH	BCNH	GBH	BCNH	GBH	
PENINSULA	12	1	11	1	0	6	1	5	7	5	8	57
WESTSIDE	16	3	4	3	1	3	1	0	1	1	0	33
TOTALS	28	4	15	4	1	9	2	5	8	6	8	90

Nest Tree Worksheet, 2003-2007

The following worksheet incorporates all basic tree-use data about CIH nesting herons during 2003-2007. Tree numbers correspond with trees marked on the **All Nest Map for 2003-2007** (attached). The 5 tree species are indicated by color-coded dots on the same map. Individual trees that are highlighted in yellow, below, have been used only once by herons. To date, this feature is more significant for trees used before 2007 as it indicates the trees to which herons did not return after the prior year. Future, or repeat use of trees used during 2007 only has not been determined (also, see All Nest Map).

TREE #	TREE NAME	NEST YEAR	HERON SPECIES
1	Magnolia	2003	BCNH
1	Magnolia	2004	BCNH
1	Magnolia	2005	BCNH
2	Melaleuca	2006	BCNH
2	Melaleuca	2007	BCNH
3	Cypress	2003	BCNH
3	Cypress	2004	BCNH
4	Cypress	2003	BCNH
4	Cypress	2004	BCNH
5	Cypress	2007	BCNH
6	Cypress	2007	BCNH
7	Cypress	2003	BCNH
7	Cypress	2004	BCNH
7	Cypress	2005	BCNH
7	Cypress	2003	GBH
7	Cypress	2004	GBH



8	Cypress	2003	BCNH
8	Cypress	2004	BCNH
8	Cypress	2005	BCNH
8	Cypress	2003	GBH
8	Cypress	2004	GBH
8	Cypress	2006	GBH
8	Cypress	2004	SnEg
9	Cypress	2003	BCNH
9	Cypress	2004	BCNH
9	Cypress	2005	BCNH
9	Cypress	2003	GBH
9	Cypress	2004	GBH
9	Cypress	2005	GBH
10	Cypress	2007	BCNH
11	Pohutukawa	2003	BCNH
11	Pohutukawa	2004	BCNH
11	Pohutukawa	2005	BCNH
11	Pohutukawa	2006	BCNH
12	Pohutukawa	2003	BCNH
12	Pohutukawa	2004	BCNH
12	Pohutukawa	2005	BCNH
12	Pohutukawa	2006	BCNH
13	Pohutukawa	2003	BCNH
13	Pohutukawa	2004	BCNH
13	Pohutukawa	2005	BCNH
13	Pohutukawa	2006	BCNH
14	Pohutukawa	2003	BCNH
14	Pohutukawa	2004	BCNH
14	Pohutukawa	2005	BCNH
14	Pohutukawa	2006	BCNH
15	Pohutukawa	2003	BCNH
16	Pohutukawa	2003	BCNH
17	Pohutukawa	2003	BCNH
18	Pohutukawa	2003	BCNH
19	Pohutukawa	2003	BCNH
20	Pohutukawa	2003	BCNH
21	Pohutukawa	2003	BCNH



22	Pohutukawa	2003	BCNH
23	Pohutukawa	2003	BCNH
24	Pohutukawa	2003	BCNH
25	Pohutukawa	2003	BCNH
26	Mont Pine	2003	BCNH
26	Mont Pine	2004	BCNH
27	Mont Pine	2007	BCNH
28	Mont Pine	2003	BCNH
28	Mont Pine	2004	BCNH
29	Mont Pine	2003	BCNH
30	Mont Pine	2003	BCNH
30	Mont Pine	2007	BCNH
31	Mont Pine	2003	BCNH
31	Mont Pine	2004	BCNH
31	Mont Pine	2005	BCNH
31	Mont Pine	2003	GBH
31	Mont Pine	2004	GBH
31	Mont Pine	2005	GBH
31	Mont Pine	2006	GBH
31	Mont Pine	2007	GBH
32	Fan Palm	2006	GBH
33	Fan Palm	2006	GBH
33	Fan Palm	2007	GBH
34	Fan Palm	2006	GBH
34	Fan Palm	2007	GBH
35	Fan Palm	2006	GBH
36	Fan Palm	2007	GBH
37	Fan Palm	2006	GBH
37	Fan Palm	2007	GBH
38	Fan Palm	2007	GBH
39	Fan Palm	2006	GBH
39	Fan Palm	2007	GBH
40	Fan Palm	2007	GBH
41	Pohutukawa	2004	BCNH
42	Pohutukawa	2003	BCNH
43	Pohutukawa	2003	BCNH

End of collected tree-use data , 2003-2007

HERON NEST ATLAS for CHANNEL ISLANDS HARBOR HERONRY, 2003-2007



Nest Tree Species: ○ Monterey Cypress

n = 43

○ Monterey Pine

○ Pohutukawa (New Zealand Christmas Tree)

● Magnolia (01) & Melaleuca (02)

● Mexican Fan Palm

○ Red circle indicates trees that were used only once during 2003-2007



The Beacon Foundation

PMB 352
3844 W Channel Islands Blvd
Oxnard, CA 93035

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Gary Timm, Assistant Director
Amber Tysor, Coastal Program Planner
California Coastal Commission
89 So. California Street, Suite 200
Ventura, CA 93001

January 7, 2008

NOID – Channel Islands Harbor
Restroom and Office Remodel

Dear Mr. Timm and Ms. Tysor:

The proposed NOID submitted by the County Harbor Department January 19, 2007 suffers from misstatement of fact and failure to consider significant issues.

1. The Proposed Project will Impact the Adjacent Heron Rookery. The NOID page states:

"No biological impacts are associated with the small additions proposed by this project. One mature large shrub (Myoporum) will be removed that is directly adjacent to Building 3. No trees that have been used by herons as nesting sites will be removed."

This Myoporum is a tree and it is one of eleven trees that make up the heron rookery adjacent to the proposed action. These trees are closely placed with overlapping canopies. The tree proposed for removal is an integral part of this grove. The County biological consultant, Jeffrey Froke, identified two trees adjacent to Building 3 as nesting trees in 2003 and/or 2004. The pages of the Froke report of October 2004 (already on file with the Commission) is attached.

In addition to the impact on the heron of noise and other impacts of the tree removal, the demolition and reconstruction of structures will have noise and other impacts. The NOID dismisses these issues based on "conditions" it will ask its lessee to observe. There is no showing that the lessee has accepted them. Any conditions should be placed by the Coastal Commission so they may be enforced. The proposed conditions are a variant of those imposed by the Commission on the Marine Emporium project. No heron nesting has been observed proximate to the Marine Emporium project. That reason and that reason alone justified the weak construction condition imposed at the Marine Emporium site. The NOID project site is part of the heron rookery identified and protected in Conditions and Modifications imposed by the Commission on the BISC project. At a minimum, the same protections and are required for the proposed action. Chief among needed provisions is prohibition of all exterior construction during the nesting season.

2. The proposed project takes additional protected public park land. The proposed NOID states (page 3)

"The project is consistent with policies contained in the PWP regarding park preservation. The small additions to the buildings will accommodate additional amenities for boaters and other visitors to the park and will not reduce the amount of park space available for public use."

EXHIBIT 11

Channel Islands Harbor NOID 3-07

Letter from Beacon Foundation

This misstates the facts. The proposed action directly takes some 200 square feet of existing protected park land. This is in addition to some 4,000 square feet of park land proposed for taking by the BISC project. It is also additional to the existing unauthorized taking by Harbor Department of more than 200 square feet for a construction trailer that has sat unused in the park for more than a year.

Of the three buildings to be reconstructed only one is open to the public. As discussed in point 3 below, there is no gain to public use in its renovation.

In addition to the direct taking by the expanded building footprints, it appears the project contemplates an additional concrete walkway from the east side of Building 3 across the heron rookery to the parking lot. The NOID text notes access to the east side entrance will be by a walkway from the west side but the diagram provided in the NOID shows otherwise. In either case there are impacts that must be considered on both the Heron rookery and on parkland.

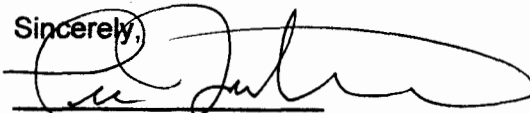
The direct and cumulative impacts of all these taking must be considered. There is no "de minimus" concept for taking park land designated in the PWP. In the BISC project the whole area of this linear park was recognized by the County (under Conditions imposed by the Commission) as designated park land for which a PWP amendment is required for any taking.

3. **The only public restroom will not be functionally renovated or made ADA compliant.** The NOID (page 2) speaks of "rehabilitation of the public restroom" that is correctly described as "outdated and deteriorating." However, a careful reading of the fourth paragraph of NOID page 2, reveals that only an exterior renovation and roof replacement is contemplated for this non-ADA compliant public restroom. No diagram is provided of interior renovations to this structure because none are contemplated. The County merely proposes sprucing up the façade. This shows a "let them eat cake" attitude that one would not expect from any public agency.

The two restroom available to slip tenants (and not to the general public) will be renovated inside and made ADA compliant. The only restroom open to the public will not. This is contrary to principals of public access contemplated by the Coastal Act and a violation of the Americans With Disabilities Act. Renovation of existing buildings requires ADA compliance. The new roof and skylight alone is a "renovation" triggering ADA requirements.

An additional concern not treated in the NOID is whether temporary restroom facilities will be provided. If so, where will they be sited and what are their impacts?

Sincerely,



Lee Quaintance, Secretary

Encl.



The Beacon Foundation

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W 17b

W 19.5

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

April 30, 2008

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Re: NOID 3-07 Channel Island Marina Landside Structures
Major Amendment 1-04 BISC Channel Islands Harbor PWP

Dear Commissioners and Alternate Commissioners:

Last month this Commission approved the Boating Instruction and Safety Center (BISC) after adding extraordinary conditions that had not been recommended by staff. The additional conditions seek to contain County failure to abide by prior conditions for protection of the heron.

Incredibly, as though nothing has happened, Ventura County is back this month with another project that will impact the same heron rookery site, take more protected park, and remove an additional tree.

We ask the Commission to condition NOID 3-07 to limit the project to renovation of the two private restrooms, one public restroom, and a private marina office within their existing footprints.

We also ask that action on findings for the BISC major amendment 1-04 be deferred pending a review of cumulative impacts of the NOID and BISC projects.

Need To Condition the Project:

1. **Save The Tree.** The County seeks to remove a tree it already severely trimmed without authorization in January. This mature tree constitutes nearly ten percent of the trees available for nesting at this site. Cutting it down is solely to make room for a new park side second door to a private marina office and to accommodate a new concrete walkway to this entrance.

The new front door for the marina office will open on the park side of the structure directly on to the nesting trees. The staff report and proposed findings for the BISC stresses protection to the birds afforded by the County re-orientation of the BISC building so it does not open onto the nesting trees. Staff approvingly quotes the County avian consultant (proposed BISC findings page 38) as follows:

EXHIBIT 12

Channel Islands Harbor NOID 1-03

The Beacon Foundation Letter
April 30, 2008

"Importantly, the activities entrances and mobilization of this building [the BISC] are oriented to the parking lot side of the facility, not the tree side. This orientation will allow the nesting birds to coexist with the non-threatening human activities associated with the BISC program. [emphasis added]

This protection, so important in justifying the BISC project, is cast aside without comment in the NOID simply to enlarge a private marina office and give it an entrance door on the tree side of the park. Ironically, the tenant of this office, Vintage Marina, already has a two story office and tenant service facility less than half a mile away that is completely off park land.

2. Reject Tree Replacement "Mitigation" The NOID staff report allows the tree to be cut down in exchange for planting three "specimen" trees of unstated height in another linear park area. This is a replay of a prior County proposal to replace all the trees at the BISC site with 15-gallon trees to be planted elsewhere. 15-gallon trees are little more than four feet in height and could not for years, if not for decades, support heron nesting. Substitute planting of immature trees lacking in height and interlocking canopies is neither mitigation nor habitat restoration – it's landscaping. If allowed here, the County will treat this as a precedent to gain approval for axing nesting trees, particularly those on the Peninsula section of the Harbor, that stand in the path of its goal to erect a new luxury hotel.
3. Reject Taking More Park Without a PWP Amendment The BISC project takes some 4,000+ square feet of existing park land. This project would take some 200+ square feet more for building expansion and a new cement walkway. The BISC taking was approved as a specific exception to Policy 20 of the Channel Islands Harbor Public Works Plan (PWP). Policy 20 provides parks and beaches in the Harbor (see proposed BISC findings page 12):

"... shall not be developed or utilized for other uses without an amendment to the Plan."

The County took the position in the BISC proceedings that the BISC site is not a park. This was rejected by the Commission and description of the linear park was revised in the PWP by the Commission to read as follows (BISC proposed findings page 12):

"The linear Channel Islands Park is located on the western Harbor side, and consists of all open turf and landscaped area, trees, picnic tables, walkways and restroom facilities."

The NOID staff report approves the additional taking of park on the basis that (page 17) this taking "...will result in minor impacts to the square footage of the park" and because park facilities "will be improved for both boaters and the general public." Further justification is attributed by staff to "policy 4" of the PWP that states:

"Any expansion of the existing and permitted structures described in Table 1 shall be prohibited except for minor alterations which result in an increase of less than 10% of the internal floor area or an increase of 10% in height of the structure."

The buildings to be expanded by this NOID are not described in Table 1 and, in any event, expansion is limited by Policy 4 to "minor alterations." The proposed new taking is not "minor" in view of the taking of part of the same park for the BISC; the removal of a heron grove tree, the proposed new facing of an entrance for the private marina office on the heron trees and the construction of a new walkway on park land just to serve the new private marina office.

Allowing expansions by a calculation alone of building square footage alone is a curtailed and myopic approach. More than floor space is involved here and those impacts moves this proposed expansion beyond a "minor alternation."

There is no "drop in the bucket" concept regarding park taking in Policy 20. Policy 4 does not overcome the express provision of Policy 20 that any taking of park requires a PWP Amendment.

This expansion will take park primarily for the benefit of private users. It will not improve park facilities for the general public. The marina office is a private facility and two of the three restrooms are locked and restricted to tenants of the marina. The one public restroom, building 2, will not, in the present staff recommendation, even be required to be renovated. The County recently submitted a diagram depicting a new internal floor plan for the public restroom. However, Commission staff has confirmed to The Beacon Foundation that there is no requirement that this renovation be done contemporaneously with renovating the private facilities – or, indeed, that it ever be done. This violates not only public access but also environmental justice.

4. Control Construction Debris and Work Staging Areas. In view of past experience, conditions regarding construction staging and debris control are necessary. Last year, incident to the adjacent marina construction, Commission staff required remedial action to move construction equipment and debris off the park and into a staging area outside the park. These actions followed public complaints that an unauthorized construction road had been placed across the park and that one or more nesting tree were destroyed without authorization. To avoid a recurrence, protections need to be added as conditions to the NOID to require that all construction equipment and all construction trailers be sited off the park and that construction debris not be placed or stored on the park. The staff report (page 8) states that for the project "the construction staging area is located in the public parking area off of Harbor Blvd, directly adjacent to the proposed sites." This requirement is not stated as a Condition. It needs to be required as a Condition. Similarly, the construction trailer for the project needs to be required by Condition to be moved off the park. For more than a year the County has sited a construction trailer on the park and underneath the nesting trees without a permit to do so. Finally, a condition is necessary to specify that during construction as much park as possible will remain open and accessible for general public use.

5. Add Sound Restrictions on Construction. Commission staff would require an independent monitor with power to stop construction to assure County compliance with the conditions protecting avian species -- but only for exterior construction. The proposed conditions appear to substantially exempt construction inside of structures. The requirements of Special Condition One should apply equally to "interior" construction.

The staff recommendation imposes no sound level measurement requirements or restrictions. The 65db restriction imposed on other projects in the Harbor needs to be added as an additional Condition. Such objective measures to contain County noise generating activities have been proven essential.

The present framework of conditions is subject to too much interpretation and potential for abuse. There is no inherent reason that "interior" construction will have less impact than "exterior" construction. Noisy equipment, for example compressors, may be utilized for both.

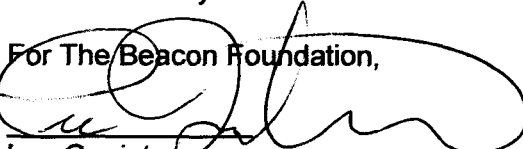
6. Cumulative Impacts. The proposed NOID project is on the same park and within 100 feet of the proposed BISC compound. This NOID was filed by the County on December 20, 2007, supplemented with new diagrams on March 28, 2008, and deemed complete as filed on April 8, 2008. The file was complete and qualified for action prior to the April 9, 2008 Commission hearing and action on the BISC Major Amendment 1-04. This required the cumulative impacts of the NOID project on the adjacent BISC project to be considered by the Commission. This requirement was not satisfied as there was no consideration of these cumulative impacts in the consideration of the BISC amendment.

Conclusion:

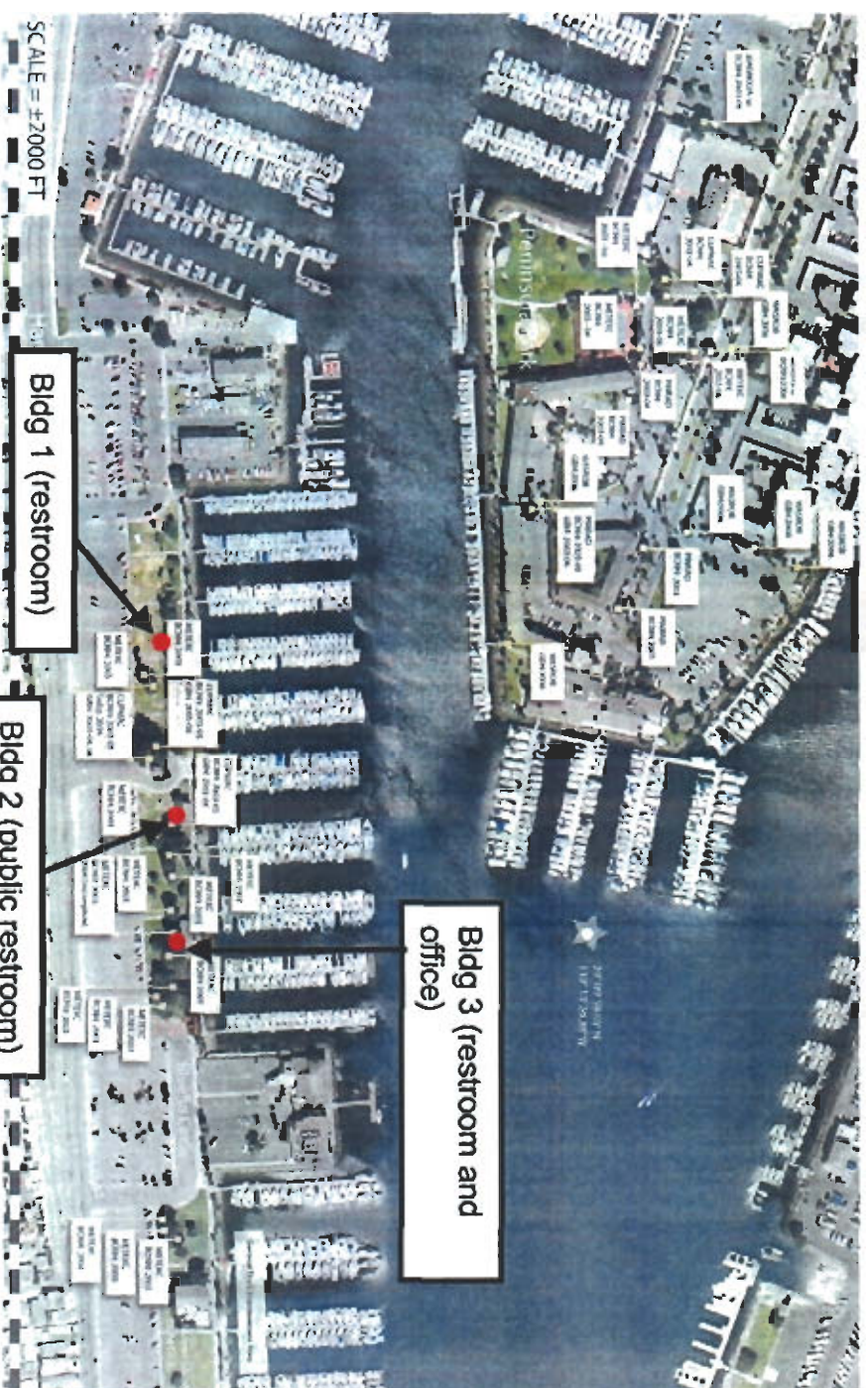
- NOID 3-07 should be conditioned to approve only renovation of the two private restrooms, one public restroom and private marina office within their existing footprints. Opening the private office onto the heron rookery should be rejected as should removal of a tree in the heron grove and taking of park land for a walkway to serve the private marina office. Renovation of the interior of the public restroom needs to be required contemporaneously with the other renovations. Enforceable and objectively measurable conditions to restrict noise from both exterior and interior construction activity needs to be added to the conditions. Added control by conditions is needed regarding debris disposal and to remove construction trailer(s) from the park.
- Action on Findings for the BISC major amendment 1-04 should be continued pending a review of cumulative impacts of the NOID and BISC projects.

The Beacon Foundation is a non profit environmental organization focused on coastal Ventura County.

For The Beacon Foundation,


Lee Quaintance
Secretary

Heron Nest Trees, CHANNEL ISLANDS HARBOR, Ventura Co., California (2003-2006)



This map shows all trees in the CIH study area that were confirmed as used by nesting herons during 2003, 2004, 2005 & 2006. Tree species are New Zealand Christmas Trees (METEX), Monterey Pine (PINUS), Monterey Cypress (CUPRESS), Mexican Fan Palm (WASIOB), a Melaleuca (MELALUCUA sp.), and a Magnolia (MAGNOLIA sp.). Heron species are Black-crowned Night-Heron (BCNH), Snowy Egret (SE), and Great Blue Heron (GBH).

Note: Black-crowned Night-Herons, which were most numerous @ CIH in 2003 (39 nesting pairs on the West Side), have since decline birds in 2006. Simultaneously, BCNH numbers have grown to match Snowy Egrets at Port Huenepe (approx. 300 pairs total). Herons nested at Ventura Harbor during 2005.

Exhibit 13
CI Harbor NOID 3-07
Heron Nesting Sites