

CALIFORNIA COASTAL COMMISSION

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



W 10a

ADDENDUM

DATE: March 9, 2009
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item W10a, Channel Islands Harbor Notice of Impending Development 4-08 (Anacapa Marine Services-Bellport Marina Reconstruction and Expansion) Wednesday, March 11, 2009 Commission Meeting in Monterey.

The purpose of this addendum is to clarify Special Conditions and attach and respond to correspondence from The Beacon Foundation.

Note: ~~Strikethrough~~ indicates text to be deleted from the February 17, 2009 staff report and underline indicates text to be added to the February 17, 2009 staff report.

1.) Special Condition 5 on page 4 of the staff report shall be modified as follows:

5. Public Walkway Signage Program

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

B. The Ventura County Harbor Department shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a new notice of impending development unless the Executive Director determines that no new notice and is needed.

2.) Special Condition 6 of page 4 of the staff report shall be modified as follows:

6. In-Lieu Fee

The Harbor Department must ensure that the in-lieu fee submitted to the Channel Islands Harbor Foundation for this development ~~shall~~ is only be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to

the Harbor, and for other similar programs to enhance lower cost boating opportunities. Information detailing the in-lieu fees that have been collected, the lower cost boating programs developed and operated, and the number of people participating in such programs shall be provided to the Commission in the annual report, required by PWP Waterways and Boating Policy 12, submitted to the Commission for review and approval by the Executive Director.

3.) The Beacon Foundation ("Beacon") submitted a letter and email to the Commission regarding NOID 4-08, received on Thursday, February 26, 2009, attached hereto. Beacon requests that the Commission reject the NOID for its failure to include a public waterside walkway and asserts that there is no public safety issue that would preclude construction of a public walkway along the waterfront of the subject parcel. Beacon's letter states that the project itself creates the public safety hazard because a 75-ton travel lift is proposed to be installed as part of the project. Beacon also requests that Special Condition Four be modified to require that construction of the proposed walkway along Victoria Avenue occur prior to completion of the restroom and the new dock system or the travel lift.

First, in response, the Commission's regulations do not provide a procedure for the Commission to deny a NOID. Rather, the Commission may require special conditions to bring the NOID into conformance with the certified PWP. (California Code of Regulations, Title 14, Section 13359). Further, as the February 17, 2009 staff report explains on page 13, a public pathway along the waterfront of this parcel would pose a public safety hazard because the parcel will be used as an active yard and storage area for boat repairs and maintenance and also used for launching boats on a large travel lift. Policy 2 of the PWP provides an exception for the creation of a public waterside walkway where a safety hazard exists, as in this case. Additionally, the February 26, 2009 Beacon letter also requests that Special Condition 4 be modified to require the completion of the Victoria Avenue walkway prior to the completion of any of the proposed development onsite. However, the Commission has not required, in past actions on NOIDs in Channel Islands Harbor, the construction of public accessway improvements where only waterside development is approved. In this case, the only landside portion of the development is the restroom building. As such, Special Condition 4 anticipates that the walkway will be constructed prior to or concurrently with the restroom and in any case, that the walkway will be completed prior to the final inspection and authorization to use the restroom building.

Beacon's February 26, 2009 letter raises two additional issues that do not directly relate to the development proposed in NOID 4-08. For one, Beacon asserts that a comprehensive Public Works Plan landside amendment is needed to provide a plan for a harbor waterside walkway that will be enforceable. In support of this assertion, a petition dated October 2007 containing more than 100 signatures was submitted that calls for a continuous waterfront walkway/bikepath along Victoria Avenue, although there is no discussion regarding the subject development. Additionally, Beacon's letter raises an issue relating to public waterside access for the Bahia Marina (NOID 1-08, approved by the Commission in January 2009). Beacon asserts that a private property sign exists where the Harbor Department previously represented to the Commission (at the January 2009 hearing) that the walkway in front of the Paz Mar apartments was open to the public. Beacon requests private property signs to be replaced with public access signs. The Bahia Marina is in no way related to the subject marina development and cannot be addressed herein through NOID 4-08.



The Beacon Foundation

PMB 352
3844 W Channel Islands Blvd
Oxnard, CA 93035

February 26, 2009

W 10a

Anacapa/Bellport Marina
NOID 4-08

Dear Commissioners,

For the third time in as many months, Ventura County seeks your approval of a project that deprives the public of waterside access in violation of its certified Public Works Plan.

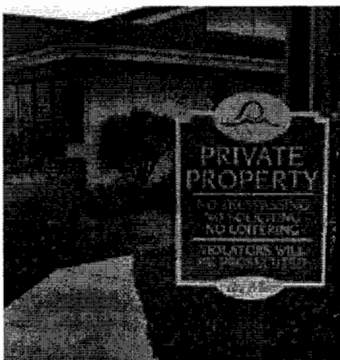
The piecemeal presentation of these projects deprives Commissioners of the ability to consider direct and cumulative impacts. Your Executive Director wrote the County Board of Supervisors in December to state your expectation that landside development would be the subject of a long promised comprehensive PWP amendment. This is being ignored, and the consequences are vividly shown in the proposed deprivation of public waterside access by this NOID 4-08

The staff report notes approvingly that a “draft walkway plan created by the Harbor Department” shows waterside walkways are “anticipated” on all but three parcels. This is not a County commitment but only an illusion.

The County “draft” walkway plan shows some key parts will not be built until “after 2015” and all other parts will be built in an undefined “short term.” **There is no County commitment to an actual time frame for any waterside walkway construction nor is there its commitment that public waterside access will actually be denied on just three parcels.** If this project were part of a comprehensive landside amendment, binding County commitments would be nailed down.

Please reject this NOID for its failure to include a public waterside walkway as required by the PWP. The safety argument for this exclusion is disingenuous. The project *itself* creates the safety issue by installing a new 75 ton travel lift without regard to public waterside access. Any future approval should include both a waterside and roadside public walkway and require that these walkways be opened at the same time as *any* redevelopment of the parcel.

Finally, we request action on obstruction of public waterside access at the Bahia Marina contrary to County representations. In item 26b on today’s agenda Director Douglas identifies public coastal access as “among the highest Coastal Act priorities.” It is being taken here. **The walkway to the waterside of this marina is gated and today still bears this sign with the text shown below:**



PRIVATE PROPERTY
No Trespassing
No Soliciting
No Loitering
Violators will Be Prosecuted

On January 7th Director Lyn Krieger testified erroneously: “the sidewalk is open to the public now.” On February 4th she testified erroneously that two of three gates to the project site have “no signs whatsoever.” In fact, only the gate restricted by the sign above provides direct access to the waterside walkway. Two additional gates access the tenant parking lot and one is posted “no trespassing, tenant parking only.” The walkway sign needs to be replaced by a “Public Coastal Access” sign.

Lee Quaintance, Secretary

Amber Tysor

From: Lee Quaintance [leequaintance@msn.com]
Sent: Thursday, February 26, 2009 11:12 AM
To: Amber Tysor; John Ainsworth; Steve Hudson
Subject: Beacon comment on W10a

Please find The Beacon Foundation comment on NOID 4-08 -- item W 10a.

Please acknowledge receipt by a reply e-mail and confirm it will be provided to the Commissioners.

I'd like to expand a little here on one point. As you know, we have been concerned that the County might not actually build out the roadside walkways and might use the excuse of need for Oxnard consent to delay indefinitely. Special Condition 5 added to the NOID approved last month for the Channel Islands Boatyard satisfied our concern on this point for that project.

We appreciate that you are proposing a Special Condition 4 to NOID 4-08 but suggest it needs to be modified slightly. The now stated trigger for completion of the roadside sidewalk is the completion and permit to occupy the new restroom included in this project. The restroom is only 180 square feet and a very minor part of the redevelopment.

Specifying only this tiny restroom structure as the trigger for Special Condition 4 could have the unintended consequence of allowing deferral of the roadside walkway by just not choosing to build the restroom.

There is a simple remedy to eliminate this unintended consequence. That is to state in Special Condition 4 that completion of the roadside walkway is required on the completion and permit for use of the restroom, the new dock system or the new 75 ton travel lift. The new docks and the travel lift are far more important constituents of this project and we can be confident they will be built.

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W 10a

DATE: February 17, 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) 4-08**, for Anacapa Marine Services-Bellport Marina Reconstruction and Expansion, for Public Hearing and Commission Action at the March 11, 2009 Commission Meeting in Monterey.

SUMMARY AND STAFF RECOMMENDATION

The Ventura County Harbor Department proposes to replace and expand the existing marina with new slips, gangways, abutments, construct a new 75 ton travel lift and construct a 180 sq. ft. 12 ft. tall restroom building at Anacapa Marine Services- Bellport Marina located at 3203 S. Victoria Avenue, Oxnard, CA. The subject 3 acre parcel is located at the southwest of Victoria Avenue and Curlew Way. The site is accessed from two driveways located on Curlew Way and is currently occupied by a 10,760 sq. ft. building consisting of marine related businesses, a concrete boatyard and boat storage area, a travel lift with piers and ways, and parking spaces. The marina presently contains 27 slips which will be removed and replaced with a total of 55 slips. The new dock system will meet accessibility requirements of the Americans with Disabilities Act (ADA) and related state requirements. A new 80 foot-long ADA compliant gangway and abutment and a new 35 foot-long pedestrian gangway are proposed, along with modern fire suppression systems, new dock boxes, electrical utility systems, and other modern dock amenities. Nine vehicle parking spaces will be added to the lot to accommodate the additional boat slip tenants, resulting in a total of 46 on-site parking spaces. The project also includes construction of a new approximately 550 foot long public pedestrian walkway along Victoria Avenue that will be improved with landscaping, including trees, shrubs, and vines.

The required items necessary to provide a complete Notice of Impending Development (NOID) were received in the South Central Coast Office on January 9, 2009 and the notice was deemed filed on January 16, 2009. The Harbor Department extended the time for hearing until the March 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 **six (6) special conditions** regarding: (1) removal of temporary construction trailer, (2) approval of resource agencies, and (3) invasive plants, (4) public walkway, (5) walkway signage program, and (6) in-lieu fee. 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 4-08 (Anacapa Marine Services- Bellport Marina), 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 4-08, 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 4-08, 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 4-08.

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. Public Walkway

By acceptance of this authorization for development, the Harbor Department agrees to construct the proposed public walkway along 3203 S. Victoria Avenue and along the portion of Victoria Avenue adjacent to the County Yard concurrently with the reconstruction of the site and shall open the public walkway for public use prior to or concurrently with the authorization to use (final building completion and inspection) the new restroom building on the parcel.

5. Public Walkway Signage Program

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

B. The Ventura County Harbor Department shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a new notice of impending development unless the Executive Director determines that no new notice and is needed.

6. In-Lieu Fee

The in-lieu fee submitted to the Channel Islands Harbor Foundation for this development shall only be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Harbor, and for other similar programs to enhance lower cost boating opportunities.

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 replace and expand the existing marina with new slips, gangways, abutments, a new 75 ton travel lift and construct an 180 sq. ft. 12 ft. tall restroom building at Anacapa Marine Services- Bellport Marina located at 3203 S. Victoria Avenue, Oxnard, CA. The subject 3 acre parcel is located at the southwest of Victoria Avenue and Curlew Way and is accessed from two driveways located on Curlew Way. The site is currently occupied by a 10,760 sq. ft. building consisting of marine related businesses, a concrete boatyard and boat storage area, a travel lift with piers and ways, and parking lot. (Exhibits 1-5)

The marina presently contains 27 slips and total of 55 slips are proposed, as follows:

TABLE A

Slip Size	# of Existing Slips	# of Proposed Slips
20 ft.		11
25 ft.		15
30 ft.	5	13
33 ft.	5	
35 ft.	1	
36 ft.	4	
40 ft.		5
41 ft.	4	
43 ft.	1	
45 ft.	4	
48 ft.	3	
50 ft.		5
60 ft.		6
Total Slips	27	55

Water coverage of the existing slips is approximately 6,395 sq. ft. and the new marina will have a total water coverage of 14,633 sq. ft. The new dock system will meet accessibility requirements of the Americans with Disabilities Act (ADA) and related state requirements. The proposed dock infrastructure includes a new 80 foot-long ADA compliant gangway and abutment, a new 35 foot-long pedestrian gangway, modern fire suppression systems, new dock boxes, electrical utility systems, and other modern dock amenities. Parking is currently located at the northern part of the leasehold along Curlew Way. Nine spaces will be added to the lot to accommodate the additional boat slip tenants, resulting in a total of 46 on-site parking spaces. (Exhibits 1-4) In addition, the project includes construction of a new approximately 550 foot long public pedestrian walkway along Victoria Avenue that will be improved with landscaping, including trees, shrubs, and vines. The construction staging area for the project is proposed to be contained within the site itself, secured, and screened.

The Commission previously approved the expansion of the pierhead/lease line for this parcel in the recent Channel Islands Harbor Public Works Plan Amendment for the waterside portion of the harbor in February 2008 (revised findings certified by the Commission on October 16, 2008). Additionally, the uses of the site are not proposed to change and will be consistent with the uses designated in the Public Works Plan. The Public Works Plan designates the waterside portion of the site as Visitor Serving Boating ("V.S.B."). The permitted uses for V.S.B. on the water include: boat storage, boat and boating equipment rental, sales, display, brokerage and minor repair services. The uses on the marina will not change and it will continue to be used for boat storage. The landside 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 uses of the site will be consistent with this designation, as the site is used as a boatyard and contains a building used for marine related businesses. The restroom proposed on the landside will serve the adjacent V.S.B. use for boaters and will serve boatyard users.

The Harbor Department has included in its submittal a list of 41 conditions, "Anacapa Marine Services-Bellport Boatyard Improvements and Marina Expansion, Conditions of Approval, County of Ventura." (Exhibit 7), 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: low cost boating (condition 1), biological resources (condition 2), surveys for *caluerpa taxifolia* (condition 3), eelgrass surveys (condition 4), a water quality management plan (condition 5), material for pilings (condition 6), best management practices (condition 9), construction and maintenance responsibilities and debris removal (condition 10), a marina inspection and maintenance program (condition 11) lighting (condition 22), and construction staging (condition 30).

Background

On September 19, 1986, the Channel Islands Public Works Plan (PWP) was effectively certified by the Commission. The purpose of the PWP, as certified, is to provide "a detailed and specific planning document to guide future Harbor development." Jurisdiction within the Channel Islands Harbor is shared by both the County of Ventura and the City of Oxnard. Oxnard's City limits extend to all Harbor land areas. Based on a previous agreement between the two governmental authorities and the Commission's certification of the Public Works Plan, the County assumed planning and regulatory authority within the Harbor. Under the certified PWP, the County is responsible for approval of all development within the Harbor permitted by the plan. Under the PWP the County must submit a Notice of Impending Development (NOID) describing any proposed development that is listed in the plan, for review and approval by the Commission. For a project contained in the certified PWP, the Commission's review of a Notice of Impending Development is limited to determining whether the development is and can be made consistent with the PWP, or imposing reasonable terms and conditions to ensure that the development conforms to the PWP.

Requirements for the level of information contained in a Public Works Plan are contained in Section 13353 of Title 14 of the California Code of Regulations, which states that a PWP "shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan." Such information includes: 1) the specific type of activity or activities proposed to be undertaken; 2) the maximum and minimum intensity of activity or activities proposed to be undertaken; 3) maximum size of facilities proposed to be constructed pursuant to the plan; and 4) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plan. The Coastal Act envisions that a Public Works Plan functions more as a Specific Plan or a master development permit in order for specific projects or activities described in the PWP to be approved quickly through the Notice of Impending Development Process at

later dates with minimal review. Activities, projects, or facilities not specifically proposed in a Public Works Plan in the level of detail described above may require an amendment to the certified PWP that must be approved by the Coastal Commission prior to approval and issuance of a Notice of Impending Development for said activity, project, or facility.

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

B. RECREATIONAL BOATING

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

Section 30213 states (in part):

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

Section 30220 states:

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

Section 30224 states:

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

Section 30234 states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating

facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

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

Policy 2 states:

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

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

Further, the following **Waterways and Boating** policies in the Public Works Plan also protect low-cost recreational boating:

9. Extension of Boat Slips

The maximum extent of new or reconstructed boat slips shall extend no farther than waterside parcel line as depicted on the Master Plan Marina Map, Appendix E.

10. Slip Size Distribution for New or Reconstructed Marinas

The following slip size distribution standards shall apply to the Channel Islands Harbor overall:

- A. A minimum of 25% of the total number of slips shall be 32 ft. or under in length.**

B. A minimum of 25% of the total number of slips shall be 32 ft., 1 in. – 38 ft. in length.

The County shall maintain an up-to-date harbor-wide accounting of the total number of slips existing and approved through NOIDs, with a breakdown by slip size category (including slips in Categories A and B, and slips over 38 ft. in length).

Any NOID for the development or redevelopment of marinas shall include an analysis of harbor-wide conformance, including the proposed development or redevelopment, with the slip size distribution standards. At no time shall a NOID for the development or redevelopment of marinas result in the provision of less than 23% of slips in Category A or less than 23% in Category B, harbor-wide.

11. The development or redevelopment of marinas shall protect, encourage, and where feasible, provide lower cost visitor boating opportunities.

12. Low Cost Boating

a. The development or redevelopment of marinas or boat slips (not including commercial fishing or commercial sport fishing slips) shall include the provision of an in-lieu fee to the County, or a non-profit organization acceptable to the Executive Director of the Coastal Commission, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Harbor, and for other similar programs to enhance lower cost boating opportunities. A NOID submitted for the development or re-development of marinas or boat slips shall include a calculation of the applicable in-lieu fee and a detailed description of the lower cost boating program that the fee will be provided to.

b. The in-lieu fee shall be the equivalent financial value of one 30-foot boat slip (based upon the listed per-foot rental rate posted at the marina on July 1 of each year for 30-foot slips) for each 100 slips of 32 feet 1 inch in length and over that are redeveloped. For marinas containing fewer than 100 slips over 32 feet 1 inch in length, the in-lieu fee shall be prorated based on the number of slips. The payment of the in-lieu fee to the County will commence upon completion of the marina redevelopment construction and continue annually, throughout the course of the ground lease.

c. The Harbor Department shall provide (or shall cause the appropriate non-profit organization to provide) an annual report, for the review and approval of the Executive Director of the Coastal Commission, detailing the in-lieu fees that have been collected, the lower cost boating programs developed and operated, and the number of people participating in such programs. The report shall be provided annually, no later than January 15th of each year for the proceeding calendar year.

The project includes replacing 27 existing slips with 55 new slips in sizes that range from 20 to 60 feet (detailed in Table A above). The dock expansion and lease line extension into the waterway at this site was approved by the Commission under PWPA 1-07 (“Master Plan Marina Map”) in October 2008. The certified PWP designates the water portion of the Anacapa Marine Services-Bellport Marina as visitor serving boating (V.S.B.). The purpose of the visitor serving boating designation is to provide “access to and storage of boats, and where launch facilities exist, to provide for the entry and removal of boats from (or to) the waters of the Inner Harbor.” The waterside permitted uses of this designation are “boat storage, boat and boating equipment rental, sales, display, brokerage, and minor repair services. The reconstruction of the Anacapa Marine Services-Bellport Marina meets the stated purpose in the certified PWP to provide visitor serving boating facilities, including boat storage.

Additionally, in compliance with Policy 10 above, the Harbor Department has provided an analysis of harbor-wide conformance of slip-size distribution standards, including the proposed marina redevelopment. The Harbor’s analysis conforms with Policy 10 because the redevelopment of the marina does not result in the provision of less than 23% of slips in Category A (32’ or under), nor less than 23% in Category B (32’1” to 38’), harbor-wide. After reconstruction of the Anacapa Marine Services-Bellport Marina, the harbor wide slip mix will be as follows:

TABLE B

Slip Size	Existing number and percentage	Slip Size	Proposed number and percentage
32’ or under	914 (41.3%)	32’ or under	948 (42.3%)
32’ 1”- 38’	548 (24.75%)	32’ 1”- 38’	538 (24%)
38’ 1” and over	751 (33.7%)	38’ 1” and over	755 (33.7%)
Total Slips	2213	Total Slips	2241

Further, according to Waterways and Boating Policy 12, the redevelopment of the marina requires an in-lieu fee to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Harbor, and for other similar programs to enhance lower cost boating opportunities. The Harbor Department, as part of the NOID submittal, has provided a calculation (according to Policy 12 b, above) of the applicable in-lieu fee and a detailed description of the lower cost boating program that the fee will be provided to.

According to the Harbor Department, the per-foot rate for a 30 foot slip in this marina on July 1st, 2008 was \$13.50 per foot, or \$405.00 per month, which is \$4,860.00 per year. The proposed slip mix for the 55 new slips is detailed in Table A above. Only 16 slips in the Anacapa Marine Services-Bellport Marina will be over 32’ 1” in length. Because the marina has less than 100 slips, the amount of the fee is prorated based on the number of slips. Therefore, the in-lieu fee will be \$777.60, which is 16% of the yearly amount of \$4,860.00

for a 30-foot boat slip. The Harbor Department will recalculate the fee prior to authorizing occupancy of the completed marina using the slip rate in effect as of July 1 of the year the marina is completed.

In compliance with Public Works Plan Waterways and Boating Policy 2.a., the Harbor Department has included a detailed description of the lower-cost boating program the fee will be provided to. According to the Harbor Department, the in lieu fees will be collected by the Channel Islands Harbor Foundation, the County-designated 501(c)(3) non-profit that promotes marine education and encourages public interaction with the marine environment. The Harbor Department states that the fees will be used by the Channel Islands Harbor Foundation for youth sailing programs or the junior lifeguard program. However, the Commission finds that use of the fee for the junior lifeguard program is not consistent with Policy 12 of the PWP, above, because the junior lifeguard program is not a low-cost boating program as the policy requires. Thus, **Special Condition 6** is required to assure that the fee will only be used for low-cost boating opportunities for youths.

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

C. COASTAL ACCESS

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

Coastal Act Section 30211 states:

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

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

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,***
- (2) adequate access exists nearby, or,***
- (3) agriculture would be adversely affected.***

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

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

Policy 2 states:

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

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

b. sufficient access exists nearby.

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

Policy 5 states:

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

The proposed project involves reconstruction of the Anacapa Marine Services-Bellport Marina parcel. The site does not currently have a public pathway and no formal public access to or along the water presently exists. The proposed project includes construction of a new approximately 550 foot-long public pedestrian walkway along Victoria Avenue, where no walkway currently exists, in front of both the Anacapa Marine Services-Bellport site and in front of the County Yard parcel to the south. The entire walkway will be improved with landscaping, including trees, shrubs, and vines. The proposed walkway along Victoria Avenue will connect with Curlew Way, a small cul-de-sac just to the north of this parcel. Pedestrians will be able to walk down Curlew Way to the water's edge.

Although Policy 5, above, requires a waterfront public pathway, the Harbor Department asserts that constructing a pathway along the waterfront on this parcel will create a public safety hazard. This boatyard is designed so that the boats are hauled out of the water and launched into the water over the travel lift piers. This project includes a new 75-ton travel lift for boatyard operations. These activities could cause potential safety hazards for pedestrians when boats are being moved in and out of the water and when maintenance activities are occurring. In evaluating whether a safe public waterfront walkway could be constructed in an active boatyard, the Harbor Department explored several alternatives to create a safe public walkway on the Channel Islands Landing/Boatyard, located two parcels to the south. The Harbor Department evaluated using an automated crossing guard/gate to make a pedestrian walkway safe, but determined that this would be infeasible without constructing an adjoining fence to keep pedestrians from entering the boatyard area. However, the Harbor Department determined that fencing of an active boatyard site to provide for public pedestrian access would be infeasible because it would severely disrupt boatyard functioning, including the use of the travel lift. The boatyard activities on the subject site, the Anacapa Marine Services-Bellport Marina site, pose the same public safety hazards as evaluated for the Channel Islands Landing/Boatyard site to the south. Therefore, a waterside public walkway on this boatyard site would also be unsafe. Instead of a waterfront walkway, the Harbor Department is proposing to construct a walkway along Victoria Avenue adjacent to the subject site, as well as adjacent to the County Yard site, in order to connect with the public walkway along Victoria Avenue that was approved for the Channel Islands Landing/Boatyard site (approved by the Commission at the February 2009 hearing).

The Harbor Department asserts the Anacapa Marine Services-Bellport Marina is one of only three parcels in the harbor where a waterfront public pathway will not be proposed. The adjacent Ventura County Harbor Yard to the south will continue to function 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 and is not proposing any development on the site. However, the Harbor Department is proposing to construct a public pathway along Victoria Avenue adjacent to this site. The property on the southerly side of the Harbor Yard, the Channel Islands Landing/Boatyard site, is also proposed to continue to function as an active boatyard. No public walkway was required by the Commission along the waterfront on that site in its February 2009 approval. Thus, the walkway will be diverted along Victoria Avenue only on these three parcels. 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 waterfront walkway along this site would jeopardize public safety. In order to ensure that the proposed walkway along Victoria Avenue is completed in a timely manner, the Commission finds it necessary to require the Harbor Department to construct the walkway improvements and to open the public walkway prior to or concurrent with the completion of the landside improvements (restroom)

approved in this NOID. This is required by Special Condition No. 4. Further, Special Condition No. 5 requires the Harbor Department to develop and implement a signage program that clearly delineates the public access pathway. As so conditioned, the Commission finds that the proposed project will not result in any adverse impacts to public access to and along the waterways in the Harbor and that this Notice of Impending Development is consistent with applicable public access policies of the Channel Islands PWP.

D. VISUAL RESOURCES

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

Coastal Act Section 30251 states:

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

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

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

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

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

c. At least 25% of the Harbor shall provide a view corridor that is to be measured from the first main road inland from the water line, which shall be at least 25 feet in width. View corridors shall be landscaped in a manner that screens and softens the view across any parking and pavement areas

in the corridor. This landscaping, however, shall be designed to frame and accentuate the view, and shall not significantly block the view corridor. All redevelopment shall provide maximum views. Other than the proposed Boating Instruction and Safety Center (BISC) identified in this plan, no new development within a designated view corridor shall occur without an amendment to the Public Works Plan.

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

The public views of the harbor waterways from Victoria Avenue and other public viewing areas in the harbor will not be adversely affected by the proposed development. Although the docks will be expanding westward into the channel, the project will replace an existing outdated marina with a new marina. No tall structures will be placed over the waterway or on the landside parcel. The proposed restroom building will only be 12 feet tall and 180 square feet and will not block views. The impacts from this additional development over the waterway were evaluated the part of the recent Public Works Plan Amendment 1-07 for the waterside portion of the harbor. To minimize lighting impacts from this new portion of the marina, the Harbor Department has included the following conditions as part of its approval of the project to minimize view impacts:

19. Design and construction of pedestrian walkways, lighting fixtures, signage and landscaping, if any, shall comply with the criteria for public improvements approved by the County of Ventura and shall be approved by the Harbor Department before submitted to the City of Oxnard for building permits

22. Prior to installation of any 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 property, adjacent roadways or adjacent waterways.

Therefore, the Commission finds that, as conditioned by the Harbor Department, the proposed Notice of Impending Development for the Anacapa Marine Services-Bellport Marina Reconstruction is consistent with the applicable visual resource protection policies of the certified Public Works Plan.

E. BIOLOGICAL RESOURCES

The certified Channel Islands Harbor PWP incorporates by reference Sections 30240, 30230, and 30231 of the Coastal Act. Section 30240 provides for the protection of Environmentally Sensitive Habitat Areas. Sections 30230 and 30231 of the Coastal Act

mandate that marine resources and coastal water quality shall be maintained and where feasible restored.

Section 30240 of the Coastal Act States:

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

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

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

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

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

The Channel Islands Harbor Public Works Plan contains policies to protect marine and biological resources and environmentally sensitive habitat areas in and around Harbor waters. The proposed project is for the redevelopment of the existing marina, construction of a 180 sq. ft. restroom building, and addition of 9 new parking spaces. 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 3 acre project site does not contain any trees and includes only few shrubs along Victoria Avenue. No trees on the property and on the east side of the harbor have been documented to contain nests of sensitive bird species according to surveys conducted by Dr. Jeffrey Froke, the Harbor Department's biologist. Dr. Froke regularly conducts surveys of trees within Channel Islands Harbor to identify locations of great blue heron and black-crowned night heron nests, and nests of other sensitive species. Dr. Froke has never documented nesting trees on the Harbor's east side along Victoria Avenue, where the project site is located. However, great blue herons and black-crowned night herons use various locations throughout the Channel Islands Harbor as nesting sites. These sites have been documented monthly from 2003 to the present by Dr. Froke.

The most recent bird survey, prepared by Dr. Jeffery Froke on September 23, 2008, documented 15 Great blue heron nesting sites across the channel on the peninsula and 3 nests on the west side of the harbor. (Exhibit 6) The closest known nesting site is on the peninsula, more than 400 feet away from the subject parcel. Because the development proposed in this NOID will be more than 300 feet away from the closest known nesting site, no tree surveys within 500 feet of the project site are required and, no restrictions on development for bird monitoring are necessary.

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.

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.

The proposed construction of a new marina, one building, and other project components has the potential to impact marine biological resources. As conditioned, however, the Commission finds that the proposed Notice of Impending Development is consistent with the biological policies of the certified PWP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act ("CEQA"),¹ has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15302.14 C.C.R. § 15302 ("Replacement or Reconstruction"); see *also* CEQA section 21084 (authorizing promulgation of regulations listing categorical exemptions). For CEQA purposes, the Commission's role with respect to this project is that of a responsible agency. Despite the lead agency's determination of categorical exemption for the project, the Commission has separately considered the potential environmental impacts of the project as it would be characterized under both CEQA and the Coastal Act. As an agency with a certified regulatory program under CEQA section 21080.5, the Commission regularly assesses whether its approval of a project, as modified by any conditions of approval, is consistent with the provisions in CEQA Section 21080.5(d)(2)(A) that a proposed project not be approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect the activity may have on the environment. As in other contexts, the Commission has considered that question here.

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

The Commission has imposed conditions upon the Notice of Impending Development to include such feasible measures as will reduce environmental impacts of new development. The Commission incorporates its findings on Coastal Act and PWP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development approved by this NOID, as conditioned, is consistent with the policies of the certified PWP. Feasible mitigation measures that will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the Notice of Impending Development, as conditioned herein, is consistent with CEQA Section 21080.5(d)(2)(A), and the applicable provisions of the Public Works Plan.

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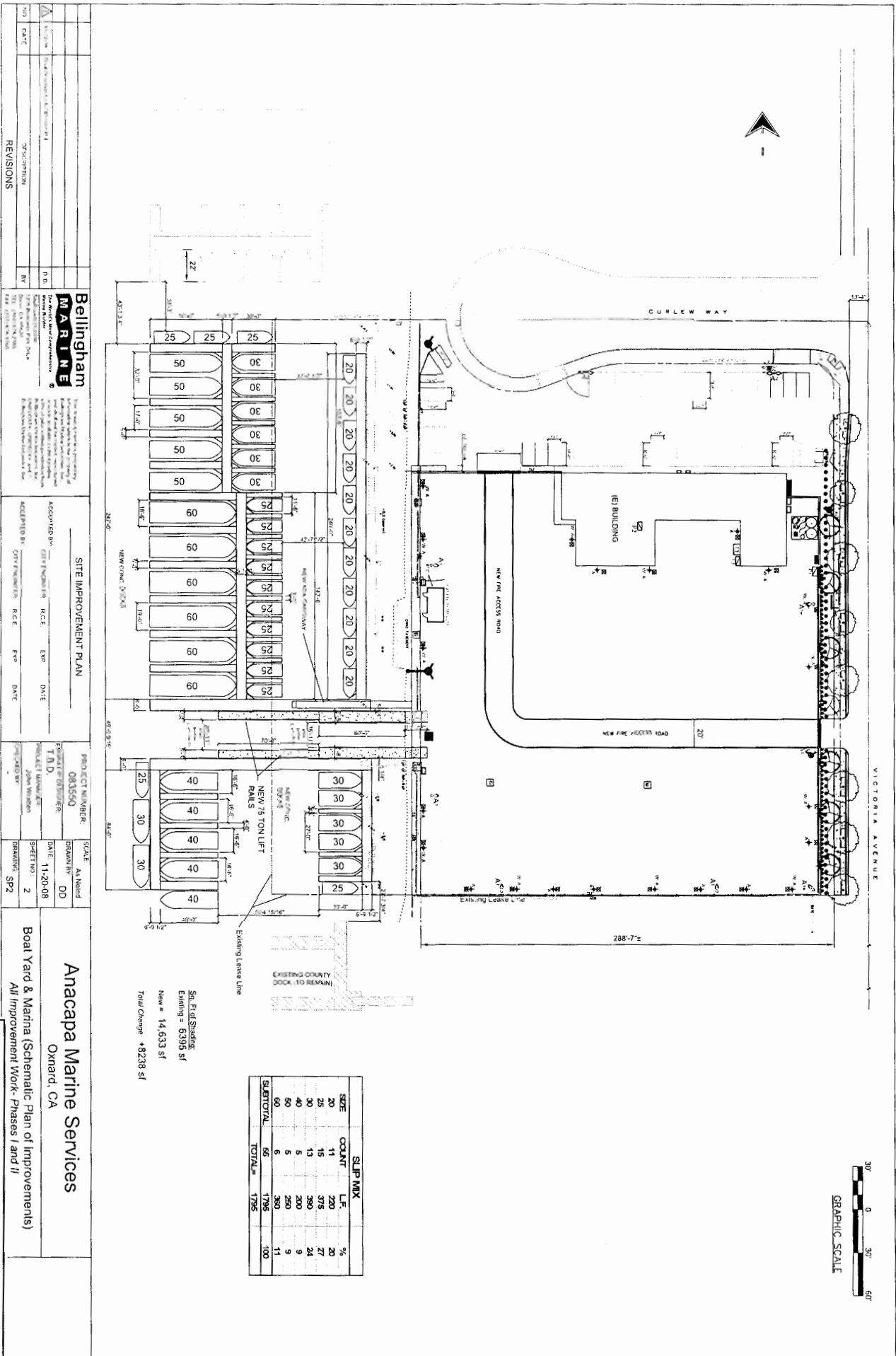
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Bellingham MARINE
 Boat Yard & Marina (Schematic Plan of Improvements)
 All Improvement Work - Phases I and II

SITE IMPROVEMENT PLAN

APPROVED BY: [Signature]
 DATE: [Date]

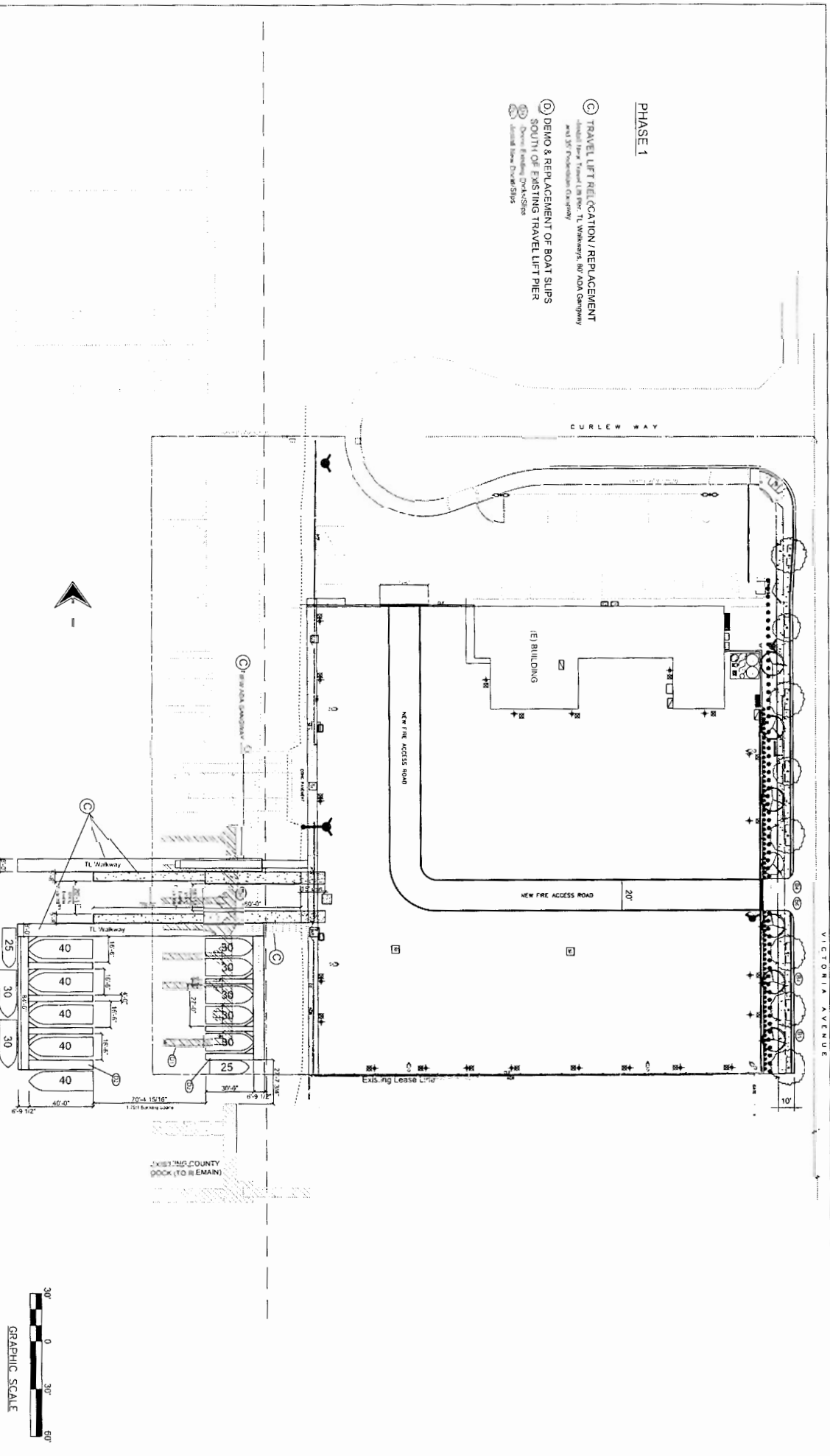
PROJECT NUMBER: 083560
DATE: 11-20-08
SCALE: As Shown

Anacapa Marine Services
 Oxnard, CA

EXHIBIT 2
CI Harbor NOID 4-08 (Anacapa Marine Services - Bellport Marina) Site Plan

NO.	DATE	DESCRIPTION	BY

- PHASE 1
- Ⓒ TRAVEL LIFT RELLOCATION / REPLACEMENT
Revised from Travel Lift per TL Walkways, 807 ADA Compliance and SF Production Company
 - Ⓓ DEMO & REPLACEMENT OF BOAT SLIPS
South of Existing Travel Lift Pier
 - Ⓔ Drive Paving, Dock-Side
Along New Walkways



NO.	DATE	DESCRIPTION	BY

Bellingham MARINE

10000 1st Street, Suite 100, Bellingham, WA 98201
 Phone: (360) 738-1111
 Fax: (360) 738-1112

SITE IMPROVEMENT PLAN

ACCEPTED BY: CITY ENGINEER R.C.E. E.P. DATE: _____
 ACCEPTED BY: CITY ENGINEER R.C.E. E.P. DATE: _____

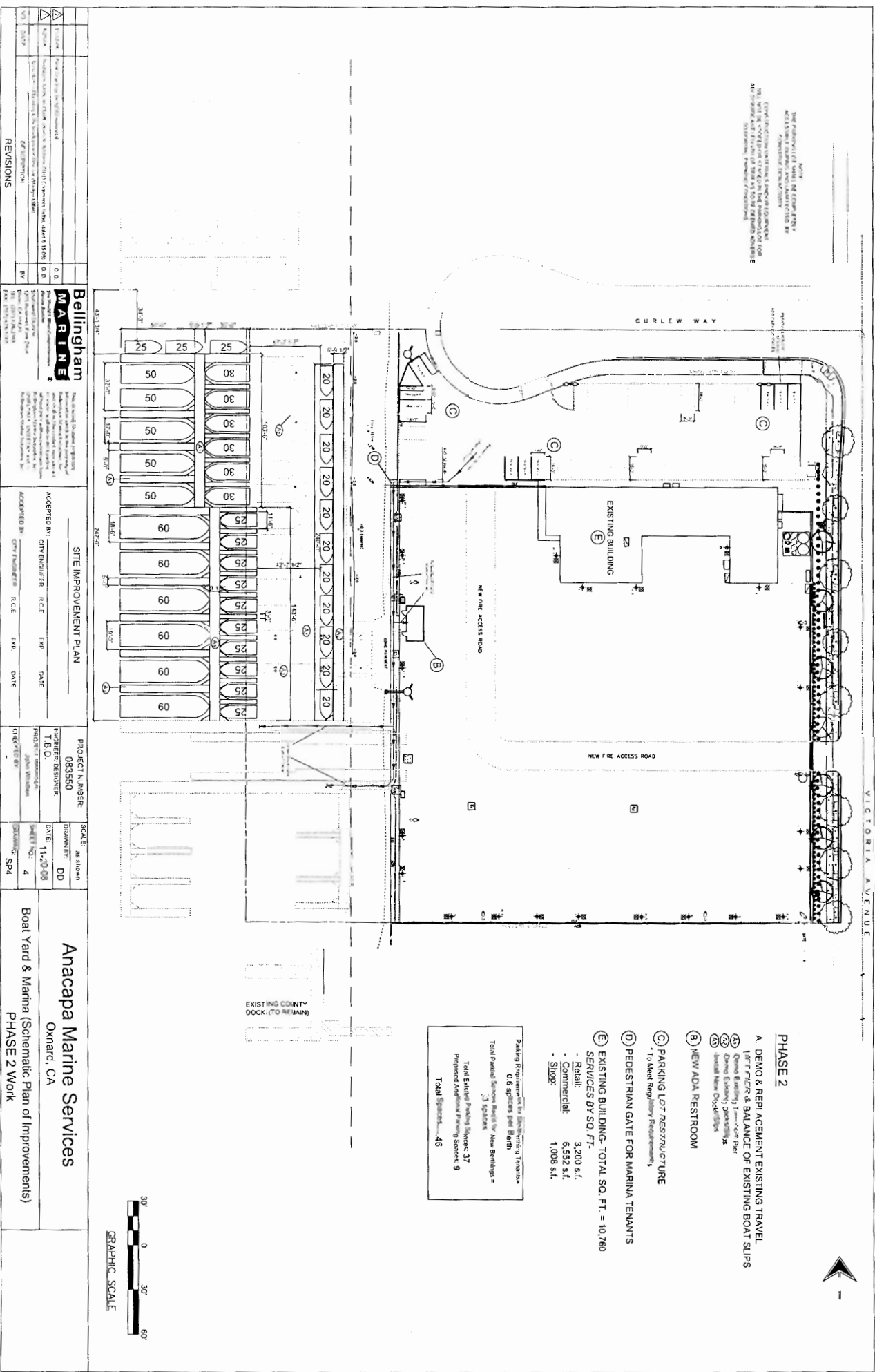
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 DRAWN BY: J.B.D.
 DATE: 11-20-08
 SHEET NO.: 3
 DRAWING: SP3

Anacapa Marine Services
 Oxnard, CA

Boat Yard & Marina (Schematic Plan of Improvements)
 PHASE 1 WORK

EXHIBIT 3
CI Harbor NOID 4-08 (Anacapa Marine Services - Bellport Marina)
Phase 1 Construction Plan

NOTICE: THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



PHASE 2

A. DEMO & REPLACEMENT EXISTING TRAVEL LOT PAVED & BALANCE OF EXISTING BOAT SLIPS

- (1) Demo Existing 1-car Per
- (2) Demo Existing 2-car Per
- (3) New ADA Restroom

(B) NEW ADA RESTROOM

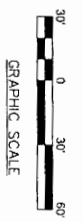
(C) PARKING LOT RESTRICTION

(D) PEDESTRIAN GATE FOR MARINA TENANTS

(E) EXISTING BUILDING - TOTAL SQ. FT. = 10,760

- Retail: 3,200 s.f.
- Commercial: 6,552 s.f.
- Shop: 1,008 s.f.

Parking Requirements for Anacapa Marina
 0.6 spaces per berth
 Total Parking Spaces Needed for New Buildings = 33 Spaces
 Total Existing Parking Spaces: 37
 Proposed Additional Parking Spaces: 9
 Total Spaces: 46



NO.	DATE	DESCRIPTION	BY
1	11-02-08	Final Design	J. Williams
2	11-02-08	Final Design	J. Williams
3	11-02-08	Final Design	J. Williams
4	11-02-08	Final Design	J. Williams

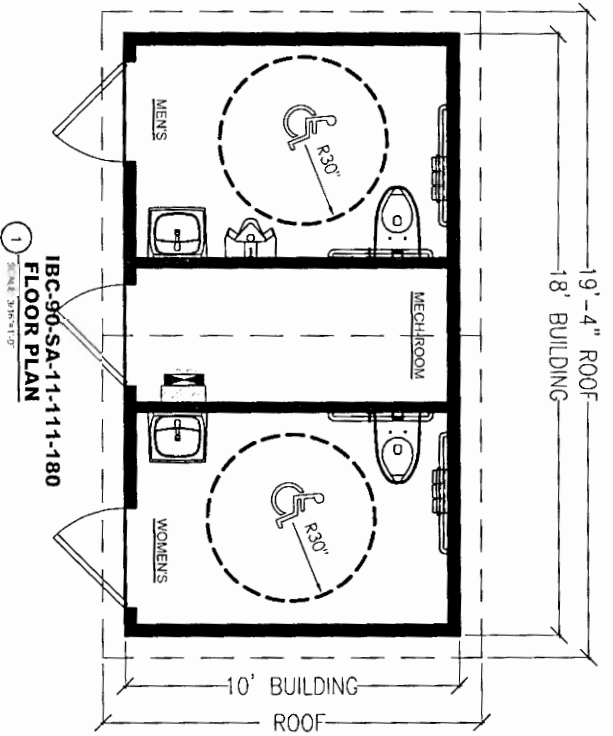
Bellingham MARINE
 1000 1st Street, Bellingham, WA 98201
 Phone: 360-738-1111
 Fax: 360-738-1112
 www.bellinghammarine.com

SITE IMPROVEMENT PLAN
 ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE
 ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

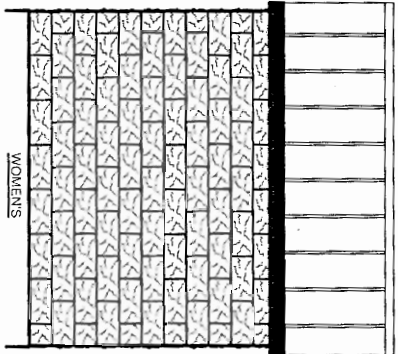
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 ENGINEER/DESIGNER: T.B.D.
 DATE: 11-02-08
 SHEET NO.: 4
 DRAWING: SP4

Anacapa Marine Services
 Oakland, CA
 Boat Yard & Marina (Schematic Plan of Improvements)
 PHASE 2 Work

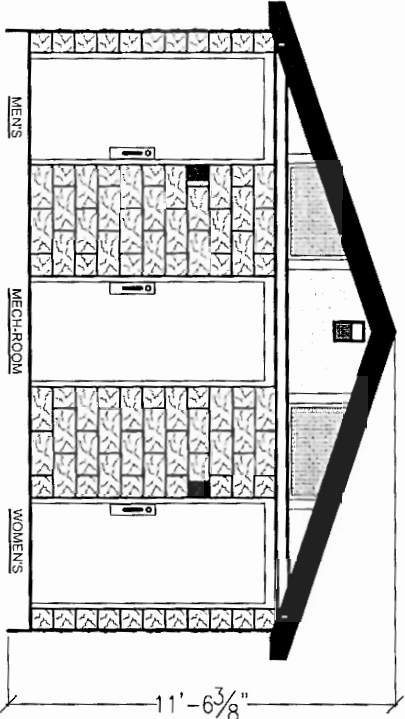
EXHIBIT 4
CI Harbor NOID 4-08 (Anacapa Marine Services - Bellport Marina)
Phase 2 Construction Plan



1 IBC-90-SA-11-111-180
FLOOR PLAN
SCALE: 3/16"=1'-0"



3 SIDE ELEVATION
SCALE: 3/16"=1'-0"



2 FRONT ELEVATION
SCALE: 3/16"=1'-0"

Developed And Building Restrooms... Better
THE PUBLIC RESTROOM COMPANY
 P.O. BOX 8881, 2060 Fwy. 804-888-1448

MODEL #:
PROJECT:

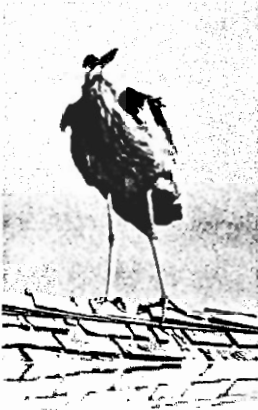
RESTROOM BUILDING

- COPYRIGHT © 2008 - DO NOT REPRODUCE - NOT FOR CONSTRUCTION - PRELIMINARY DESIGN DRAWING ONLY -

DATE: 06-27-08
 PROJECT #:
 MAXIMUM PERSON AN HOUR:
 DRAWN BY: TOMMY



EXHIBIT 5
 CI Harbor NOID 4-08 (Anacapa Marine Services - Bellport Marina)
 Restroom Building Plan



CALIFAUNA

Jeffrey B. Froke, Ph.D.
3158 Bird Rock Road
Pebble Beach CA 93953

TEL (831) 224-8595 / FAX (831) 649-3764
jbfroke@mac.com

HERON PROJECT UPDATE

Project: Channel Islands Harbor
Period: June - September 2008
Date: Tuesday, 23 September 2008

INTRODUCTION

This report covers an extended period of the 2008 heron nesting season, from 15 May (mid-season) to 24 September (end-of-season). Specific field days were 06 June, 12 July, 20 August, and 21 September 2008. The previous past reports of this year covered the entire early nesting season. The next report, planned for December of this year, will provide a complete season-long description, analysis and detailed (nest-tree use) mapping of the 2008 heron nesting season.

OBSERVATIONS

Great Blue Herons: On 6 June, there was a minimum of 15 pairs and 36 nestlings occupying 15 nests on the Peninsula. The nests were divided thusly: seven around the boat anchorage parking lot and eight across the street on the grounds of Casa Sirena. By 12 July, there were three remaining active nests in the Harbor area, all on the Peninsula. Then occupying the three Peninsula nests was a minimum of 4 nestlings (chicks and pre-fledglings).

On 20 August, there were two pre-fledge nestlings branching in the NE corner group of palms next to the boaters' parking lot, next to the Lobster Trap, and two others, each occupying a palm nest in the same area. Across the road at Casa Sirena, a pair of GBH pre-fledge nestlings still occupied the group of three nests in a Monterey Pine at Casa Sirena. These birds may have been fledglings, which frequently will return to reoccupy their natal sites for an "extra" week or two. Finally, by 21 September, there were no longer any nestlings known to occupy nests in the harbor area.

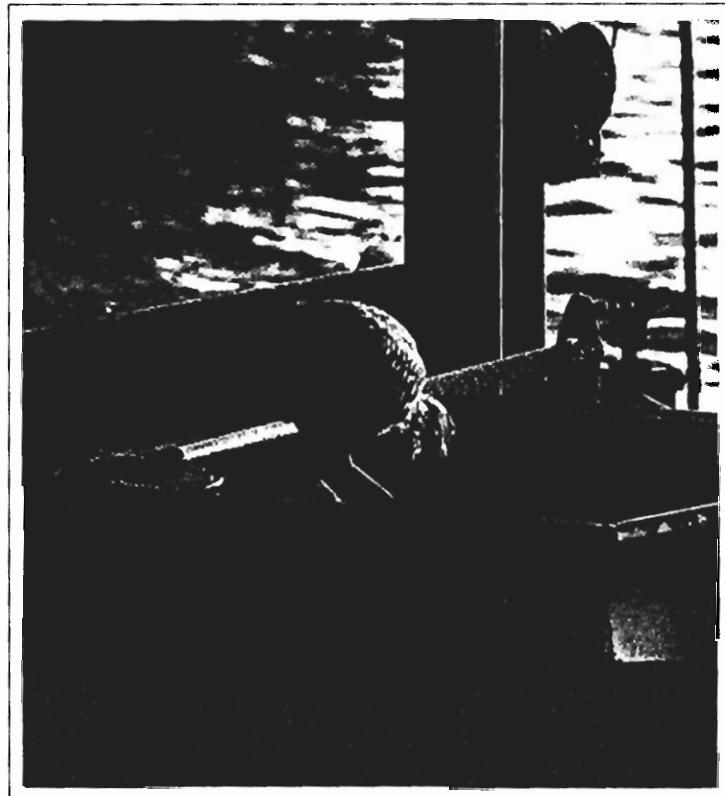
Black-crowned Night-Herons: On 6 June, there were at least five begging nestlings in three nests: two in the SE cypress island at the Peninsula Road roundabout, and three in the two nests

EXHIBIT 6
CI Harbor NOID 4-08 (Anacapa Marine Services- Bellport Marina)
Dr. Froke Report

CALIFAUNA

(one in each of two trees) adjacent to the Vintage Yacht Sales Office on the Westside. On 12 July, four adults (likely 2 pairs) and four pre-fledglings occupied two nests, one each in the two cypress trees next to the Vintage Yacht Sales on the Westside (Harbor Blvd.). On 20 August, two pre-fledge nestlings were branching in the cypress trees in the SE island adjacent to the boaters' parking lot. Finally, by 21 September only two adults were observed occupying any nests of the just-ended nesting season, these in one of the nests located by the Vintage office.

JBF



**ANACAPA MARINE SERVICES – BELLPORT BOATYARD IMPROVMENTS AND
MARINA EXPANSION
CONDITIONS OF APPROVAL – COUNTY OF VENTURA**

PWP Conditions

Low Cost Boating

1. Prior to final occupancy approval of the new marina, and every year thereafter, Lessee shall pay to the Channel Islands Foundation an in-lieu fee equal to the value of one 30-foot boat slip (based upon the listed per foot rental rate posted at the marina on July 1 of each year for a 30-foot slip) for each 100 slips of 32 feet 1 inch in length and over that are redeveloped. For marinas containing fewer than 100 slips over this size, the in-lieu fee shall be prorated based on the number of slips. At the time this NOID was submitted, the cost of a 30 foot slip in Anacapa Marina on July 1 of 2008 is for \$13.50 per foot per month, or \$405.00 per month (\$ 4,860.00 per year). The plan submitted with this NOID provides for the construction of 16 slips. Therefore, the fee would be 1/16 of \$4,860.00, or \$777.60. Upon completion of the marina and prior to final occupancy the Lessee shall provide the Harbor Department with the revised slip fee for a 30-foot slip, and the fee will be recalculated at that time. (PWP)

Biological Resources

2. *Avian Species* -- Prior to any construction activities, and once a week upon commencement of construction activities that include grading or use of other heavy equipment, when that activity will be carried out between December 1st and September 30th, inclusive, a biological survey of all trees on the construction site, or within 500 feet of the construction site, shall be conducted by a qualified independent biologist or environmental resource specialist. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species near the construction site. All surveys shall be submitted to the Harbor Department, who shall then submit them to the Executive Director of the Coastal Commission.

In the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior on or adjacent to the project site (within 500 feet of any construction activities), then the following measures shall be included in the development:

- A. Within 300 feet of any identified active nesting sites, noise monitors shall be present during all pile driving, concrete demolition or other hardscape demolition. Noise generated by construction (included but not limited to pile driving) shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
- B. A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During

EXHIBIT 7

**CI Harbor NOID 4-08 (Anacapa
Marine Services- Bellport Marina)**

Harbor Dept. Conditions

construction, noise reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.

3. *Caulerpa Taxifolia* -- Lessee shall take precautions to limit the introduction or spread of non-native invasive aquatic species by minimizing disturbance to marine water substrate and marine resources within the Harbor. Prior to commencement of development within the water, a survey shall be conducted for the presence of *Caulerpa taxifolia* (*C. taxifolia*) or other non-native invasive aquatic species within the project site and extending 10 meters beyond the project area. The survey shall be prepared consistent with the survey protocol required by the Southern California Caulerpa Action Team (SCCAT). If *C. taxifolia* or other non-native invasive aquatic species is found within or in close proximity to the project site, it shall be eradicated prior to commencement of construction. (PWP)
4. *Eelgrass* -- Prior to commencing construction a survey shall be conducted during the active growth period of eelgrass (*Zostera marina*) to determine if eelgrass is present on the site. If eelgrass is found within the project site, the project shall be redesigned to avoid impacts to eelgrass. If it is not feasible to avoid impacts to eelgrass on the project site or nearby, the lessee shall replace the eelgrass at a minimum ration of 1.2:1, either onsite or at another location, in conformance with "Southern California Eelgrass Mitigation Policy" Revision 8 adopted by the National Marine Fisheries Service. (PWP)

Water Quality

5. Prior to commencing construction, a Water Quality Management Plan (WQMP), prepared by a licensed water quality professional, shall be prepared and submitted to the Harbor Department for submittal to the Executive Director of the Coastal Commission. The WQMP shall contain plans, descriptions and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:
 - A. The proposed development shall reduce or maintain pre-development peak runoff rates and average volumes to the maximum extent practicable.
 - B. Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters. Structural Treatment Control BMPs shall be implemented when a combination of Site Design and Source Control BMPs are not sufficient to protect water quality.
 - C. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.

- D. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
 - E. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
 - F. Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to: 1) trap sediment, particulates and other solids; and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey an discharge runoff from the developed site in a non-erosive manner.
 - G. Parking lots and streets shall be swept on a weekly basis, at a minimum, in order to prevent dispersal of pollutants that might collect on those surfaces, and shall not be sprayed or washed down unless the water used is directed through the sanitary sewer system or a filtered drain.
 - H. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.
 - I. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater) for flow-based BMPs.
 - J. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned out, and where necessary, repaired at the following minimum frequencies: 1) prior to October 15th each year; 2) during each month between October 15th and April 15th of each year; and 3) at least twice during the dry season.
 - K. Debris and other water pollutants removed from the structural BMPs during cleanout shall be contained and disposed in the proper manner.
 - L. It is the Lessee's responsibility to maintain or ensure that the drainage system and the associated structures and BMPs on its leasehold according to manufacturer's specifications. (PWP)
6. Material used for construction of piers, pilings, docks, dolphins, or slips shall not include timber preserved with creosote, (or similar petroleum-derived products). Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to

installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g. PVC Pilewrap) and reinforced plastic for pilings (e.g. high density polyethylene (HDPE) pile armor), shall conform to the following requirements.

- A. The material used shall be durable and a minimum of one-tenth of an inch thick.
 - B. All joints shall be sealed to prevent leakage.
 - C. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrappings into State waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
 - D. The plastic sleeves shall extend a minimum 18 inches below the mudline.
 - E. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic or similar material wrapped pile.
 - F. The lessee shall be responsible for removal of failed docks or materials.
 - G. If Federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, where feasible. (PWP)
7. Project shall be designed to minimize erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable. Project shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.
 8. The project shall incorporate appropriate design elements and management practices to minimize adverse impacts to water quality related to boating facilities and boater waste in the Harbor to the maximum extent practicable. Boating in the Harbor shall be managed in a manner that protects water quality, and all persons or employees maintaining boats in slips in this marina or using slips on a transient basis shall be made aware of water quality provisions. (PWP)
 9. Best Management Practices: The Lessee shall be responsible to ensure that the marina will be managed in a manner that protects water quality through the implementation of the following BMPs, at a minimum:
 - A. Boat Maintenance and Cleaning Best Management Practices
 - i. Boat maintenance shall be performed above the waterline in such a way that no debris falls into the water.

- ii. In-water top-side and bottom-side boat cleaning shall be by hand and shall minimize the discharge of soaps, paints, and debris. Where feasible, remove the boats from the water and perform cleaning at a location where debris can be captured and disposed of properly.
 - iii. Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
 - iv. Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
 - v. In-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull shall be prohibited.
 - vi. Boat repair and maintenance shall only occur in clearly marked designated work areas for that purpose.
 - vii. All boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall also use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas.
- B. Solid and Liquid Waste Best Management Practices: All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene, and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or a gutter.
- C. Sewage Pumpout System and Best Management Practices: Vessels shall dispose of any sewage at designated pumpout facilities provided by the Harbor Department.
- D. Petroleum Control Management Measures
- i. Boaters shall practice preventive engine maintenance and shall use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed of in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited.
 - ii. If the bilge needs more extensive cleaning (e.g., due to spill of engine fuels, lubricants, or other liquids), the boaters shall use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids.
 - iii. Bilge cleaners which contain detergents or emulsifiers shall not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.
- E. Public Information: These best management practices shall be provided in writing to all marina operators for dissemination to the boating public. (PWP)

Construction Maintenance Responsibilities and Debris Removal

10. Lessee shall be responsible for carrying out the following during and after construction.
 - 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 of in the proper trash and recycling receptacles at the end of every construction day.
 - F. The Lessee 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 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 projects. (PWP)
11. Marina Inspection and Maintenance Program – The Lessee, by obtaining permits for the project described herein, agrees to allow the Harbor Department to periodically inspect the marina facility approved with this NOID. The Lessee will undertake immediately any repairs necessary to maintain the structural integrity of the docks, pilings and utility connections, and to ensure that pieces of debris do not enter the marina environment. On a revolving five year basis, following the date that the first dock is installed or remodeled, the Harbor Department shall, and the Lessee shall permit, conduct an inspection of the marina to ensure the integrity of the docks, pilings and utility connections, and to ensure that all corrective actions have or will be immediately undertaken to maintain the facility. The inspections shall be undertaken boat, during periods of extreme low tides. The Harbor Department will prepare periodic reports of these inspections for submittal to the Executive Director of the Coastal Commission for review and approval. If the Harbor Department or the Executive Director of the Coastal Commission concludes that the inspections confirm that the material used in the marina is impacting marine resources, the use of such material shall be stopped. (PWP)

County of Ventura Conditions

- 12. Prior to submitting plans to the City of Oxnard for building permits, and consistent with the Lease between the County and the Lessee, the lessee shall sign a copy of these conditions stating that he has read and agrees to carry them out and that his contractors and subcontractors will be informed of the conditions. Any failure of the lessee to carry out these conditions may be grounds for a Stop Work Notice, a Notice of Violation, or other corrective measures.
- 13. Prior to submitting plans to the City of Oxnard for building permits, a copy of the plans shall be submitted to the Harbor Department for review and approval. Once approved, these plans shall be stamped “approved for submittal.” The plans submitted to the Harbor and City of Oxnard shall substantially conform to the plans approved as a part of this Notice of Impending Development.
- 14. Any modifications to the plans after approval by 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.
- 15. Prior to the City of Oxnard issuing building permits, the Harbor Department shall sign off on the building plans.

16. A copy of these conditions shall be reproduced at the front of the building permit plans.
17. All utility boxes, utility equipment vents, and other accessory equipment structures shall be shown on the plans submitted to the Harbor for review and approval, including their locations and sizes, purposes, etc. All equipment, including rooftop equipment, shall be screened from view of the water or the public street and the plans shall demonstrate how this screening is proposed.
18. Gangway, abutment, security devices, entry gates and other marina-associated structures and all utility boxes and fire suppression equipment, shall be located off of the area intended for the public walkway and the walkway shall be left clear for public access.
19. Design and construction of pedestrian walkways, lighting fixtures, signage and landscaping, if any, shall comply with criteria for public improvements approved by the County of Ventura and shall be approved by the Harbor Department before submitted to the City of Oxnard for building permits
20. 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 or County of Ventura Fire Departments.
21. 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.
22. Prior to installation of any 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 property, adjacent roadways or adjacent waterways.
23. 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.
24. Lessee's contractor shall minimize the number of vehicles and equipment operating on site at the same time.
25. 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.
26. Adjacent streets and public access ways shall be kept free from debris and lessee's contractor shall sweep or clear areas daily as necessary.
27. Any alteration of rock slope resulting from removal of old gangway support abutments shall be restored to its original footprint and shall not extend further into Harbor waters.

28. Prior to commencing construction and after existing marina has been removed, the Lessee shall have the area of the new marina inspected by divers for debris. All debris shall be mapped and marked. Prior to installing new piles and docks, Lessee shall have all debris removed and properly disposed of. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss. At the end of the demolition/construction period, the Lessee shall have divers inspect the project area and ensure that no debris, trash or construction material has been left on the shoreline or in the water, and that the project has not created any hazard to navigation. All debris, including old floats, pilings, pieces of docks, boat material and any other debris that has accumulated on the bottom shall be removed prior to final occupancy approval
29. Any and all debris resulting from demolition/construction activities shall be removed from the project site and disposed of within 24 hours of completion of construction.
30. 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 secured when not in use.
31. Machinery or demolition/construction materials not essential for the project are prohibited at all times in the subtidal and intertidal zones.
32. The use of creosote treated wood piles is prohibited.
33. Silt curtains shall be utilized to control turbidity during placement and removal of all piles.
34. Floating booms and silt curtains shall be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
35. Temporary erosion control measures shall be implemented should construction or site preparation cease for a period of more than 30 days. These temporary erosion control measures shall be monitored and maintained until demolition or construction operations resume.
36. The areas to be disturbed by construction activities, including any temporary access roads, staging areas, and stockpile areas, shall be delineated.
37. 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.
38. Signage shall be provided to notify the public when access to public sidewalks will be blocked because of construction. Signage will indicate alternate routes.
39. Lessee is responsible for removing all graffiti from the project site within 24 hours and restoring the surface to match the existing.

40. Adequate trash facilities and pick-ups shall be provided to maintain the site free of debris, food waste, and to minimize scavenger birds.

41. The Lessee shall comply with all requirements, requests and 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 nesting and foraging activities. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Harbor Department in order to determine if the proposed change will require a new permit.

Anacapa Marine Services – Bellport Marine agrees to the above conditions.

Date: _____

By: _____

Name _____

Title _____

For: Anacapa Marine Services -- Bellport

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