

**CALIFORNIA COASTAL COMMISSION**

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

**W 10a****ADDENDUM**

**DATE:** February 2, 2009  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item W10a, Channel Islands Harbor Notice of Impending Development 3-08 Channel Islands Landing/Boatyard Landside Reconstruction, for Public Hearing and Commission Action at the February 4, 2009, Commission Meeting in Huntington Beach.

The purpose of this addendum is to add a special condition to the staff report regarding the public walkway, attach and respond to correspondence from The Beacon Foundation, attach correspondence with the Ventura County Harbor Department, and attach correspondence from interested parties.

Note: ~~Strikethrough~~ indicates text to be deleted from the January 15, 2009 staff report and underline indicates text to be added to the January 15, 2009 staff report.

1.) The following changes to the report are necessary to add a public access walkway condition:

-Page 2 of the January 15, 2009 staff report:

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 ~~four (4)~~ **five (5) special conditions** regarding: (1) removal of temporary construction trailer, (2) approval of resource agencies, and (3) invasive plants, ~~and (4) tree removal survey,~~ and (5) public access.

-Page 4 of the January 15, 2009 staff report:

**5. Public Access**

By acceptance of this authorization for development, the Harbor Department agrees that the proposed public walkways on the Channel Islands Landing/Boatyard parcel and along Victoria Avenue shall be constructed concurrently with the construction/reconstruction of buildings and shall open for public use prior to or concurrently with the authorization to occupy new building at

3615 S. Victoria Avenue or the new building 3821 S. Victoria Avenue, whichever building opens first.

2.) The Beacon Foundation (“Beacon”) submitted a letter to the Commission regarding NOID 3-08, received on January 28, 2009, attached. Beacon requests that a condition be added to require construction of the proposed public walkway concurrently with construction and reconstruction of the buildings on the Channel Islands Landing/Boatyard site. Special Condition five (5), above, has been added to require the construction of the walkway occur during site construction/reconstruction and to require that the walkway is opened when the first of the new buildings is opened. Next, Beacon requests that the Commission add an additional special condition to require a waterside public walkway along the boatyard portion of the site in addition to the pathway along Victoria Avenue. The Commission has not required that a public walkway be constructed along that portion of the site. As explained in the January 15, 2009 staff report (pages 8-10), the Harbor Department has provided evidence showing that placing a public walkway along the waterfront of the boatyard site would jeopardize public safety there are no feasible mechanisms or design features to safely allow public access. Lastly, Beacon asserts that the project proposed in this NOID submittal should not be submitted as a NOID, but as part of a comprehensive landside amendment. The Commission notes that, for this particular project, an associated PWP amendment is not necessary for approval.

3) See attached correspondence from the Ventura County Harbor Department:

- January 27, 2009 letter from the Ventura County Harbor Department to Commissioners

- December 11, 2008 letter from the Ventura County Harbor Department to Coastal Commission staff, with attachments

- October 29, 2008 letter from the Ventura County Harbor Department to Coastal Commission staff, with attachments

- October 16, 2008 letter from the Ventura County Harbor Department to Coastal Commission staff

- September 29, 2008 letter from the Ventura County Harbor Department to Coastal Commission staff

4.) See attached letter from Leslie Wawrzeniak to Coastal Commissioners dated January 23, 2009 and email from Dennis Drissie to Marilyn Miller and Lyn Krieger dated January 15, 2009



# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd  
Oxnard, CA 93035

January 28, 2009

## W 10a

Landside Development  
Channel Islands Boatyard

Dear Commissioners,

**1. To assure public walkways are actually constructed as part of this project, we request that a fifth special condition be added to specify that the walkways must be constructed and opened concurrently with the new buildings and other project improvements to the site.**

This same special condition was added to NOID 2-06 for the Marine Emporium development as approved by the Commission on June 14, 2007. In the NOID as submitted by the County for the Marine Emporium and in the NOID submitted for this project, there is no stated commitment to install the required public walkway concurrently with occupancy of the commercial redevelopment. The requested special condition assures public access will actually be built. It is in accord with Policy 2 of the PWP specifying *“actual improvements to accessways shall be completed and operational prior to the completion of new development or redevelopment.”*

On June 24, 2008 the County Board of Supervisors endorsed in principal a study of “Landside Enhancements” in the Channel Islands Harbor. This Wallace Roberts & Todd study reports (page 20 ) that *“Victoria Avenue and the adjacent right of way are owned by the City of Oxnard”* and that improvements require coordination with the City and construction in accord with its specifications. There is no indication in the staff report or the County NOID filing that any approval by Oxnard of the Victoria roadside sidewalk has been obtained. Coastal Act section 30212(a) provides that *“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.”* We are very concerned that the roadside sidewalk may be delayed or never done at all based on the “loop hole” that Oxnard has not taken responsibility. The remedy is the proposed fifth condition that will require the County to have all needed permissions so that construction and opening of the sidewalk will proceed contemporaneously with the commercial project.

**2. To comply with public access requirements of the certified 1986 Channel Islands Harbor Public Works Plan (PWP), we request that a sixth special condition be added to specify a waterside walkway over the boatyard portion of this project in addition to the proposed street side walkway.**

Policy 5 of the PWP calls for *“maximum pedestrian waterfront access”* throughout the Channel Islands Harbor. Where such walkways did not exist at the time of the PWP certification, it is specified that they will be added at the time of new development or redevelopment. Despite this requirement, public walkways are still lacking more than twenty years later in many areas throughout the Harbor. At no place in the Harbor is the denial of public access more glaring than it is at the Channel Islands Boatyard site. There is no public walkway on the waterfront and only an unimproved dirt path on the landside shoulder of Victoria Avenue.

This is what this Wallace Roberts & Todd study says about public walkways in the area of the Channel Islands Boatyard:

*“Victoria Avenue does not have a continuous walkway, although it is regularly used by pedestrians and bicyclists of all ages. This, coupled with the street’s high traffic speed, [ i.e. 50 miles per hour] makes it dangerous and unpleasant for users. This is exacerbated by places with inadequate drainage after rain events, when ponding causes pedestrians to go onto the road. Victoria Avenue is also a main route for children walking or riding their bikes to Hollywood Beach Elementary School on the west side of the Harbor from the Silver Strand neighborhood. With no physical separation from traffic, this presents a potentially dangerous situation. This could be alleviated with an improved walkway along Victoria Avenue, and by providing a continuous waterside promenade along the Harbor’s eastern edge. This latter option is constrained by the presence of boatyards and several boat lifts that straddle the land-water interface.”*

Until now, and over the entire life of the Harbor, the County did nothing to ameliorate the severe safety hazard and lack of public access presented by the dirt shoulder path alongside Victoria Avenue. The County NOID focuses exclusively on extreme safety issues it asserts are presented by a boatyard waterfront public walkway. Despite these stated concerns, its redevelopment plan includes a pedestrian walkway on the waterside of the site. It is will be open to the private boat slip tenants but not to the public.

In reaction to Commission staff inquiry about the use of gates or pathway jogs to avoid hazards, the County raises a wall of worry. It asserts it is impossible to implement any safety precaution other than total public exclusion. This is not rocket science. Throughout the state use of temporary barriers for pedestrian safety safe is not unusual.

The County’s reason for excluding a public waterside walkway that most affronts public access is that: *“The pathway would dead end at the County Yard.”* (County letter of October 16, 2008 – emphasis by County). This yard is a County owned and occupied parcel immediately north of the Channel Islands Boat Yard. So, the argument for not putting in a waterside walkway is that the County will not allow it to be extended across the adjacent public land. A County letter to Commission staff of December 11, 2008 labels the whole idea of a waterside walkway on the boatyard parcel as *“an unreasonable demand.”*

The reasonable solution to the PWP public access requirement is to have both the improved Victoria Avenue sidewalk and a waterfront walkway. This would provide an alternative route whenever it was necessary to temporarily gate or close the waterside walkway for legitimate safety reasons.

### **3. This is a Piecemeal Proposal And Should Not Be Submitted As A NOID But As Part of A Comprehensive Landside Amendment to the PWP**

The land area of the Channel Islands Harbor totals 200 acres. Of that total this project at 14 acres accounts for 7% of the landside area (and a much larger fraction of landside harbor area actually open for redevelopment today). This is not a small or minor project. The Commission had a commitment from the County that landside improvements at the Harbor would be the subject of a comprehensive PWP amendment. In a letter of December 1<sup>st</sup> the Executive Director, at Commission direction, wrote to the County Board of Supervisors to reminded the County of this obligation. The letter was prompted by Board action sought by the Harbor Department that authorizes the County to proceed seeking piecemeal Commission approval of Channel Islands Harbor development projects.

Allowing the Channel Islands Boatyard proposal to proceed piecemeal is contrary to a comprehensive proposal. Departure of this proposal from the PWP requirements for waterside pedestrian access should trigger the requirement for a PWP amendment rather than a NOID.

Consideration of such an amendment should be deferred pending submission of a comprehensive landside amendment that would, among other things, deal with waterside public access on a Harbor-wide basis. The NOID should not be approved because it seeks approval of a project – specifically redevelopment without a waterfront pedestrian access – that is contrary to requirements of the certified Public Works Plan.

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

---

Lee Quaintance  
Secretary

Cc: Jack Ainsworth  
Amber Tysor



## CHANNEL ISLANDS HARBOR

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



Lyn Krieger  
Director

Telephone (805) 382-3001  
FAX (805) 382-3015  
www.channelislandsharbor.org

January 27, 2009

RECEIVED  
JAN 30 2009

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission  
45 Fremont Street, Suite 200  
San Francisco CA 94105-2219

**SUBJECT:** February 4, 2009 Commission Meeting, Huntington Beach  
Notice of Impending Development (NOID) 3-08,  
Channel Islands Landing/Boatyard Landside Reconstruction

Honorable Chair Neely and Members of the Commission:

The County of Ventura is pleased to present this Notice of Impending Development (NOID) for the renovation of the Channel Islands Landing and Boatyard. The County agrees with the staff report, which recommends that this NOID be found consistent with the certified Public Works Plan. However, we wish to provide some additional information about the uses on this property.

This coastal-dependent use is a priority use under the Coastal Act and is critical to Channel Islands Harbor to support both recreational and commercial boating. Channel Islands Landing Boatyard is notable – there are very few facilities to handle this tonnage in Southern California. A boat requiring a lift with capabilities over 100 tons has few choices when hauling out, namely Ventura, Channel Islands, and San Diego. This facility is also unique for the planned width of its ways, accommodating boats up to 125 tons and up to 32 feet in width. Current capacity is only 35 tons, in part because of the age and type of equipment.

This unusual combination of opportunities for haul out is essential to the support of recreational boating and commercial fishing. In addition to the width of its ways, this boatyard has one of the largest travel lifts in Southern California, and it provides the full services customary in a heavy industrial boatyard. Even fewer boatyards can accommodate storage of such vessels on land after being hauled in. Channel Islands Landing & Boatyard has sufficient land area to accomplish a variety of repairs within the boatyard proper.

We bring these special features to the Commission's attention because, in the course of NOID review, the staff raised issues related to the Public Works Plan and the provision of pedestrian access through this industrial boatyard, as opposed to along the sidewalk on Victoria Avenue. We believed then, and do now, that access through the boatyard would be both unsafe and unnecessary. Accordingly, and although the staff has accepted our assessment of safety, we would like to amplify on the reasons we have reached this conclusion.

This particular project has been in development for over two years, and has been under review in your office since shortly after the Commission approved the waterside PWP Amendment. The issue of pedestrian access has been a very important part of plans for the Harbor and discussion with your staff. The Board of Supervisors has made the addition of pedestrian lateral

access a priority in all our future plans for Channel Islands Harbor. However, after much deliberation and analysis, they have determined that pedestrian circulation through an active boatyard is ill advised, inconsistent with the protection of the public, and puts an unreasonable burden on the operation of this coastal dependent use. We hope that after reviewing these materials you will agree.

### **The PWP Policies**

Staff has recited both the Coastal Act and PWP policies in its report. Some members of the public may claim that there is an internal conflict between the two policies in the PWP. We disagree, and believe that this perceived conflict could be easily resolved by looking to the Coastal Act for guidance and looking carefully at the policy language.

Informally stated, Policy 2 of the Public Access section of the PWP is essentially the same as Coastal Act §30212(a), in that development shall not interfere with the public's right of access to the sea unless certain conditions exist:

- a. When to do so would jeopardize public safety, military security needs or adequate protection of fragile coastal resources;
- b. When sufficient access exists nearby;
- c. (the third prong of the Coastal Act provision deals with agriculture and is inapplicable here and not recited in the PWP).

Policy 5 of the same section of the PWP calls for the provision of waterfront pedestrian access in all redevelopment projects. Importantly, the policy allows for non-waterfront location of the pedestrian walkways where existing buildings interfere with a waterfront placement. The last sentence of the policy states:

"A promenade walkway shall be provided along the Harbor frontage for all *new* development."  
[Emphasis added]

At the time of certification of the PWP (1986), there were sites on the west side of the Harbor that were under development, and there was at least one site that was intended for future development (Parcel X-3). Therefore, the demand for a waterfront promenade in all new development may have been intended to apply to this parcel or other parcels which might be proposed for development in the future (such as landscaped areas).

The County believes that the policies can be adequately reconciled by reference to the Coastal Act and Policy 2 provisions in order to avoid safety concerns and preserve reasonable operation of this coastal-dependent facility. Although the County believes that this is not new development and, therefore, Policy 5's last sentence would not apply, the County has analyzed this issue in the context of Policies 2 and 5 and the Coastal Act.

### **The provision of waterfront access in this boatyard would jeopardize public safety**

Channel Islands Boatyard is a prominent industrial coastal dependent use. Upon completion of the construction of the marina and haul out equipment replacement previously approved by the Commission, the boatyard will possess large and wide ways, a large travel lift, and many repair and manufacturing stations (welding, painting, sanding, spraying, etc.), as well as vessel

storage. The yard cannot be secured adequately for safety and still function in a reasonable manner as a yard. Since each boat must haul out on the average of once per year, this results in a regular number of boat removals and launchings throughout the week. Any path through the yard which was gated off to avoid passage when the yard was in operation would be closed virtually all the time.

Unlike some other boatyard environments, Channel Islands Harbor is built with an at-grade revetment on the waterside. This presents a potentially dangerous and unpleasant mix of pedestrian, boat and worker traffic, particularly with respect to the ways. However, the travel lift is also an issue as – unlike some other boatyards – there is no separation between the boatyard and the travel lift ways, as exists in the Ventura Harbor.

The County has contacted 23 boatyards in Southern California, from Avila Beach to San Diego. None of the boatyards contacted have walkways through the boatyard itself. Two, Ventura and Santa Barbara, have the physical setup to allow pedestrians to cross the travel lift path. However, in each of these cases the boatyard is isolated from the pedestrian walkway at least to some extent, and no buildings were constructed in years past that obstruct this pathway and require access into the boatyard proper.

Among these 23 boatyards, only three have travel lifts that handle over 100 tons: Ventura (Anchors Way), National City (Knight & Carver), and San Diego (Driscoll). Wilmington Marine Services has a railway that handles 150 tons. Among the remainder, the bulk can handle 35 to 50 tons, with a few at 70 to 75 tons. There is ample work for this larger equipment. The Channel Islands Harbor has missed a great deal of work in recent years due to its smaller capacity travel lift (up to 50 tons).

Finally, even though operated in a manner consistent with EPA and OSHA standards, boatyards have a wide range of daily activities which pedestrians would find unpleasant, if not hazardous. Painting, sanding, welding, pounding and all manner of heavy boat work occur here and are necessary to the support of recreational and commercial boating. Simply stated, such a boatyard cannot be made “safe and pleasant” for a stroll.

### **Sufficient access exists nearby**

Although Policy 2 and the Coastal Act would justify the avoidance of a waterfront promenade on safety issues alone, the County also looked at the issue of whether adequate access existed nearby. Attached as Exhibit A is the County's approved plan for pedestrian walkways. After lengthy public outreach and review of public comment, the Board of Supervisors approved this plan on June 24, 2008. Upon completion, the proposed promenade will be located on the waterfront in all areas of Channel Islands Harbor except:

- Channel Islands Boatyard;
- Anacapa Marine Services Boatyard; and
- The County Maintenance Yard.
- 

The Harbor has almost 4 miles of waterfront, most of which contains pedestrian access. Currently, about 22% of that area does not include a lateral public walkway. When the approved public amenities plan is implemented, only about 6% of the waterfront will not include lateral walkway, including the above parcels (943 feet) and the Coast Guard Station at the end of



Victoria Avenue (204 feet). The County believes that this interruption of the waterfront walkway for these three industrial parcels easily meets the terms of the Coastal Act and Policy 2 with respect to there being sufficient access existing nearby such exceptional areas. The County also notes that the concentration of industrial facilities in this small location in the Harbor, as opposed to distributed throughout, fulfills public access policies by avoiding a location that offers better vistas or better coastal experiences than can be obtained this far into the harbor.

**The provision of coastal access is adequate considering this is a coastal dependent use**

The County asks the Commissioners to take note of the fact that this is a coastal dependent use. As such, the County believes that, in addition to the policy arguments presented above, a pragmatic approach must be maintained. If recreational boating is to be a priority, coastal dependent facilities such as boatyards with haul out facilities are also a priority. The small exclusion of this area from a waterfront promenade is more than compensated for by the usefulness of the facilities to boaters, and the fact that such facilities MUST be located on the water.

The County respectfully requests approval of the NOID as submitted, and otherwise concurs with the conditions presented in the staff report.

Sincerely,



Lyn Krieger  
Director

Attach.

C: Jack Ainsworth, District Director  
Steve Hudson, Assistant District Director  
Barbara Carey, Manager





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



Lyn Krieger  
Director

December 11, 2008

Telephone (805) 382-3001  
FAX (805) 382-3015  
[www.channelislandsharbor.org](http://www.channelislandsharbor.org)

Steve Hudson, Deputy District Manager  
California Coastal Commission  
South Central Coast Area  
89 S. California St., Ste. 200  
Ventura CA 93001

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT 3-08  
CHANNEL ISLANDS LANDING/BOATYARD LANDSIDE  
REMODEL AND RECONSTRUCTION RESUBMITTAL  
Analysis of Pedestrian Walkway Along the Water**

Dear Steve:

In response to the letter from Amber Tysor dated November 21, 2008, and to answer your questions raised at our meeting a few weeks ago at Channel Islands Boatyard, the Harbor Department and the County's lessee have researched different scenarios and alternatives for a public walkway next to the water on this leasehold. I will recite the bullet points from Amber's letter first in italics, and then respond.

- *Relocation of new proposed public path to the same location as the currently existing path in the boatyard property (seaward of the existing boatyard building and along the seaward edge of the existing parking lot) and along the seaward most edge of the boatlift operations.*

First, there is no existing path anywhere in the boatyard property or on its periphery. This was demonstrated to you and your staff in the field on the day of your visit, and therefore we are puzzled why it is characterized as existing in Amber's letter. The asphalt area west of the boatyard building, along the water, is used by the boatyard for storage and for public utility cabinets, which are necessary for both the boatyard operation as well as the slips that are soon to be installed in the water. The problem with locating a public path in this area, in addition to forcing the relocation of the public utility cabinets, is that it would end at the edge of the travel lift revetment area. There is no place for the path to go from there except across the travel lift ways, which presents a safety hazard for the public. This safety hazard is exacerbated by the fact that, unlike Ventura Harbor, for example, there is no vehicle access to the walkway, nor is there a turnaround in case of emergency, to allow for police, fire, or paramedic access to the walkway, especially if the walkway were closed.

This is a large, active boatyard with a travel lift, construction bays, boat cleaning operations, and other miscellaneous boat repair activities such as sanding, painting, welding, spraying, etc. The piers for the travel lift are located along a cut out in the revetment that is over 100 feet wide. This area is used as maneuvering space for the large travel lift that moves the boats around the boat yard. As you saw on the day you visited the boatyard, it requires considerable space for the travel lift to negotiate the 90-degree turn it needs to make to access the water area with a boat in tow. The travel lift requires lines at high tensions and a large clear area for operations. Boat removal or placement can take anywhere from 10 minutes to over an hour. As you also saw on your visit, this area is utilized for a variety of other boatyard activities including inspections and washing of the boats.

Boatyards are a water dependent use that is needed in the Channel Islands Harbor. Recreational boaters depend on boatyards for repairs, cleaning, and servicing their boats. They are industrial uses that depend on heavy equipment and hazardous processes—and no visitors that are not customers who are escorted by boatyard personnel. Putting a pathway through this area would be akin to installing a sidewalk through an auto repair yard or a machine shop. It is an unreasonable demand.

- *Use of automated crossing guard/arm/gate on pedestrian path (on each side of the boat lift area) to regulate public access along the waterside path during operation of the boatlift in the pathway.*

The installation of an arm or gate across a pedestrian path does not solve the problem of public crossing the travel lift path and having access to the boatyard. This would also create a dead end, and make the public walk a long way back to the street. Since boat drops are not scheduled, it is not foreseeable how long or when the path will be closed, leading to public frustration.

- *If necessary for security and/or public safety reasons, fencing may be allowable along the landward side of the public path (between the path and the boatyard). Use of fencing may involve the use of gate(s) to allow for operation of the boatlift. Alternatively, if it is not feasible to install gates/fencing landward of the path within the boatyard, the alternative of installation of fencing/gates to close the boatyard and pedestrian waterside path during night time hours may be appropriate.*

My staff and our lessee met with representatives from two different fence companies and asked them to propose a solution. Specifically, we requested that they suggest creative ways that we could do what you and other Coastal staff suggested.

Both of the representatives agreed that it would be infeasible to protect these types of access points. However, we asked them to consider three scenarios. The first is a single rolling gate. In this case, a single rolling gate would be 80 to 120 feet long, and would have to retract either north or south when open. There are two problems with this solution. The first is that when the gate retracts it has to go somewhere, and in this case, the two places it would go would either block access to the boatyard building, thereby eliminating the use of that building for the entire time the gate was open, or it would have to retract across the driveway on the other side of the boatyard, blocking access to the marina and boat storage area, as well as blocking access to the street from the driveway area.

The second problem with this solution is that an 80 foot gate that is 6 feet tall or higher would require some type of stabilization within the required span or it would be very flimsy and subject to falling or being blown over in a high wind (which we have frequently in the Harbor). Because the boatyard uses the entire 80 to 100 foot area for the travel lift maneuvering, no posts can be installed that would stabilize the gate because they would interfere with the boatyard operation. Therefore, this solution is not workable.

The alternative solution in a situation like this is a two-gate option, where the gate splits in the middle and rolls in opposite directions to open. Unfortunately, this presents the same problems as one gate. Each gate would block the operations of the rest of the boatyard and marina access when it is open, and closed, it would not be stable without posts, which cannot be installed without rendering this area unusable by the travel lift.

The third option would be a double gate that swings open. This is totally unworkable because the arc area of the gate would have to be kept clear of any obstruction. This would mean that a large portion of the boatyard could not be used, rendering this solution impossible.

Attached is a site plan with these options drawn in different colors to depict the extent to which the gates and fencing would interfere with the boatyard operations. I hope you find this helpful in understanding the dilemma with which we're faced.

- *Construction of a secondary pedestrian route along Victoria Avenue with pedestrian connections to the waterside path on each end of the boatyard property for use when the waterside path is temporarily closed due to boat lift operations or night-time closures.*

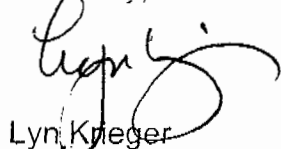
The lessee is constructing a public sidewalk, along with curb, gutters and a generous street landscaping area for the entire leasehold (approx. 1800 feet) along Victoria Ave., as well as pathways from the street to the water in two places. There will be clear access from the water to the street for pedestrians

using the proposed waterside walkway for the large portion of this leasehold that is not boatyard.

To reiterate our position, the Public Works Plan contains policies that require new or redeveloped property in the Harbor to provide public access along the water, except when it is inconsistent with public safety and when there is adequate, safe access nearby. This is consistent with the Coastal Act, mirroring the language in Section 30212(a). Further, the Coastal Act speaks to coastal dependent development and encourages these types of uses to be enhanced and improved (Section 30260). It is our opinion that a pathway along the water in this small area of the Harbor would place the public in harms way and jeopardize the workings of the boatyard. It is not required by the PWP, nor does the Coastal Act require it.

The Harbor Department staff is sensitive to the goals of the Coastal Commission to provide public access to the water wherever possible. We have spent considerable money recently designing a plan for enhanced public access in the Harbor that will be implemented with new construction. We have spent a great deal of time, effort and money, along with this lessee, searching for a way to accommodate the pedestrian access while still allowing for a successful boatyard operation. The conclusion we have come to after our many reviews is that it will not be possible to provide for safe access for the public in this area. I will quote one of the fence company's representatives when it was explained to him why we were asking for his advice. He said, "Why don't you just have the public sidewalk go around the boatyard for this small area of the harbor?" It remains our recommendation that we proceed with the project as we have presented it.

Sincerely,



Lyn Krieger  
Director

Encl.

C: Bob Nahm, Catalina Yacht Sales  
Jack Ainsworth, District Director  
Barbara Carey, Manager  
Amber Tysor, Coastal Analyst



PROPOSAL & CONTRACT

Contractors License No. 275524

Work Order No:

1-Dec-08

MATERIAL SALES AND CONTRACTING BRANCHES THROUGHOUT THE TRI-COUNTIES
WWW.FENCEFACTORY.COM 1-800-61 FENCE

AGOURA DIVISION
28414 Roadside Dr.
Agoura, CA 91301
Ph. (818) 889-2240
Fax (805) 497-3479

GOLETA DIVISION
80 S. Kellogg
Goleta, CA 93117
Ph. (805)965-2817
Fax (805) 967-6328

RENTALS DIVISION
1441 Callens Rd.
Ventura, CA 93003
Ph. (805) 644-4617
Fax (805) 644-0309

XX VENTURA DIVISION
1606 Los Angeles Ave.
Saticoy, CA 93004
Ph. (805) 642-3249
Fax (805) 642-1374

SANTA MARIA DIVISION
2709 Santa Maria Way
Santa Maria, CA 93455
Ph. (805) 928-5848
Fax (805) 922-4825

ATASCADERO DIVISION
2650 El Camino Real
Atascadero, CA 93422
Ph. (805) 462-1362
Fax (805) 462-1367

Proposal Submitted to: CHANNEL ISLAND HARBOR Address: 3900 PELICAN WAY L#5200
City: OXNARD Zip Code: 93035-4367 Phone: 805 3823005
Job Name: C/L FENCE AND GATE Job Location: BOAT YARD
1. Subject to the terms, provisions and conditions of this proposal and Contract and any attached Estimator's Sheet, Exhibits, Plans or Specifications, Fence Factory, hereinafter referred to as "Contractor", agrees to furnish all necessary labor, materials, tools and equipment to perform and complete in good and workman-like manner for the above job location, the following described work:
HI MARILYN, AFTER VISITING THE PROPOSED SITE FOR THE CHAIN-LINK FENCE AND ENORMOUS SIZE GATE, WE HAVE COME TO THE CONCLUSION THAT THE GATE WOULD NEED TO BE SO LARGE THAT IT WOULD NOT BE FEASIBLE TO INSTALL. THE GATE WOULD NOT WORK AS A SWING GATE BECAUSE EACH LEAF WOULD NEED TO BE 66" IN LENGTH AND NOT HAVE ENOUGH CLEARANCE TO SWING. THE SLIDE GATE WOULD NEED APPROX 66' ON EITHER SIDE OF EACH LEAF TO SLIDE OPEN AND THERE AGAIN IS NOT ENOUGH ROOM. WE SUGGEST THAT YOU FIND AN ALTERNATE ROUTE FOR THE WALK WAY. IF I CAN BE OF ANY MORE ASSISTANCE PLEASE CALL ME. DAVE HARDISTY
REFER TO ILLUSTRATION, NOT TO SCALE.
SHRUBS AND TREES TO BE REMOVED FROM FENCE AND PROPOSED FENCE LINE BY OTHERS BEFORE MOVE-IN.
"EXCLUDES: PERMITS OR FEES, CLEARING/GRUBBING OR GRADING. DAMAGE TO UNDERGROUND UTILITIES OR SPRINKLER LINES NOT PROPERLY LOCATED BY OTHERS. EXTREME CONCRETE/ROCKY GROUND OR ANY OTHER UNFORESEEN CONDITIONS".
TOTAL:

2. In consideration for the above described work, the above named party agrees to pay Contractor the total sum of:
as follows: 50% PREPAYMENT FOR MATERIALS, BALANCE ON COMPLETION
3. Work will begin on approximately: 30 days
4. Work will be completed on approximately: 30 days
5. This proposal is void if not accepted within: 15 days
FENCE FACTORY BY: DAVE HARDISTY

Fence Factory is hereby authorized to furnish all material, labor and equipment necessary to complete the work above for which Fence Factory will receive in payment the above sum in accordance with all of the Terms & Conditions set forth hereon. It is acknowledged that this entire Proposal and Contract, including the Terms and Conditions set forth on the following pages, has been read.

ACCEPTED AND AUTHORIZED AT: SATICOY, CALIFORNIA BY:
DATED: / / 2007
COMPANY, CORPORATION OR OWNER

Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the registrar of the board whose address is: Contractors' State License Board, 1020 N. Street, Sacramento, CA 95814.

PRINT NAME
PRINT TITLE
SIGNATURE

Watkins Fence & Supply  
9972 Creek Road  
Oak View, CA 93022  
(805) 649-1568 Office  
(805) 649-2271 Fax

November 17, 2008

Bob Nahm VP/ General Manager  
Catalina Yacht Anchorage  
3821 South Victoria Ave.  
Oxnard, CA 93035  
[bob@cyavachts.com](mailto:bob@cyavachts.com)

Dear Mr. Nahm,

After meeting regarding proposed gate and fence installation of either:

- A: 80 ft. single roll gate.
- B: 80 ft. double roll gate.
- C: 80 ft. double swing gate.

At proposed boat yard lift area. Clearance needed for any style of above gate installation requires distance of approx. 160 ft. in either direction for safety. Location of existing office, storage spaces, and security gates limit size of gate needed for this application.

Thank you,  
Brian Wadsworth

Watkins Fence & Supply

RECEIVED  
NOV 19 2008

BY:       AS





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



Lyn Krieger  
Director

October 29, 2008

Telephone (805) 382-3001  
FAX (805) 382-3015  
[www.channelislandsharbor.org](http://www.channelislandsharbor.org)

Amber Tysor, Coastal Program Analyst  
California Coastal Commission  
South Central Coast Area  
89 S. California St., Ste. 200  
Ventura CA 93001

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT 3-08  
CHANNEL ISLANDS LANDING/BOATYARD LANDSIDE  
REMODEL AND RECONSTRUCTION RESUBMITTAL**

Dear Ms. Tysor:

This letter responds to your letter of October 23, 2008, requesting "an analysis of safety features, such as a highly visible pedestrian walkway/crosswalk with gates that can be automatically lowered," in the boatyard area of Channel Islands Landing/Boatyard. I am assuming this letter was in response to my voice mail on October 21, 2008. All of the information below is contained in the letters submitted previously on this project. The analysis summarizes the conclusions below.

**Analysis of Alternatives for Pedestrian Walkways Through the Boatyard**

**The Problem:** Pedestrian walkway along the water will public pedestrians in harms way, and also interfere with boatyard operations. The existing building is located so that there is insufficient room to direct traffic away from the boatyard. Pedestrians would have to walk through the middle of the boatyard where boat moving activity of an industrial nature and boat repair activity is taking place.

**Question:** Is there a safety feature that could be installed, such as a gate structure that would allow pedestrian access when boatyard operations are not active?

**Answer:** The lessee and the Harbor Department looked at this possible solution and concluded it would eliminate the public safety issue involved with allowing the public into a dangerous boatyard. As has been demonstrated repeatedly with photos submitted to your office, even if the travel lift is not carrying a boat for launching in or out of the water, there are activities occurring during business hours that the public should not be exposed to. For example, sanding, painting, welding and crane activities occur throughout the day that put the public in danger and expose the business and the Harbor to liability of someone were to get hurt.

Second, there is no way a gate structure could function when the boatyard is closed for business. Because the pathway would have to go through the middle of the boatyard, it would have to be closed off, locked and secured when the boatyard is closed, creating a pathway to nowhere and an additional security hazard for the public, who could be trapped in a dead end area not visible from the street.

Third, any pedestrian pathway through the boatyard would dead end at the County yard to the north, and would have to be moved to Victoria Avenue anyway. There is no intention to do extensive redevelopment of this county yard in the foreseeable future, and it is unlikely that public access would be allowed here in any case.

Conclusion: The only solution, the solution that protects public safety, is to construct a connecting path to Victoria Avenue and provide public access along the public street.

I have included all the relevant photos demonstrating the above once again for your use.

### **Seabridge Development, City of Oxnard**

Ironically, we are arguing about a short promenade length through an active industrial boat yard, while the county is proposing that its Lessee add nearly 1500 feet of sidewalk (where none exists now, along a heavily traveled street), and over 900 feet of waterfront promenade where none exists now. At the same time this argument is occurring, just up the street, where the Coastal Commission worked to ensure that a public park and promenade were available in the new Seabridge development, there is arguably no access at all, and no concern or action underway.

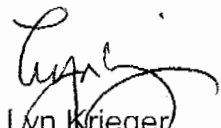
The photos attached show the entrance gate off Wooley (#1), with the gate structure that is closed 24 hours each day. Immediately ahead and off to the left is the ostensibly public park, which was heavily used until the gates were installed a few months ago. Photo #2 indicates the gate structure with the keypad allowing entry. Photo #3 shows the gate opening, #4 shows the keypad, and #5 shows the "Private Property" sign on the gate. As to the pocket parks, with parking spaces, scattered throughout the development, photos #6 and 9 shows the types of signs throughout, indicating that only homeowners/renters are allowed to park within the development. Photo #7 shows the club house parking lot sign, while #8 shows the sign indicating video monitoring around the clock.

We are not sure what to make about this situation. Is it your intention that the Harbor bear the installation and maintenance cost for all public access, while private parties are allowed private enjoyment of waterfront areas?

We believe that our NOID submittal is complete and that we are entitled to hearing. The fact that we may disagree about whether a promenade should be constructed through a boatyard operation or whether the PWP requires such a promenade no matter what the

circumstances does not alter the completeness of the submittal. We request that you reach a recommendation and schedule this matter for hearing. Thank you.

Sincerely,



Lyn Krieger  
Director

Encl.

C: Jack Ainsworth, District Director  
Steve Hudson, Asst. District Director  
Barbara Carey, Manager



County of Ventura  
Channel Islands Harbor Department  
3900 Pelican Way  
Oxnard CA 93035  
805 382 3001

October 16, 2008

Amber Tysor, Coastal Program Analyst  
California Coastal Commission  
South Central Coast Area  
89 S. California St., Ste. 200  
Ventura CA 93001

**SUBJECT: INCOMPLETE LETTER RECEIVED OCTOBER 7, 2008 FOR  
NOTICE OF IMPENDING DEVELOPMENT 3-08  
CHANNEL ISLANDS LANDING/BOATYARD LANDSIDE  
REMODEL AND RECONSTRUCTION RESUBMITTAL**

Dear Ms. Tysor:

Your letter regarding the NOID for Channel Islands Landing landside improvements takes me aback. We have provided you with a great deal of information to demonstrate why the sidewalk along the water in the boatyard is inadvisable and dangerous to the public and a high risk liability to our lessee. The proposed layout is consistent with the Public Works Plan. In fact, it is actually anticipated by the Public Works Plan, which provides an exception where public safety is an issue. Nevertheless, I will provide specific answers to each of your questions below.

1. Can safety features be implemented, such as a highly visible pedestrian walkway/crosswalk with gates that can be automatically lowered?

The answer to this question is no. It is the professional opinion of Harbor staff, the Harbor Master, City staff, the boatyard owner, and County Risk Management (who recognize the liability issue involved in allowing the public open access to an industrial area) that allowing free access the site would jeopardize the public's safety.

a. In part because of an existing building which is not planned for removal, the pathway would have to go through the middle of the boatyard, in front of open bays where the work on boats takes place, including painting, sanding, use of electrical equipment, use of welding equipment, etc.

b. The pathway would have to be located within the travel lift travel path. This is also a safety hazard, as the travel lift carries large vessels across the boatyard to lower into the water. The travel lift driver cannot always easily see the path in front of the lift, and relies on assistants, which unnecessarily puts the public at risk.

c. The pathway would have to be located in a fire lane required by the Oxnard Fire Department. In emergencies the Fire Department would use the area to gain access to boat or building fire. The Fire Department does not wish to put the public at risk by having a public walkway through the boatyard and in their fire lane.

d. The pathway would have to be closed and secured during the hours that boat yard is closed. The public would have to use other means of access during the evening hours and on weekends, an expense and inconvenience that can be avoided with the proposed plan.

e. The pathway would dead end at the County Yard.



Channel Islands Boatyard. Pink line shows the closest path a public walkway would have to traverse, which is right through the middle of the boatyard. Orange line shows the proposed public walkway.



Looking south from boatyard building toward the proposed pedestrian pathway and the travel lift pier area. Any pathway would have to turn east into the boatyard area at orange line.



Looking north across travel lift ways into boatyard.



Location of proposed pathway and interference with boatyard activities. Orange line depicts proposed pathway.



Boatyard activities and pathway that would have to go through boatyard. Orange line shows proposed pathway. Pink line shows the pathway as it would have to go through the boatyard.



Boatyard activities that present a public safety hazard to public walking through boatyard. Pink line shows path that pedestrians would have to travel to get through the boatyard.



Boatyard activities that present a public safety hazard to public walking through boatyard. Pink line shows path that pedestrians would have to travel to get through the boatyard.





Boatyard travel lift in operation. Pink line shows the path a walkway would have to take.



Boatyard activity that conflicts with pedestrian access. Pink line depicts pedestrian path if it were to go through boatyard.



Boatyard activity that conflicts with pedestrian access looking south. Pink line depicts path of travel for any pedestrian pathway.



Boatyard activities that conflict with pedestrian pathway. Pink line depicts area that pathway would have to traverse.



Boatyard Activities that conflict with pedestrian pathway. Pink line depicts area that pathway would have to traverse.



Boatyard Activities that conflict with pedestrian pathway. Pink line depicts area that pathway would have to traverse.



Area on the waterside of the boatyard building with insufficient room for pedestrian pathway.



Area on the waterside of the boatyard building with insufficient room for pedestrian pathway.

2. "Provide analysis of ways to provide safe public access as close to the water as possible."

We have provided public access along the street right-of-way with increased landscaping, lighting, and sidewalk. This is as close to the water in this one small area as possible given the boating operations.

No other Harbor that we have looked at has the unique configuration that this boatyard does. As you can see from the pictures above, the piers for the travel lift are cut into the revetment. The area between the travel piers is not solid. It is open below to the water. A pathway could not continue in a straight line. It would have to take the path of the line in pink below, going through the boat yard in the same path as the travel lift, and directly through all of the activity that takes place in the building.

Other harbors are not constructed in this fashion. Ventura Harbor, which has been used as an example by some of the residents, has the travel lift piers constructed out past the walkway, so that the boatyard can be closed and locked without shutting off the public walkway. This was possible because the boat lift was added after the public sidewalk was already there. As you can see by the pink line below, the sidewalk is clear of the travel lift, and completely outside the boatyard, so that the boatyard can be locked in the evening, and still have the sidewalk open.



Ventura Harbor Boatyard



Ventura Harbor Walkway with Travel Piers



Ventura Harbor Boatyard



Ventura Harbor Pedestrian Path

The Santa Barbara Harbor has limited access around the boatyard. Marina del Rey, King Harbor, Huntington Harbor and San Diego Harbor have no walkway along the boatyard.



Santa Barbara Harbor



Marina del Rey



King Harbor Boatyard

Some of the Harbors had no walkways at all along the boatyards.





Huntington Harbor



San Diego Harbor

3. It is puzzling to me that Coastal staff insists that policy 5 in the PWP carries more weight than policy 2, which 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:

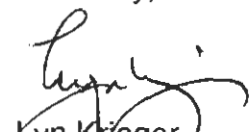
- a. to do so would jeopardize the public safety, military security needs, or the adequate protection of fragile coastal resources;
- b. sufficient access exists nearby.

We have demonstrated in the NOID, and in each letter following up on the NOID that the public safety is jeopardized and that there is sufficient access nearby, i.e., along Victoria Avenue, where a new sidewalk and landscaping will be provided. This lessee will be providing a total of 2,775 feet of new sidewalk and pedestrian access that does not currently exist in Channel Islands Harbor, which represents a considerable investment and a huge public amenity that is not now present. It is not possible to force pedestrian access into the boatyard area without jeopardizing the operation of this successful and needed harbor business. Additionally, the improvements proposed on this large site will greatly improve water quality by filtering all runoff from the site before it is allowed into the harbor. It will also benefit the public by adding many trees and shrubs where none exist now.

We vigorously disagree that an amendment to the PWP is required to construct this project as it is designed. Policy 2 (there is no policy 3 in the original document) anticipates situations where there may be conflicts between providing public access and harbor operations. This is one of those occasions.

We have extended an invitation to you and/or other members of Coastal staff to see for yourself the situation at Channel Islands Boatyard. We would like to extend that invitation once again. It is difficult to understand exactly what our dilemma is unless you see it on the ground.

Sincerely,



Lyn Krieger  
Director

C: Bob Nahm, Catalina Yacht Sales  
Jack Ainsworth, District Director, California Coastal Commission  
Steve Hudson, Assistant District Director, California Coastal Commission  
Barbara Carey, Manager, California Coastal Commission



Lyn Krieger  
Director

September 29, 2008

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



Telephone (805) 382-3001  
FAX (805) 382-3015  
[www.channelislandsharbor.org](http://www.channelislandsharbor.org)

Amber Tysor, Coastal Program Analyst  
California Coastal Commission  
South Central Coast Area  
89 S. California St., Suite 200  
Ventura CA 93001

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT 3-08 (CHANNEL ISLANDS LANDING/BOATYARD LANDSIDE REMODEL AND RECONSTRUCTION)  
RESUBMITTAL OF NOID DOCUMENTS**

Dear Ms. Tysor:

This is a response to your letter of July 14, 2008 notifying us that the NOID submittal was incomplete. I have addressed each of your incomplete items below.

1. I have enclosed two (2) sets of full size scaled site plans and an 8-1/2 x 11" reduction of the same plans. As you requested, all improvements that have already been approved under previous NOIDs have been removed, with the exception of the small restroom building. This has been left on the plan but labeled as approved, in order to adequately show site circulation and parking. The plans have also been modified to show the existing buildings to be removed in dashed lines, and the proposed buildings in dark. Building sizes are included on the plans.

To the north of the site, the existing boatyard building is 30 ft. by 134 ft., for a total of 4,020 square feet. This building will remain, but will be remodeled. No change to the size of the building is proposed.

An 18,000 square foot building, located roughly in the center of the site, was removed already, after a fire damaged most of the building and it was "red tagged" by the Fire Department. It will be replaced with a single story 30 ft. by 120 ft. (3,600 sq. ft.) building.

The existing two story, 5,168 sq. ft. yacht club/yacht sales building will be removed and replaced with a single story, 4,662 sq. ft. building located slightly to the east of the existing building.

Existing Development:

Location	Address	Building Area	Use
Boatyard, Waterside	None	4,020 sq. ft.	Boat repair, operations
Between Boatyard and Landing sites	3615 S. Victoria Ave.	18,000 sq. ft.	Sail construction, boat sales, marine retail, marine office
Landing, South	3821 S. Victoria Ave.	5,168 sq. ft.	Boat sales, yacht club, marina support
<b>TOTAL EXISTING</b>		<b>27,188 sq. ft.</b>	

Proposed Development:

Location	Address	Building Area	Use
Boatyard, Waterside	None	4,020 sq. ft. <i>(no change from existing)</i>	Boat repair, maintenance and operations
Between Boatyard and Landing sites	3615 S. Victoria Ave.	3,600 sq. ft. <i>(14,400 sq. ft. less than existing)</i>	Boat yard office for the public, marine retail, boat sales, marine office
Landing, South	3821 S. Victoria Ave.	4,662 sq. ft. <i>(506 sq. ft. less than existing)</i>	Boat sales, yacht club, marina support
Utility Building Approved with NOID 2-07	None	1,400 sq. ft.	Restroom, utility, supplies
<b>TOTAL PROPOSED</b>		<b>13,682 sq. ft.</b> <b><i>(13,506 sq. ft. less than existing)</i></b>	

Policy 1 of the Coastal Issues and Development Policies of the Channel Islands Harbor Public Works Plan states that no expansion of the existing and permitted structures is allowed over 10% of the internal floor area. We have presumed that there is no prohibition on reducing the size of the building areas. Additionally, a maximum of 25 feet in building height is allowed. Both buildings that either have or will be demolished are two stories in height or taller. The proposed replacement structures are single story, thereby reducing the height of structures on the site to less than 25 feet.

2. 8-1/2 x 11 copies of the building plans are enclosed. I have also enclosed large sized copies of the building plans, which have been labeled with the location or address.

3. I am resubmitting the building plans (floor plans and elevations) with new labels in both large size and 8-1/2 x 11. Sheet 3 is the boat yard building that is being remodeled. It is located in the northwest section of the site, adjacent to the water. The concrete block building will get a new roof, new exterior finish, new doors, and will be painted. The size of the building is 4,020 sq. ft., and will not change with the proposed project.

Sheet 4 is the new building situated between the Landing site and the Boatyard site, addressed 3615 S. Victoria Ave. It is a 3,600 sq. ft. building that will contain the boat yard offices, marine retail, boat sales, and marine office uses. It is proposed as a single story, with a stucco exterior and a standing seam metal roof. This building replaces the 18,000 sq. ft. building that was removed previously.

Sheet 2 is the new marine office, yacht club, and dock master building located at the south of the landing site, addressed as 3821 S. Victoria Ave. It is similar in design to the other buildings, is single story, with a stucco exterior and metal standing seam roof. It replaces the existing two-story yacht club and office building that is to be removed.

In summary, two new buildings are proposed and one remodeled.

4. Please see paragraph 1. above for an analysis of the redeveloped area of each building.

5. An analysis of the parking is included on the plans. The existing site provides 111 parking spaces on the Channel Islands Landing (south) side, and no parking spaces on the north (boatyard) side. The new development will provide the 400 spaces for boat storage, plus 118 spaces for the public and users of the site, 24 will be located on the north section, within the boatyard area, and 94 on the south section within the landing portion.

The Public Works Plan contains no requirement for parking for each use. The parking ratio provided with this development is 1 space per 300 sq. ft. of office and retail (28 spaces); 1 space per 500 sq. ft. for the boatyard (industrial) use (8 spaces); and 1 space for every 2 slips (82 spaces). Note the number of spaces has been lowered slightly from the previously submitted plan in order to accommodate landscaping and turning radius requirements. These parking ratios are well within the range of required parking for these land uses by a variety of jurisdictions.<sup>1</sup>

6. The site of the proposed development is one leased parcel. The Public Works Plan designates the site with two land uses. The southern portion, where the boat storage and other marine related uses are carried out is designated Visitor Serving Boating. Within this designation the following land uses are allowed: "dry storage of boats, the parking of vehicles and boat trailers and, where launching facilities exist, the washing of boats and flushing of saltwater engine cooling systems, boat and boat equipment sales, rentals, display, brokerage, storage and minor repair and packaged (carry-out) food or beverage

---

<sup>1</sup> American Planning Association Planning Advisory Service (APA PAS) Report No. 510/511, Parking Standards, Edited by Michael Davidson and Fay Dolnick.

sales.” The replacement buildings (addressed 3821 and 3615 S. Victoria Ave., are proposed for marina service, marina offices, boat sales, boat equipment sales, and the yacht club. The yacht club has been operating on this site since the early 1970s. They operate races from this site, conducting regular “Wet Wednesday” races during the season. Many of them have their boats in this marina. The exterior of the site is used for boat storage, boat launching, boat display and parking for users.

The northern portion of the site is designated Boating Dependent Industrial in the Channel Islands Harbor Public Works Plan. Allowable uses in this designation are: “boat haul-out, building, maintenance, repair, inspection, and storage and Harbor maintenance operations.” The Channel Islands Boatyard operates on this portion of the site, where they haul out, repair, rebuild, and maintain boats. The existing building that will be remodeled contains the activities carried on within the boatyard that can be performed inside a building. These activities include sanding, painting, welding, storing of parts and equipment, and boating industrial type areas. The outdoor area is where the boats are stored, where some of the work takes place, and where the boats are moved in and out of the water.

It is the determination of the County of Ventura that the uses proposed in the replacement buildings and the uses in the remodeled building are consistent with the two land use designations in the Channel Islands Harbor Public Works Plan.

7. The building areas are explained above. In summary, the proposed building area on this parcel is less than that allowed by the Public Works Plan and is therefore consistent with that Plan.

8. The existing building adjacent to the water, located within the boatyard area on the northwest portion of the site, is to be remodeled. An elevation and floor plan of this building was included in the previous submittal, and is resubmitted here. It is a concrete block building with a flat roof that has little aesthetic charm. It will be remodeled to provide updated bathroom facilities, a new office for the boatyard, and a boatyard maintenance shop area. A new stucco fascia will be added, new doors will be provided, and a new standing seam metal roof will be installed. The improvements will not only improve the appearance of the building, but will increase its utility and security. Photos of the existing building were provided and clearly labeled.

9. New grading/drainage plans are provided. The grading is designed so that all of the runoff from the site is directed to bioswales and/or filters prior to it going into the harbor or street. The north portion of the parcel, utilized as a boatyard, will be graded in two areas. The north portion will drain toward the center portion of the site and be directed to a landscaped strip along the north edge, which will function as a bioswale. Water from the bioswale will overflow into two filters located at the east and west end of the site. Water from the portion of the

boatyard just east of the travel lift will drain into a sump shaped area where a filter structure will be located.

In the landing area, which includes boat storage, parking, and marine related businesses, the site will drain in two directions. The western portion will be graded to direct water to the west into the landscaped strip along the promenade. Overflow from this area will flow to filters along this strip prior to entering the Harbor. The eastern portion of the site will drain toward the east (Victoria Avenue) into the landscape strip along the sidewalk. Filters in this area will treat any excess prior to entering the Harbor.

Grading is anticipated to be balanced onsite, with no export or import.

10. The marine railway pit is approximately two feet deep and will be filled with earth removed from other areas onsite. All compaction will be performed that is necessary to obtain the quality of concrete coverage to accommodate the boat storage, travel lift and maintenance yard proposed for the boatyard.

The NPDES permit is the Countywide Municipal Separate Storm Sewer (MS4) permit issued by the Regional Quality Control Board. The permit has been issued to all the cities within Ventura County and the County of Ventura. It is also referred to as the Ventura County Stormwater Permit. All local jurisdictions are required to implement the conditions of the permit, including the City of Oxnard, who issues building permits for the Harbor. It is titled the Ventura Countywide Urban Runoff and Storm Water NPDES Permit, Board Order No. 00-108, NPDES Permit No. CAS004002. A copy of the permit is attached for your information and use. Additional information can be obtained from the Regional Board's website at <http://www.waterboards.ca.gov/losangeles/>.

11. Following is a list of trees that will be removed from the site. Please note that many more trees and other landscaping will be added as part of the proposed development. Also, photographs of all the existing trees were provided with the original submittal. Additional photographs are provided here, with each tree labeled for ease of reference.

Location	Tree	Size
Victoria Ave., south of existing two story building	Myoporum	Multi-trunk, 17' drip line radius
Victoria Ave., north of central driveway	Mexican Fan Palm	6" diameter
	Mexican Fan Palm	12" diameter
Victoria Ave., north of palm trees	Melaluca	6" diameter
	Melaluca	4" diameter
Victoria Ave., outside boatyard fence	Mexican Fan Palm	20" diameter

Location	Tree	Size
	Mexican Fan Palm	22" diameter
	Melaluca	Multi-trunk, 7' drip radius
	Mexican Fan Palm	22" diameter
	Mexican Fan Palm	18" diameter
Victoria Ave., south of boatyard gate	Melaluca	Multi-trunk, 4' drip radius
Victoria Ave., north of boatyard gate	Olea (olive)	Multi-trunk, 15' drip radius

None of the trees on this site, or on the east side of the Harbor, have ever been used by the local heron populations for nesting or roosting.

12, Public walkways. There are several issues that make providing a public walkway along the water at the boatyard inadvisable. The first and most critical is public safety. The boatyard is designed so that boats are hauled out of the water and launched into the water over the travel lift piers located at the more southerly end of the boatyard. These travel lift piers and beams are cut into the edge of the embankment, so that the edge isn't straight. Any public walkway would have to make a right turn into the boatyard, then a left turn across the travel lift ways (the steel beams that the travel lift sits on), then make another left turn toward the water. The sidewalk would then have to be located on the east side of the building, along the working bays, which would put the public in the way of sanding, painting, and other boat building and boat moving activity. Additionally, this is the path of travel for the travel lift, which would require that the lift be moved off this site to allow the public to pass. This is not practical or safe.

The existing building is getting a new exterior finish; it is not to be demolished or expanded. The existing building sits just off of the revetment adjacent to the water. There is not room between the edge of the revetment and the building to construct an accessible public walkway.

The lessee is constructing a sidewalk, curb, gutter and an extensive landscaped area along Victoria Avenue for the distance of the entire leasehold, 1,525 feet. This area will have street trees, streetlights, and an accessible sidewalk area. Additionally, the lessee is providing a NEW pedestrian sidewalk along the water for 950 feet. This area, too, will have landscaping, lighting, and accessible concrete walkway. Then, the pedestrian pathway is connected to the Victoria Avenue sidewalk by the construction of over 300 feet of additional sidewalk area. The provision of NEW pedestrian access by this lessee, both next to the water and next to the street is extensive.

The property abuts the Ventura County Harbor Yard to the north which is operated by the County for harbor patrol and maintenance. This site is where the harbor patrol boats are pulled out of the water for repair and maintenance. It is




where equipment and supplies are stored. There is no plan to allow public access to public safety vehicles by building a walkway along the water. Any walkway constructed along the water would have to be directed out to Victoria Avenue at the County yard. Therefore, a walkway through the boatyard would have no where to go but out to Victoria Ave.

Policies 1 through 7 of the Public Works Plan address public access. Policies 4 and 5 require incorporating waterfront pedestrian walkways into all redevelopment projects. However, Policy 2 recognizes that there may be circumstances where public safety is jeopardized by the addition of public access along the water. The County of Ventura believes that this is one of those circumstances. This project provides maximum access while still protecting the safety of the public and the interest of the County and the lessee. This project will add close to 1,000 feet of additional waterfront walkway, and will add more than 2,750 ft. of additional public walkway overall. It also adds landscaping in the form of trees, shrubs and groundcovers, it provides improved stormwater protection by constructing bioswales and providing filter systems, and it reduces the amount of building area on the site. The appearance of this property, a major section of the Harbor east side along Victoria Avenue will be greatly enhanced by this project. I recommend that you schedule a visit to the site to see for yourself the difficulty a public sidewalk along the water in this area would present. Please call Marilyn Miller and she will set up a tour of the site with you at your convenience.

We trust this provides you with all the information you need to complete the review of the NOID. I recognize this is a complicated site, especially for someone who is not as familiar with the area as we are here at the Harbor. Marilyn or I would be happy to meet with you to explain the submittal information if that would assist you in writing the staff report. As usual, if you have any questions please let Marilyn or me know.

Sincerely,



Lyn Krieger  
Director

Encl.

C: Jack Ainsworth, District Director  
Steve Hudson, Assistant District Director  
Barbara Carey, Supervisor  
Bob Nahm, Catalina Yacht Anchorage

Attachments:

Full Size Site Plan (2 copies)  
8-1/2 x 11 Site Plan (1 copy)  
Full Size Existing Trees Map (2 copies)  
8-1/2 x 11 Existing Trees Map (1 copy)  
Full Size Grading and Drainage Plan (2 copies)  
8-1/2 x 11 Grading and Drainage Plan (1 copy)  
Full Size Elevations and Floor Plan for Boat Yard  
Building Remodel (2 copies)  
8-1/2 x 11 Elevations and Floor Plan for Boat Yard  
Building Remodel (1 copy)  
Full Size Elevations and Floor Plan for New  
3821 S. Victoria Ave. Building (2 copies)  
8-1/2 x 11 Elevations and Floor Plan for New  
3821 S. Victoria Ave. Building (1 copy)  
Full Size Elevations and Floor Plan for New  
3615 S. Victoria Ave. Building (2 copies)  
8-1/2 x 11 Elevations and Floor Plan for New  
3615 S. Victoria Ave. Building (1 copy)  
Ventura Countywide Urban Runoff and Storm Water NPDES Permit  
Board Order No. 00-108, NPDES Permit No. CAS004002  
Photographs of Trees to be Removed with Labels

From: Tim/Leslie [mailto:wawrzone@roadrunner.com]  
Sent: Friday, January 23, 2009 3:52 PM  
To: jainsworth@coastal.ca.gov.  
Subject: Ventura County Channel Islands PWP NOID No. 3-08

To: California Coastal Commission  
Huntington Beach, February 4, 2009  
Re: Item W 10 a.  
Ventura County Channel Islands Public Works Plan NOID No. 3-08

Coastal Commissioners:

I am commenting on the COASTAL ACCESS section of the Boatyard Expansion. Some walkers and I have been invited by Lyn Krieger and her staff, to meetings about the walkways. We appreciated being consulted and included.

We had hoped that a waterside walkway could be constructed along the entire eastern side of the Channel Islands Harbor. I am now prepared to accept that it is too difficult for the boatyards to build a waterside walkway to accommodate the public. According to the plans, we will have a 905-foot waterside walkway up to the boatyards, which will connect to a new sidewalk along the full length of Victoria Avenue. This sidewalk will go from Curlew Way to Pelican Way. When these projects are completed as planned, it will be a great asset to our community. The public will finally have a safe and beautiful way to walk from Channel Islands Blvd. to Silver Strand Beach.

According to the Channel Islands Harbor Public Works Plan, "actual improvements to accessways shall be completed and operational prior to the completion of new development or redevelopment." Therefore, I am requesting that the Coastal Commission, in its approval of this NOID, require that the continuous sidewalk along Victoria Avenue, the 905-foot waterside walkway and the walkway that connects them, all be constructed and completed before any of the new development and new buildings on the parcels are allowed to open their doors.

Thank you,

Leslie Wawrzeniak  
3600 Harbor Blvd., #112  
Oxnard, CA 93035

Copies to: Marilyn Miller  
Amber Tysor  
Jack Ainsworth

**From:** "Dennis Drissi" <drissi@juno.com>  
**To:** <Marilyn.Miller@ventura.org>  
**Date:** 1/15/2009 10:25 AM  
**Subject:** Wednesday's meeting

RECEIVED  
JAN 30 2009  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Good morning Marilyn and Lyn,

Thank you for including me in your meeting yesterday morning. The plan's that you have worked so hard on look great to me. I also want to thank you so much for your endless work on trying to get all of our wishes passed. I think, once this is all said and done you will have provided a great connection for people who enjoy the outdoors, be it runners, walkers, or bicyclists. A thought for those who skateboard, is there any type of cost effective pattern that can be put into the walkways that would deter them from skating on it? IE: cobblestone pattern or putting some rough material in the cement that would make it hard to skate on. Maybe not continuous but enough that would keep from skating on the walkways.

If there is anything that I can do to help you please let me know. I will check your website in February on the meeting date and email my positive opinion to them.  
Thanks again,  
Vicky

---

Click for free info on business schools, \$150K/ year potential.  
<http://thirdpartyoffers.juno.com/TGL2141/fc/PnY6rw1UFt7gJiHrCE6Cp1Aaffu9fcMdESH5WOANyXYA71fteJG1U/>

**CALIFORNIA COASTAL COMMISSION**

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



# W 10a

**DATE:** January 15, 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) 3-08**, for Channel Islands Landing/Boatyard Landside Reconstruction, for Public Hearing and Commission Action at the February 4, 2009, Commission Meeting in Huntington Beach.

## **SUMMARY AND STAFF RECOMMENDATION**

The Ventura County Harbor Department proposes to remodel one building, reconstruct two buildings, and perform various site improvements, including adding a public walkway and landscaping, at Channel Islands Landing/Boatyard located at 3615 and 3821 S. Victoria Avenue, Oxnard, CA. The approximately 14 acre parcel is located on the east side of Channel Islands Harbor, about one-half mile south of the Channel Islands Boulevard bridge. The boatyard portion of the site occupies the northern 3.5 acres of the site and the southern 10.5 acres of the site is occupied by commercial uses including boat storage, marine commercial uses, a yacht club, a yacht sales office, and parking and amenities for marina slip tenants. On the northern boatyard side of the site, an existing 4,020 square foot, 30 ft. by 134 ft., 13 ft. tall boatyard building adjacent to the boatyard will be remodeled with no change to the size of the building. On the southern 10.5 acre portion of the site, a new 3,600 sq. ft., 20 ft. tall building will be constructed, roughly in the center of the site at 3615 S. Victoria Avenue, in the location of a previously demolished 18,000 square foot building. Additionally, an existing two story 5,168 sq. ft. yacht club/yacht sales building located towards the south portion of the site will be demolished and replaced with a new 4,662 sq. ft., 24 ft. tall building at 3821 S. Victoria Ave. In addition, the project includes construction of a new approximately 980 foot public pedestrian walkway along the waterfront of the southern portion of the site, then eastward through the boatyard and then approximately 1,525 feet along the entire property boundary along Victoria Avenue.

The required items necessary to provide a complete Notice of Impending Development (NOID) were received in the South Central Coast Office on December 15, 2008 and the

notice was deemed filed on December 16, 2008. The Harbor Department extended the time for hearing until the February 2009 Commission hearing.

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 **four (4) special conditions** regarding: (1) removal of temporary construction trailer, (2) approval of resource agencies, and (3) invasive plants, and (4) tree removal survey. As conditioned, the project is consistent with all resource protection policies and provisions of the Public Works Plan. See associated Motion and Resolution beginning on **Page 2**. The standard of review for the proposed NOID is conformity with the policies of the certified PWP.

## **I. PROCEDURAL ISSUES**

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

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of 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 3-08 (Channel Islands Landing/Boatyard Landside Remodel and Reconstruction), 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 3-08, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH PWP:**

The Commission hereby determines that the development described in the Notice of Impending Development 3-08, 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 Temporary Construction Trailer**

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 3-08.

**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. Tree Removal Survey**

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

### **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 remodel one building, reconstruct two buildings, and perform various site improvements, including adding a public walkway and landscaping, at Channel Islands Landing/Boatyard located at 3615 and 3821 S. Victoria Avenue, Oxnard, CA. The approximately 14 acre parcel is located on the east side of Channel Islands Harbor, about one-half mile south of the Channel Islands Boulevard bridge. The boatyard portion of the site occupies the northern 3.5 acres of the site, which is adjacent to the County of Ventura Harbor Department Maintenance Yard to the north. The southern 10.5 acres of the site is occupied by commercial uses including boat storage, marine commercial uses, a yacht club, a yacht sales office, and parking and amenities for marina slip tenants. (Exhibits 1-4)

On the northern boatyard side of the site, an existing 4,020 square foot, 30 ft. by 134 ft. a 13 ft. tall boatyard building on the north side of the site adjacent to the boatyard will be remodeled with no change to the size of the building. The remodel will include a new roof, new exterior finish, new doors, and new paint. The building will continue to provide space for boatyard operations, including boat repair and maintenance. The boatyard will



be redesigned with a new entry and exit from Victoria Avenue. New parking along the northern area and existing boatyard will be reconfigured. Access to the boatyard will be controlled with a gate from Victoria Avenue and a gate from the southern portion of the leasehold. (Exhibit 4)

On the southern 10.5 acre portion of the site, a new 3,600 sq. ft. 20 ft. tall building will be constructed, roughly in the center of the site at 3615 S. Victoria Avenue, in the location of a previously demolished 18,000 square foot building that was destroyed by fire. The new building will be made available to tenants with marine-related businesses, including boatyard offices, marine retail, boat sales, and marina office uses. Parking will be provided adjacent to the building. An existing two story 5,168 sq. ft. yacht club/yacht sales building located towards the south portion of the site will be demolished and replaced with a new 4,662 sq. ft. 24 ft. tall building at 3821 S. Victoria Ave. The new 4,662 sq. ft. building will be located slightly to the east of the existing building that will be demolished in order to locate the building further away from the revetment and to allow circulation for emergency vehicles and trash pickup. The area between this building and Victoria Avenue will consist of a new boat display area, parking, and a sidewalk and landscaped area. This building will be used for a yacht club and yacht club sales. (Exhibits 2-3)

In addition, the project includes construction of a new approximately 980 foot public pedestrian walkway along the waterfront of the southern portion of the site continuing northward to the boatyard portion of the site. At that point, the public walkway will be constructed east towards Victoria Avenue thorough the center of the parcel and will continue along Victoria Avenue. The length of the public pathway along Victoria Avenue will be approximately 1,525 feet and will be improved with landscaping, including trees, shrubs, and vines. (Exhibit 1) The construction staging area for the project is proposed to be contained within the site itself, secured, and screened.

The existing site provides 111 parking spaces on the southern portion of the site and no parking spaces on the northern boatyard portion of the site. The new development plans provide for 400 spaces for boat storage, plus 118 parking spaces for the public and users of the site, 24 spaces will be located in the boatyard area and 94 will be located on the southern area of the site.

The Commission previously approved the replacement of boat slips on the waterside portion of this parcel (NOID 4-07) in April 2008 and approved other improvements on this site (NOID 2-07) in June 2007. That approved development will consist of 157 new slips (including a new dock system, new piers, four ramps, gangways and abutments, removal of a travel lift, construction of an updated marine railroad line, updated marina utility services and fire suppression systems, and a 1,026 sq. ft. handicapped accessible restroom and shower facility with a storage area, laundry room, and electrical room. The Harbor Department has provided detailed grading and drainage plans with this NOID submittal. The grading is designed so that the runoff is directed into bioswales and filters onsite.

The Channel Islands Harbor Public Works Plan designates the southern portion of the site, occupied by the Channel Islands Landing and Marina, as Visitor Serving Boating (“V.S.B.”). The permitted uses for V.S.B. on land include: dry storage of boats, vehicle and boat trailer parking, and where launching facilities exist, the washing of boats and flushing of salt-water engine cooling systems, boat and boat equipment sales, rentals, display, brokerage, storage and minor repair and packaged (carry-out) food or beverage sales. The uses on the site will not change once the site is redeveloped and commercial uses will continue, including boat storage, a yacht club, yacht club sales office, and parking and amenities for marina slip tenants. The northern portion of the site is designated in the PWP as Boating Dependent Industrial, which allows boat haul-out, building, maintenance, repair, inspection, and storage and Harbor maintenance operations. The northern portion of the site will continue to be used as a boatyard. The boatyard building will contain boat repair and maintenance operations. The outdoor boatyard area is used and will be used for boat storage and boat repair and maintenance. Therefore, the uses proposed on this site are consistent with the land use designations specified in the PWP.

The Harbor Department has included in its submittal a list of 28 conditions, “County of Ventura Conditions of Approval, Channel Islands Landing/Boatyard Landside Remodel and Reconstruction NOID” (Exhibit 6), 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: construction and maintenance responsibilities and debris removal (condition 27), a water quality management plan (condition 28), lighting (condition 10), and construction staging (condition 19).

### 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. 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 proposed project involves reconstruction of the Channel Islands Landing/Boatyard landside parcel. The site does not currently have a public access pathway and no formal access to the water presently exists. As explained above, the proposed project includes construction of a new 980 foot-long public pedestrian walkway along the waterfront on the southern portion of the site continuing northward to the boatyard portion of the site. At that point adjacent to the proposed new building, the walkway will be constructed eastward towards Victoria Avenue thorough the center of the parcel and will continue along Victoria Avenue for approximately 1,525 feet. The walkway will be improved with landscaping, including trees, shrubs, and vines. (Exhibit 1) A pathway along the waterfront in the northern boatyard is not proposed as part of this

redevelopment plan. Instead, the pathway is diverted around the boatyard and onto the street. The Harbor Department asserts that constructing a pathway along the waterfront adjacent to the active boatyard will create a public safety hazard. The boatyard is designed so that the boats are hauled out of the water and launched into the water over the travel lift piers located at the southerly end of the boatyard. These travel lift piers and beams are cut into the edge of the embankment. The public walkway would need to be constructed around the embankment, which would encroach into the boatyard. This could cause potential safety hazards for pedestrians during boatyard operations when boats are being moved in and out of the water and when maintenance activities are occurring. The Harbor Department evaluated avoiding the travel lift and diverting the pathway parallel to the water, to the eastern side of the existing boatyard building through the boatyard, but also determined this would pose safety hazards to pedestrians due to boatyard activities.

The Harbor Department also explored several alternatives to create a safe public walkway located along the waterfront. The Harbor Department looked at the alternative of using an automated crossing guard/gate on the pedestrian path on each side of the boat lift area along the seaward edge of boatyard, but determined that this would be infeasible without an adjoining fence. The Harbor Department evaluated constructing fencing next to a waterfront pathway to keep pedestrians from entering the boatyard area. However, the Harbor Department determined this alternative would be infeasible after receiving opinions from two different fencing companies. The Harbor Department provided an analysis of three scenarios for gate design, including a single rolling gate, two rolling gates, and a double swinging gate. The single rolling gate would be too large and would block access to the boatyard building or retract across the driveway and block access to the marina and boat storage area. The single rolling gate would also be instable and subject to harbor winds because no posts could be installed without interfering with boatyard operations. Next, the alternative of two rolling gates would not work because it would also roll back and block boatyard operations and be instable without posts. The third gate alternative analyzed, a double swinging gate, would also not have clearance and would block boatyard operations over the travel lift area each time the travel lift would be used.

Additionally, the Harbor Department asserts the subject Channel Islands Landing/Boatyard site is one of only three parcels in the harbor where a waterfront public pathway will not be proposed. The Ventura County Harbor Yard to the north, is going to continue to be used as a boatyard. Presently, the County Harbor Yard is used by the harbor patrol for boat repair and maintenance and for storage of equipment and supplies for the County. The Harbor Department asserts that the use of this site is not expected to change. Also, the property adjacent to the Harbor Yard, the Anacapa Marine Services/Bellport Yard, is also proposed to continue to function as an active boatyard (pending NOID 4-08) and no public walkway is proposed along the waterfront on that site. Other than these three parcels, a draft walkway plan created by the Harbor Department shows that a public waterfront walkway is anticipated to accompany the development or redevelopment of all other sites in the Harbor. In compliance with Policy 2 of the PWP, the Harbor Department has provided evidence showing that placing a public walkway along the waterfront of the entire Channel Islands Landing/Boatyard site

would jeopardize public safety and no feasible mechanisms would safely allow public access.

Therefore, 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.

### **C. 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 will not change because the size and height of the structures proposed to be redeveloped will not increase. The boatyard building that will be remodeled will have the same height as the existing building. The other two buildings will be smaller in size and height than the previous buildings they intend to replace and will be smaller than 25 feet in height.

Additionally, to minimize lighting impacts from this new development, the Harbor Department has included the following special conditions in NOID 3-08 to minimize view impacts of night lighting:

10. Prior to installation of any lighting, a lighting plan shall be submitted and approved by the Harbor Department showing type of fixtures, heights, and intensity of illumination. Lighting fixtures shall be cut-off type fixtures that divert lighting downward onto the property and shall not cast light onto adjacent property, adjacent roadways or adjacent waterways. Under canopy lighting shall be concealed or recessed so as to not 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 Channel Islands Landing/Boatyard Landside Reconstruction is consistent with the applicable visual resource protection policies of the certified Public Works Plan.

#### **D. 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 proposed project is for the redevelopment of the Channel Islands Landing/Boatyard, including construction of two new buildings and remodeling of one building. 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 project site includes only a few trees, most of which are along the far eastern boundary of the property, adjacent to Victoria Avenue, including Mexican fan palms, a Myoporum, and several small Melaluca. Twelve of the existing trees are proposed to be removed and replaced with new trees and other landscaping as part of the public pathway construction. The trees to be removed are not known nesting sites for sensitive bird species and no trees on the property on the east side of the harbor have been documented to contain nests of sensitive birds 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 the location of great blue heron and black-crowned night heron nests. 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 and these sites have been documented monthly from 2003 to the present by Dr. Froke.

The most recent bird survey, prepared by Dr. Jeffery Froke in June 2008, documented fourteen Great blue heron nesting sites across the channel on the peninsula. (Exhibit 5) The closest known nesting site on the peninsula is approximately 480 feet away from the Channel Islands Landing/Boatyard property. While the previous NOIDs (NOID 2-08 and NOID 4-08) for the marina reconstruction at this site contain conditions requiring bird surveys and noise monitoring, the development proposed in this NOID will be more than 300 feet away from the nesting sites. Therefore, no tree surveys within 500 feet of the project site are required and, since the proposed development will be more than 300 feet of known nesting sites, no restrictions on development within 300 feet are proposed, as required in the PWP. However, **Special Condition Four (4)** requires a survey prior to tree removal to determine whether birds are nesting, roosting, or exhibiting reproductive behavior and in the event that any nest is found, prohibits removal of the tree(s) until fledging has been completed and the Executive Director of the Coastal Commission authorizes the removal.

## 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.

The proposed construction/renovation of the three buildings and other project components has the potential to impact biological resources. **Special Condition Four (4)** relating to nesting birds, which will minimize these impacts, have been required. The Commission, therefore, finds that the proposed Notice of Impending Development is consistent, as conditioned, with the biological policies of the certified PWP.

## 3. Site Vegetation

Further, to ensure that any landscaping 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.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

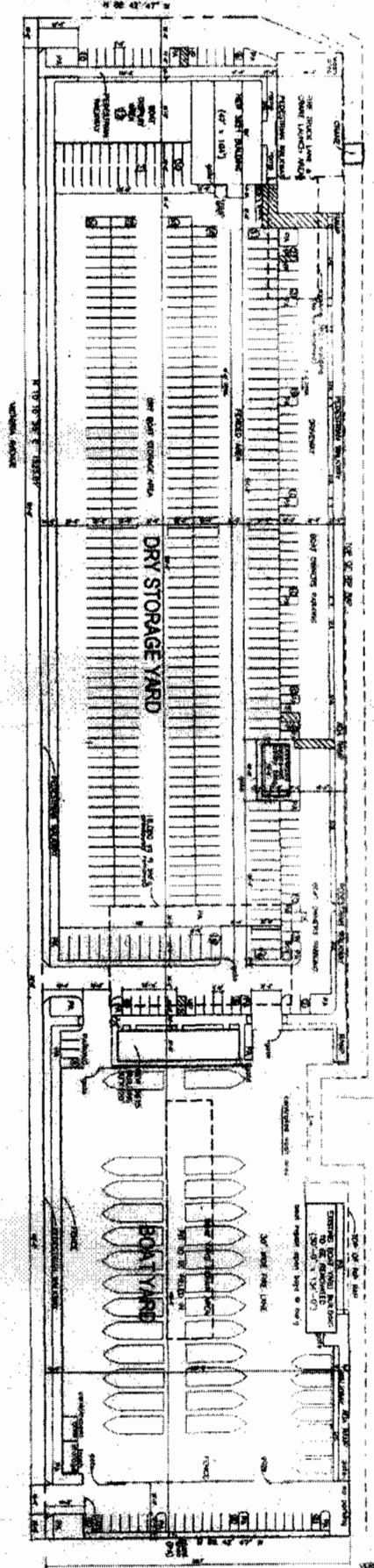
The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act ("CEQA"),<sup>1</sup> has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15302. 14 C.C.R. § 15302 ("Replacement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

---

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

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.



**PROPOSED - SITE REDEVELOPMENT 'CHANNEL ISLANDS LANDING MARINA & BOAT YARD'**

**CHANNEL ISLANDS HARBOR**

**NEW 2021 STORAGE SPACES**  
 TOTAL AUTO PARKING SPACES: 19 spaces  
 EXISTING IMPROVED SPACES: 19 spaces

**NEW 2021 BUILDING**  
 NEW 2 (1) 50' x 100' STORAGE BUILDINGS  
 TOTAL AREA: 10,000 SQ FT  
 TOTAL AUTO PARKING SPACES: 19 SPACES  
 TOTAL IMPROVED SPACES: 19 SPACES

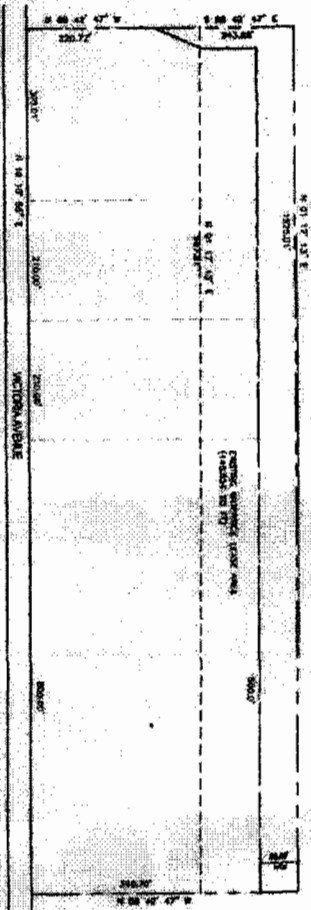
**NEW 2016 BUILDING**  
 NEW 1 (1) 50' x 100' STORAGE BUILDING  
 TOTAL AREA: 5,000 SQ FT  
 TOTAL AUTO PARKING SPACES: 19 SPACES  
 TOTAL IMPROVED SPACES: 19 SPACES

**PREVIOUS BUILDING REMOVED**  
 EXISTING 2016 BUILDING BY J.C. HANCOCK  
 TOTAL AREA: 1,000 SQ FT  
 TOTAL AUTO PARKING SPACES: 19 SPACES  
 TOTAL IMPROVED SPACES: 19 SPACES

**EXISTING 2021 BUILDING**  
 NEW 1 (1) 50' x 100' STORAGE BUILDING  
 TOTAL AREA: 5,000 SQ FT  
 TOTAL AUTO PARKING SPACES: 19 SPACES  
 TOTAL IMPROVED SPACES: 19 SPACES

**EXISTING BOAT YARD BUILDING**  
 NEW 1 (1) 50' x 100' STORAGE BUILDING  
 TOTAL AREA: 5,000 SQ FT  
 TOTAL AUTO PARKING SPACES: 19 SPACES  
 TOTAL IMPROVED SPACES: 19 SPACES

**TOTAL AREA OF NEW BUILDINGS**  
 NEW 2021 BUILDING: 10,000 SQ FT  
 NEW 2016 BUILDING: 5,000 SQ FT  
 TOTAL AREA: 15,000 SQ FT  
 TOTAL AUTO PARKING SPACES: 19 SPACES  
 TOTAL IMPROVED SPACES: 19 SPACES



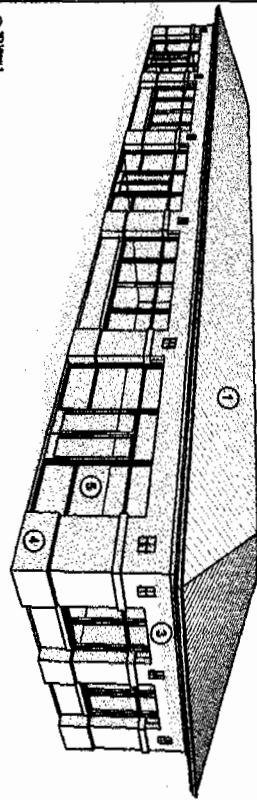
**EXHIBIT MAP - PROPOSED LEASE PARCEL'S REDEVELOPMENT CHANNEL ISLANDS HARBOR**

**8'**  
 CHANNEL ISLANDS HARBOR  
 CHANNEL ISLANDS LANDING MARINA & BOAT YARD  
 CITY OF OYAMA, CALIFORNIA

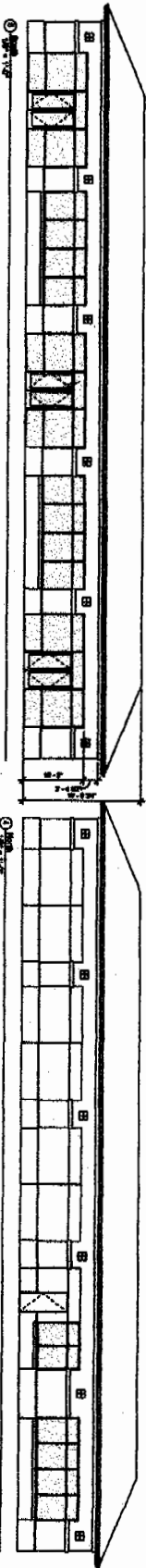
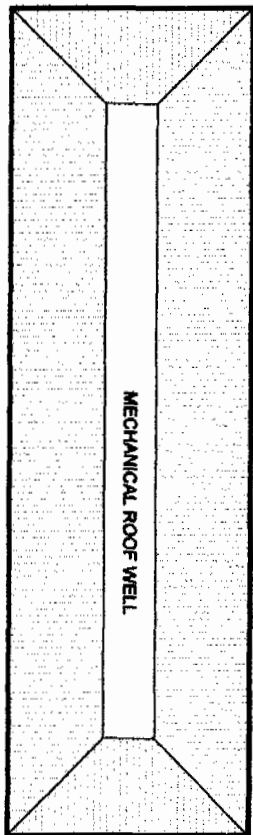
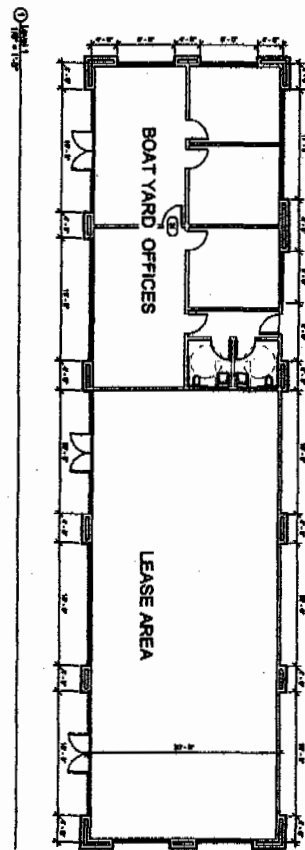
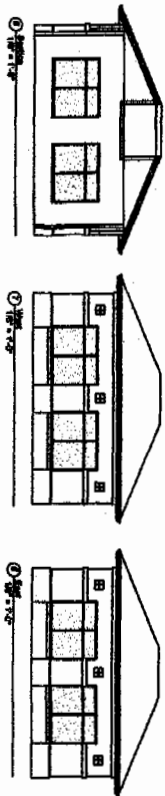
**D. M. G. E. R. S. O. N. I. N. G.**  
 1000 S. VICTORIA AVE  
 OYAMA, CALIFORNIA 92352

CHANNEL ISLANDS LANDING MARINA 301 S. VICTORIA AVE  
 CHANNEL ISLANDS BOAT YARD - 301 S. VICTORIA AVE

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10



- ① ROOFING
- ② METAL DOORS
- ③ WALLS & FASCIA
- ④ STUCCO BASE
- ⑤ STOREFRONT



-08 Channel Islands  
/Boatyard Landside  
and Reconstruction  
Victoria Ave.

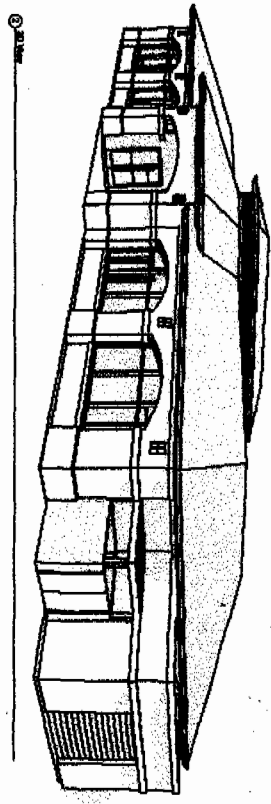
**D. M. BERGERSON INC.**  
ARCHITECTURE & PLANNING  
2500 PARCEL AVENUE, WOODLAND HILLS, CALIF. 91367  
TEL. (818) 715-1188 FAX. (818) 715-1189

NO.	DATE	REVISION

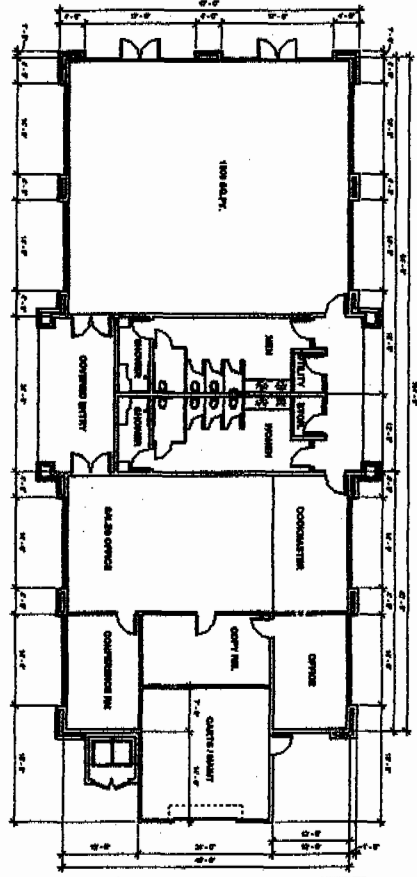
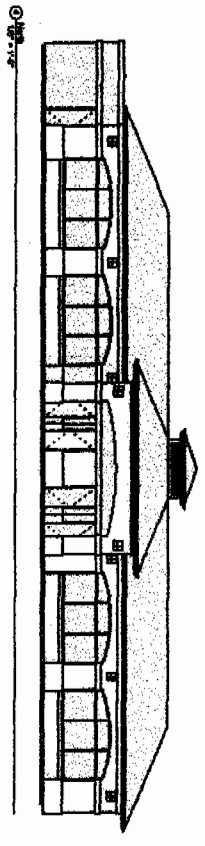
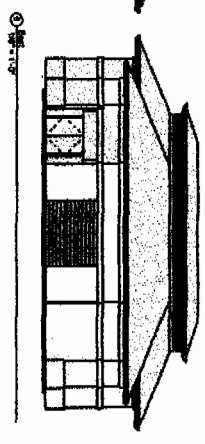
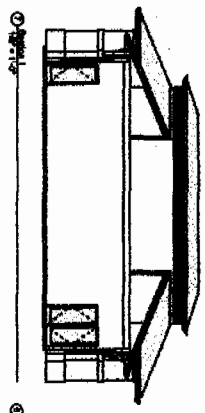
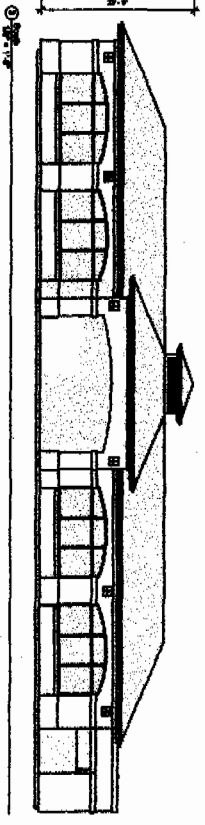
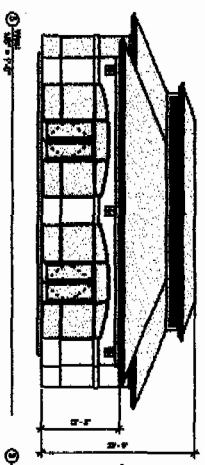
**EXHIBIT 2**

CI Harbor NOID 3-08 (Channel  
Islands Landing/Boatyard)

3,600 sq. ft. new building plan



- ① ROOFING
- ② METAL DOORS
- ③ WALLS & FASCIA
- ④ STUCCO BASE
- ⑤ STOREFRONT



**D. M. BERGERSON INC.**  
 ARCHITECTURE & PLANNING  
 1000 AVENUE, WOODLAND HILLS, CALIFORNIA  
 TEL: 818-707-1100 FAX: 818-707-1101

NO.	DATE	REVISION

Channel Islands  
 Boatyard Landside  
 and Reconstruction  
 Victoria Ave.

**EXHIBIT 3**  
 CI Harbor NOID 3-08 (Channel  
 Islands Landing/Boatyard)  
 4,662 sq. ft. new building plan





**JEFFREY B. FROKE, Ph.D.**

3158 Bird Rock Road / Pebble Beach, CA 93953

**CALIFAUNA**

TEL (831) 224-8595 / FAX (831) 649-3764

*jbfroke@mac.com*

01 June 2008

To: Lyn Krieger

Cc: Andi Culbertson, Marilyn Miller

Re: **HERONRY REPORT FOR APRIL & MAY 2008**

The following information, including a current nest map, is based on my most recent observations and data for nesting herons within the Channel Islands Harbor environment. Reported observations were made on **20 April** and **13 May 2008**. My last report to you was dated 07 April 08 and represented observations of 01 April 2008. I will be onsite for a June survey on the 5<sup>th</sup>).

**Westside (Harbor Blvd.)** -- On 20 April, there were two BCNHs, one adult and one juvenile (2007 hatch) perched and walking about in the canopies of two adjacent cypress trees near the Vintage Marina Yacht Sales building, on the Westside. No direct evidence of nesting was seen in April; but in May, two additional (2<sup>nd</sup> & 3<sup>rd</sup> confirmed) adult BCNH were observed, one standing by the nest in the tree closest to the building and the other setting inside the nest in the second tree (both nests were caked with fresh guano, indicating ongoing nest use). Although not seen, it is reasonable to expect that one additional adult (female) may have been in the first nest, brooding. Total Westside nests = 2 (BCNH).

**Peninsula** -- Nine (9) heron nests in eight trees were confirmed to be active on the Peninsula, on 01 April. Nearly three weeks later, on 20 April, there were 10 active nests situated in nine trees. Of these, four were in and around Casa Sirena (palms and the central Monterey Pine), and the other six were in trees surrounding the anchorage parking lot (one cypress w/ BCNH; and five palms w/ GBH). By May, there were still the two active nests (BCNH) at Vintage Marina, plus three BCNH nests in the southern group of three cypresses next to the anchorage parking lot (total = 5 BCNH). Also in May, there was a total of 14 GBH nests, distributed as eight at Casa Sirena and six in the palms around the anchorage parking lot (*see attached map*).

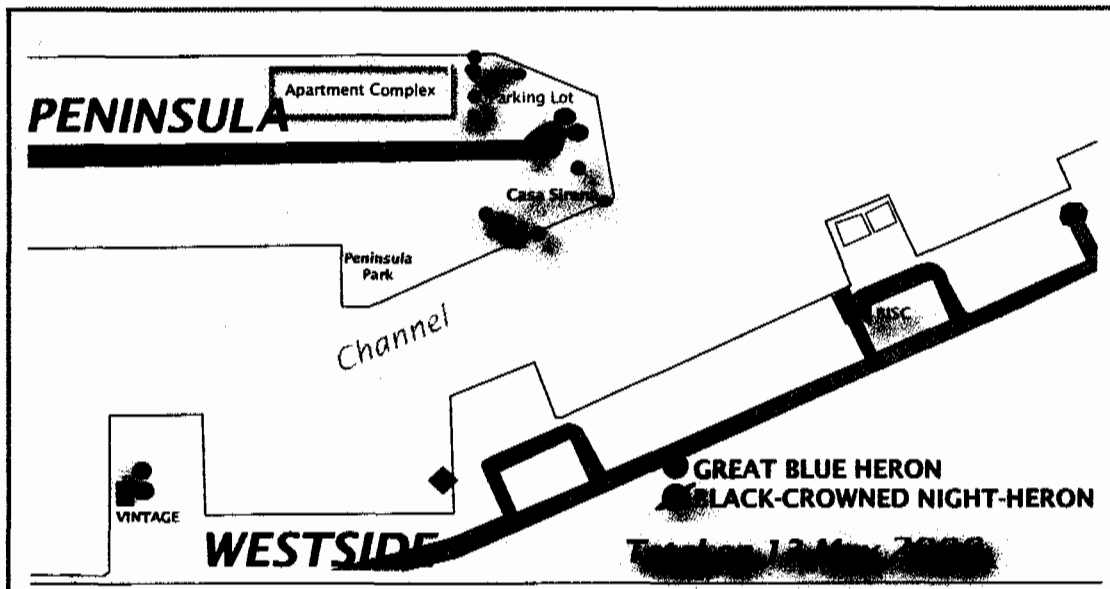
<b>EXHIBIT 5</b>
<b>CI Harbor NOID 3-08 (Channel Islands Landing/Boatyard)</b>
<b>Dr. Froke Report</b>



The locations of all (19-20+)\* active nests discovered during April and May are identified on the following CIH Heronry Map. ([\*]) without knowing the specific identities of all nesting birds, it is not possible to determine the true number of nesting pairs, or nesting efforts within the heronry. Therefore, the number of nests (or, nestings), whether successful, could exceed the instant number of active nests at any one time. *Total active nests confirmed @ CIH, 13 May 08: BCNH (5); GBH (14).*

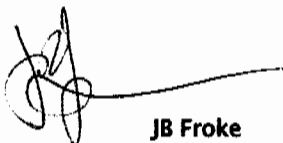
## 2008 HERON SEASON

HERON NEST ATLAS for CHANNEL ISLANDS HARBOR HERONRY, 2003-2008



*Two parrots occasionally seen (and heard!) near the Marine Emporium Landing (◆ above) are Lilac-crowned Amazon (right) and Red-lored Amazon (left)*



  
JB Froke

**County of Ventura Conditions of Approval  
Channel Islands Landing/Boatyard Landside Remodel and Reconstruction NOID**

- 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 development, including grading, building, signage 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) Any modifications to the plans after approval of the Harbor Department shall also be approved by the Harbor Department. Copies of the approved plans shall be provided to the Harbor Department in both paper and electronic format.
- 3) All landscaping, lighting, public access and signage plans shall comply with criteria approved by the County of Ventura.
- 4) 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.
- 5) 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.
- 6) All trees planted or placed on the property by the Lessee 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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 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.
- 11) 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.
- 12) 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 stabilizers.

**EXHIBIT 6**

**CI Harbor NOID 3-08 (Channel Islands Landing/Boatyard)**

**Harbor Dep't Conditions of Approval**

compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.

- 13) Lessee's 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, lessee's contractor shall immediately implement such devices or operational modifications on all construction equipment.
- 14) Lessee's contractor shall minimize the number of vehicles and equipment operating on site at the same time.
- 15) At all times during construction activities, lessee's contractor shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.
- 16) During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), lessee's 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.
- 17) Throughout construction, lessee's 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.
- 18) Lessee and/or lessee's contractor shall employ current Best Management Practices to protect against storm water runoff into storm drains and the harbor.
- 19) 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. Lessee 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.
- 20) 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.
- 21) Signage shall be provided to notify the public when access to public sidewalk will be blocked because of construction. Signage will indicate alternate routes.
- 22) 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.
- 23) 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.
- 24) Lessee shall submit a master sign program for the entire project for approval of the Harbor Department prior to final certificate of occupancy.

- 25) Lessee is responsible for removing all graffiti from the project site within 24 hours and restoring the surface to match the existing.
- 26) Adequate trash facilities and pick ups shall be provided to maintain the site free of debris, food waste, and to minimize scavenger birds.
- 27) 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 applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  - g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located within the coastal zone, a separate Notice of Impending Development shall be required before disposal can take place.
  - h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
  - i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
  - j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
  - k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
  - l) The least damaging method shall be used for the construction of pilings and any other activity that will disturb benthic sediments. The suspension of benthic sediments into the water column shall be minimized to the greatest extent practicable.
  - m) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction related materials, and to contain sediment or contaminants associated with demolition or construction activity shall be implemented prior to the onset of such activity.

n) All BMPs shall be maintained in a functional condition throughout the duration of the project.

28) 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 services, 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) Lessee shall maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.