

**CALIFORNIA COASTAL COMMISSION**

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



# W 12c

## ADDENDUM

**DATE:** December 7, 2009  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item W12c, Channel Islands Harbor Notice of Impending Development 2-09 (Reconstruction of Public Boat Launch Facility) Wednesday, December 9, 2009 Commission Meeting in San Francisco.

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The purpose of this addendum is to modify NOID language, attach and respond to correspondence from The Beacon Foundation, the Harbor Department, and other interested parties. This addendum also adds a special condition regarding construction timing. Finally, ex-parte communications received since the staff report was completed are attached.

Note: ~~Strikethrough~~ indicates text to be deleted from the November 19, 2009 staff report and underline indicates text to be added to the November 19, 2009 staff report.

1.) The following special condition shall be added to page 4 the November 19, 2009 staff report, as follows:

### **6. Launch Ramp Construction Timing**

By acceptance of this authorization for development, the Harbor Department agrees that construction of the boat launch shall be prohibited during the peak summer season, from Memorial Day to Labor Day.

Prior to commencement of development on the subject parcel, the Ventura County Harbor Department shall submit, for review and approval of the Executive Director, a plan for alternative boat launching accommodation(s) either on the Public Boat Launch Parcel (N-2) or on another appropriate site within Channel Islands Harbor. Signage shall be posted at all times during construction to notify boaters where boat launch accommodations are available for use.

2.) The Beacon Foundation ("Beacon") submitted two letters to the Commission regarding NOID 2-09, received November 30, 2009 and December 5, 2009, attached hereto. Beacon makes several arguments opposing the staff recommendation for Commission approval of

the NOID. Beacon's main arguments are stated below and a staff response follows each argument:

**a. Beacon asserts that "Forty Percent of the Existing Public Boat Launch Parcel is Taken for Private Commercial and Residential Development" (p.1 of the November 30, 2009 letter)**

The Harbor Department has not proposed to split the N-2 parcel and has not proposed any lot line adjustments. The Harbor Department is proposing development on the southern approximately 6 acres of the parcel to reconstruct the launch ramp and parking lot area, but has not submitted plans to reconstruct the northern portion of the parcel. No plans for any type of development have been submitted to the Commission for the northern portion of the parcel.

**b. Beacon asserts that the NOID will result in the elimination of 25% of parking for vehicles with boat trailers. Beacon asserts that the parcel now has 169 oversize spaces suitable for vehicles with boat trailers and the NOID proposal will reduce that number to 124 spaces.**

The Harbor Department asserts that the total number of existing spaces on the portion of the N-2 parcel to be redeveloped is 196 spaces. The Harbor Department states that 161 spaces will exist under their new plan, as counted by the project engineer. Commission staff counted approximately 155 parking spaces. This discrepancy in the number of spaces is the result of differences in counting methodology. Nevertheless, the loss in approximately 35 to 41 parking spaces is due to the more recent Department of Boating and Waterways requirements for width and length of spaces, and to provide for pull-through spaces 60 feet long and 10 feet wide that do not presently exist. Additionally, the new project will provide 5 ADA accessible stalls. There are currently no ADA accessible stalls. The 129 spaces on the northern parking lot, not proposed for redevelopment, will remain.

**c. Beacon argues that public access is unprotected during construction.**

This addendum has added Special Condition Six to the staff recommendation to provide for protection of public access to the boat launch during construction. This special condition prohibits construction during the peak visitor season and requires phased construction so that at least one launch bay will remain open at all times for public access.

**d. Beacon argues that the existing public parkland is being taken. (December 5, 2009 letter)**

In response, there is no significant public park area on the site. A small grassy area exists along the waterfront. This area will be slightly reconfigured and re-landscaped to allow for the new location of the public launch ramp.

**e. Beacon states that 245 mature trees and their planting areas will be wiped out. Beacon argues that no consideration is given of impacts on public viewsapes or on wildlife of the tree removal except for only that no nesting heron has been observed.**

**Beacon states that nearly all of the trees and their planting areas will be wiped out and that this results in taking habitat (December 5, 2009 letter.)**

In response, the Harbor Department is proposing to remove approximately 140 trees and relocate another 105 trees on the site. These trees have not contained heron nesting trees and there is no evidence to indicate that these mostly non-native trees are sensitive resources. Additionally, an analysis of visual resources has been provided in the staff report. The proposed tree removal will not adversely impact visual resources because the trees will be replaced pursuant to a new detailed landscape plan submitted by the Harbor Department. Therefore, the re-paved parking lot area will be enhanced with vegetation and will not simply wipe out the existing trees, nor remove sensitive habitat.

**f. Beacon asserts that congestion will be increased because the entrance and exit to the boat launch ramp parcel will be reduced from two entrance/exits to one.**

The NOID includes a proposal to close the S. Victoria Avenue entry and expand the entrance point on Curlew Way, a cul-de-sac along the southern portion of the parcel, to allow for a larger entrance and exit. No traffic study of this area has been provided. However, the Harbor Department has explained that traffic safety will be increased by relocating the stacking area for slower vehicles with boat trailers closer to the intersection with Curlew Way. Additionally, the intersection of Curlew Drive and Victoria Avenue is signalized and will allow for safer turning movements.

**g. Beacon asserts that the Harbor Department's determination that the project is categorically exempt is unsupported and cannot satisfy CCC obligations.**

As stated in the November 30, 2009 staff report, Section F. California Environmental Quality Act, for CEQA purposes, the Commission's has separately considered the potential environmental impacts of the project and has determined that, as conditioned, the development is consistent with CEQA and the applicable provisions of the Public Works Plan.

3.) Dr. Jonathan Ziv provided an email to Commission Staff on November 30, 2009 opposing the staff recommendation. Dr. Ziv asserts that this proposed NOID will reduce recreational boating access and that the N-2 parcel is being divided to allow for redevelopment of the Fisherman's Wharf parcel to the north. Dr. Ziv states that the northern parking lot, which is mainly used by larger boats, is being eliminated for boater parking.

In response, as explained above, the Harbor Department has not proposed to adjust the lot lines of the N-2 parcel or split the parcel. Additionally, the northern parking lot use on the north side of the N-2 parcel is not proposed to change. That parking lot, identified as E-5 by the Harbor Department, will remain open for parking.

4.) Two letters from members of the public have been submitted opposing the staff recommendation. Stu Meistner submitted an email to Commission staff on December 5, 2009 opposes reducing access to the launch ramp. As stated above, Special Condition 6 was added to the staff recommendation to assure that the construction is phased to allow ramp access to remain open during construction. A letter was submitted by Leslie Wawrzeniak to

the Commission on December 1, 2009 opposing the staff recommendation. Ms. Wawrzeniak's main concern is the proposed removal of trees and asserts that only three trees need to be removed for the project. As stated above, the Harbor Department has proposed a detailed landscape plan and proposed a significant amount of new plantings on the site. Further, the proposed trees to be removed are not sensitive resources.

**Attachments:**

- 1) November 30, 2009 letter to Commissioners and Staff from The Beacon Foundation (3 pages)
- 2) December 5, 2009 letter to Commissioners and Staff from The Beacon Foundation (2 pages)
- 3) November 30, 2009 email correspondence to the Commission Staff from Jonathan Ziv from the Ventura County Harbor Department (5 pages)
- 4) November 30, 2009 letter to John Ainsworth, Deputy Director, from The Channel Islands Harbor Department (4 pages)
- 5) Email correspondence from Stu Meisner to Commission Staff opposing launch ramp NOID (1 page)
- 6) December 1, 2009 letter to Commissioners and Staff from Leslie Wawrzeniak (1 page)
- 7) December 7, 2009 letter to John Ainsworth, Deputy Director, from The Channel Islands Harbor Department (2 pages)
- 8) December 3, 2009 letter to John Ainsworth from Bob Nahm, Wesco Sales Corporation
- 9) December 7, 2009 letter to John Ainsworth from Brian Dunn, Vintage Marina Partners
- 10) December 4, 2009 letter to John Ainsworth from Randy Short, Channel Islands Harbor Lessees
- 11) December 4, 2009 letter to John Ainsworth from Steven Bungler, Marine Emporium Landing
- 12) December 2, 2009 Disclosure of Ex Parte Communication from Commissioner Neely
- 13) December 2, 2009 Disclosure of Ex Parte Communication from Commissioner Stone
- 14) December 4, 2009 Disclosrue of Ex Parte Communication from Commissioner Kruer



# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd  
Oxnard, CA 93035

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## Item W 12c

Public Boat Launch  
Downsized and Constricted

November 30, 2009

Dear Commissioners and Staff:

The Beacon Foundation is a non profit environmental organization focused on protecting coastal zone resources of Ventura County.

### **1. Forty Percent of the Existing Public Boat Launch Parcel is Taken For Private Commercial and Residential Development.**

The proposed NOID is misleading. It describes the project as a "Rehabilitation" of the existing public boat launch facility. The County does not disclose that the existing boat launch parcel N-2 would be divided by the NOID and that some four acres, 40% of its land area, would be taken from boat launch use. Further, undisclosed is the County plan to add the portion taken from the Boat Launch to a massive, and unapproved, commercial and retail development it seeks on the adjacent Fisherman's Wharf parcel .<sup>1</sup> Please see the attached aerial photograph where we show the taking.

### **2. One Quarter of Existing Parking For Vehicles With Boat Trailers Is Eliminated.**

The Boat Launch parcel. N-2, now has 169 oversize parking spaces suitable for vehicles with boat trailers.<sup>2</sup> The County NOID diagram of its new facility contains only 124 such spaces. This is 45 spaces less -- a 26% reduction. Despite the NOID diagram showing only 124 spaces the NOID text claims there will be 161.

### **3. Public Access Is Unprotected During Construction.**

The NOID lacks a construction timetable and is indifferent to public use. The NOID makes the blasé statement : "The launch ramp will be kept open to the public for part of the construction." No advance notice to boaters of the time and duration of closures is required. There is no affirmative commitment to keep the facility open as much as possible by conditions such as limiting construction during the heaviest use period of Memorial Day through Labor Day weekend. No consideration is given to proving temporary alternate launch facilities if construction closure is prolonged. Similarly, there is no commitment to keep the existing waterside walkway and Victoria Avenue sidewalk open.

### **4. Trees Are Wiped Out And Congestion Is Increased.**

Presently the Boat Ramp parcel has 245 mature tree as well as other plantings. Nearly all of the trees and their planting areas will be wiped out. The elimination results from cramming parking on to the diminished boat launch parcel. No consideration is given of impacts on public viewsapes or on wildlife of the tree removal except only for a statement that no heron nesting has been observed. In addition, road access to the boat launch

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<sup>1</sup> On November 24,2009 the Harbor Department presented to the Board of Supervisors a vision for up to 800 residences and 175,000 square feet of commercial development.

<sup>2</sup> 3<sup>rd</sup> Amended Public Works Plan, Page 42 and Table III.

facility is cut from two entrances to one. There is no analysis of the traffic and congestion consequences of a single road access and a layout that places 75% of parking places for vehicles with boat trailers on two sides of a narrow central lane. Both changes present significant issues of congested access.

#### **5. The Claim of CEQA Exemption Is Unsupported And Cannot Satisfy CCC Obligations.**

The NOID states the County Harbor Department alone has determined the project to be CEQA exempt. No CEQA exemption determination has been made or approved by the County Board of Supervisors. Further, the NOID has never been approved by the Board of Supervisors or subject to a public hearing. The NOID discloses no environmental review except for the claim of a lack of heron nesting recounted in point 4 above. The Coastal Commission cannot rely on this unsupported claim of exemption in discharge of its CEQA obligation. An environmental review is required for this proposal to be considered.

#### **CONCLUSIONS**

##### **A. The Project Requires Amendment to the PWP and May Not Be Approved As A NOID**

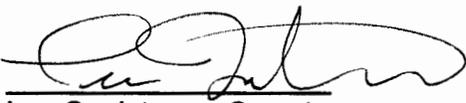
The fact alone that the proposed action subdivides the public boat launch parcel and substantially decreases its size and utility requires amendment to the certified Public Works Plan. The PWP does not include or contain this downsized and diminished boat launch facility and, therefore, the project cannot be approved as a NOID.

##### **B. The Diminished Facility violates Coastal Act Recreational Boating Protection.**

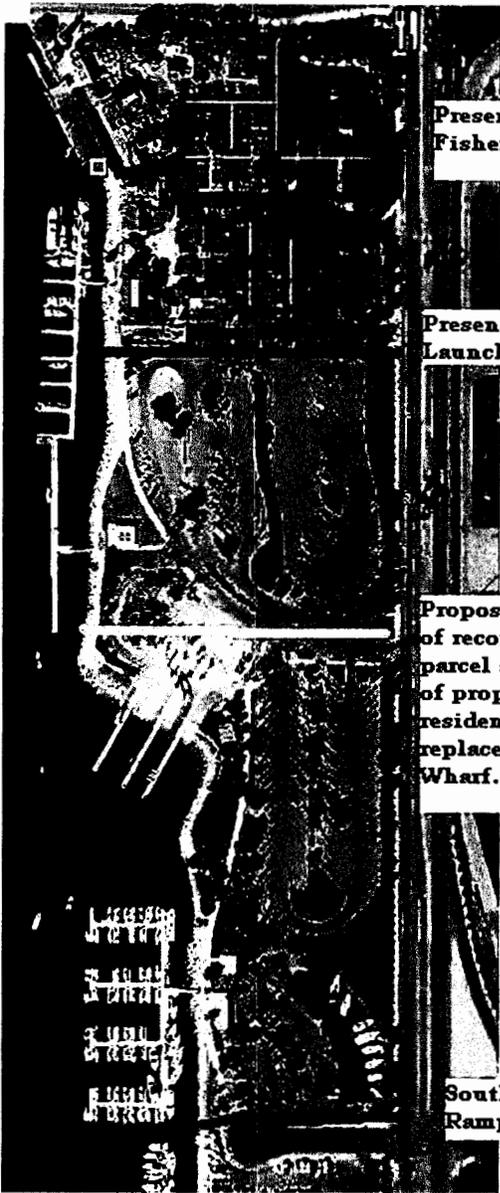
At this time when the Harbor is reducing the number of small slips; when slip rental rates are rising; and when dry storage is encouraged there is a greater need than ever for boat launch facilities to provide low cost recreational opportunities. The Harbor Department once claimed the existing facility to be the second most popular in the State. This is no time to sacrifice 40% of its site to commercial development.

The misleading "rehabilitation" NOID presented by the Harbor Department constrains and decreases public access. It violates Coastal Act Section 30213 protecting low cost recreational opportunities and specifying that "public recreational opportunities are preferred". It is inconsistent with Section 30220 protecting water oriented recreational activities. It does not comply with Section 30234's call for feasible upgrades to recreational boating facilities. Most significant of all, the proposed NOID is fundamentally at odds with Section 30224 of the Coastal Act providing

*"Increased recreational boating use of coastal waters shall be encouraged, In accordance with this division, by developing dry storage areas, **increasing public launching facilities**, providing additional berthing space in existing harbors, **limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities**, providing harbors of refuge and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land." [emphasis added]*

  
Lee Quaintance, Secretary

CHANNEL ISLANDS HARBOR PUBLIC BOAT LAUNCH RAMP AERIAL PHOTO



Present visitor serving  
Fisherman's Wharf parcel.

Present northern boundary of  
Launch Ramp parcel N-2

Proposed new northern boundary  
of reconfigured launch ramp  
parcel and new southern boundary  
of proposed future mixed use  
residential/commercial parcel to  
replace and expand Fisherman's  
Wharf.

Southern boundary of Launch  
Ramp parcel N-2



# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd  
Oxnard, CA 93035

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## W 12c

December 5, 2009

Taking Public Boat Launch

Dear Commissioners and Staff:

This supplement to our November 30<sup>th</sup> letter sharpens our focus on the taking of public access and habitat. The boat ramp parcel is now eleven acres. The NOID would segregate out some four+ acres and squeeze the boat ramp on about six remaining acres.

### 1. Taking Public Waterside Access.

The aerial photo attached to our November 30<sup>th</sup> submission shows parkland along the existing waterfront walkway of the boat launch site. This is a favorite area for no cost waterside access by boaters and non-boaters alike. It will be substantially diminished in the downsizing to six acres.

Please see the attached County diagram of the downsized site. The existing trees and parkland are lightly drawn under the dark line drawing of the replacement project. Regarding parkland, the Staff Report (page 5) states: "A small grassy areas near the restroom building will be improved with picnic tables." Picnic tables next to a restroom are no substitute for waterside parkland that is being taken.

### 2. Taking Habitat.

There are 245 trees today on the six acre boat launch site. The Staff Report says: "construction and reconfiguration" will result in removal or "relocation" of virtually all of them. The Staff Report (page 14) erroneously conclude: "...because no tree on the site has been used for breeding or nesting within the past five years, as documented by Dr. Froke [ a County consultant], the 5-year Tree Trimming and Removal Program approved through NOID 1-09 ...will not apply." **Clearing the site of mature trees violates NOID 1-09 adopted only six months ago.**

The stated "purpose" of NOID 1-09 is: "to ensure the long term protection of breeding and nesting habitat of birds." This is not limited to five year protection of documented nesting trees. Dr. Froke describes the heronry here as "...a dispersed colony that covers pretty much the entire Channel Islands Harbor"<sup>1</sup> This habitat relies on trees throughout the Harbor to provide nesting and also foraging and roosting opportunities. The Harbor Department says the Harbor contains over 2000 trees but of these only "a handful are used on a regular basis for nesting."<sup>2</sup> Clearing the six acres destroys up to 10% of all the trees available as habitat in the entire Harbor.

**Why Take Four Acres From the Boat Ramp?** All the impacts outlined in this and our earlier letter result from squeezing the use on six rather than the present ten acres. It is apparent the quiet removal of four acres is a two step process to add them to an adjacent parcel where the County seeks 800 residential units and 175,000 square feet of commercial. On June 26, 2007, The County leased the four acres to the developer with conditions. The County staff report states: "The Expanded Site ... consists of an additional approximately 4 acres immediately to the south of the existing parcel."<sup>3</sup> – that is the four northern acres of the boat launch site. Whether by formal lot division or de facto this takes away public use permanently or for an indeterminate time. The four acres are mothballed and isolated from their present public use. For this reason alone the NOID should be rejected and a PWP amendment required for any future consideration of this project by the Coastal Commission.

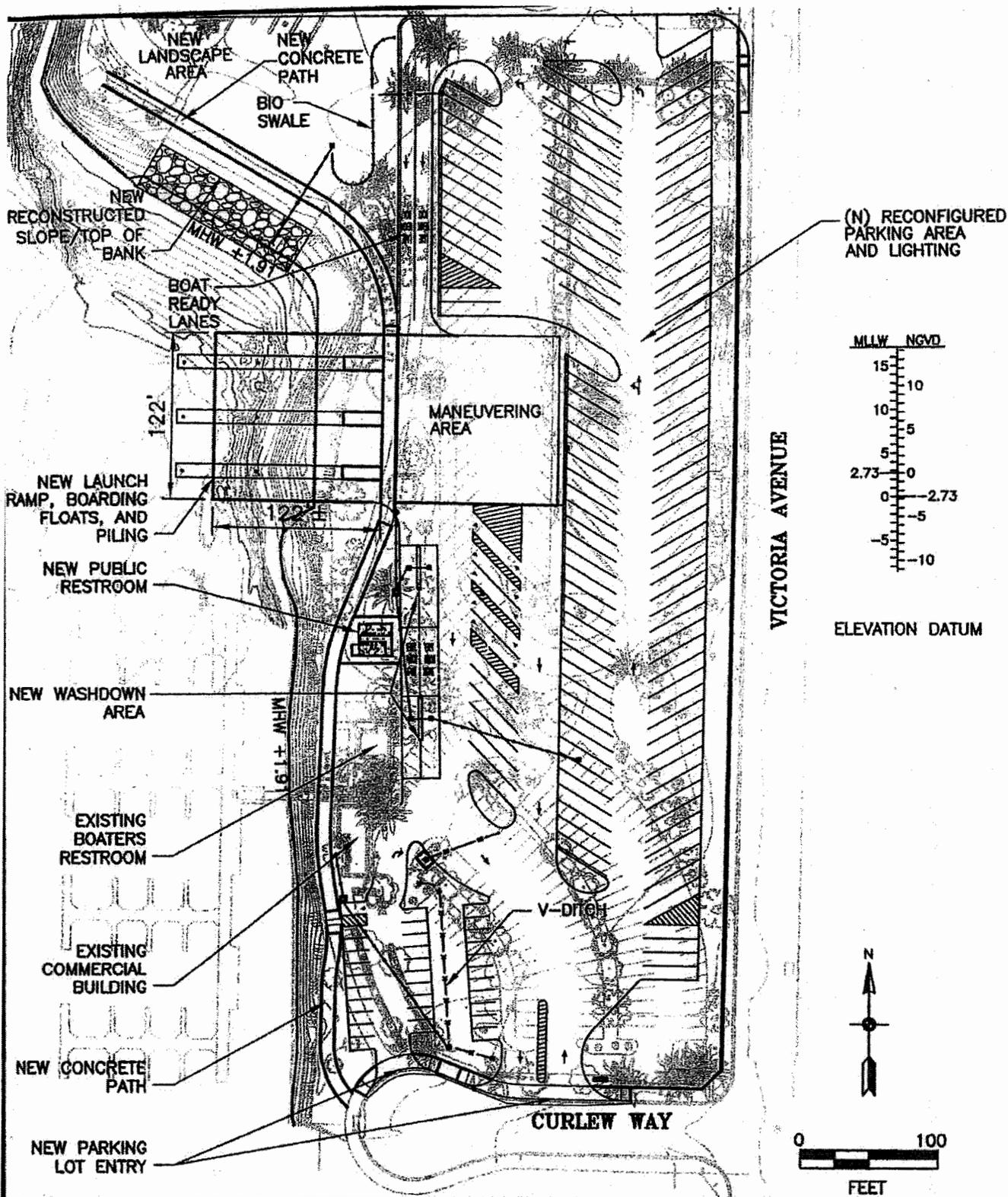
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<sup>1</sup> Testimony to Board of Supervisors, Item 30 page 114 et seq, 12/16/03

<sup>2</sup> Letter of Lyn Krieger, Harbor Director, to Coastal Commission, 6/03/09

<sup>3</sup> Staff Report of Lyn Krieger, Harbor Director, to the Board of Supervisors, 6/26/07





PURPOSE: TO REPLACE THE CHANNEL ISLANDS BOAT LAUNCHING FACILITY

DATUM: NGVD

ADJACENT PROPERTY OWNERS:

### IMPROVEMENT PLAN

COUNTY OF VENTURA  
HARBOR DEPARTMENT  
3900 PELICAN WAY

LOCATION: CHANNEL ISLANDS HARBOR

COUNTY OF: VENTURA

**Amber Tysor**

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**From:** Jonathan Ziv, DDS [jzivdds@pacbell.net]  
**Sent:** Monday, November 30, 2009 9:25 PM  
**To:** Amber Tysor  
**Subject:** Dec. 9, Item 12c, Channel Islands Harbor Launch Ramp NOID, oppose  
**Attachments:** Launch Ramp Docs.pdf

Dear Ms. Tysor,

I spoke today to Steve Watanabe, Boating Facilities Division Chief for State Department of Boating and Waterways. He said that his department and County of Ventura Harbor Department have been working on the launch ramp rehab plans, with his department footing the design bill.

I had an interesting conversation with him about reconstructing and reconfiguring the existing launch ramp versus simply rehabilitating the present one. He is estimating the new construction cost at \$5 million and was quite opinionated about whether the Department would actually agree to fund this as it would represent a hefty portion of the entire state budget for such projects. He opined that the present angled configuration was superior to the perpendicular one planned by the County. He also was not happy about the loss of 90 boat trailer parking spaces (his count). So he was not very much in favor of his department funding this and felt that rehabilitating the present launch might be preferable.

He already knew that the launch was being really being reconfigured to shrink the launch parcel, but he didn't know exactly why. I filled him in that the Fishermans Wharf lease, approved in 2007 includes transferring the northern 4 acres of the Launch Ramp parcel to the Fisherman's Wharf parcel and Lyn has to reconfigure the launch ramp and eliminate the north parking spaces to accomplish this. The Fisherman's Wharf plan cannot be done without a PWPA, but the launch reconfig would have to be approved first or otherwise have to be as part of a PWPA. Since reducing existing recreational boating access, which is what is being done here, would probably not fly in a PWPA, she is sneaking it in as a NOID where she hides the northern portions of the N-2 parcel in the all the diagrams submitted to CCC staff and simply concentrates on the southern portion of the parcel to characterize the project as a rehabilitation that services roughly the same number of boaters-which is grossly inaccurate. I have friends with large boats (eg Cigarette racing boats) and they cannot park their trailers in the southern lot. They tell me if the northern lot is eliminated they and other large boats would have a very hard time using the launch. I asked if the southern lot is used much and they said mainly by small boats. That is a reduction in present recreational boat access not consistent with Coastal Act nor the PWP. Watanabe was very interested in all this as his department is not into reducing the public access on projects they funded in full thirty years ago and spending \$5 million in new construction to accomplish this reduction.

I asked if, as usual, his remarks to me would be off the record, as I told him the CCC would be voting on the NOID next week. He said that if CCC staff called him, he would be happy to convey DBW's views on the proposed project.

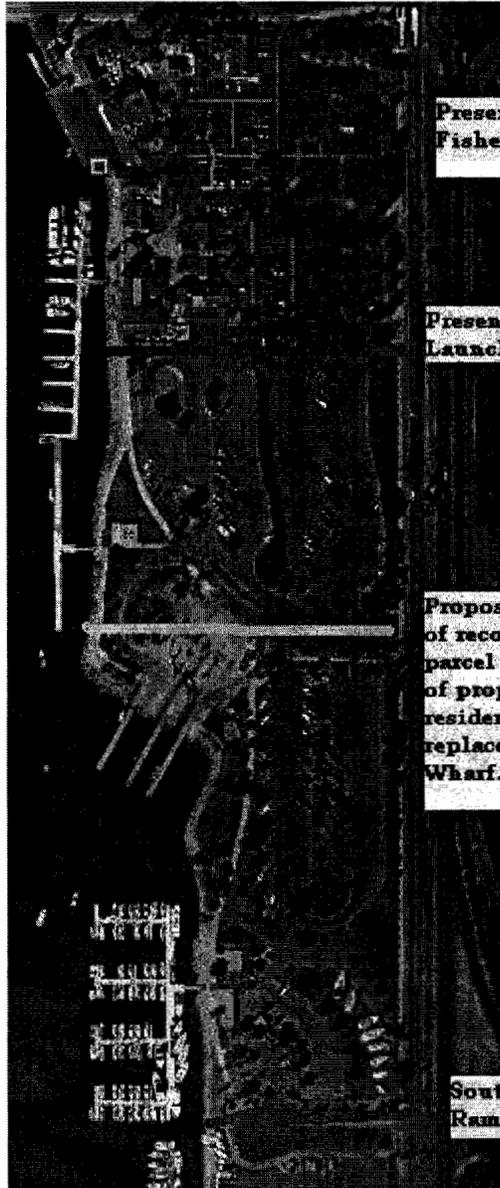
Steve Watanabe's phone number at DBW is 916-263-8147.

I have attached some material that backs up the lease information and some other annotated diagrams as well. Please reply back.

Thanks,

Jon Ziv  
[jzivdds@pacbell.net](mailto:jzivdds@pacbell.net)  
818-421-3988

12/7/2009



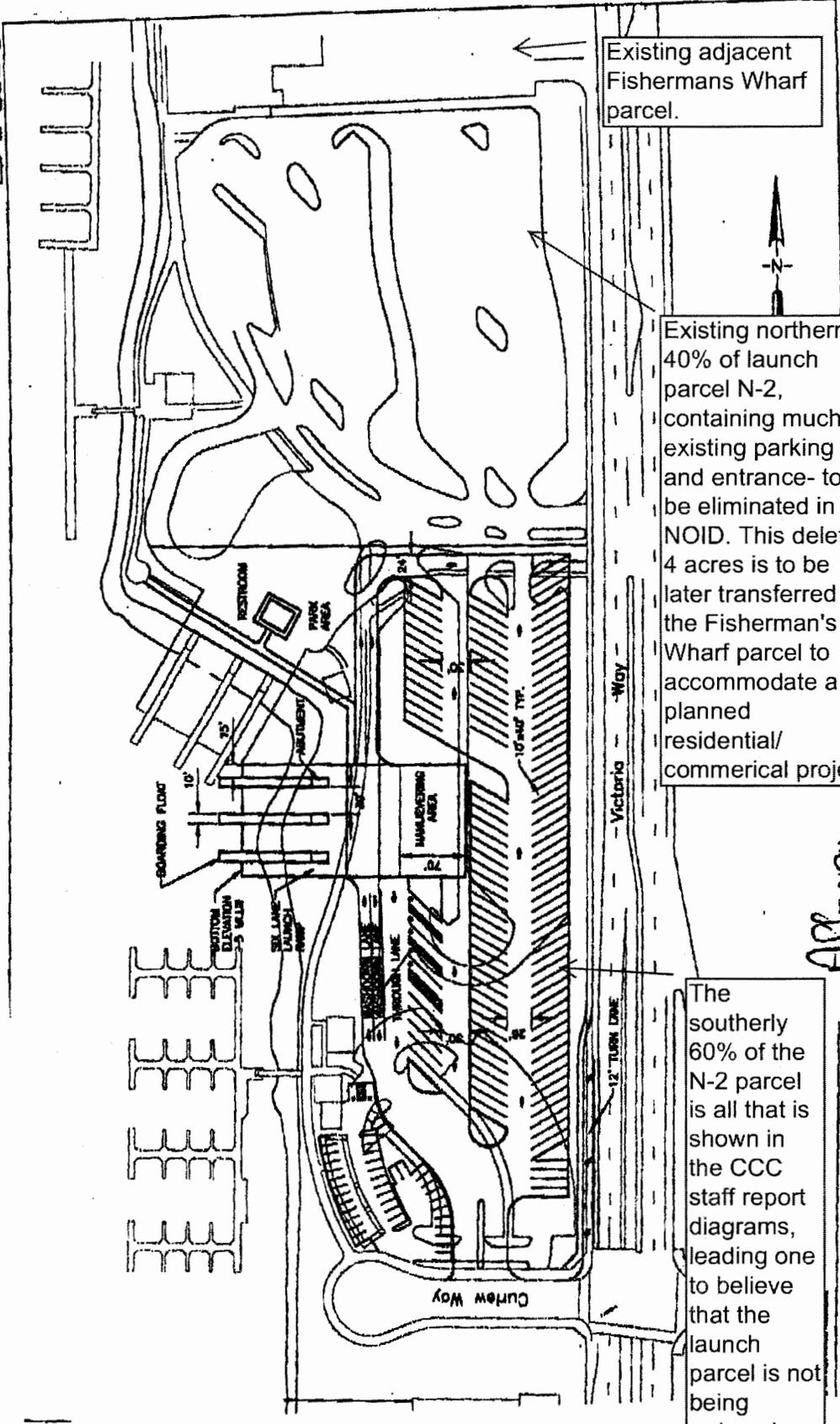
Present visitor serving  
Fisherman's Wharf parcel.

Present northern boundary of  
Launch Ramp parcel N-2

Proposed new northern boundary  
of reconfigured launch ramp  
parcel and new southern boundary  
of proposed future mixed use  
residential/commercial parcel to  
replace and expand Fisherman's  
Wharf.

Southern boundary of Launch  
Ramp parcel N-2

WATER



Existing adjacent Fishermans Wharf parcel.

Existing northern 40% of launch parcel N-2, containing much of existing parking and entrance- to be eliminated in NOID. This deleted 4 acres is to be later transferred to the Fisherman's Wharf parcel to accommodate a planned residential/ commercial project.

The southerly 60% of the N-2 parcel is all that is shown in the CCC staff report diagrams, leading one to believe that the launch parcel is not being reduced.

APPENDIX  
DIAGRAM

Launch Ramp Plan

The Waterfront-Channel Islands Harbor, LLC is a new single purpose entity, the sole member and managing member of which is Edward M. Czucker. Mr. Czucker has developed over \$750 million worth of California real estate, including several mixed use projects.

Negotiations between Mr. Czucker and Harbor staff have resulted in two leases accompanying this Board Letter: an Original Lease covering the interim or holding period and an Amended and Restated Lease which would take effect upon the Lessee meeting preconditions such as permits, financing, etc., detailed further below. Mr. Czucker has also agreed to retain an outreach consultant and to perform extensive community outreach before finalizing a plan for presentation to your Board.

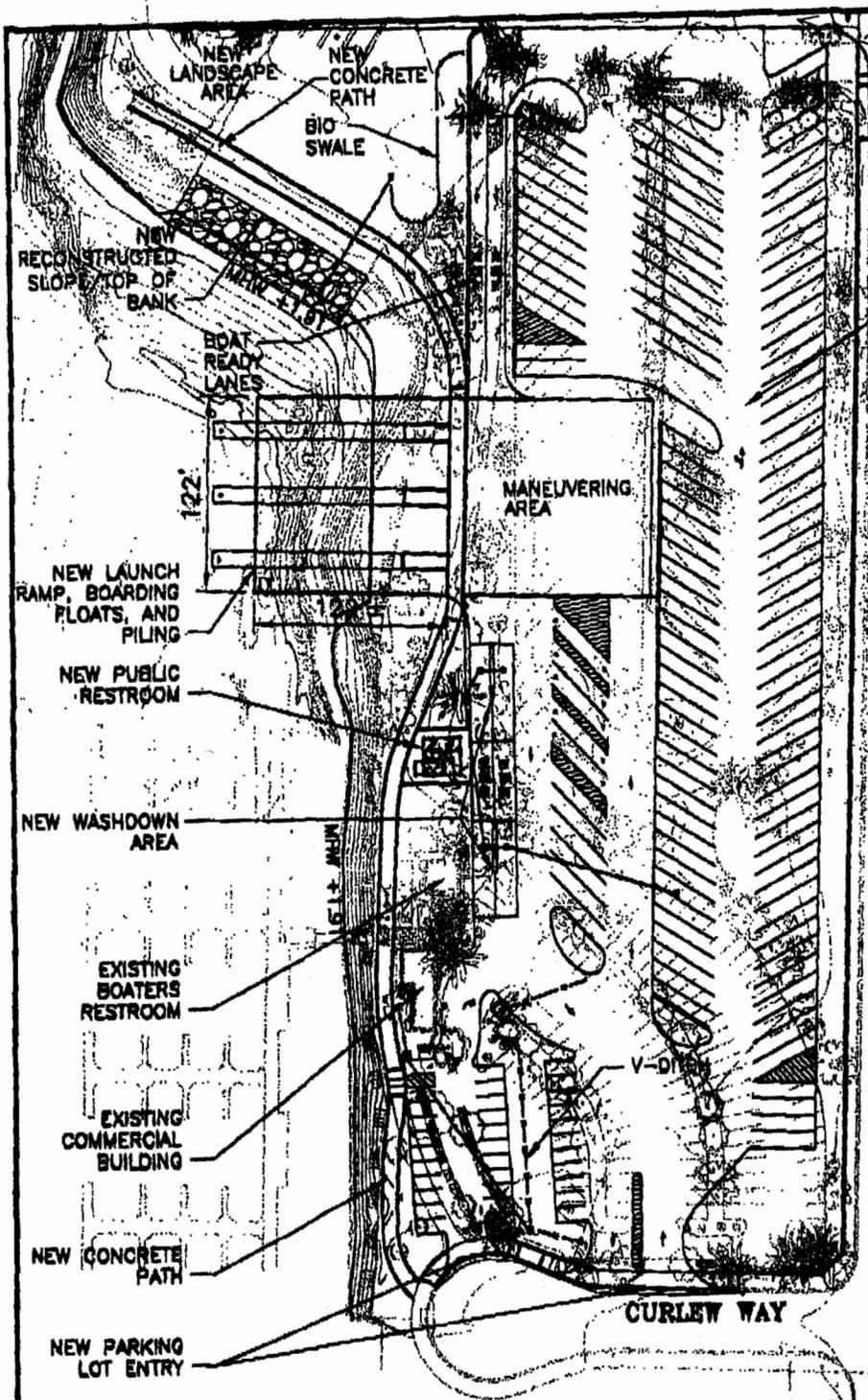
The Original Lease is a short-term lease which provides that the Lessee preserve, maintain, and manage the existing Fisherman's Wharf improvements while seeking authorizations, primarily from your Board and the California Coastal Commission, to expand and significantly improve and/or replace the existing improvements. The lease is clear that the Board of Supervisors, acting in its regulatory capacity, is under no obligation to approve additional entitlements on this parcel. If the Lessee is successful in securing such authorizations, the Lessee and County will enter into the Amended and Restated Lease (attached to the Original Lease as Attachment 2). The Amended and Restated Lease (A&R Lease) requires significant minimum capital expenditures by the Lessee, provides for a term of either 50 or 65 years, depending upon level of capital improvements, and incorporates the standard clauses of recently approved Harbor Leases such as favorable end-of-lease language, imputed rent and improved self-help provisions, and cost recovery provisions for minor lease violations.

The Original Lease is for a term of up to 5 years with two one-year extension options which can be implemented at the discretion of the County. The Original Lease incorporates the terms of the A&R Lease except for those provisions that are specifically identified as being exclusive to the Original Lease. The Original Lease does not expand the current Fisherman's Wharf site and does not require any capital improvements by the Lessee. The Original Lease does, however, require the Lessee to preserve, maintain and operate the current improvements. It also requires the Lessee to prepare and submit plans and specifications to the County and other appropriate governmental agencies (i.e., the California Coastal Commission) and to diligently pursue entitlements for the proposed redevelopment of the Expanded Site. The Expanded Site outlined on Exhibit A consists of an additional approximately 4 acres immediately to the south of the existing parcel. (Any required Public Works Plan amendments for both uses would be processed together.)

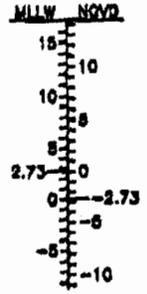
Rent to the County during the term of Original Lease is expected to be the known costs of deferred maintenance and the resulting anticipated future costs. The Lessee is required to perform on the existing improvements. The Original Lease is a) all Net Cash Flow up to but not exceeding \$50,000

This 6-27-2007 Fisherman's Wharf lease details how the northern 4 acres of the Launch Ramp parcel is to be annexed to allow the adjacent future mixed use project. to the final low

The northern 40% portion of Launch parcel N-2 is left out of both the existing and proposed site diagrams in the CCC staff report, masking its elimination as part of the NOID.



PARKING AREA AND LIGHTING



VICTORIA AVENUE

ELEVATION DATUM

*LATEST NOID DIAGRAM*



PURPOSE: TO REPLACE THE CHANNEL ISLANDS BOAT LAUNCHING FACILITY  
 DATUM: NGVD  
 ADJACENT PROPERTY OWNERS:

**IMPROVEMENT PLAN**  
 COUNTY OF VENTURA  
 HARBOR DEPARTMENT  
 3900 PELICAN WAY  
 OXNARD, CA 93035-4387

LOCATION: CHANNEL ISLANDS HARBOR  
 COUNTY OF: VENTURA  
 SHEET 3 OF 8 11/09/2009



**CHANNEL ISLANDS HARBOR**  
Ventura County Harbor Department

Lyn Krieger  
Director

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 382-3001 • Fax (805) 382-3015

November 30, 2009

**REVISED**

Jack Ainsworth  
Regional Deputy Director  
California Coastal Commission  
89 S. California Street  
Ventura, CA 93001

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT (NOID) 2-09  
RECONSTRUCTION OF CHANNEL ISLANDS HARBOR PUBLIC  
BOAT LAUNCH FACILITY  
DECEMBER 9, 2009, ITEM W 12c**

Dear Jack:

I am writing to follow up on an e-mail exchange between a member of your staff, Amber Tysor, and I just before the Thanksgiving break. Ms. Tysor was kind enough to forward a copy of Mr. Lee Quaintance's e-mail regarding our Notice of Impending Development (NOID) for renovation of the Public Launch Ramp in Channel Islands Harbor. At Ms. Tysor's request, I am forwarding my responses to Mr. Quaintance's comments in letter form.

In short, in response to comments, the Public Launch Ramp is not being downsized as part of this NOID, no parking lot is being isolated from the Launch Ramp, driveway changes are for public safety and done in consultation with City traffic engineers, not with a purpose of making the Launch Ramp harder to use, and CEQA has been followed.

In his e-mail, under "A", Mr. Quaintance claims that the County has plans to downsize this facility as part of this NOID. This is not true. The NOID contains only the construction zone. There is a northern parking lot (E-5), attached, which will not be affected by this NOID, and is not being rebuilt. Unfortunately, I cannot locate the "Figure 1" he refers to in the Amended PWP Master Plan Map. However, I am familiar with the parking lots he references. The Public Launch Ramp is located on Parcel N-2. However, this parcel serves several uses. It contains the Small Boat Marina parking lot, known as E-3, a pedestrian walkway, a small office building, and the launch ramp and parking lot E-4, which provides the most-utilized Launch Ramp parking. These areas (the Launch Ramp, and parking lots E-3 and E-4) are being reconfigured and re-paved. There is no

**REVISED**

change proposed at this time for the adjacent parking lot E-5, which also provides Launch Ramp parking, as well as parking for the east side guest docks.

Also in his e-mail, Mr. Quaintance comments that the County is in error in stating that the rehabilitated boat launch facility will have 161 parking spaces for vehicles with boats. He states that his count of the spaces on the latest (11/9/09) County project diagram indicates there are only 94 spaces for vehicles with boats. Actually, the parking space count was completed by the project engineer, and the spaces can be easily counted in the plan. By the County's own count, we believe the engineer's numbers are a slight under-estimate.

Currently parking lot E-3, the Small Boat Marina parking lot that is combined with Launch Ramp parking, has 102 parking spaces. Parking lot E-4, the major Launch Ramp parking area, currently has 94 parking spaces, for a total in the reconstruction area of 196 spaces today. With the renovation/reconstruction, lots E-3 and E-4 would have a total of 161 parking spaces. This is a loss of 35 spaces. The replacement spaces meet the newer Department of Boating and Waterways requirements for width and length, which are both greater than in the past, and provide for pull-through spaces 60 feet long and 10 feet wide (except for one smaller spot at 45 feet) on parking lot E-4 that do not presently exist. E-5, which will not be renovated, currently has pull-through spaces. The new project would add five ADA accessible stalls. We currently provide no such stalls. In addition, the 129 spaces on E-5 remain. This yields a total of 290 spaces remaining after reconstruction, while the current total is 325.

The County does not see the small reduction in parking as significant. The parking lot has been vastly under-utilized over the years. Even the Harbor Public Works Plan as certified in 1986 cites that Launch Ramp parking spaces were only filled to 48 percent of capacity at peak times. We believe that the improvements, which will replace pitted and cracking pavement, reconfigure the ramp to be easier and safer to use, and provide safer exiting at a traffic signal, will outweigh any small loss in parking.

Mr. Quaintance claims that the larger reduction in spaces is due to plans on the part of the County to divide the Launch Ramp parcel into two parts, and to do so through this NOID. He further states that the County has previously indicated an interest in taking part of Parcel N-2 for a proposed development on the adjacent (and now wholly separate) Fisherman's Wharf site.

The County has discussed other potential other uses for this northern parking lot, given the dramatic under-utilization of the site for public parking. However, while there is a conceptual proposal for the Fisherman's Wharf parcel under consideration, it is by no means certain that any proposed project will proceed as proposed, or that the Board of Supervisors will agree to the project as proposed. It is also possible that any project, given the current economic climate, may be



downsized or phased. In any case, a change in land use of this type would be considered in the Landside Amendment to the PWP currently in preparation within the County of Ventura. We agree with Mr. Quaintance that such land use changes would be totally inappropriate within a NOID.

Next, Mr. Quaintance expresses concern that the present vehicle access to Victoria Avenue from parcel N-2 will be eliminated, and that anyone parking in E-5 would be physically cut off from the Launch Ramp (and the road?) by some kind of barrier or wall. The County is proposing to eliminate the curb cut on Victoria Boulevard, and to route all cars in lots E-3, 4 and 5 to a street, Curlew Way, with a signalized intersection. At the time the Launch Ramp was constructed, there was not an active gate to the Navy Base on this part of Victoria Avenue. Just such a gate was developed just over a decade ago, and this gate has experienced increased traffic since 9/11, with restrictions and closures of other gates into the base. Having a curb cut mid-block that allows for left turns in and out of the Launch Ramp Facility by trucks hauling trailers poses a danger. There is no intention to cut off parking lot E-5.

As to CEQA (or comparable certified regulatory program), the County believes the project to be exempt under CEQA Class 1, Existing Facility (Guideline 15301), and Class 32, Infill Development Project (Guideline 15332). Mr. Quaintance claims the renovation project is not exempt based on his assumptions about reducing the size of the Launch Ramp, closing off the driveway, and the dramatic reduction in parking (in error), to list a few. He also mentions the possibility of issues with herons in the Harbor. In the seven years of consistent monitoring, no heron nests have ever been located on this site. Since Mr. Quaintance's assumptions have been shown, above, to be incorrect, we believe that the California Coastal Commission can find the project exempt from further CEQA/certified regulatory program review.

Mr. Quaintance also expresses concern about the reconfiguration of landscaped areas. This is not done for purposes of "squeezing in parking," as he states. Rather, the landscaped areas are designed to be attractive while also allowing for the development of bioswales to help protect water quality. Currently runoff from the entire site flows directly into the Harbor. With this project, all runoff will either be processed through filters or bioswales, and no direct runoff will occur. The project also increases the size of the public walkway along Victoria. Mr. Quaintance expresses concern that no assurances are offered in the NOID to keep the Launch Ramp open as much as possible during construction, as well as avoiding the period during Memorial Day and Labor Day. We have consistently made such efforts with projects. Also, while the period from Memorial Day to Labor Day is important to us, it is not the height of fishing season, which is of interest to many of our area boaters. It serves no good purpose to the Harbor Department to restrict the ability of the public to utilize these launch ramp

**REVISED**

facilities and we will take whatever measures are possible to keep it open as much as possible during construction.

Finally, Mr. Quaintance commented that there was no public involvement, that the project had never been approved by the Board of Supervisors, and that the project had never been reviewed by the County Planning Commission. In fact, the preliminary drawings for the Public Launch Ramp have been before the Board of Supervisors on numerous occasions, beginning with public study sessions as early as 2005, and at least annually since then. The Board of Supervisors included the project in the Third Amendment to the Public Works Plan before this Amendment was forwarded to the California Coastal Commission for action. The Board of Supervisors also approved the application for the grant for this project, and the grant contract that provided for its construction. All of these decisions were done in open session at public meetings. The County Planning Commission oversees implementation of the County's Local Coastal Plan, but not the Public Works Plan, which the Board keeps for its own review. This has been explained to Mr. Quaintance on numerous occasions over the past 10 years.

I hope this answers any questions that may have been raised by Mr. Quaintance's comments.

Thank you.

Sincerely yours,

  
LYN KRIEGER  
DIRECTOR

**REVISED**

## Amber Tysor

---

**From:** Stu Meisner [stumeisner@yahoo.com]  
**Sent:** Saturday, December 05, 2009 4:19 PM  
**To:** Amber Tysor  
**Subject:** [Possible Spam] w12c oppose  
**Importance:** Low

I strongly oppose any plan to redevelop Channel islands marina that reduces any access to launch ramp facilities or boat parking or mast-up storage. We need to plan to expand such facilities -- especially mast-up storage with easy access to launch ramp -- not reduce them, they are economical way to access water. The Harbors were built with public money for boating, not to serve as backgrounds for private corporate profit centers or even for shopping. Ventura marina's mast up storage near ramp is full for the larger boats; I have been on wait list for some time.

Stu Meisner,  
trailerable boat owner

December 1, 2009

Dear Commissioners and Staff,

I am writing to you about **Item W 12c**, Channel Islands Harbor Public Boat Launching Facility.

My main area of concern is for the trees. According to the Harbor's figures, the area from Fisherman's Wharf to Curlew Way that currently encompasses a waterside walkway, a sidewalk down Victoria, a public restroom, a public launch ramp, a boaters' restroom, a boat sales room, and a parking lot for 196 vehicles with boats, has about 245 trees. Most of the trees are mature and healthy.

My reading of the NOID seems to say that most of the 245 trees will be removed. The Harbor is home to many birds. The pelicans, cormorants, ducks, terns, seagulls and hummingbirds are numerous, and the herons and egrets are always there, flying overhead to and from their nests and fishing by the side of the water. There may not be any herons nesting in these 245 trees, but the trees are part of the habitat that supports their and other species' survival. You should not allow the trees to be cut down.

To accomplish the Harbor's goal of moving the entrance for the Boating Ramp Lot from Victoria Avenue to Curlew Way, and then allowing vehicles to drive from the Curlew Way Lot into the Boating Ramp Lot (which they cannot do now), the Harbor only needs to cut down 3 trees and take down two curbs and move some earth.

The aerial photo shows the Harbor is taking half the present Boating Ramp Lot and giving it to the Fisherman's Wharf for their upcoming 800 unit apartment complex. The Harbor is making room for the lost boat launch parking spaces by removing all the trees. This isn't right.

The trees are not only part of the bird and wildlife habitat, they provide a gentle and pleasant environment for walkers and boaters in the Fisherman's Wharf area. Please direct the Harbor to save the trees.

Thank you for your attention to this matter.

Sincerely,  
Leslie Wawrzeniak  
3600 Harbor Blvd. #112  
Channel Islands Harbor, CA 93035

*Leslie Wawrzeniak*



**CHANNEL ISLANDS HARBOR**  
Ventura County Harbor Department

Lyn Krieger  
Director

---

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 382-3001 • Fax (805) 382-3015

December 7, 2009

Jack Ainsworth  
Regional Deputy Director  
89 S. California St.  
Ventura, CA 93001

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT (NOID) 2-09  
RECONSTRUCTION OF CHANNEL ISLANDS HARBOR PUBLIC  
BOAT LAUNCH FACILITY, December 9, 2009, ITEM W 12c**

Dear Mr. Ainsworth:

I am writing to provide a response to the e-mail received by a member of your staff, Amber Tysor, from Jonathon Ziv regarding our Launch Ramp reconstruction item on the December 9<sup>th</sup> agenda of the California Coastal Commission.

The Launch Ramp reconstruction is being done in cooperation with the California Department of Boating and Waterways (DBAW), which is funded exclusively through taxes on boat fuel. Mr. Ziv comments mostly on two matters: the potential for actual funding of the construction, and the design of the project. Mr. Ziv indicates that a staff person within DBAW has raised questions about both matters.

Project funding is not really the interest of the California Coastal Commission, but in the interest of completeness, suffice it to say that every State agency in California has questions about future funding. DBAW is no exception, in spite of the fact that it has a dedicated funding stream.

In terms of design, we have only Mr. Ziv's comments about the staff person at DBAW. On the other hand, the Coastal Commission should be aware that the County is relying on the design approval expressed by DBAW as follows:

- the County of Ventura retained Concept Marine and completed a DBAW required feasibility study for the Launch Ramp design concept on May 22, 2006;
- the Ventura County Board of Supervisors approved submittal of a grant request, including design concept, to the Department of Boating and Waterways on June 6, 2006;

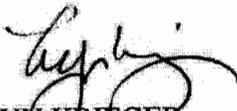
- the Ventura County Board of Supervisors approved reconstruction of the Launch Ramp on July 11, 2006;
- the California Boating and Waterways Commission unanimously approved Phase I Grant Funding on December 7, 2007;
- the Phase I agreement between the County of Ventura and DBAW was approved by the Board of Supervisors on October 21, 2008;
- Launch Ramp design has progressed, with two payments already received from DBAW (May 18 and September 10, 2009 for preliminary design, engineering services, environmental and 30-45% design), an invoice for 60% design having been submitted in November 2009, and 90% design to be completed by early 2010.

The ramp design has been reviewed many times in public since 2005, including at a number of hearings before the Board of Supervisors.

As to the division of the parcel, there is no parcel reduction contemplated as part of this NOID. When the Channel Islands Harbor Launch Ramp was relocated in the late 1970's, it was also enlarged. There has been discussion about the parcel being over-sized for launch purposes, and there have been projects proposed which could utilize some of that space. However, no decisions have been made by the Board of Supervisors, and it is possible that no change will occur at the Launch Ramp. In any case, this NOID would not be the proper forum for such a change. Rather, this would be considered, if at all, through preparation of a major Public Works Plan Amendment.

Please let me know if you have additional questions.

Sincerely yours,



LYN KRIEGER  
DIRECTOR

# WESCO SALES CORPORATION

---

December 3, 2009

Jack Ainsworth  
Regional Deputy Director  
California Coastal Commission  
89 S. California Street  
Ventura, CA 93001

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT (NOID) 2-09  
RECONSTRUCTION OF CHANNEL ISLANDS HARBOR PUBLIC BOAT  
LAUNCH FACILITY December 9, 2009, ITEM W 12c**

Dear Mr. Ainsworth:

On behalf of Wesco, Inc., I manage a boat yard, dry storage, and a marina in Channel Islands Harbor; a marina in Marina Del Rey; and a marina in San Diego as well as Yacht Sales offices in Ventura, Channels Islands Harbor and Marina del Rey. Because of the array of facilities and services under our management, we interact with a wide variety of boaters and the public.

We have worked with Ventura County regarding the replacement of the Public Launch facility in Channel Islands Harbor. The launch ramp is critical to the following operations of Wesco Sales and their customers in Channel Islands Harbor:

- Wesco Sales is a new boat dealer for Catalina Yachts, C-Dory Boats and Ranger Tugs. We use the launch ramp extensively to launch the trailerable boats for sea trials, demonstrations and new boat deliveries.
- Our self service 24 hour access storage yard at Channel Islands Landing services 86 trailerable recreational and commercial fishing boaters whose only access to the water is through the use of the Launch Ramp. Commercial fishing boats serviced by our yard also use the Launch Ramp.
- Our 400 Space Dry Storage facility also at Channel Islands Landing has many tenants whose boats are too large for our hoist and are such dependent on the launch ramp for water access.

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3821 So. Victoria Ave,  
(805) 985-6059

Channel Islands Harbor, CA 93035  
(805) 985-0949 fax

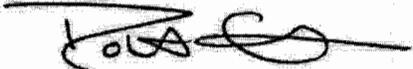
# WESCO SALES CORPORATION

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The existing Public Launch facility is in poor condition and of dated design. We have been so pleased that the County applied, received a grant award from the Department of Boating and Waterways, and has been working diligently on its replacement. The new design will make it easier to use for the public, especially those with limited experience in launching their boats. We support this effort, and urge you to, as well.

Thank you.

Sincerely,



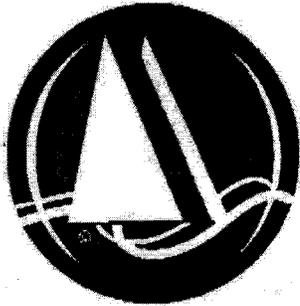
Bob Nahm  
VP/General Manager  
Wesco Sales Corporation

---

3821 So. Victoria Ave,  
(805) 985-6059

Channel Islands Harbor, CA 93035  
(805) 985-0949 fax





# Vintage Marina Partners LP

## Channel Islands Harbor

December 7, 2009

Jack Ainsworth, Deputy Director  
California Coastal Commission  
89 S. California  
Ventura, CA 93001

**RE: NOTICE OF IMPENDING DEVELOPMENT (NOID) 2-09  
RECONSTRUCTION OF CHANNEL ISLANDS HARBOR  
PUBLIC BOAT LAUNCH**

Dear Mr. Ainsworth:

Vintage Marina Partners operates properties in both Channel Islands Harbor and Dana Point Harbor, including two marinas, a shopping center and the Dana Point Harbor Launch Ramp and Dry Boat Storage. In addition, we are the operators of the Channel Islands Harbor Boat Show, which is held annually, in large part, at the Public Launch Ramp.

We have been aware of Ventura County's progress in seeking funding to replace the Launch Ramp in Channel Islands Harbor. The facility is nearly 30 years old, with very worn pavement on the ramp and worn and buckling asphalt in the parking lots. The design of the Launch ramp is also dated due to age. Because of my long experience operating the Dana Point launch facility, as well as operating our own marinas and Boat Show in Channel Islands Harbor, I am well aware of the vital contribution a public launch facility makes to a public harbor. We have consistently supported the reconstruction of the Channel Islands Harbor Launch Ramp, and continue to do so. The change in design and parking flow will make it easier for all boaters to use.

Thank you,

Brian Dunn  
Vintage Marina Partners L.P.



## Channel Islands Harbor Lessees

Promoting Harbor Business, Recreation & Education

Jack Ainsworth  
Regional Deputy Director  
California Coastal Commission  
89 S. California Street  
Ventura, CA 93001

4 December 2009

### EXECUTIVE BOARD

Randy Short  
PRESIDENT

F. Steven Buenger  
IMMEDIATE PAST PRESIDENT

Michael Koutnik  
SECRETARY

Edward Czucker  
CFO

### DIRECTORS

Brian Dunn

Wes Whitman

Bob Nahm

Jim Henry

Brad Hawes

### EXECUTIVE DIRECTOR

Penny Boehm

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT (NOID) 2-09 RECONSTRUCTION OF CHANNEL ISLANDS HARBOR PUBLIC BOAT LAUNCH FACILITY December 9, 2009, ITEM W 12c**

Dear Mr. Ainsworth:

On behalf of the Lessees of Channel Islands Harbor, I am writing to urge your support of the reconstruction of the Public Boat Launch Facility here.

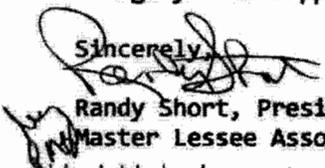
We have worked with Ventura County's Harbor Department for at least five years on the redesign and reconstruction of the Public Launch Ramp. Our Lessees represent nearly 2,200 boat slip renters, and also serve many of the 22,000+ boaters in Ventura County, plus those visiting from elsewhere. I represent Almar, the largest marina owner and manager west of the Mississippi River. We have a great deal of experience with boats and boaters, and are well aware of the vast range of experience they represent.

We believe the redesign of the Channel Islands Harbor Launch Ramp will be more usable by this wide range of boaters. The Launch Ramp as it now stands is deteriorating, and limits access by the public because of that fact.

I am concerned that often the opposition you hear regarding projects in many harbors but, in this case, specifically in Channel Islands Harbor, comes from non-boaters who really represent other interests. This project also will provide improved public walkways along the water and along Victoria Avenue, a very busy public street.

I urge you to support this repair and replacement project.

Sincerely,

  
Randy Short, President  
Master Lessee Association

The Channel Islands Harbor Lessees is a non-profit enterprise committed to promoting the Channel Islands Harbor as one of Southern California's premier waterfront destinations through prudent development of its infrastructure, balanced creation of resource opportunities, and preservation of its environmental integrity

December 4, 2009

Mr. Jack Ainsworth  
Regional Deputy Director  
California Coastal Commission  
89 S. California Street  
Ventura, CA 93001

Harborside  
Restaurant

Traditional  
Ships Chandlery

Boat Charters

Island  
Excursions

Yacht Brokers

Harbor Taxi

Sandwich Shop  
& Deli

Nautical Gifts  
Clothing & Decor

Fish Market

Sportfishing  
Landing

Waterfront  
Offices

Postal Services

Commercial  
Fishing Wharf

Bait & Tackle

Kayak Rentals

NOAA  
Channel Islands  
National Marine  
Sanctuary

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT (NOID) 2-09  
RECONSTRUCTION OF CHANNEL ISLANDS HARBOR PUBLIC BOAT LAUNCH  
FACILITY. December 9, 2009, ITEM W 12c**

Dear Mr. Ainsworth:

I own and operate the Marine Emporium Landing in Channel Islands Harbor. Our facility, recently completed and approved by the Coastal Commission a few years ago, offers a wide assortment of visitor serving activities. These activities include Restaurants, Sport fishing, Kayak Rentals, Segway rentals, Electric boat rentals, a Dive shop, Whale Watching, Island Tours, a full service Chandlery and much more. We facilitate public access to the Harbor and the Channel Islands in an array of choices and opportunities for the visitor and the local community. We are a full service public access facility.

We are familiar with the Public Launch Ramp replacement project underway in the Harbor. In our experience, boaters who launch in the Harbor stop by our facility for meals, supplies, and equipment. Our project serves the public arriving on land, but boaters are a critical part of our business and are the reason we offer particular services.

I urge you to support the County's request for approval of their Notice of Impending Development for this launch facility. It is one piece of a long-planned Harbor revitalization that is a low-cost public service.

Thank you for your consideration. Please feel free to contact me if I can be of assistance in any way. I can be reached in the office at 805/985-5828, ext. 22.

Sincerely,  
Marine Emporium Landing, LLC.



F. Steven Buenger  
Managing Member



**Marine Emporium Landing** *Gateway to the Channel Islands*

CHANNEL ISLANDS HARBOR • 3600 SOUTH HARBOR BOULEVARD, OXNARD, CA 93035 • OFFICE : 805/985-5828 • FAX: 805/985-1534  
[www.MarineEmporiumLanding.com](http://www.MarineEmporiumLanding.com)

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS**

Name or description of project, LCP, etc.: Item W12c Ventura County Channel Islands Harbor Public Works Plan Notice of Impending Development No. 2-09 (Channel Islands Harbor Public Boat Launch Reconstruction)

Date and time of receipt of communication: 12/2/09, 1:00 pm

Location of communication: Board of Supervisor's Office, Santa Cruz, California

Type of communication: In person meeting and teleconference

Person(s) initiating communication: Grant Weseman  
Lennie Roberts  
Sarah Corbin  
Margie Kay

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

There are some significant issues with this approval. Much of the land currently devoted to public parking and access would be removed. The number of trees would be cut in half. There is no protection of public access during construction. This approval would piecemeal the projects. They feel that it would be better to have a comprehensive plan in place in accordance with the Coastal Act.

Date: 12/2/09 Signature of Commissioner: 

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATION**

**Date and time of communication:** December 2, 2009, 10:00 a.m.  
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date & time of receipt should be indicated.)

**Location of communication:** Commissioner Neely's Eureka Office  
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

**Person(s) initiating communication:** Maggy Herbelin, Local ORCA Representative

**Person(s) receiving communication:** Commissioner Bonnie Neely

**Name or description of project:** Agenda Item W12c - Channel Islands Harbor Public Boat Launching Facility Notice of Impending Development (NOID), Public Hearing

**Detailed substantive description of content of communication:**  
(If communication included written material, attach a copy of the complete text of the written material.)

Ms. Herbelin said ORCA opposes the staff recommendation to find the Notice of Impending Development (NOID) consistent with the Public Works Plan (PWP) - a PWP Amendment should be required.

**Date:** November 2, 2009

  
\_\_\_\_\_  
Commissioner Bonnie Neely

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda Item W.12.c - Ventura County Channel Islands Harbor Public Works Plan Notice of Impending Development No. 2-09 (Channel Islands Harbor Public Boat Launch Reconstruction),

Time/Date of communication: Friday, December 4th, 2009, 9:30 am

Location of communication: La Jolla

Person(s) initiating communication: Dave Grubb, ~~Gabriel Soler~~ <sup>OK</sup>

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

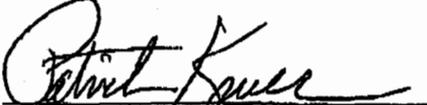
**Oppose** the staff recommendation to find the NOID consistent with the PWP, a PWP Amendment should be required.

This is piecemeal development. The boat launch area is being downsized to make way for a private development that includes residential uses.

Parking for the boat launch area is being reduced and made less convenient for access by boat trailers.

It is not proper to use the NOID process to bypass commission review of a major change to the Public Works Plan.

Date: December 4, 2009

  
Patrick Kruer

**DEPARTMENT OF BOATING AND WATERWAYS**

2000 EVERGREEN STREET, SUITE 100  
SACRAMENTO, CA 95815-3888  
(888) 326-2822  
www.dbw.ca.gov



## Item W 12c

December 7, 2009

Mr. Jack Ainsworth, Deputy Director  
South Central Coast Area  
89 South California Street, Suite 200  
Ventura, CA 93001

Dear Mr. Ainsworth:

The purpose of this letter is to provide clarification on the status of a project referenced in an email dated December 9, 2009 from Dr. Jonathan Ziv to Ms. Amber Tysor, California Coastal Commission. The email is in regard to Public Notice item NOID 2.09, for Reconstruction of the Channel Islands Harbor Public Boat Launching Facility, for Public Hearing and Action at the December 9, 2009 Commission Meeting in San Francisco.

On December 7, 2007, the California Boating and Waterways Commission (Commission) approved \$430,000 to the County of Ventura Harbor Department to cover the cost of plans for the rehabilitation of the Channel Islands Boat Launching Facility. These plans are now in the process of being completed. The details of the funding approved by the Commission can be found in the feasibility study prepared by the Department of Boating and Waterways (DBW) and approved by the Commission. Additional or future funding for this project has not been considered or approved.

In the email from Dr. Ziv to Ms. Tysor, reference is made to several County of Ventura Harbor Department "plans and actions" and to the "opinions" of Steve Watanabe, the DBW Facilities Division Chief, regarding the project. I would like to set the record straight. First, Dr. Ziv's information, especially as it pertains to Mr. Watanabe's statements, appears to contain inaccuracies and misquotes. Second, the Launch Ramp Rehabilitation is an approved project at the present time.

If you would like to discuss this matter further, please contact me at (916) 217-6979.

Sincerely,

A handwritten signature in cursive script that reads "Lucia C. Becerra".

Lucia C. Becerra  
Chief Deputy Director

**CALIFORNIA COASTAL COMMISSION**

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



# W 12c

**DATE:** November 19, 2009

**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) 2-09**, for Reconstruction of the Channel Islands Harbor Public Boat Launching Facility, for Public Hearing and Commission Action at the December 9, 2009 Commission Meeting in San Francisco.

## **SUMMARY AND STAFF RECOMMENDATION**

The Ventura County Harbor Department proposes to reconstruct the public launch ramp on the east side of the harbor, including adjusting the ramp angle, reinforcing the existing support rip-rap, re-paving the site, demolishing and reconstructing the public restroom, constructing a new public walkway along the waterfront and along Victoria Avenue, relocating the entrance along Victoria Avenue, and improving the lighting and landscaping at the Channel Islands Harbor Launching Facility, Victoria Avenue, Oxnard, Ventura County.

The required items necessary to provide a complete Notice of Impending Development (NOID) were received in the South Central Coast Office on November 2, 2009 and the notice was deemed filed on November 9, 2009.

Staff is recommending that the Commission determine that the impending development **is consistent** with the certified Channel Islands Harbor Public Works Plan (PWP) if modified pursuant to **five (5) special conditions** regarding: (1) removal of temporary construction trailer, (2) approval of resource agencies, (3) invasive plants, (4) public walkway, and (5) walkway signage program. 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 the project proponent's filing of 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 Ventura County Harbor Department Notice of Impending Development 2-09 (Channel Islands Harbor Public Boat Launching Facility), 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 2-09, 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 2-09, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan for the reasons discussed in the findings herein.

## **SPECIAL CONDITIONS:**

### **1. Removal of Staging Equipment**

The applicant shall remove all staging equipment and all construction related debris from the staging site within sixty (60) days of completion of all development authorized under Ventura County Harbor Department NOID 2-09.

### **2. 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.

### **3. 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.

### **4. Public Walkway**

By acceptance of this authorization for development, the Harbor Department agrees to construct the proposed public walkway along Victoria Avenue adjacent to the Public Boat Launch Parcel (N-2) and along the waterfront portion of the parcel with the reconstruction of the site and shall open the public walkways for public use prior to or concurrently with the authorization to use (final building completion and inspection) the new restroom building on the parcel.

### **5. Public Walkway Signage Program**

A. Prior to commencement of development on the subject parcel, the Ventura County Harbor Department shall submit, for review and approval of the Executive Director, a signage plan which declares the public's right to use the pathway along Victoria Avenue. The signage plan shall be implemented prior to authorization to use the new restroom building on the parcel.

B. The Ventura County Harbor Department shall undertake development in accordance with the approved final signage 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 and is needed.

### **III. 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 reconstruct the existing public launch ramp and associated boater amenities located on a 6 acre parcel located along Victoria Avenue on the east side of Channel Islands Harbor. The parcel is located just south of the existing Fisherman's Wharf development. The project site is currently developed with a boat launch constructed in 1978, a parking lot, minimal landscaping, open lawn areas, two restroom buildings, an office building, boat wash facilities and a public walkway along the waterfront. Additionally, several small boat slips occupy the waterway adjacent to this parcel, which are not proposed to be redeveloped.

The reconstructed launch ramp will be approximately 110 ft. wide with six 15 ft. wide lanes. The deteriorating concrete floating boards that are currently located on the existing launch ramp will be removed and replaced with three 110 ft. x 6 ft. boarding floats with four concrete piles per float attached to a concrete abutment at the top of the ramp. Reconstruction of the launch ramp will not require dredging. Additionally, the angle of the ramp will be adjusted to face the channel towards the west instead of facing south towards the small boat marina. The new configuration of the launch ramp will accommodate the same number of boats. The approximately 240 linear feet of existing rock revetment supporting the existing launch ramp will be reconstructed and new rip - rap will be added to support the new launch ramp. The area adjacent to the launch ramp will be re-paved and new lanes ("ready lanes") for launching will be added to reduce vehicle congestion.

The parking area on the site will be repaved and re-aligned. Parking dimensions will be similar to those that exist now. All spaces will be at least 10 feet wide, with some 45 feet

and 60 feet long with a pull-through design to accommodate large vehicles with boat trailers. Parking will allow for 161 vehicles and boat trailers and will replace the existing spaces for 196 vehicles with trailers. Currently, there are two entrances to the boat launch parking lot, one from south Victoria Avenue and one on Curlew Way at the south end of the site which contains an entrance and an exit. The intersection of Victoria Avenue and Curlew Way is controlled by a traffic light. The Harbor Department proposes to close the south Victoria Avenue entryway and expand the Curlew Way entrance/exit. A new right turn lane will be added from Victoria Avenue onto the existing Curlew Way. (Exhibit 1-7) Drainage improvements are proposed to control pollutants associated with stormwater runoff from the launch ramp area. Four self-service boat wash bays and seven rigging stalls are located adjacent to the ramp. The boat wash down area will either use a filter system to remove contaminants before discharge or will recycle the water for re-use at the boat wash. Sewage pumpout service is located adjacent to the ramp. Stormwater runoff from the parking lot will be directed to two large biofilter areas and catch basins that will filter water before it enters the harbor water.

The existing landscaping will be improved and augmented and the lighting and streetscape along Victoria Avenue will be added. Landscaping on the parcel is in poor condition. There are approximately 245 trees on the site, including Myoporum, Melaleuca, Mexican Fan Palm and New Zealand Christmas trees. Construction and reconfiguration of the site will require removal of 140 trees and 105 trees will remain but will be relocated. On-going bird surveys conducted by the County's Biologist, Dr. Froke have never identified any nesting trees for heron, egrets, or other sensitive bird species on the site or within 300 feet of the site. The closest tree found to be occupied by a heron nest is on the peninsula, approximately 900 feet across the channel. The trees will be replaced with native and/or non-invasive species pursuant to the landscape plan submitted by the Harbor Department. (Exhibit 8)

A new approximately 1,100 ft. long, 10 ft.-wide public walkway is proposed along Victoria Avenue and Curlew Way. Additionally, a new approximately 900-ft long public pedestrian walkway along the waterfront is also proposed. (Exhibits 3 & 5). The project also includes removal of the existing public restroom building and construction of a new 700 sq. ft., 15 ft.-high, public restroom, including accessibility upgrades. A small grassy area near the restroom building will be improved with public picnic tables. An existing restroom facility located near the existing office building will remain towards the southern portion of the parcel. The construction staging area for the project is proposed to be contained within the site itself, secured, and screened. The launch ramp will be kept open to the public for part of the construction period.

The Harbor Department has included in its submittal a list of 30 conditions, "County of Ventura Conditions of Approval: NOID- Repair and Rehabilitation of the Public Boat Launching Facility." (Exhibit 9), some of which incorporate the recently approved policies contained in the Channel Islands Harbor Public Works Plan Amendment 1-07 (revised findings certified by the Commission on October 16, 2008). The Harbor Department's conditions relate to: biological resources (condition 26), *caluerna taxifolia* (Condition 27), eelgrass (Condition 28), signage for public walkways during construction (condition 22), surveys for a water quality management plan (condition 30), best

management practices (condition 19), construction and maintenance responsibilities and debris removal (condition 29), lighting (condition 11), and construction staging (condition 20).

### 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 and can be made consistent with the PWP, or 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 PWP (originally certified in 1986 and more recently amended). 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. RECREATIONAL BOATING**

The certified Channel Islands Harbor PWP incorporates by reference Coastal Act Sections 30213, 30220, 30224, and 30234, to protect and promote recreational boating and commercial fishing facilities in the Harbor.

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 30220 states:

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

Section 30224 states:

***Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.***

Section 30234 states:

***Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.***

In addition, the **Recreational Boating** policies in the Public Works Plan protect visitor-serving opportunities.

Policy 2 states:

***2. To provide for, protect and encourage increased recreational boating use of coastal waters, the following policies shall be implemented:***

- a. Harbor recreational boating facilities shall be protected, and where possible upgraded in order to provide further opportunity to the recreational boater;**
- a. dry boat storage spaces shall be provided on Parcel P to accommodate a minimum of 400 vessels;**
- b. water storage space shall be provided for at least 2,500 recreational boat slips**
- c. no more than 30% of the Harbor land area shall be developed for visitor serving uses not directly related to boating;**
- d. a target number of 5% of the recreational boat slips shall be available as guest slips**
- e. to protect the recreational character of the Harbor areas, no more than 5% of the boating supply shall be provided for live-aboard use;**
- f. the existing open water areas in the inner Harbor, as depicted on the Land Use Map as "Waterways" (Figure IV) shall not be developed with surface structures of any kind, floating or otherwise, except in cases of emergency here temporary structures are required, or unless authorized pursuant to an amendment to the Public Works Plan certified by the California Coastal Commission.**

The project includes reconstruction of the public launch ramp on the east side of the harbor, which includes adjusting the ramp angle, reinforcing the existing support rip-rap, re-paving the site, demolishing and reconstructing the public restroom, constructing a new public walkway along the waterfront and along Victoria Avenue, relocating the entrance along Victoria Avenue, and improving the lighting and landscaping at the Channel Islands Harbor Launching Facility. The NOID complies with the above policies to protect recreational boating uses. The uses of the site are not proposed to change and will be consistent with the uses designated in the Public Works Plan. The Public Works Plan designates the landside portion of the site as Visitor Serving Harbor Oriented ("V.S.H.O.") and the waterside portion as Visitor Serving Boating ("V.S.B."). The permitted uses for V.S.B. on the water include: boat storage, boat and boating equipment rental, sales, display, brokerage and minor repair services. The uses of the waterside will not change, the small boat slips will remain, and the launch ramp will be reconstructed. According to the PWP, the purpose of the landside designation, V.S.H.O, is "to provide for visitor serving uses and amenities which are either directly related to the boating activity within the Harbor, or ancillary to it." The permitted uses for the V.S.H.O. designation on the landside portion of the site include: picnicking and other passive recreation, lodging, dining, fast food and shopping in chandleries, gift shops and boutiques, motels, restaurants, convenience stores, gas stations, fire stations, community centers/meeting places, yacht clubs, park areas, marine museums and marine oriented research facilities. The uses of the site will be consistent with this designation, as the site will continue to be used to support boating and recreational uses. The boat launch will remain to serve visitors to the Harbor and the site will be improved with picnic facilities, a new restroom, and public pathways for recreational uses as well as boaters. Further, Table I of the PWP identifies a boat launch as an allowable use for parcel N-2.

Therefore, as proposed, the Notice of Impending Development is consistent with the recreational boating policies of the certified Public Works Plan.

### **C. COASTAL ACCESS**

In addition to the recreational provisions mentioned above, the certified Channel Islands Harbor PWP incorporates by reference Coastal Act Sections 30211 and 30212 to ensure that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the water, consistent with the need to protect public safety, private property and natural resources.

Coastal Act Section 30211 states:

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

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except where:

***(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,***

***(2) adequate access exists nearby, or,***

***(3) agriculture would be adversely affected.***

***Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.***

Further, the **Public Access and Recreation** Chapter of the PWP provides protections for public access.

Policy 2 states:

***Public access from the closest public roadway to the shoreline or along the waterfront shall be provided in new development or redevelopment projects, unless:***

***a. to do so would jeopardize the public safety, military security needs, or the adequate protection of fragile coastal resources;***



***b. sufficient access exists nearby.***

***The County will designate a public or private agency which shall be responsible for the operation, maintenance and liability of dedicated accessways prior to the approval of any new development or redevelopment projects. Actual improvements to accessways shall be completed and operational prior to the completion of new development or redevelopment.***

Policy 5 states:

***Maximum pedestrian waterfront access shall be provided by incorporating waterfront pedestrian walkways into all redevelopment projects. Where existing structures are found to interfere with lateral shoreline access, walkways shall be located as close as possible to the water. All walkways shall be linked with adjacent walkways in order to insure uninterrupted pedestrian movement. A promenade walkway shall be provided along the Harbor frontage for all new development.***

The project site contains a public pathway along a majority of the waterfront and an unimproved pathway along Victoria Avenue. The proposed project includes construction of a new approximately 1,100 foot-long public pedestrian walkway along Victoria Avenue and Curlew Way. The entire walkway will be improved with landscaping, including trees, shrubs, and vines. The proposed walkway along Victoria Avenue will connect with Curlew Way, a small cul-de-sac just to the south of this parcel. Pedestrians will be able to walk down Curlew Way to the water's edge. Additionally, the project includes an approximately 900 foot-long public pathway along the waterfront in compliance with PWP Policy 5, above.

In order to ensure that the proposed walkways are completed in a timely manner, the Commission finds it necessary to require the Harbor Department to construct the walkway improvements and to open the public walkways prior to or concurrent with the completion of the improvements (restroom) approved in this NOID. This is required by Special Condition No. 4. Further, Special Condition No. 5 requires the Harbor Department to develop and implement a signage program that clearly delineates the public access pathway. As so conditioned, the Commission finds that the proposed project will not result in any adverse impacts to public access to and along the waterways in the Harbor and that this Notice of Impending Development is consistent with applicable public access policies of the Channel Islands PWP.

**D. VISUAL RESOURCES**

The certified Channel Islands Harbor PWP incorporates by reference Coastal Act Section 30251, which seeks to protect the visual and scenic qualities of coastal areas as a resource of public importance.

Coastal Act Section 30251 states:

***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

In addition, Policy 22 under Public Access and Recreation, Visual Access in the certified PWP states:

***To enhance visual quality and ensure that new development and redevelopment activity does not impede views to the water area from the roadway to and from the waterfront and inland Harbor area, the following measures shall be implemented by the County:***

***a. A view corridor shall be defined as that area between the roadway and the roadway and the water which is not occupied by buildings, solid walls or fences, or landscaping which might interfere with the view of the water or water surface activity from the roadway.***

***b. A view corridor shall be measured from the linear distance paralleling the nearest public road.***

***c. At least 25% of the Harbor shall provide a view corridor that is to be measured from the first main road inland from the water line, which shall be at least 25 feet in width. View corridors shall be landscaped in a manner that screens and softens the view across any parking and pavement areas in the corridor. This landscaping, however, shall be designed to frame and accentuate the view, and shall not significantly block the view corridor. All redevelopment shall provide maximum views. Other than the proposed Boating Instruction and Safety Center (BISC) identified in this plan, no new development within a designated view corridor shall occur without an amendment to the Public Works Plan.***

***d. Future building or redevelopment in the Harbor shall not exceed 2 stories or 25 feet in height or 35 feet on parcel V-1 at the corner of Victoria and Channel Islands Boulevard. Height shall be measured from the centerline of the frontage road.***

The public views of the harbor waterways from Victoria Avenue and other public viewing areas in the harbor will not be adversely affected by the proposed development. The proposed restroom building will only be 15 feet high and 700 square feet and will not

block views. To minimize lighting impacts, the Harbor Department has included the following condition as part of its approval of the project to minimize view impacts:

11. Prior to installation of lighting, a lighting plan shall be submitted to the Harbor Department showing type of fixtures, heights, and intensity of illumination. Lighting plan [sic] shall comply with the standards approved by the County of Ventura and included in the Channel Islands Harbor Public Areas Plan & Design Guidelines. Lighting fixtures shall be cut-off type fixtures that divert lighting downward onto the property and shall not cast light onto adjacent property, roadways or waterways. Under canopy lighting shall be concealed or recessed so as not to be directly visible from the street.

Therefore, the Commission finds that, as conditioned by the Harbor Department, the proposed Notice of Impending Development for the Public Boat Launch Facility Reconstruction is consistent with the applicable visual resource protection policies of the certified Public Works Plan.

#### **E. BIOLOGICAL 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 Harbor Department proposes to reconstruct the public launch ramp on the east side of the harbor, including adjusting the ramp angle, reinforcing the existing support rip-rap, re-paving the site, demolishing and reconstructing the public restroom, constructing a new public walkway along the waterfront and along Victoria Avenue, relocating the entrance along Victoria Avenue, and improving the lighting and landscaping. 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.***

***Notwithstanding this man-made environment, several bird species, such as great blue herons and black-crowned night herons, 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. In addition, nearby Hollywood Beach west of the Harbor is designated as critical habitat for western snowy plover and California least tern.***

The presence of these bird species is 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 proposed project is located on the east side of Channel Islands Harbor. The 6 acre project site contains approximately 245 trees, including Myoporum, Melaleuca, Mexican Fan Palm and New Zealand Christmas trees. Construction and reconfiguration of the site will require removal of 140 trees and 105 trees will remain but will be relocated. No trees on the property or on the east side of the harbor have been documented to contain nests of sensitive bird species according to surveys conducted by Dr. Jeffrey Froke, the Harbor Department's biologist. Dr. Froke regularly conducts surveys of trees within Channel Islands Harbor to identify locations of great blue heron and black-crowned night heron nests, and nests of other sensitive species. Dr. Froke has never documented nesting trees on the Harbor's east side along Victoria Avenue, where the project site is located. However, great blue herons and black-crowned night herons use various locations throughout the Channel Islands Harbor as nesting sites. These sites have been documented monthly from 2003 to the present by Dr. Froke. The closest known tree used for nesting (Great Blue Heron nest), a Mexican Fan Palm, is located on the peninsula adjacent to the existing hotel, approximately 900 feet across the channel. Nevertheless, the Harbor Department has proposed to conduct biological surveys in conformity with those required by Policy 10 of the PWP to determine the presence of nesting birds (Harbor Department Condition 26) prior to the removal or relocation of any tree. Further, because no tree on the site has been used for breeding or nesting within the last five years, as documented by Dr. Froke, the 5-Year Tree Trimming and Removal Program approved through NOID 1-09 at the June 10, 2009 Commission hearing will not apply.

The Harbor Department is proposing to replace the removed trees pursuant to the submitted landscape plan. Although the landscape plan submitted by the Harbor Department includes native and/or non-invasive species, to ensure that the final landscape plan does not impact marine resources, **Special Condition Three (3)** requires that all vegetated landscaped areas consist of native plants or non-native drought tolerant plants, and requires that no plant species listed as problematic and/or invasive by the California Native Plant Society (the California Invasive Plant Council, or as may be identified by the State of California be used in any landscaping or planter areas, or allowed to naturalize or persist on the site. This condition also prevents plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government from being utilized within the property.

## 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 Two (2)** 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.

Therefore, as conditioned, the Commission finds that the proposed Notice of Impending Development is consistent with the biological policies of the certified PWP.

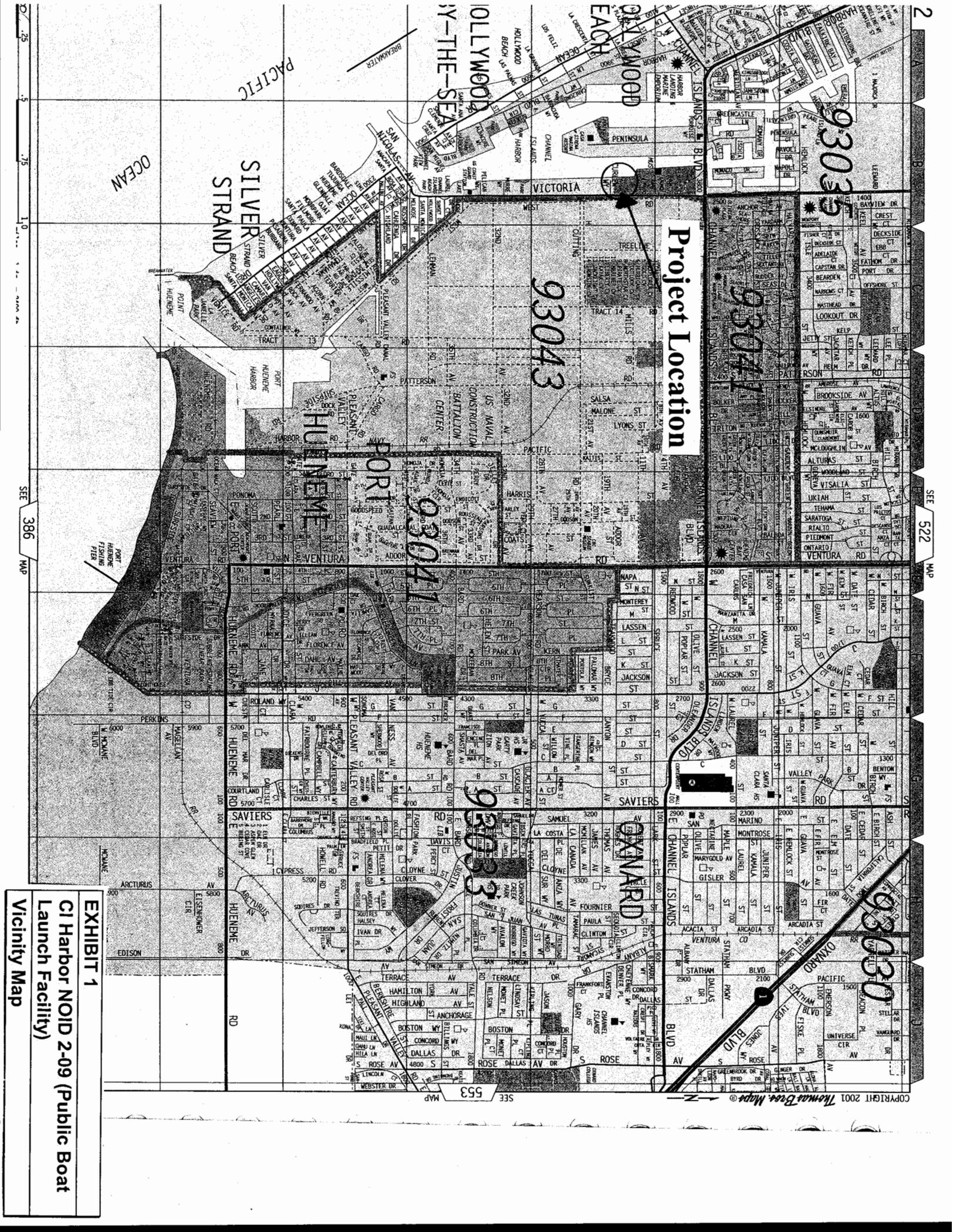
#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act (“CEQA”),<sup>1</sup> has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15302. 14 C.C.R. § 15302 (“Replacement or Reconstruction”); 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 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 the 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.

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<sup>1</sup> Cal. Pub. Res. Code (“PRC”) §§ 21000 *et seq.* All further references to CEQA sections are to sections of the PRC.



**Project Location**

**EXHIBIT 1**  
**CI Harbor NOID 2-09 (Public Boat Launch Facility)**  
**Vicinity Map**

0 .25 .5 1.0  
 1.0 2.0 3.0 4.0 5.0  
 SEE 386 MAP

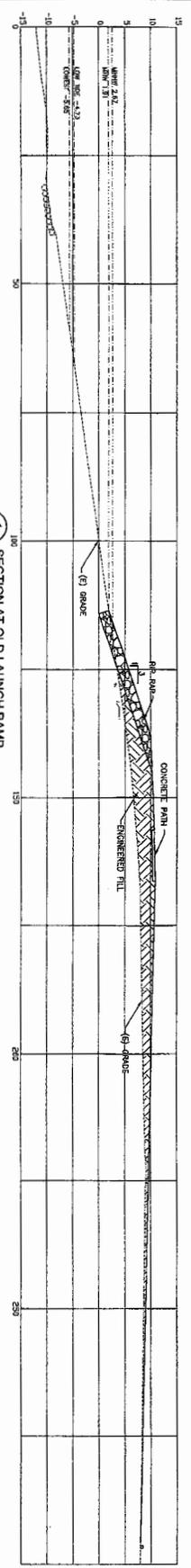
SEE 522 MAP

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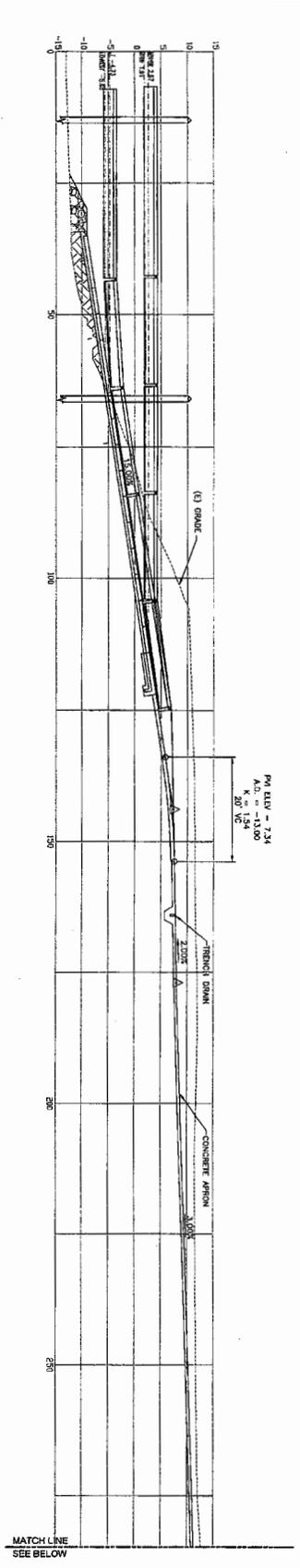








SECTION AT OLD LAUNCH RAMP  
SCALE 1" = 10'



MATCH LINE  
SEE BELOW

SECTION AT NEW PARKING LOT AND LAUNCH RAMP  
SCALE 1" = 10'

MATCH LINE  
SEE ABOVE

Channel Islands Harbor  
NOID-Replacement and  
Rehabilitation of Public Boat  
Launch Facility  
Submitted November 2, 2009

CROSS SECTIONS

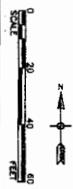
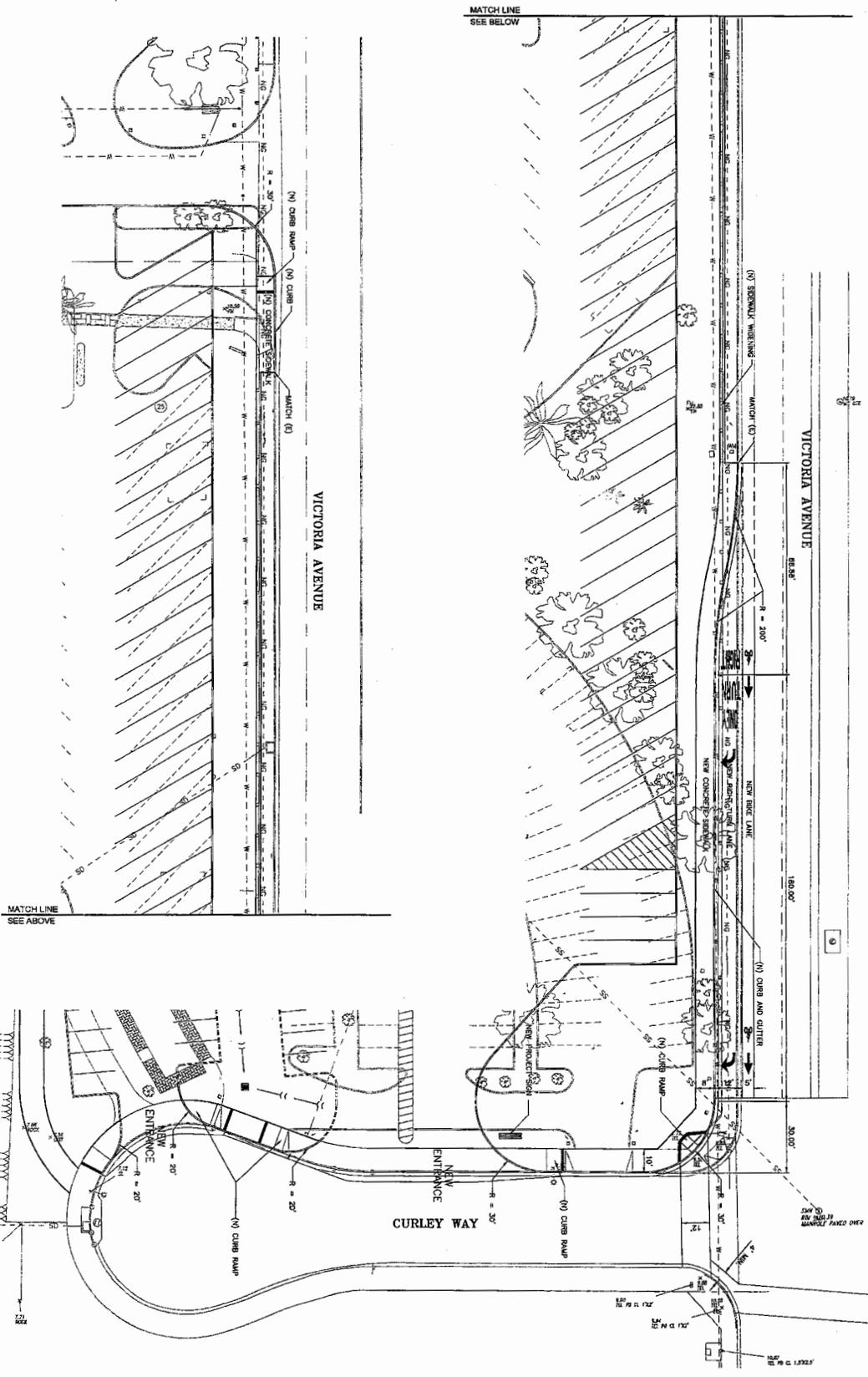
**EXHIBIT 4**  
**CI Harbor NOID 2-09 (Public Boat Launch Facility)**  
**Launch Ramp Section**

IF THIS DRAWING FITS WITHIN THE BOUNDARY OF A REDUCED SIZE DRAWING

CHANNELS LAUNCH RAMP PROJECT  
OXNARD, CALIFORNIA

CONSULTANTS:

**TranSystems**  
183 Grand Avenue  
Suite 400  
Culand, California 94812  
PHONE: 510-435-2781  
FAX: 510-435-9439



|             |                              |
|-------------|------------------------------|
| PROJECT NO. | 2009-01                      |
| SCALE       | AS SHOWN                     |
| DESIGNED BY | TRAN SYSTEMS                 |
| DRAWN BY    | J. V. and B.V.               |
| CHECKED BY  | Q.M.                         |
| SHEET TITLE | VICTORIA AVENUE & CURLEY WAY |

Channel Islands Harbor  
 NOID-Replacement and  
 Rehabilitation of Public Boat  
 Launch Facility  
 Submitted November 2, 2009

|   |              |
|---|--------------|
| INCH RAMP PROJECT   | CONSULTANTS: |
| LIFORNIA  |              |
|   |              |
| 180 Grand Avenue<br>Suite 400<br>Carlsbad, California 94012<br>PHONE: 910-825-2761<br>FAX: 910-835-9839 |              |

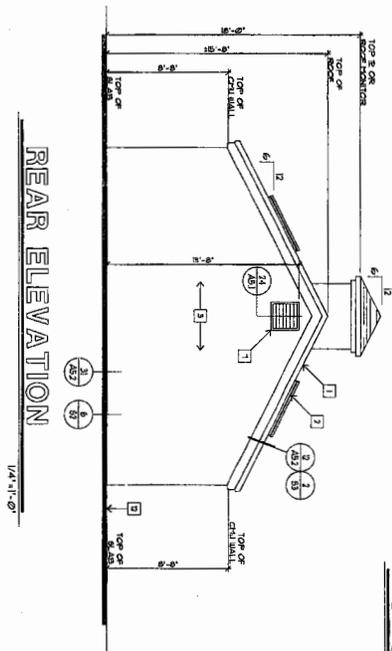
**EXHIBIT 5**  
**CI Harbor NOID 2-09 (Public Boat Launch Facility)**  
**Victoria Avenue Improvements**

IF THIS DOCUMENT IS REPRODUCED IN ANY MANNER, THE REPRODUCER SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMISSIONS FROM THE ORIGINAL AUTHOR.



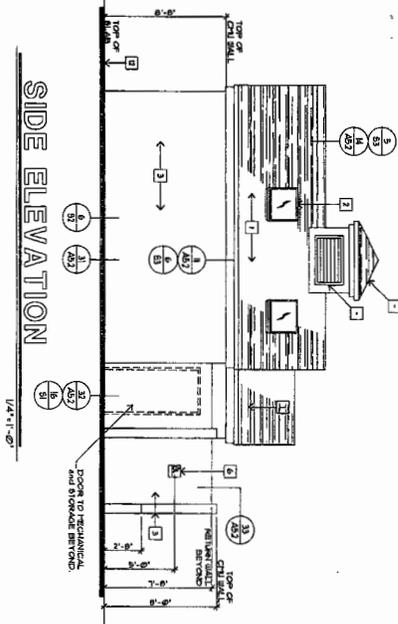
THIS DRAWING, INCLUDING THE DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE PREPARED FOR USE IN CONNECTION WITH THE PROJECT IDENTIFIED HEREON UNDER THE CONDITIONS EXISTING ON DATE. ANY USE, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF ARCHITECTS WEST SHALL BE AT USER'S SOLE RISK.

REAR ELEVATION



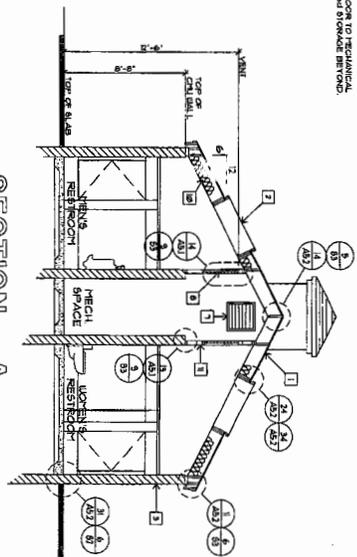
1/4" = 1'-0"

SIDE ELEVATION



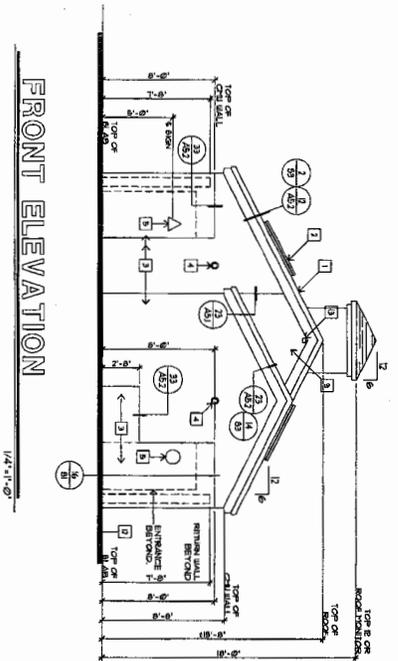
1/4" = 1'-0"

SECTION A



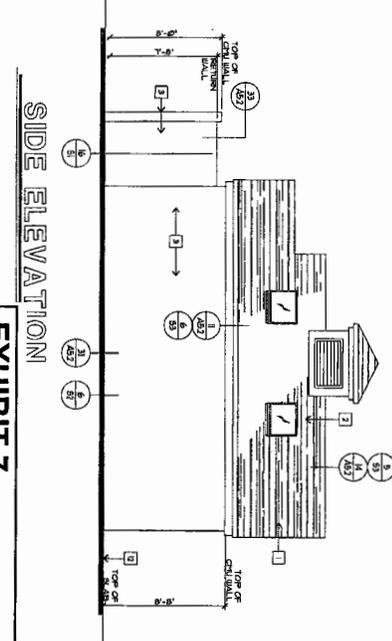
1/4" = 1'-0"

FRONT ELEVATION



1/4" = 1'-0"

SIDE ELEVATION



1/4" = 1'-0"

REFERENCE NOTES

1. REAR GABLET SLATE TILE ROOF OF ROOFING ASSEMBLY. SEE DETAILS.
2. 2" x 4" ANCHORED ALUMINUM RAFTER BRACKETING BRACKET. SEE DETAIL. SEE ROOF PLAN.
3. 1/2" COMPACTED FLOOR SAND. SEE ROOF PLAN.
4. EXTERIOR LIGHT FIXTURE PER ELECTRICAL PLAN.
5. 1/2" x 1/2" GYPSUM BOARD.
6. 1/2" x 1/2" GYPSUM BOARD.
7. 1/2" x 1/2" GYPSUM BOARD. SEE DETAIL.
8. 2x4x8 NIPPLE. PER ON WENT. STORE RESISTANT LAMINATE VENEER.
9. 2x4x8 NIPPLE. PER ON WENT. STORE RESISTANT LAMINATE VENEER. PROVIDE STEEL TIEBACKS. PROVIDE 1/2" x 1/2" GYPSUM BOARD.
10. R-10 INSULATION IN ALL VALUED CELEBRAS PER AND SILL. PROVIDE RESISTANT LAMINATE VENEER. PROVIDE 1/2" x 1/2" GYPSUM BOARD.
11. 1/2" x 1/2" GYPSUM BOARD. PROVIDE RESISTANT LAMINATE VENEER.
12. 1/2" x 1/2" GYPSUM BOARD. PROVIDE RESISTANT LAMINATE VENEER.
13. LOCATION OF PHOTO CELL TO CONTROL EXTERIOR LIGHTING. SEE ELECTRICAL.
- 14.

PROJECT: CHANNEL ISLANDS HARBOR NOID-2-09 (PUBLIC BOAT RESTROOM ELEVATIONS)

DATE: 11/02/09

DESIGNED BY: GOS

CHECKED BY: GOS

SHEET TITLE: EXTERIOR ELEVATIONS

Channel Islands Harbor  
NOID-Replacement and  
Rehabilitation of Public Boat  
Launch Facility  
Submitted November 2, 2009

EXHIBIT 7  
CI Harbor NOID 2-09 (Public Boat  
Launch Facility)  
Restroom Elevations

NCH RAMP PROJECT CONSULTANTS:

architect west

150 Grand Avenue  
Suite 403  
Oakland, California 94612  
PHONE: 510-435-2761  
FAX: 510-435-9609



**PLANT LEGEND**

- 9 EXISTING TREE TO REMAIN
- 0 TREE 15 GALLON SIZE

**PLANT LIST**

**AGENCY BOTANICAL NAME**

**TREES**

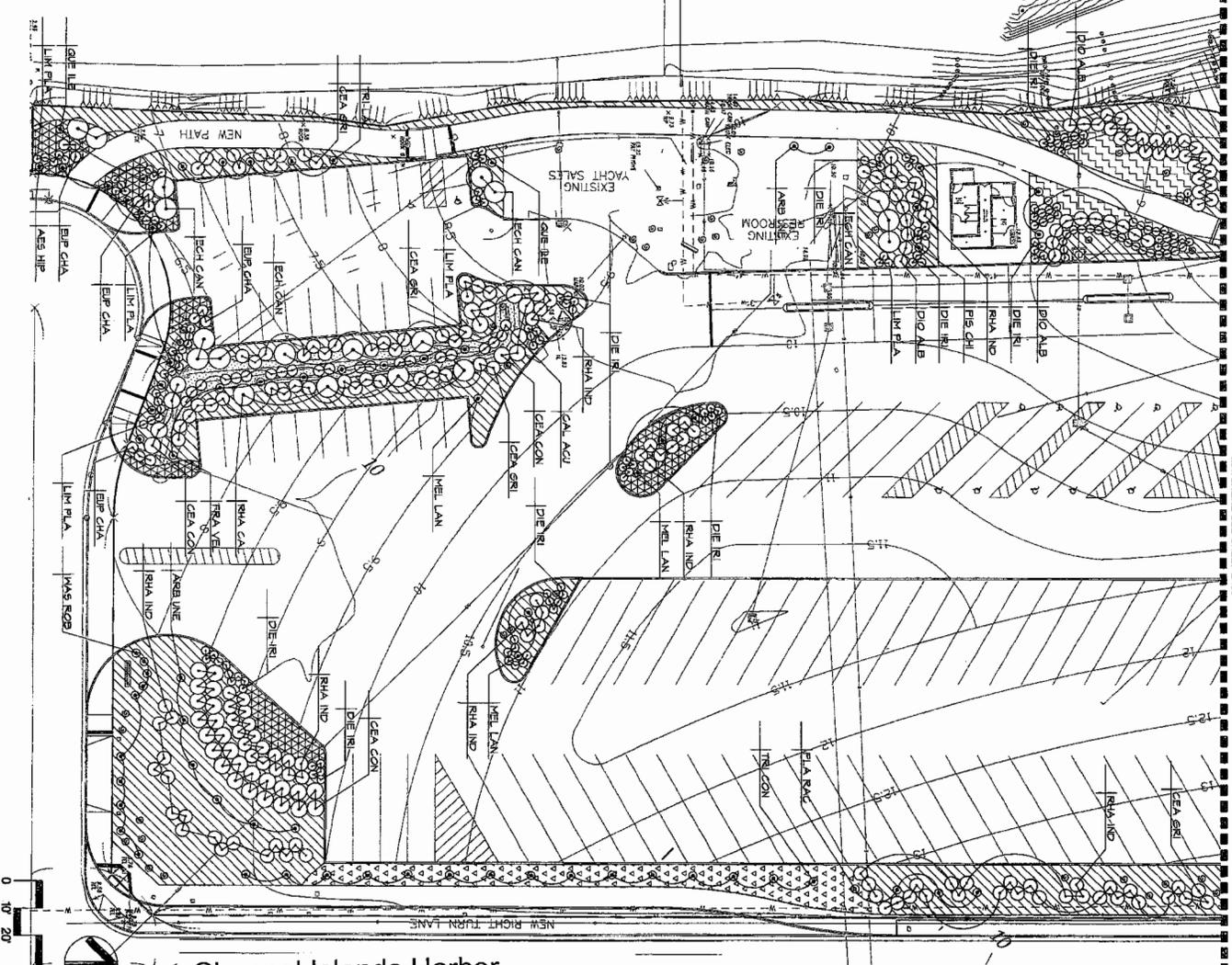
**COMMON NAME**

**SIZE**

**SPACING**

| AGENCY                    | BOTANICAL NAME                 | COMMON NAME                    | SIZE      | SPACING    |
|---------------------------|--------------------------------|--------------------------------|-----------|------------|
| ARB HIP                   | ARECATHA HEDYOTAEANUM          | RED HORSECHESTNUT              | 15 GALLON | AS SHOWN   |
| ARB JNE                   | ARECATHA URUBEO                | STRAWBERRY TREE                | 15 GALLON | AS SHOWN   |
| FRV VEL                   | FRAXINUS VELUTINA              | ARIZONA ASH                    | 15 GALLON | AS SHOWN   |
| MEL LAN                   | MELALEUCA LANCEOLATA           | BLACK TEA TREE                 | 15 GALLON | AS SHOWN   |
| NET TOH                   | HEPTACLOPIDIS TOMENTOSA        | NEW ZEALAND CHRISTMAS TREE     | 15 GALLON | AS SHOWN   |
| PIS CHI                   | PISTACIA CHINENSIS             | CHINESE PISTACHE               | 15 GALLON | AS SHOWN   |
| PLA SAC                   | PLATANUS RACEMOSA              | CALIFORNIA SYCAMORE            | 15 GALLON | AS SHOWN   |
| QUE ILE                   | *QUERCUS ILEX                  | HOLLY OAK                      | 15 GALLON | AS SHOWN   |
| QUE RUB                   | QUERCUS RUBRA                  | RED OAK                        | 15 GALLON | AS SHOWN   |
| SAL BAB                   | SALEX BABYLONICA               | KEEPING WILLOW                 | 15 GALLON | AS SHOWN   |
| TRI CON                   | TRISTANIA CONFERTA             | BRISBANE BOX                   | 15 GALLON | AS SHOWN   |
| TRI LAU                   | TRISTANIA LAURINA              | WATER GUM                      | 15 GALLON | AS SHOWN   |
| WAS ROB                   | WASHINGTONIA ROBERTA           | MEXICAN FAN PALM               | 15 GALLON | AS SHOWN   |
| <b>SHRUBS</b>             |                                |                                |           |            |
| CEA GRI                   | CEANOTHUS GRISEUS HORIZONTALIS | CARIBL GREENER                 | 5 GALLON  | 5'-0" O.C. |
| DIE RLI                   | DIETES IRIDIODES               | FORTNIGHT LILY                 | 1 GALLON  | 3'-0" O.C. |
| DIO ALB                   | DIOSMA ALBUM                   | WHITE BREATH OF HEAVEN         | 5 GALLON  | 5'-0" O.C. |
| ECH CAN                   | ECHEM CAUDICANS                | PRIDE OF MADERA                | 5 GALLON  | 8'-0" O.C. |
| EPH CHA                   | EPHORBIA CHAMAECAS POLYTRICH   | N.C.N.                         | 5 GALLON  | 4'-0" O.C. |
| LIM PLA                   | LIMNODIUM FLATPHYLLUM          | SEA LAVENDER                   | 1 GALLON  | 3'-0" O.C. |
| PHO TEN                   | PHORUM TENAX VARIEGATUM        | NEW ZEALAND FLAX               | 5 GALLON  | 6'-0" O.C. |
| RIA ND                    | RHAMNUS EPIS INDICA CLARA      | INDIAN HANDBORN                | 5 GALLON  | 5'-0" O.C. |
| <b>GRASSES</b>            |                                |                                |           |            |
| CAL ACU                   | CALYPTROGLOTTIS X ACUTIFLORA   | FEATHER REED GRASS             | 1 GALLON  | 4'-0" O.C. |
| CAR GLA                   | CAREX GLAUCA                   | BLUE SEDGE                     | 1 GALLON  | 2'-0" O.C. |
| <b>SEMI-CROPPERS</b>      |                                |                                |           |            |
| ARCOTHECA                 | ARCOTHECA CALENDULA            | CAFE NEEB                      | FLATS     | 1'-6" O.C. |
| COROSHA KIRKI             | VARIETAS                       | COROSHA                        | 1 GALLON  | 4'-0" O.C. |
| COTONEASTER               | DANNERI LOWFAST                | BEANBERRY COTONEASTER          | 1 GALLON  | 5'-0" O.C. |
| GAZANIA                   | RIGENS VAR. LEICOLABIA         | TRAILING GAZANIA NITSUWA WHITE | FLATS     | 1'-0" O.C. |
| MYRTORUM                  | PANRYVOLIUM                    | MYRTORUM                       | FLATS     | 6'-0" O.C. |
| <b>BIORETENTION AREAS</b> |                                |                                |           |            |
| BAC FIL                   | BACCHARIS FILLARIS             | COYOTE BRUSH                   | 1 GALLON  | 6'-0"      |
| CEA CON                   | *CEANOTHUS CONCHIN             | CALIFORNIA LILAC               | 5 GALLON  | 6'-0"      |
| LAV ASS                   | LAVATERA ASSURERITIFLORA       | TREE MALLOW                    | 5 GALLON  | 8'-0"      |
| MH RIS                    | MULLEBERGIA RIGENS             | DEER GRASS                     | 1 GALLON  | 4'-0"      |
| RIA CAL                   | RIHAMNUS CALIFORNICA           | COFFEEBERRY                    | 5 GALLON  | 8'-0"      |
| <b>TURF FROM SOD</b>      |                                |                                |           |            |
| DAWF                      | COTYLOTE BRUSH                 | DAWF COYOTE BRUSH              | 1 GALLON  | 5'-0" O.C. |
| ANCH BAY                  | CALIFORNIA LILAC               | ANCHOR BAY CALIFORNIA LILAC    | 1 GALLON  | 6'-0" O.C. |

**60% SUBMITTAL**  
OCTOBER 9, 2009



Channel Islands Harbor  
NOID-Replacement and  
Rehabilitation of Public Boat  
Launch Facility  
Submitted November 2, 2009

SHEET NO. L-104  
DATE 08 04 09  
DESIGNED BY TAI/PE  
CHECKED BY TAI/PE  
DATE 08 04 09  
PROJECT PRELIMINARY PLANTING PLAN

AUNCH RAMP PROJECT  
CALIFORNIA

CONSULTANTS:  
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Landscape Architecture  
811 Seventh Ave.  
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T 650.275.1315  
F 650.254.3200



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PHONE: 510.435.2761  
FAX: 510.435.9850

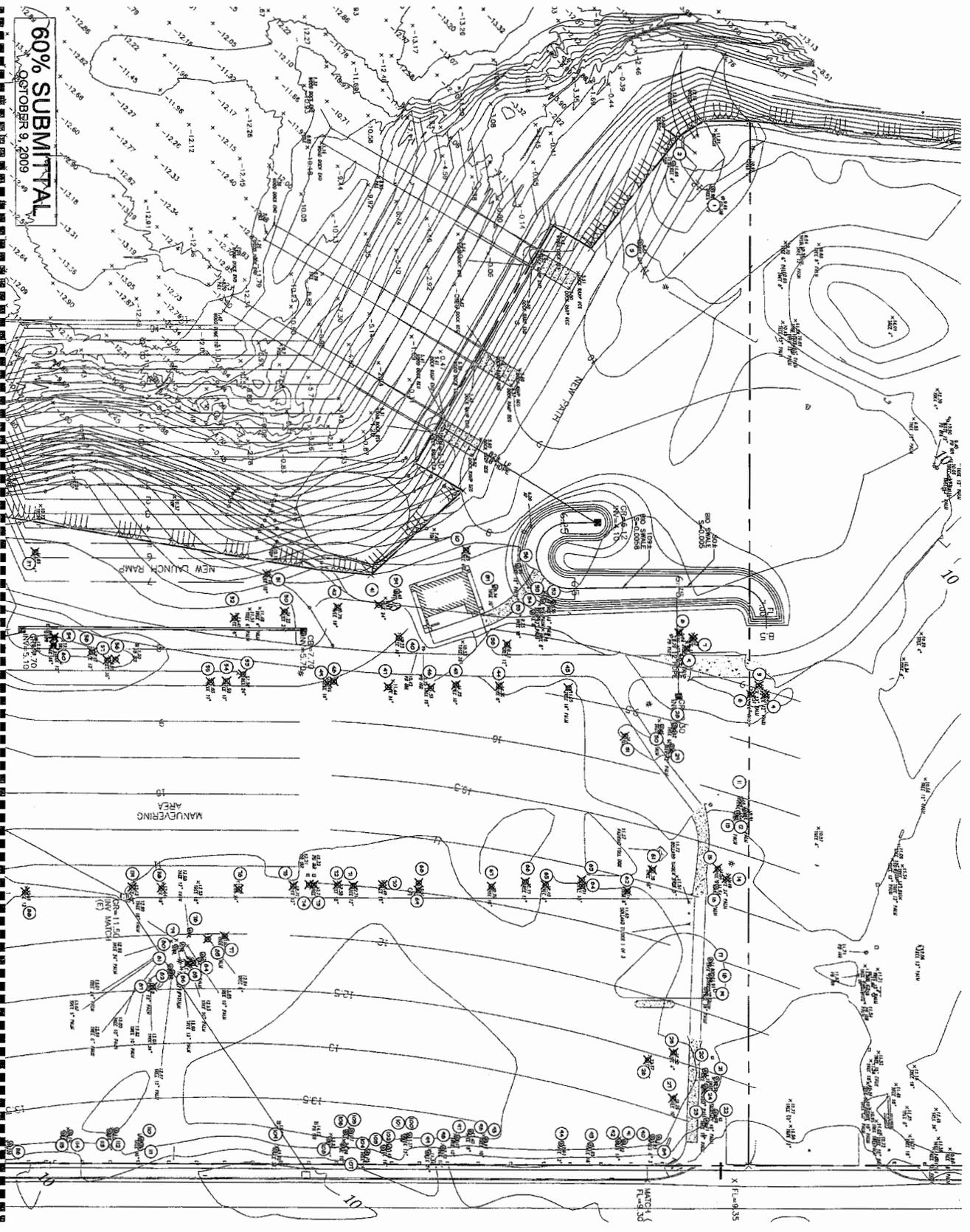
2





60% SUBMITTAL  
OCTOBER 9, 2009

THIS DRAWING IS LESS THAN 1/4" X 3/4" IN A REDUCED SIZE DRAWING  
MAYORAL SEE SHEET L-4



Channel Islands Harbor  
NOID-Replacement and  
Rehabilitation of Public Boat  
Launch Facility  
Submitted November 2, 2009

|             |                           |
|-------------|---------------------------|
| SHEET NO.   | L-108                     |
| DATE        | 10/09/09                  |
| DESIGNED BY | J.A.L.                    |
| DRAWN BY    | J.A.L.                    |
| CHECKED BY  | J.A.L.                    |
| APPROVED BY | J.A.L.                    |
| SHEET TITLE | TREE<br>INVENTORY<br>PLAN |

NCH RAMP PROJECT  
FORNIA

CONSULTANTS:



Callander Associates  
Landscape Architects  
311 Seventh Ave.  
San Mateo, CA 94401  
T 650.373.1515  
F 650.344.5395




180 Grand Avenue  
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Oakland, California 94612  
PHONE: 510-835-2761  
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4



**County of Ventura Conditions of Approval  
NOID – Repair and Rehabilitation of the Public Boat Launching Facility**

- 1) Prior to obtaining a building permit or grading permit from the City of Oxnard, the Harbor Department shall approve all plans for construction of this project, including grading, building, and landscaping plans. The revised plans submitted for approval by the Harbor Department and for building permit issuance shall demonstrate compliance with the PWP.
- 2) Plans submitted to the City of Oxnard for building permits shall include a copy of these conditions, as well as any additional special conditions added by the California Coastal Commission, on the first few sheets of the plans.
- 3) Any modifications to the plans after approval of the Harbor Department shall also be approved by the Harbor Department.
- 4) All landscaping, lighting, public access and signage plans shall comply with criteria approved by the County of Ventura.
- 5) No materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health shall be handled, stored or used on the project property, except as provided by a permit issued by the City of Oxnard Fire Department.
- 6) Landscaping and irrigation plans shall show proper water meter size, backflow prevention devices and cross-connection control. All irrigation systems shall be designed to be low water using and shall include automatic rain shut-off and water sensor shut off devices as water conservation measures.
- 7) All trees planted or placed on the property shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise approved on the landscape plans.
- 8) All vehicle access driveways shall be constructed to meet Fire Department conditions. All curbs adjacent to designated fire lanes shall be painted to prohibit parking or stopping in accordance with the California Vehicle Code.
- 9) All roof covering materials shall be of non-combustible or fire retardant materials as approved by the City of Oxnard Fire Department and the City of Oxnard Code.
- 10) All Fire Department approvals to ensure access and the availability of water for fire combat operations to all areas of the project shall be obtained prior to final occupancy.

- 11) Prior to installation of lighting, a lighting plan shall be submitted to the Harbor Department showing type of fixtures, heights, and intensity of illumination. Lighting plan shall comply with the standards approved by the County of Ventura and included in the Channel Islands Harbor Public Areas Plan & Design Guidelines. Lighting fixtures shall be cut-off type fixtures that divert lighting downward onto the property and shall not cast light onto adjacent properties, roadways or waterways. Under canopy lighting shall be concealed or recessed so as to not be directly visible from the street.
- 12) All trucks hauling graded or excavated material offsite, if any, shall be required to cover their loads as required by the California Vehicle Code Sec. 23114, with special attention to preventing spilling onto public streets.
- 13) All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
- 14) Contractor shall ensure that all construction equipment is maintained and tuned to meet applicable Environmental Protection Agency (EPA) and California Air Resources Board (CARB) emission requirements. At such time as new emission control devices or operational modifications are found to be effective, contractor shall immediately implement such devices or operational modifications on all construction equipment.
- 15) Contractor shall minimize the number of vehicles and equipment operating on site at the same time.
- 16) At all times during construction activities, contractor shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.
- 17) During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), contractor shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite.
- 18) Throughout construction, contractor shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways.
- 19) Contractor shall employ current Best Management Practices to protect against storm water runoff into storm drains and the harbor.

- 20) Construction staging areas shall be screened and protected to avoid material being blown or washed into the harbor. Screening material shall be approved by the Harbor Department. Contractor shall limit outdoor storage of materials to the locations shown and all construction material shall be stored within the staging area. Construction staging area shall remain locked and secure when not in use.
- 21) Hours of construction shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and not allowed on Sunday or holidays without prior approval of the Harbor Department.
- 22) Signage shall be provided to notify the public when access to public sidewalk will be blocked because of construction. Signage will indicate alternate routes.
- 23) All roof heating and cooling systems, and other exterior mechanical equipment, shall be screened from view from adjoining properties, waterways or public streets. Plumbing vents, ducts, and other appurtenances protruding from the roof of structure shall be placed so that they will not be visible from the front of the property, from waterways, or other vantage points. Roof vents shall be painted to match the roof material color.
- 24) Exterior utility meter panels shall be painted to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g., landscaping or other building elements) from public views, to the maximum extent feasible.
- 25) Adequate trash facilities and pick ups shall be provided to maintain the site free of debris, food waste, and to minimize scavenger birds.
- 26) Policy 10 of the Channel Islands Public Works Plan relating to the presence of black-crowned night herons, great blue herons, or snowy egrets, shall be implemented.
- 27) Policy 11 of the Channel Islands Public Works Plan relating to the disturbance to marine water and the possible presence of *Caulerpa taxifolia* shall be implemented.
- 28) Policy 12 of the Channel Islands Public Works Plan relating to the presence of eelgrass (*Zostera marina*) shall be implemented.
- 29) Construction and Maintenance Responsibilities and Debris Removal
  - 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.
  - 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 contractor 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 onset of such activity.
  - n) All BMPs shall be maintained in a functional condition throughout the duration of the project.
- 30) Water Quality Management Plan – All new development or redevelopment shall include 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 shall be provided as necessary. 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 and 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 oils, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall 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 onsite 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 85<sup>th</sup> percentile, 24-hour storm event for volume based BMPs, and/or the 85<sup>th</sup> 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 15<sup>th</sup> each year; 2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, 3) at least twice during the dry season.

- k) Debris and other water pollutants removed from structural BMPs during cleanout shall be contained and disposed of in a proper manner.
- l) The drainage system and the associated structures and BMPs shall be maintained according to manufacturer's specifications.

###