

CALIFORNIA COASTAL COMMISSION

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



Th 14a

UPDATED ADDENDUM

DATE: December 7, 2011 [Click here to go to the original staff report.](#)
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th14a, Channel Islands Harbor Notice of Impending Development 2-11 (Peninsula Park Guest Dock Reconstruction and Restroom Building) Thursday, December 8, 2011 Commission Meeting in San Francisco.

The purpose of this addendum is to make clarifications to the project description and to attach and respond to correspondence from interested parties and attach correspondence from the Ventura County Harbor Department.

Staff Report Changes:

Note: ~~Strikethrough~~ indicates text to be deleted from the November 17, 2011 staff report and underline indicates text to be added to the November 17, 2011 staff report.

The following language is proposed by the Channel Islands Harbor Department to be added to the Project Description, Section A., page 3 of the November 17, 2011 staff report:

A. Project Description and Background

The Ventura County Harbor Department proposes a two component project at Peninsula Park in Channel Islands Harbor, including: (1) demolishing and replacing the public transient/day use dock facility and (2) demolishing the restroom and shower facilities and replacing the facilities in a new location at Peninsula Park. The existing public dock facility that will be removed includes an approximately 400 ft. long linear dock (11 boat spaces), associated dock utility infrastructure, pilings, a dump station, a pump-out facility, and a gangway with an access gate. The new public dock infrastructure will include 26 boat slips, an 80 ft. long ADA compliant gangway, utility infrastructure, security gate, dump station, and pump out facility. The new dock system will be constructed of concrete floating docks and pre-stressed concrete anchor guide piles and will contain 6 slips that will accommodate boats up to 38 feet and 20 of the new slips will accommodate slips 38 feet and over. (Exhibit 3) The guest docks at Peninsula Park are rented by the County Harbor Department to visiting boaters for day-use or for overnight stays from one to ten nights. No day-use fee will be charged. The Harbor Department will place identifying signage at a minimum of one slip providing for dinghy and kayak access, with multiple tie-up cleats provided for this purpose. In addition, the Harbor Department will make arrangements in annual permits for junior sailing, outrigger clubs, and other similar groups for use of the slips. The gate to the docks will be unlocked during daylight hours year-round, except in severe weather or for security related to emergencies.

Public Comments:

Commission staff received comments from Dr. Jonathan Ziv via email (attached) on November 21, 2011 raising the issue of lack of publicly accessible short-term docking space. In response, the Harbor Department has clarified the project description (above) to provide explicitly for day-use boaters and to provide an unlocked gate during daylight hours.

On December 5, Commission staff received signed petitions (attached) from two members of the public objecting to the removal of the 2nd floor meeting room that currently exists above the bathroom that is proposed to be demolished. The new restroom building will only be one story and will not have second floor. The petitions request that the Commission require the Harbor Department to replace the meeting room space. In response, the Harbor Department has indicated that it will work with the group that uses the meeting space to try to find an alternative meeting space within Channel Islands Harbor. There are no Coastal Act Policies in the Channel Islands Harbor Public Works Plan that require the Harbor Department to provide meeting space for general member of the public.

The Beacon Foundation submitted a letter on December 5, 2011 (attached) raising issues discussed above regarding diminishing low cost boating opportunities and removal of the public meeting room. The letter also raises issues regarding protection of biological resources. As discussed in Section E. Biological Resources, on page 13 of the November 17, 2011 staff report, the project will comply with all biological resource policies of the PWP. Tree surveys will be conducted prior to construction and during construction activities and mitigation measures will be put in place to minimize any construction noise impacts to sensitive nesting birds. Lastly, The Beacon Foundation is concerned that no public restrooms will be provided during construction. The Harbor Department has indicated that they will provide a restroom on site by keeping the current restroom operational until the new restroom is constructed or they will provide a handicapped accessible portable restroom.

Attachments:

- 1) Email from Jonathan Ziv to Commission staff, dated November 21, 2011
- 2) Letter from The Beacon Foundation, dated December 5, 2011
- 3) Letter from Ventura County Harbor Department to Commissioners, dated December 1, 2011.
- 4) "Petition to Replace the Peninsula Park Meeting Room" dated December 4, 2011 from M. Jackson (19 signatures) and K. Moore
- 5) Letter from Bryan MacDonald, City of Oxnard Councilmember, dated December 5, 2011

Amber Tysor

From: Jonathan Ziv DDS [jzivdds@pacbell.net]
Sent: Monday, November 21, 2011 12:06 AM
To: Amber Tysor
Subject: Th14a

Dear Amber,

I read the NOID and I do not see where general public boating visitors to the visitor serving facilities on the peninsula at the Hampton Inn or the future replacement for the Casa Sirena will be accommodated at the guest dock rehabilitation described in the staff report. When the NOID for the waterside replacement of docks around the southern end of the peninsula was brought to the commission a few months ago I brought up to you the lack of public access via public-accessible short stay docking space, either free or fee based. The county and you responded that this upcoming Peninsula Park NOID would provide this access to the visitor serving restaurants and shops that is lacking at the southern end of the peninsula. I only see docks available on a daily rental basis in this NOID staff report, not any free or hourly, which would accommodate short stay visitor serving restaurant patrons or shoppers. The guest docks described seem to be only those for overnight use that would need clean-out facilities and restroom/shower access- not the short term docking access for visitor serving patrons I am addressing. It appears that accommodation of those low cost members of the public that cannot afford an overnight slip are being excluded access to the present and future visitor serving facilities in this portion of CI Harbor via this NOID, inconsistent with the pwp policies.

Would you please comment?

Jon Ziv
Chair, Ventura Sierra Club
chair@venturasierraclub.org

Sent from my iPhone



The Beacon Foundation

567 W Channel Islands Blvd., # 109
Port Hueneme, CA 93041

December 5, 2011

Th 14a

Dear California Coastal Commission
Members and Alternate Members:

Please do not approve the above referenced NOID in its present form.

We are concerned by the continuing piecemeal submission of development projects without a comprehensive revision of the Channel Islands Harbor Public Works Plan. In addition to this overriding concern, we have the following issues:

- 1. Diminishing Low Cost/No Cost Boating Opportunities.** Presently, dingy's, and other small craft can tie up to the existing dock for a few hours without cost. This facilitates boating access to public park facilities. There is no allowance of this usage in the County proposal. This access needs to be required and not made dependent on boat by boat approvals.
- 2. Destruction of Public Meeting Room.** The second floor of the existing restroom is a community meeting room. There are no comparable sites in the Harbor. This use needs to be included in any replacement facility.
- 3. Protection of Biological Resources.** Based on a study by a County consultant, the staff reports states that fourteen heron nesting trees have been observed in the immediate area. This data is more than three years old. Nesting trees are not static and may change from year to year. Without any current data, the staff report indicates one tree will be removed that is "not known" to ever be a nesting tree. The NOID is deficient in information necessary for Commission action. The Commission cannot properly act on speculation and absent current data. Further, an express prohibition is needed to safeguard the targeted tree until current nesting data is provided and approved by the Commission.
- 4. Phasing.** The County does not commit to provide restroom facilities during construction. It could tear down the existing restroom, rebuild the docks, and then indefinitely delay construction of the replacement restroom. This needs to be forestalled by requiring the existing restroom remain in service until the replacement facility is completed. There are no other public restrooms in this area of the Harbor.

The Beacon Foundation is a non-profit 501 (c) 3 environmental organization focused on preservation and public access to Ventura County coastal resources.

Lee Quaintance, Secretary



CHANNEL ISLANDS HARBOR
Ventura County Harbor Department

Lyn Krieger
Director

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

December 1, 2011

California Coastal Commission
c/o 89 S. California Street, Suite 200
Ventura, CA 93001

Subject: December 8, 2011, Agenda, Item Th 14.a., Ventura County

Commissioners:

The County of Ventura accepts the recommendations of your staff, as outlined in the staff report accompanying item 14.a. on the Thursday, December 8, 2011 Commission agenda. The staff has found the project consistent with the certified Public Works Plan, and recommends acceptance of the Notice of Impending Development submitted by the County.

The County is proposing the replacement and expansion of public-serving guest docks in Peninsula Park, Channel Islands Harbor, along with the replacement of the public restroom. At the time this construction is done, the plans call for the restroom to be relocated outside a prime view corridor by moving it slightly to the south, adjacent to public tennis courts. Funding for the project is available now, with fifty percent of the project funded by a grant. The County has been attempting to locate assistance to fund these improvements for several years, and is eager to provide increased public benefit at a time when little new construction is underway in the region.

The guest docks were designed primarily for boaters visiting the Harbor who do not have "permanent" boat slip. They can stay in this facility for up to ten days, paying dock fees by the length of the boat moored at the dock. In addition, these docks play an important role during winter months when they serve as the location for boaters (primarily commercial, but also recreational) to take refuge from storms, heavy seas, and other weather events. Harbor staff have historically worked to make these docks available for short stay use at no charge. We offer a free public concert series during summer months and other free public events throughout the year, and we try to make slips available for those arriving by boat. We also provide free docking and access to the park for our youth sailing programs, as well as those who might stop by for other uses in the park area. The reconstruction of the guest docks will include a gate, which boaters now require for overnight security, but we are discussing ways to ensure that free public access during the day can continue.

California Coastal Commission

December 1, 2011

Page 2

Only one public comment/question has been received, as far as we know. This comment concerns the matter of free public access, and the need for the Commission to require such access. The Harbor has a long history of public access docks, currently providing them in four locations in the Harbor. There is no plan or intention to stop providing such service.

Thank you for your consideration of our project. We respectfully request a vote in favor.

Sincerely yours,



LYN KRIEGER
Director

Cc: Charles Lester, Director
Jack Ainsworth, Chief Deputy Director

California Coastal Commission
December Meeting - Item #: Th14 (a) PUBLIC WORKS PLAN

MICHAEL JACKSON - PETITION TO REPLACE THE PENINSULA PARK MEETING ROOM

December 4, 2011

CALIFORNIA COASTAL COMMISSION
South Central Coast Area Office
89 So. California Street, Suite 200
Ventura, CA 93001

Subject: Petition To Replace Loss of 2nd Floor Meeting Room at Peninsula Park, Ventura County Channel Islands Harbor

Reference: California Coastal Commission - December Meeting Item #: Th14 (a) PUBLIC WORKS PLAN Notice of Impending Development – Replacement of Guest Docks and Replacement and Relocation of Public and Guest Dock Restrooms at Peninsula Park at Ventura County Channel Islands Harbor

Dear California Coastal Commissioners and Staff:

The referenced proposal by the Ventura County Channel Islands Harbor will replace the existing restroom and second floor public meeting room facility at the Oxnard County Peninsula Park with "just" a new restroom. The existing upstairs meeting room is 1,100 square feet in area and can seat up to 88 people. Specific details of the NOID proposal are summarized in the attached map and photos.

Conveniently located in the Channel Island Harbor, the 2nd floor meeting room has been leased by the Alcoholic Anonymous organization for over twenty (20) years, paying ~\$130,000 to the CI Harbor Department. With meetings seven (7) days a week, (three (3) meetings each week day) and an average attendance of 25 to 50, the utilization of this facility delivers over 50,000 "life-saving" visits each year.

It is troubling to me that the referenced NOID clearly ignored the history of this facilities use, and the many benefits it provided to our Harbor community, and further, that NO CONSIDERATION was given to provide a similar public access meeting room in the new restroom building. CI Harbor's excuse was "it was not in our (over \$750,000) budget".

I request the Coastal Commission take time to review this situation, to retain CI Harbor infrastructure, and to recognize the needs of our Harbor community and organizations such as the Alcoholic Anonymous organization.

Please accept my **PETITION TO REPLACE THE PENINSULA PARK MEETING ROOM; i.e. construct a NEW PUBLIC ACCESS MEETING ROOM above the new restroom.**

Sincerely,

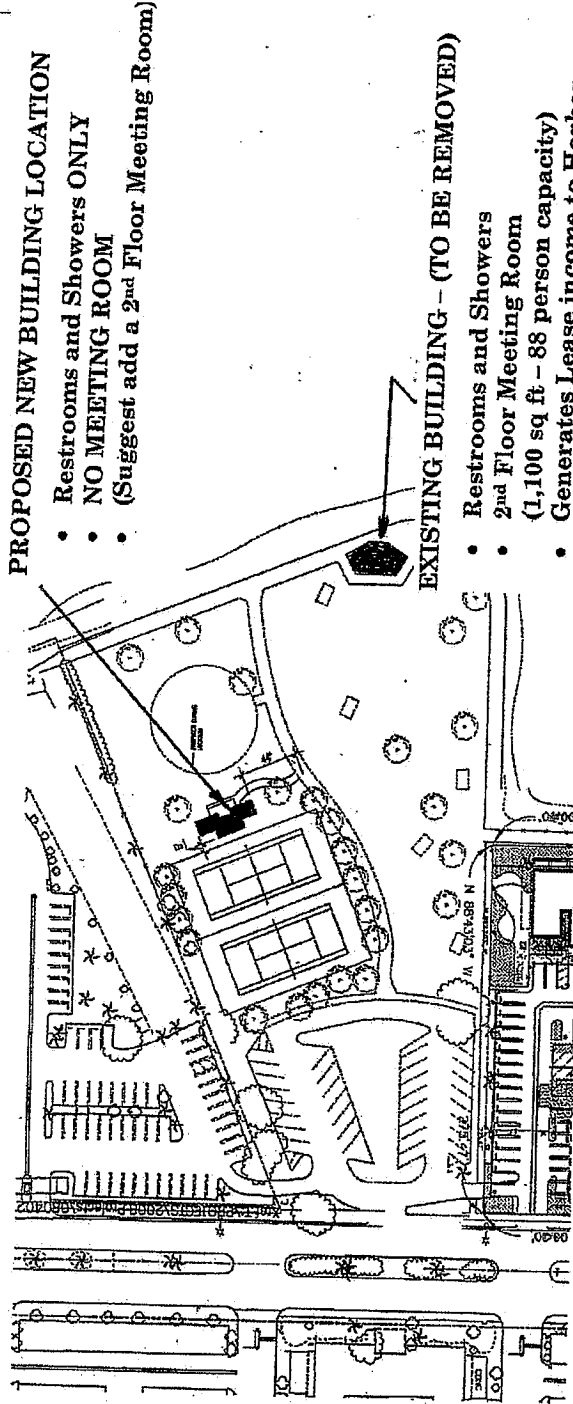


Resident, Channel Islands Beach, CA 93035

Mackson

California Coastal Commission - December Meeting Item 14 (a)
PETITION TO REPLACE THE PENINSULA PARK MEETING ROOM

California Coastal Commission - December Meeting Item 14 (a) PUBLIC WORKS PLAN
Notice of Impending Development - Replacement of Guest Docks and Replacement
and Relocation of Public and Guest Dock Restrooms at Peninsula Park at Ventura
County Channel Islands Harbor



PROPOSED NEW BUILDING LOCATION

- Restrooms and Showers ONLY
- NO MEETING ROOM
- (Suggest add a 2nd Floor Meeting Room)

EXISTING BUILDING - (TO BE REMOVED)

- Restrooms and Showers
- 2nd Floor Meeting Room (1,100 sq ft - 88 person capacity)
- Generates Lease income to Harbor
- Serves: Alcoholic Anonymous Groups

VICTORIA RD / HARBOR BLVD.

Channel Islands Harbor
Improvement plans
Channel Islands Harbor, Oxnard, CA

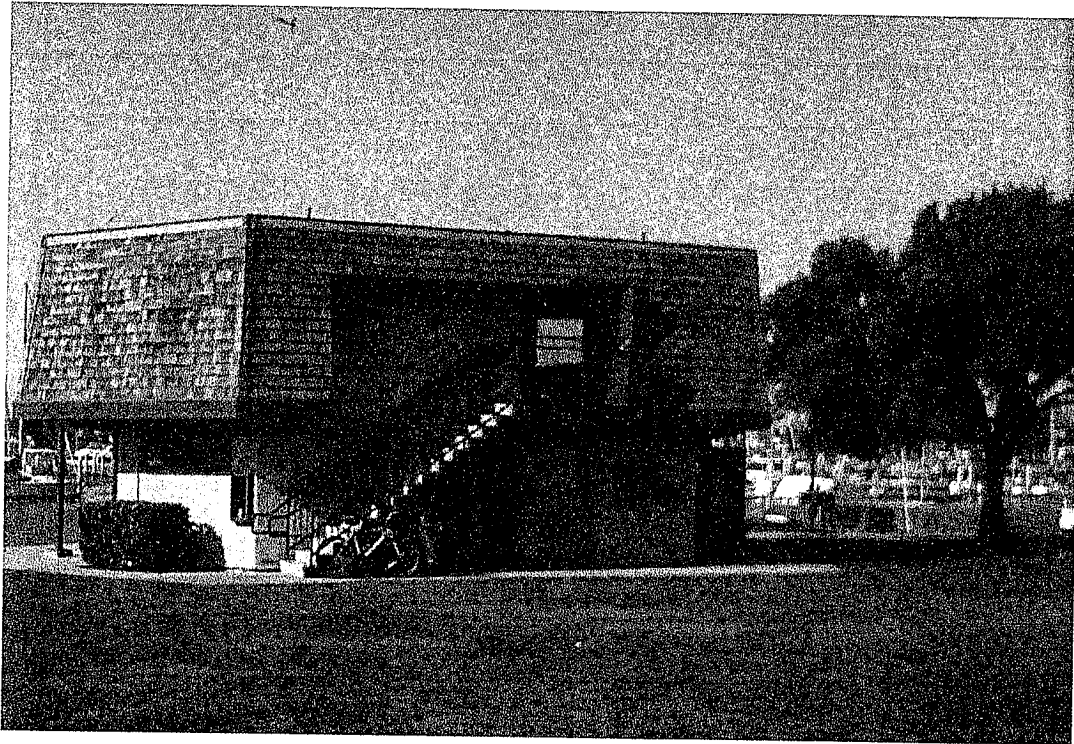
Channel Islands Harbor District
3000 Park Hwy Oxnard, CA 93055



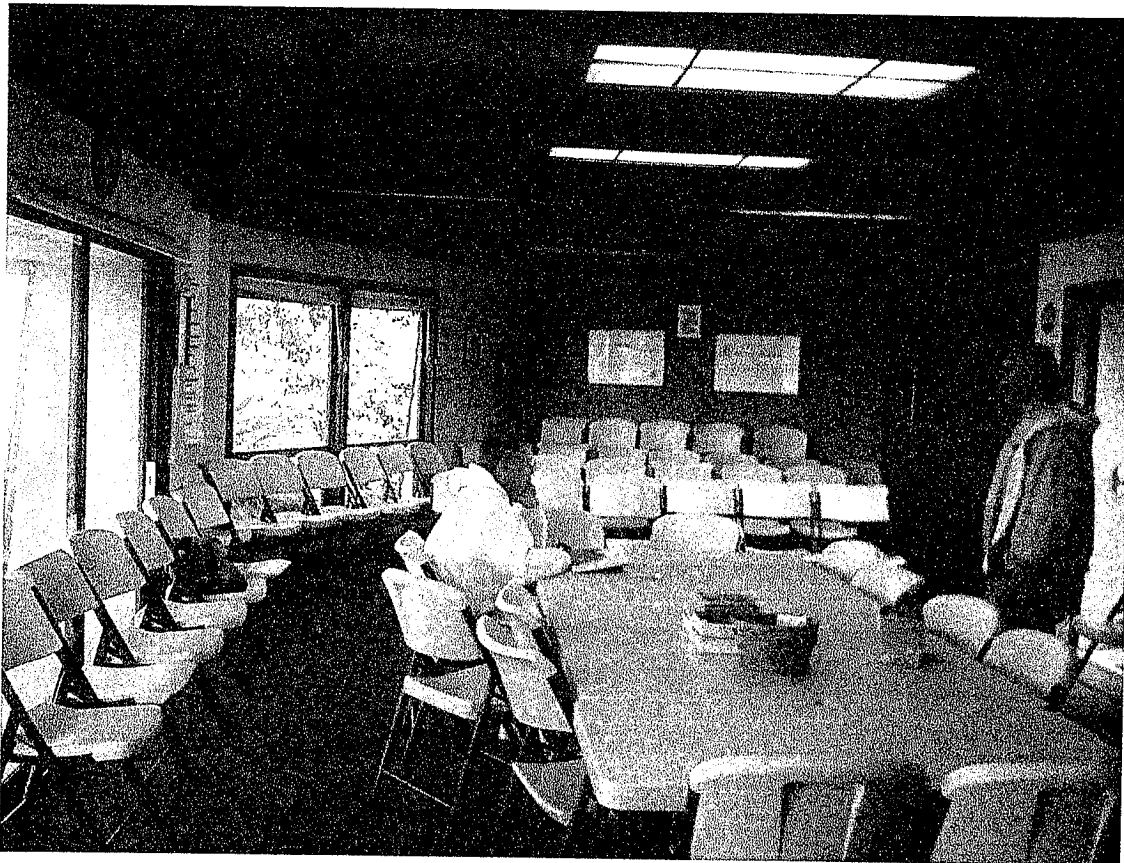
EXHIBIT 2
CJ Harbor NOID 2-11 (Peninsula Park Guest Docks & Restroom)
New Restroom Site Plan

M Jackson

California Coastal Commission - December Meeting Item 14 (a)
PETION TO REPLACE THE PENINSULA PARK MEETING ROOM



PENINSULA PARK RESTROOMS AND 2nd FLOOR MEETING ROOM



PENINSULA PARK 2nd FLOOR MEETING ROOM (1,100 sq ft – 88 capacity)

California Coastal Commission
December Meeting - Item #: Th14 (a) PUBLIC WORKS PLAN

K. MOORE - PETITION TO REPLACE THE PENINSULA PARK MEETING ROOM

December 4, 2011

CALIFORNIA COASTAL COMMISSION
South Central Coast Area Office
89 So. California Street, Suite 200
Ventura, CA 93001

Subject: Petition To Replace Loss of 2nd Floor Meeting Room at Peninsula Park, Ventura County Channel Islands Harbor

Reference: California Coastal Commission - December Meeting Item #: Th14 (a) PUBLIC WORKS PLAN Notice of Impending Development – Replacement of Guest Docks and Replacement and Relocation of Public and Guest Dock Restrooms at Peninsula Park at Ventura County Channel Islands Harbor

Dear California Coastal Commissioners and Staff:

The referenced proposal by the Ventura County Channel Islands Harbor will replace the existing restroom and second floor public meeting room facility at the Oxnard County Peninsula Park with “just” a new restroom. The existing upstairs meeting room is 1,100 square feet in area and can seat up to 88 people. Specific details of the NOID proposal are summarized in the attached map and photos.


Conveniently located in the Channel Island Harbor, the 2nd floor meeting room has been leased by the Alcoholic Anonymous organization for over twenty (20) years, paying ~\$130,000 to the CI Harbor Department. With meetings seven (7) days a week, (three (3) meetings each week day) and an average attendance of 25 to 50, the utilization of this facility delivers over 50,000 “**life-saving**” visits each year.

Although, I am not an AA member, it is troubling to me that the referenced NOID clearly ignored the history of this facilities use, and the many benefits it provided to our Harbor community, and further, that NO CONSIDERATION was given to provide a similar public access meeting room in the new restroom building. CI Harbor’s excuse was “it was not in our (over \$750,000) budget”.

I request the Coastal Commission take time to review this situation, to retain CI Harbor infrastructure, and to recognize the needs of our Harbor community and organizations such as the Alcoholic Anonymous organization.

Please accept my **PETITION TO REPLACE THE PENINSULA PARK MEETING ROOM; i.e. construct a NEW PUBLIC ACCESS MEETING ROOM above the new restroom.**

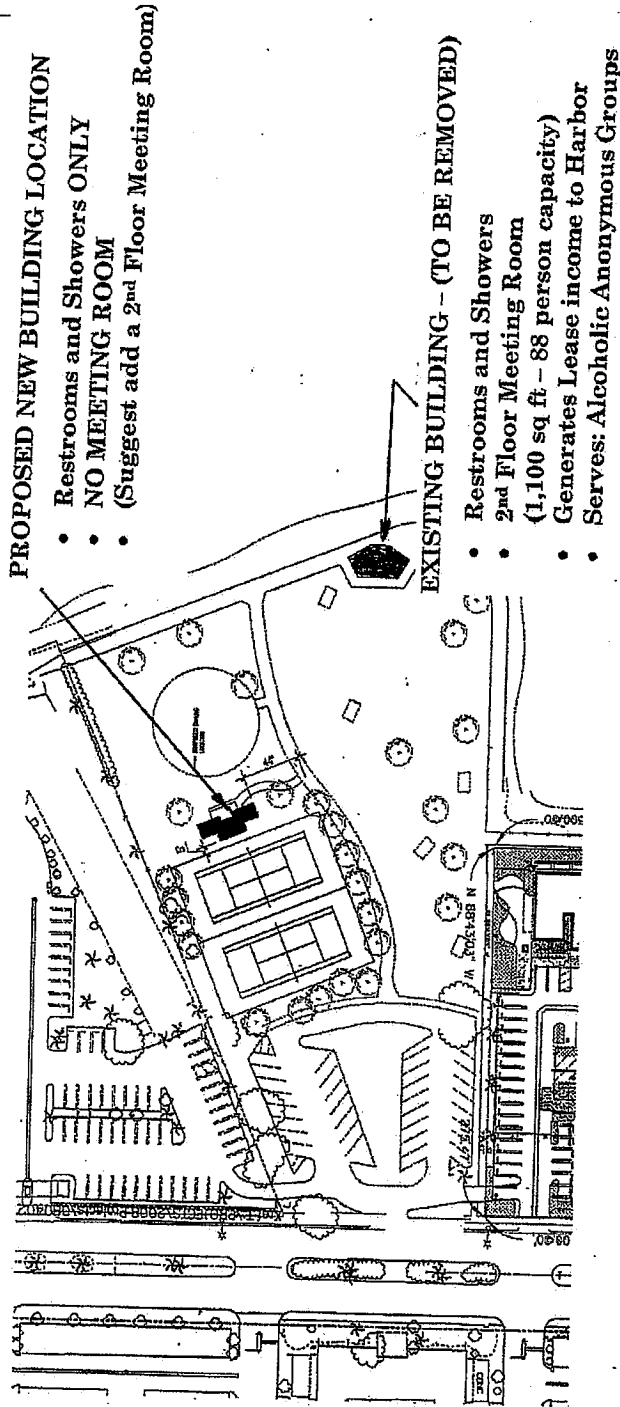
Sincerely,


Resident, Channel Islands Beach, CA 93035

K. Moore

- PETITION TO REPLACE THE PENINSULA PARK MEETING ROOM

California Coastal Commission - December Meeting Item 14 (a) PUBLIC WORKS PLAN
Notice of Impending Development - Replacement of Guest Docks and Replacement
 and Relocation of Public and Guest Dock Restrooms at Peninsula Park at Ventura
 County Channel Islands Harbor



PROPOSED NEW BUILDING LOCATION

- Restrooms and Showers ONLY
- NO MEETING ROOM
- (Suggest add a 2nd Floor Meeting Room)

EXISTING BUILDING - (TO BE REMOVED)

- Restrooms and Showers
- 2nd Floor Meeting Room (1,100 sq ft - 88 person capacity)
- Generates Lease income to Harbor
- Serves: Alcoholic Anonymous Groups

VICTORIA RD./ HARBOR BLVD.

Channel Islands Harbor

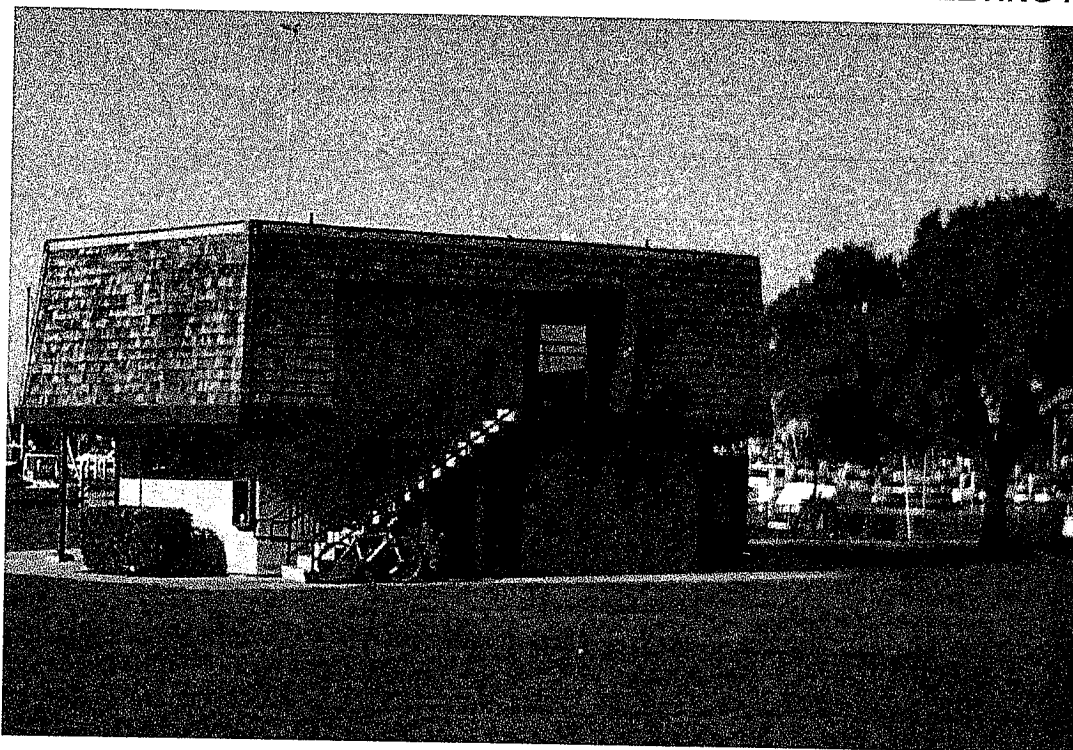
Channel Islands Harbor District
 1000 Palms Way
 Oxnard, CA 93025



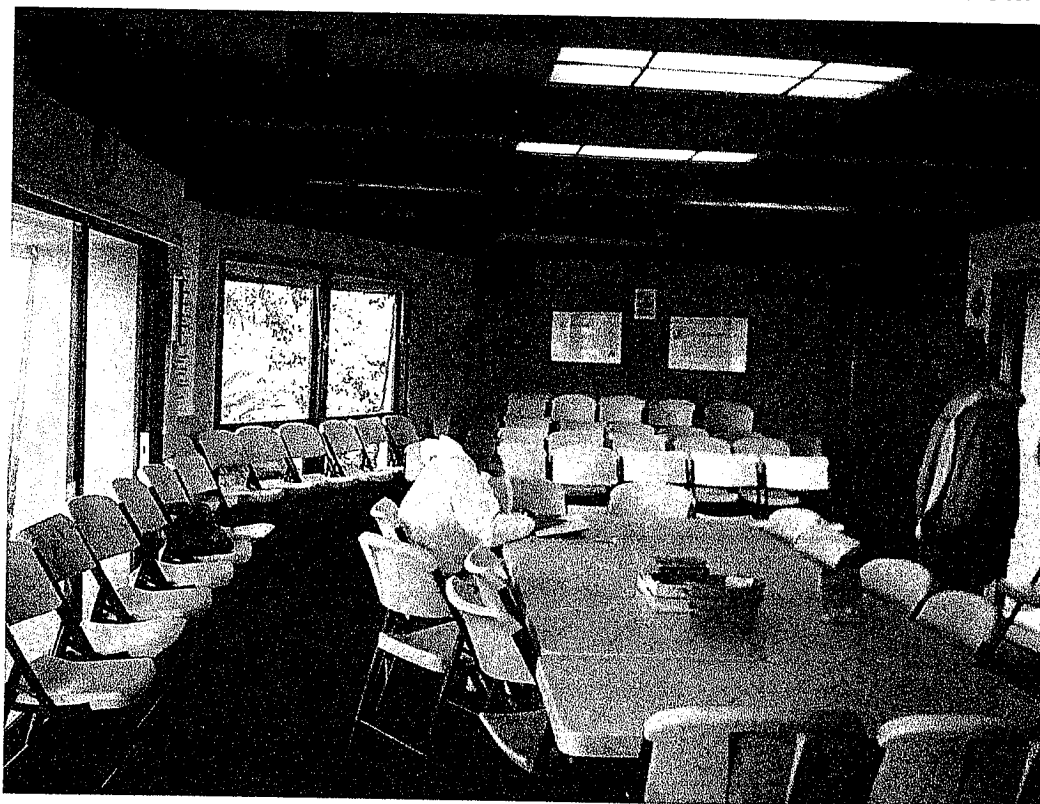
<p>EXHIBIT 2 CI Harbor NOID 2-11 (Peninsula Park Guest Docks & Restroom) New Restroom Site Plan</p>

California Coastal Commission
December Meeting - Item #: Th14 (a) PUBLIC WORKS PLAN

K. Moore - PETITION TO REPLACE THE PENINSULA PARK MEETING ROOM



PENINSULA PARK RESTROOMS AND 2nd FLOOR MEETING ROOM



PENINSULA PARK 2nd FLOOR MEETING ROOM (1,100 sq ft – 88 capacity)



BRYAN A. MACDONALD
Councilman

City Council Office
300 West Third Street • Oxnard, CA 93030 • (805) 385-7441 • Fax (805) 385-7595
Cell (805) 857-5236 • Home Fax (805) 487-3820
Email bryan.macdonald@ci.oxnard.ca.us

December 5, 2011

Mary K. Shallenberger, Chair
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

Re: Item Th 14a – Notice of Impending Development (NOID) 2-11;
Peninsula Park Guest Dock Reconstruction and New Restroom Building
Channel Islands Harbor, Oxnard, California

Chair Shallenberger and Members of the Commission:

This letter is to express my support for Channel Islands Harbor's proposal to upgrade the guest docks and restroom facilities at Peninsula Park in Channel Islands Harbor.

The park is operated as a City park by the City of Oxnard. The facilities are at least 50 years old and in dire need of replacement. As I know you are aware, city budgets have been stretched to the breaking point by the recent economic downturn and few funds are available to make improvements to these types of community resources. The County of Ventura has obtained a grant to assist in making these improvements, which are badly needed.

I urge you to support this project and approve the County's Notice of Impending Development.

Sincerely,

Bryan MacDonald, Councilmember
City of Oxnard



CALIFORNIA COASTAL COMMISSION

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



Th 14a

DATE: November 17, 2011

TO: Commissioners and Interested Persons

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

SUBJECT: **Notice of Impending Development (NOID) 2-11**, for Peninsula Park Guest Dock Reconstruction and New Restroom Building, for Public Hearing and Commission Action at the December 8, 2011 Commission Meeting in San Francisco.

SUMMARY AND STAFF RECOMMENDATION

The Ventura County Harbor Department proposes to demolish and replace the existing 11 slip linear dock system with 26 new slips and gangway, remove and replace existing dock infrastructure, including existing pilings, dock structures, gangway, gates, electrical service, lighting, security, dump station and pump out facility. The Harbor Department also proposes to demolish the two-story 1,100 sq. ft. existing restroom and shower building and construct a one-story 652 sq. ft. new restroom and shower building in a new location adjacent to the tennis courts, located at Peninsula Park, 0.4 miles south of Channel Islands Blvd. and Peninsula Road, Oxnard, Ventura County. The new dock system and new restroom building will meet accessibility requirements of the Americans with Disabilities Act (ADA) and related state requirements. Modern fire suppression systems will be used.

The required items necessary to provide a complete Notice of Impending Development (NOID) were received in the South Central Coast Office on September 15, 2011 and the notice was deemed filed on September 20, 2011. The applicant requested that the project be heard at the December Commission hearing and waived the 30 working day Commission hearing requirement of Section 13359(b) of the California Code of Regulations.

Staff is recommending that the Commission determine that the impending development **is consistent** with all resource protection policies and provisions of the certified Channel Islands Harbor Public Works Plan (PWP) as submitted. 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.

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. New Restroom Building Area Site Plan
- Exhibit 3. New Dock Plans
- Exhibit 4. New Restroom Building Plans
- Exhibit 5. Guest Dock Aerial Photo
- Exhibit 6. Ventura County Conditions
- Exhibit 7. Biologist Reports

I. PROCEDURAL ISSUES

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

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

II. STAFF RECOMMENDATION:

MOTION: *I move that the Commission determine that the development described in Ventura County Harbor Department Notice of Impending Development 2-11 (Peninsula Park Guest Dock and Restroom Building Reconstruction), as submitted, is consistent with the certified Channel Islands Harbor Public Works Plan.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 2-11, as submitted, is consistent with the certified Channel Islands Harbor Public Works Plan, and adoption

of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH PWP:

The Commission hereby determines that the development described in the Notice of Impending Development 2-11, as submitted, is consistent with the certified Channel Islands Harbor Public Works Plan for the reasons discussed in the findings herein.

III. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS SUBMITTED

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 a two component project at Peninsula Park in Channel Islands Harbor, including: (1) demolishing and replacing the public transient/day use dock facility and (2) demolishing the restroom and shower facilities and replacing the facilities in a new location at Peninsula Park. The existing public dock facility that will be removed includes an approximately 400 ft. long linear dock (11 boat spaces), associated dock utility infrastructure, pilings, a dump station, a pump-out facility, and a gangway with an access gate. The new public dock infrastructure will include 26 boat slips, an 80 ft. long ADA compliant gangway, utility infrastructure, security gate, dump station, and pump out facility. The new dock system will be constructed of concrete floating docks and pre-stressed concrete anchor guide piles and will contain 6 slips that will accommodate boats up to 38 feet and 20 of the new slips will accommodate slips 38 feet and over. (Exhibit 3) The guest docks at Peninsula Park are rented by the County Harbor Department to visiting boaters for day-use or for overnight stays from one to ten nights.

Additionally, the Harbor Department proposes to demolish the existing two-story 1,100 sq. ft. restroom and shower building located adjacent to the public docks and construct a one-story 14 ft. high, 652 sq. ft. restroom and shower building in a new location east of the existing location, adjacent to the tennis courts, located at Peninsula Park, 0.4 miles south of Channel Islands Blvd. and Peninsula Road, Oxnard, Ventura County. (Exhibits 1-5) The new restroom will have men's and women's facilities available to the public during daylight hours and men and women's restroom and showers available to guest dock users 24 hours a day. The showers will be accessed using a key card at all times and the bathrooms will be accessed with a key card during the times when the restroom is not open to the public. The new restroom building will meet accessibility requirements of the Americans with Disabilities Act (ADA) and related state requirements.

Peninsula Park and the guest dock facility are located on the west side of Peninsula Road in Channel Islands Harbor, approximately 0.4 miles from Channel Islands Blvd. to the north. The park is located between the Hampton Inn to the north of the park and the Casa Sirena Hotel (now closed to business) to the south of the park. The park is approximately 2.8 acres and can be accessed from a pedestrian walkway that extends from Channel Islands Blvd., or by vehicle from Peninsula Road. The park includes two tennis courts, a children's playground, lawn and picnic areas, restroom facilities, walkways and 32 parking spaces.

The use of the site is not proposed to change and will be consistent with the uses designated in the Public Works Plan. The proposed public dock redevelopment will be consistent with the permitted use, Visitor Serving Boating (V.S.B.), which includes boat storage, boat and boating equipment rental, sales, display, brokerage and minor repair services. Additionally, the use of Peninsula Park for a public amenity, public restrooms and showers, is consistent with the Park's use designation as Visitor Serving Harbor Oriented (V.S.H.O.).

The PWP includes an outdated and inaccurate narrative description of Peninsula Park, stating that the park is 0.9 acres with a 31 space parking lot. The existing park is 2.8 acres in size and contains a 32 space parking lot. Additionally, the PWP states that the public dock is 1,150 ft. in length when, in reality, the existing dock is approximately 450 ft. in length (with a total area of 4,800 sq. ft.). The new proposed dock length will be approximately 400 feet in length (with a total area of 6,900 sq. ft.) and will be fully ADA compliant. The Commission previously approved minor expansion of pierhead/lease lines 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).

Construction of the docks will take place at a staging area on the east side of the Harbor, near Victoria Avenue, and will be floated across the channel to be installed at the site. A small landside construction staging area will be located in the adjacent parking area for construction of the restroom and shower building. All construction areas are proposed to be fenced and secured and will include storm water control measures.

Great blue herons and black-crowned night herons have used the trees on the peninsula for roosting and nesting in the past. Peninsula Park contains several species of trees, mostly located around the tennis courts, consisting of New Zealand Christmas trees, Norfolk, Island Pine, Myoporum, Paperbark Tree, and Monterey Cypress. A known nesting tree is located within approximately 300 feet of the new restroom location and within 500 feet of the public dock location. (Exhibit 7) One New Zealand Christmas tree, which is not known to have ever been used as a nesting tree for sensitive bird species, is proposed to be removed in the location of the new restroom building. The tree will be replaced with a native tree species to be planted in Peninsula Park.

The Harbor Department has included a list of 33 conditions in its submittal, "County of Ventura Conditions of Approval NOID- Replacement of Guest Docks and Restroom at Peninsula Park" dated August 8, 2011(Exhibit 6). These conditions incorporate the

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: tree trimming and removal (condition 29), surveys of trees for sensitive bird species (condition 26), surveys for *caluerpa taxifolia* (condition 27), eelgrass surveys (condition 28), water quality management plan (condition 30), material for pilings (condition 30), best management practices (conditions 16-19 and 30), construction and maintenance responsibilities and debris removal (condition 30), a marina inspection and maintenance program (condition 30), lighting (condition 11), signage for public access (condition 22), construction staging (conditions 20 and 31), resource agency approvals (condition 32), and invasive plans (condition 33). (Exhibit 6)

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;**
- b. **dry boat storage spaces shall be provided on Parcel P to accommodate a minimum of 400 vessels;**
- c. **water storage space shall be provided for at least 2,500 recreational boat slips**
- d. **no more than 30% of the Harbor land area shall be developed for visitor serving uses not directly related to boating;**
- e. **a target number of 5% of the recreational boat slips shall be available as guest slips**
- f. **to protect the recreational character of the Harbor areas, no more than 5% of the boating supply shall be provided for live-aboard use;**
- g. **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 proposed project includes removing and replacing an outdated 400 ft. long linear dock (11 boat spaces), associated dock utility infrastructure, pilings, a dump station, a pump-out facility, and a gangway with an access gate. The new public dock infrastructure will include 26 boat slips, an 80 ft. long ADA compliant gangway, utility infrastructure, security gate, dump station, and pump out facility. The new dock system

will be constructed of concrete floating docks and pre-stressed concrete anchor guide piles and will contain 6 slips that will accommodate boats up to 38 feet and 20 of the new slips will accommodate slips 38 feet and over. The guest docks at Peninsula Park will be rented by the County Harbor Department to visiting boaters for day-use or for overnight stays from one to ten nights. Additionally, the Harbor Department proposes to demolish the existing two-story 1,100 sq. ft. restroom and shower building located adjacent to the public docks and construct a one-story 14 ft. high, 652 sq. ft. restroom and shower building in a new location east of the existing location, adjacent to the tennis courts, located within Peninsula Park. (Exhibits 1-5)

The use of the site is not proposed to change and will be consistent with the uses designated in the Public Works Plan. The proposed public dock re-development will be consistent with the permitted use, Visitor Serving Boating (V.S.B.), which includes boat storage, boat and boating equipment rental, sales, display, brokerage and minor repair services. Additionally, the use of Peninsula Park for a public amenity, public restrooms and showers, is consistent with the Park's use designation as Visitor Serving Harbor Oriented (V.S.H.O.).

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 analysis conforms to Policy 10 because the redevelopment of the marina will 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. The existing slip mix will be as follows:

Slip Size	Slips Added	Total Number	Proposed Percentage
32' or under	0	770	35%
32' 1"- 38'	6	536	24%
38' 1" and over	9 (11 to be rebuilt in this size)	903	41%
Total Slips		2209	100%

Further, the development complies with Recreational Boating Policy 2 by adding new public boat slips to help achieve a harbor-wide availability of 5% public guest slips. Additionally, no in-lieu fee for low-cost boating is required because the project is a public dock project that will provide public recreation and low-cost public boating opportunities.

Therefore, as conditioned, 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 public docks and construction of a new restroom building. Replacement of the docks and restroom facilities will enhance recreational and boater amenities in the Harbor. The new construction will increase the availability of guest slips, improve amenities available to the public and guest dock tenants, improve safety, and increase accessibility. There is an existing sidewalk leading from the public docks to, through, and around Peninsula Park. The existing parking lot contains 32 parking spaces open to the public and will remain. (Exhibits 2 & 5)

Thus, 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 public viewing areas in the harbor will not be adversely affected by the proposed development. The project will replace existing outdated public docks with new public docks in approximately in the same location. Further, the existing restroom and shower building will be demolished, enhancing the views of the harbor in that area. The new restroom building will be clustered in the park adjacent to the existing tennis courts, rather than re-constructed in the present location at the current two-story height. The Harbor Department has provided an analysis of several alternative locations for the restroom building at Peninsula Park, including: rebuilding the restroom building at the existing location, relocating the restroom building to the northeast corner of the park area adjacent to the parking lot, relocating the restroom building adjacent to the public docks slightly south of the present location, and relocating the building to the presently proposed location adjacent to the tennis courts. The Harbor Department concluded that the proposed location is preferred because it will be located outside of the view corridor and adjacent to existing development and will require the removal of only one non-native non-nesting

tree. Additionally, view impacts will be further minimized because the new restroom and shower building will be one-story and 14 ft. tall. (Exhibit 4).

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 condition as part of its approval of the project to minimize view impacts of the new restroom building:

11. 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 proposed by the Harbor Department, the proposed Notice of Impending Development for the Peninsula Yacht Anchorage 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 Peninsula Yacht Anchorage marina. This development has the potential to adversely impact marine and biological resources during the construction phase of the project.

1. Nesting Birds

Policy 9 in Biological Resources of the Public Works Plan states:

All new marina development or redevelopment shall minimize impacts to sensitive bird species, including but not limited to black-crowned night herons, great blue herons, snowy egrets, and other sensitive bird species.

Policy 10

All new marina development or redevelopment shall include biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities) prepared by a qualified independent biologist or environmental resource specialist, just prior to any construction activities,

and once a week upon commencement of construction activities that include grading or use of other heavy equipment, and that will be carried out between December 1st and September 30th, inclusive. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species in or near the project site. All surveys conducted pursuant to this policy shall be submitted to the Executive Director of the Coastal Commission.

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

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 (including 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.

A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During 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.

The proposed project is located on the north-south oriented peninsula in the middle of Channel Islands Harbor. Great blue herons and black-crowned night herons have been documented nesting and roosting in trees on the peninsula, particularly near the Casa Sirena Hotel, adjacent to the project site. Dr. Jeffrey Froke, the Harbor Department's biologist has conducted 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, since 2003. The most recent bird survey, prepared by Dr. Jeffrey Froke on September 23, 2008, documented 15 Great blue heron nesting sites on the peninsula and 3 nests on the west side of the harbor. (Exhibit 7) A known nesting tree is located within approximately 300 feet of the new restroom location and within 500 feet of the public dock location. The Harbor Department has proposed to comply with all policies in the certified PWP related to marine and biological resources, as well as to comply with approvals and mitigation measures required by other resource agencies. In

order to minimize impacts to birds from construction and has included PWP Biological Resources Policy 10 (Harbor Department condition 26), which requires bird surveys, as part of its approval. (Exhibit 6)

Additionally, the Harbor Department has incorporated into its NOID PWP Biological Resource Policy 11 requiring *Calupera taxifolia* surveys prior to development (Harbor Department condition 27) and Policy 12 requiring eelgrass surveys prior to development (Harbor Department condition 28).

Therefore, the Commission finds that, as proposed by the Harbor Department, the proposed Notice of Impending Development for the Peninsula Yacht Anchorage marina reconstruction is consistent with the applicable biological resource protection policies of the certified Public Works Plan.

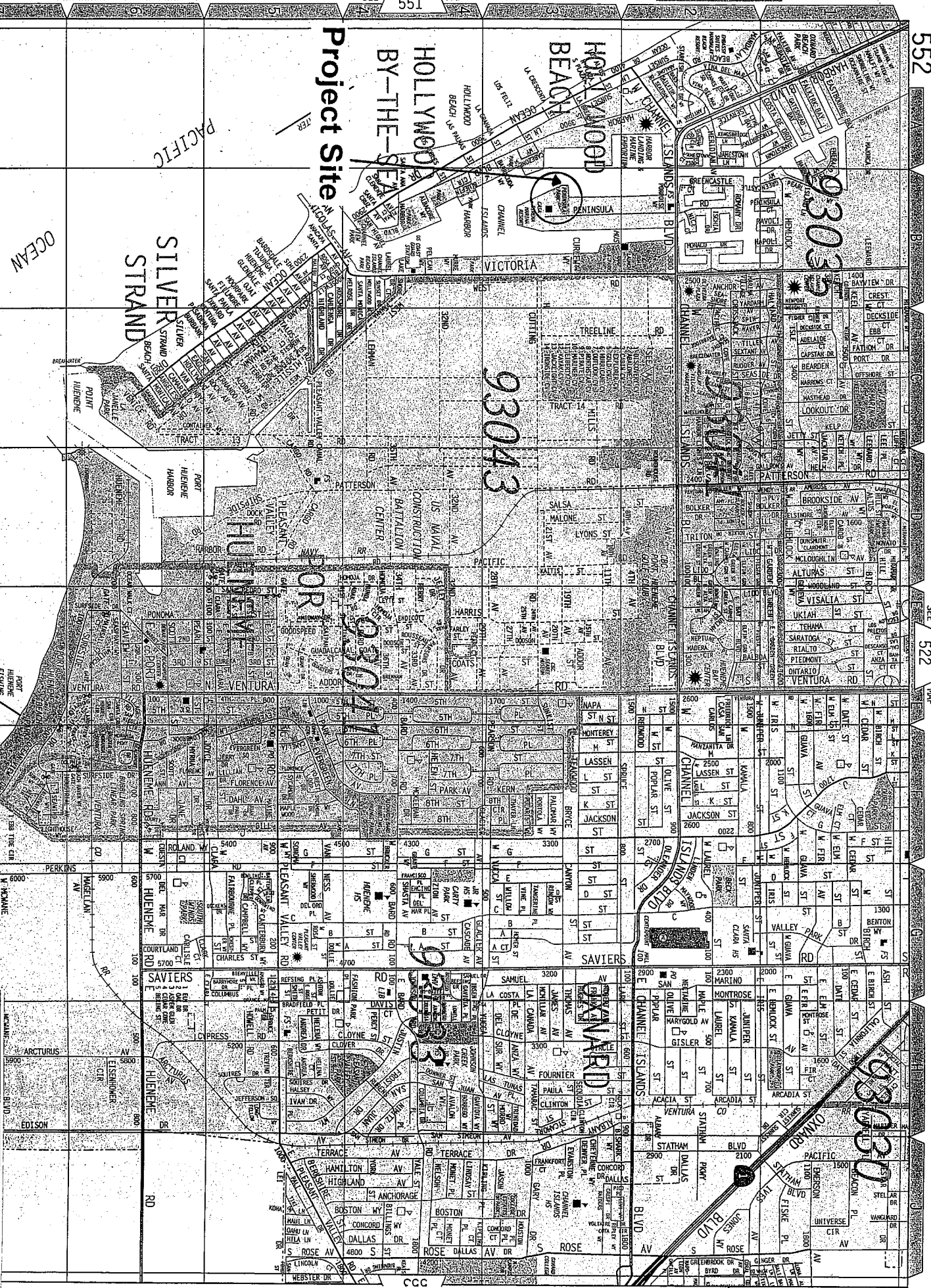
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act (“CEQA”),¹ has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15302. 14 C.C.R. § 15302 (“Replacement or Reconstruction”); see *also* CEQA section 21084 (authorizing promulgation of regulations listing categorical exemptions). For CEQA purposes, the Commission’s role with respect to this project is that of a responsible agency. Despite the lead agency’s determination of categorical exemption for the project, the Commission has separately considered the potential environmental impacts of the project as it would be characterized under both CEQA and the Coastal Act. As an agency with a certified regulatory program under CEQA section 21080.5, the Commission regularly assesses whether its approval of a project, as modified by any conditions of approval, is consistent with the provisions in CEQA Section 21080.5(d)(2)(A) that a proposed project not be approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect the activity may have on the environment. As in other contexts, the Commission has considered that question here.

The Commission 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 proposed, is consistent with the policies of the certified PWP. No additional mitigation measures have been required as special conditions. As proposed, there are no feasible alternatives or feasible mitigation measures available, 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.

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

EXHIBIT 1
CI Harbor NOID 2-11 (Peninsula Park Guest Docks & Restroom)
Vicinity Map



Project Site

HOLLYWOOD
BY-THE-SEA

HOLLYWOOD
BEACH

SILVER
STRAND

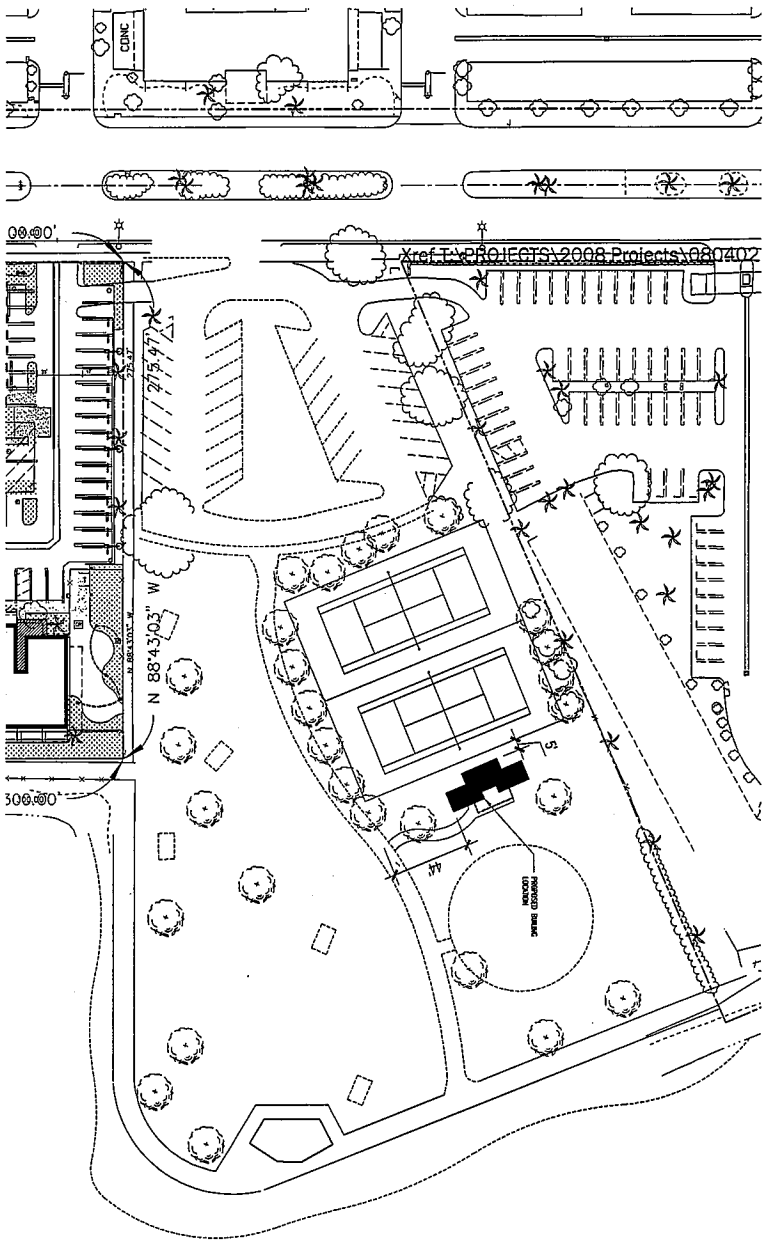
93043

93041

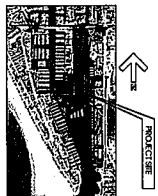
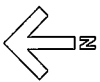
93033

93031

93029



VICTORIA RD / HARBOR BLVD.
 T-2



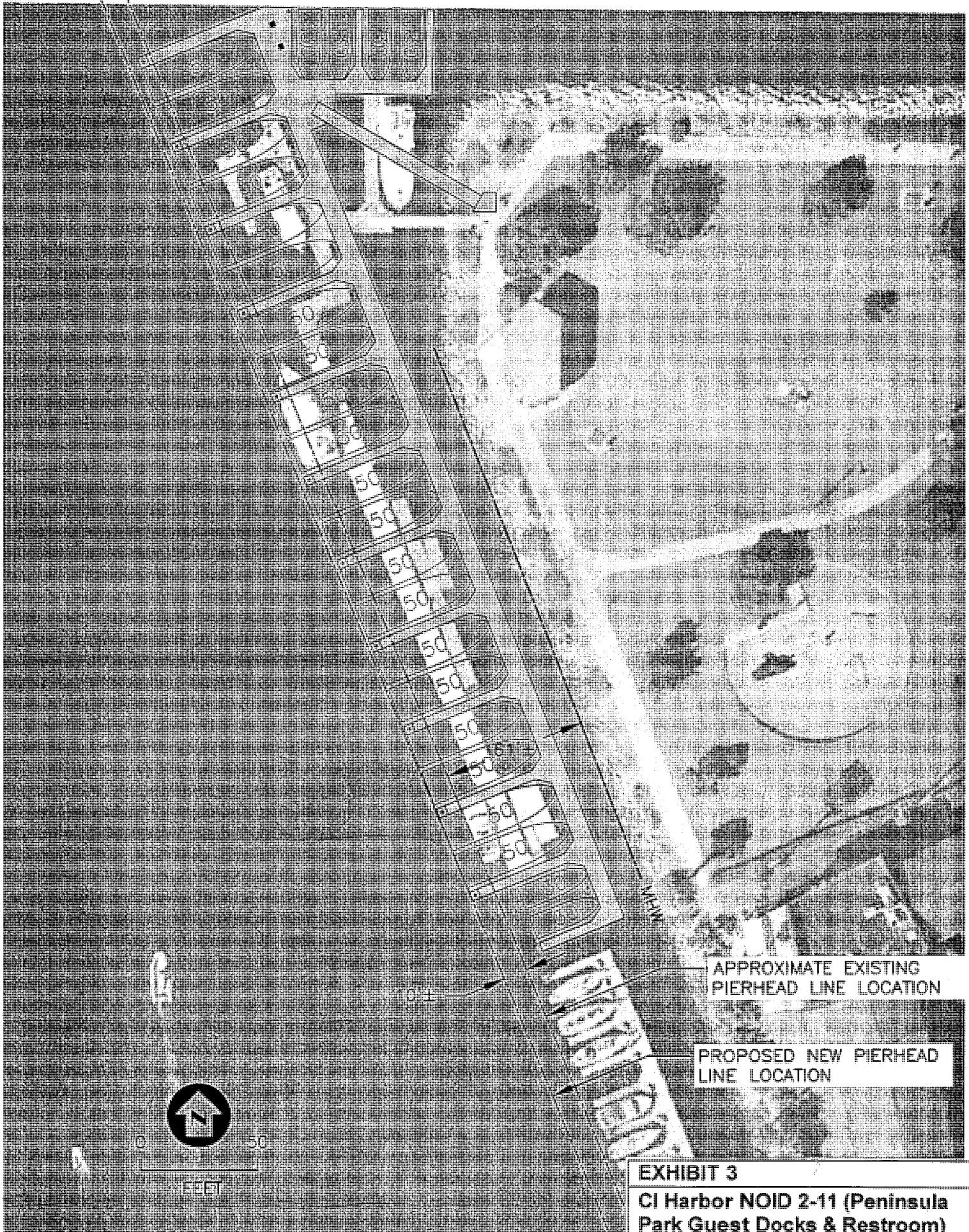
Channel Islands Harbor District
 3800 Palcan Way Oxnard CA 93035

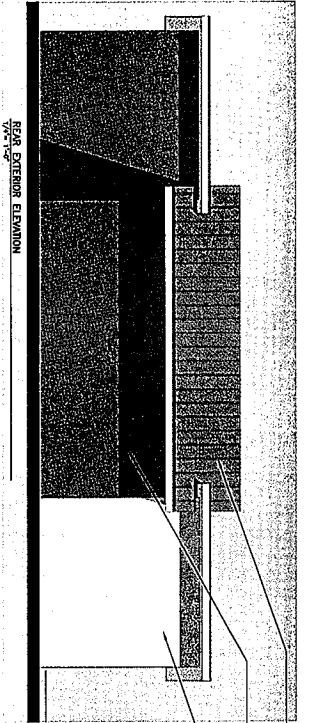
Channel Islands Harbor
 Improvement Plans
 Channel Islands Harbor Oxnard, CA

07/202
 JULY 26, 2011
 Site Plan
 A1

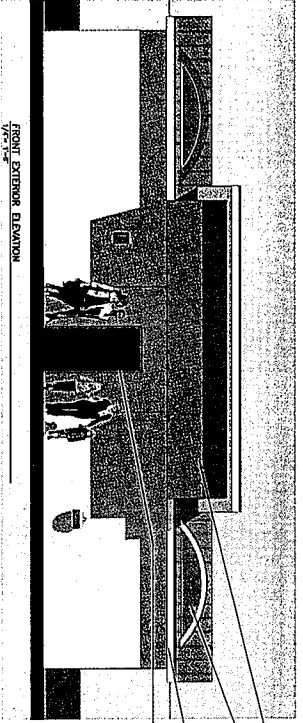
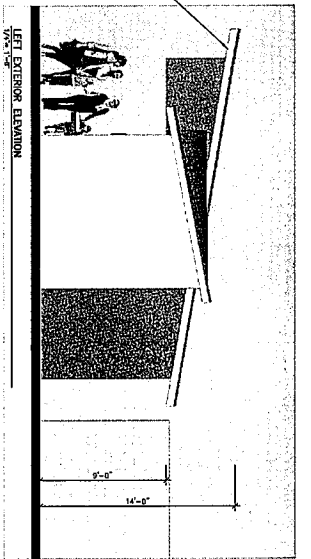
ARCHITECTS
 2150 W. S. HAY
 OXNARD, CA 93035
 PHONE: (805) 461-1100
 FAX: (805) 461-1101
 WWW.COASTALARCHITECTS.COM

EXHIBIT 2
 CI Harbor NOID 2-11 (Peninsula
 Park Guest Docks & Restroom)
 New Restroom Site Plan

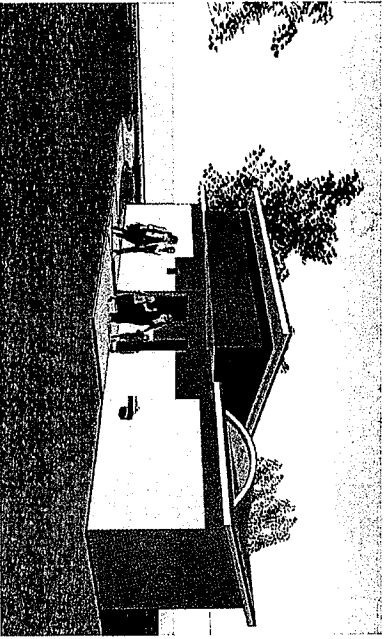
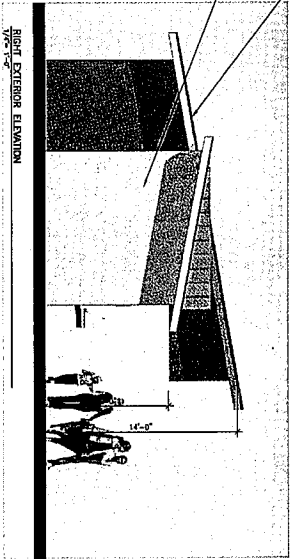




- 1. STAINLESS STEEL PANELS
- 2. BRASS HANDLES
- 3. BRASS KNOBS
- 4. BRASS LOCKS
- 5. BRASS KICK PLATES
- 6. BRASS SIGNAGE
- 7. BRASS TRIM
- 8. BRASS LIGHT FIXTURES
- 9. BRASS VENTILATION GRILLS
- 10. BRASS ACCESSORIES
- 11. BRASS FINISH



- 1. STAINLESS STEEL PANELS
- 2. BRASS HANDLES
- 3. BRASS KNOBS
- 4. BRASS LOCKS
- 5. BRASS KICK PLATES
- 6. BRASS SIGNAGE
- 7. BRASS TRIM
- 8. BRASS LIGHT FIXTURES
- 9. BRASS VENTILATION GRILLS
- 10. BRASS ACCESSORIES
- 11. BRASS FINISH



Channel Islands Harbor District
 3900 Pelican Way Oxnard CA 93035

Channel Islands Harbor
 Improvement Plans
 Channel Islands Harbor Oxnard, CA

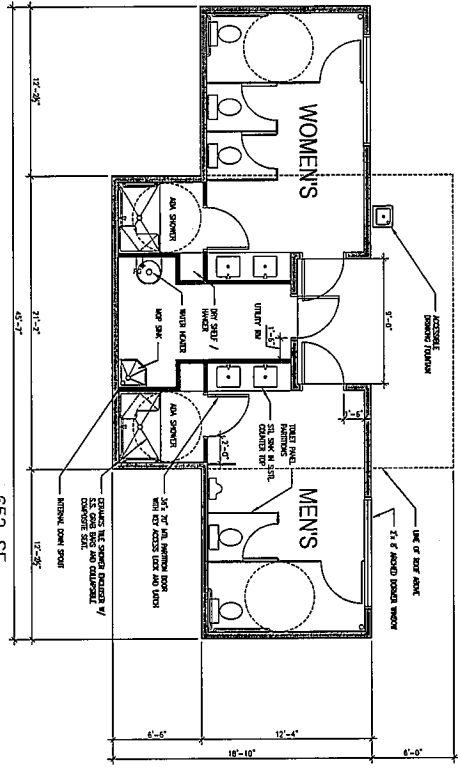
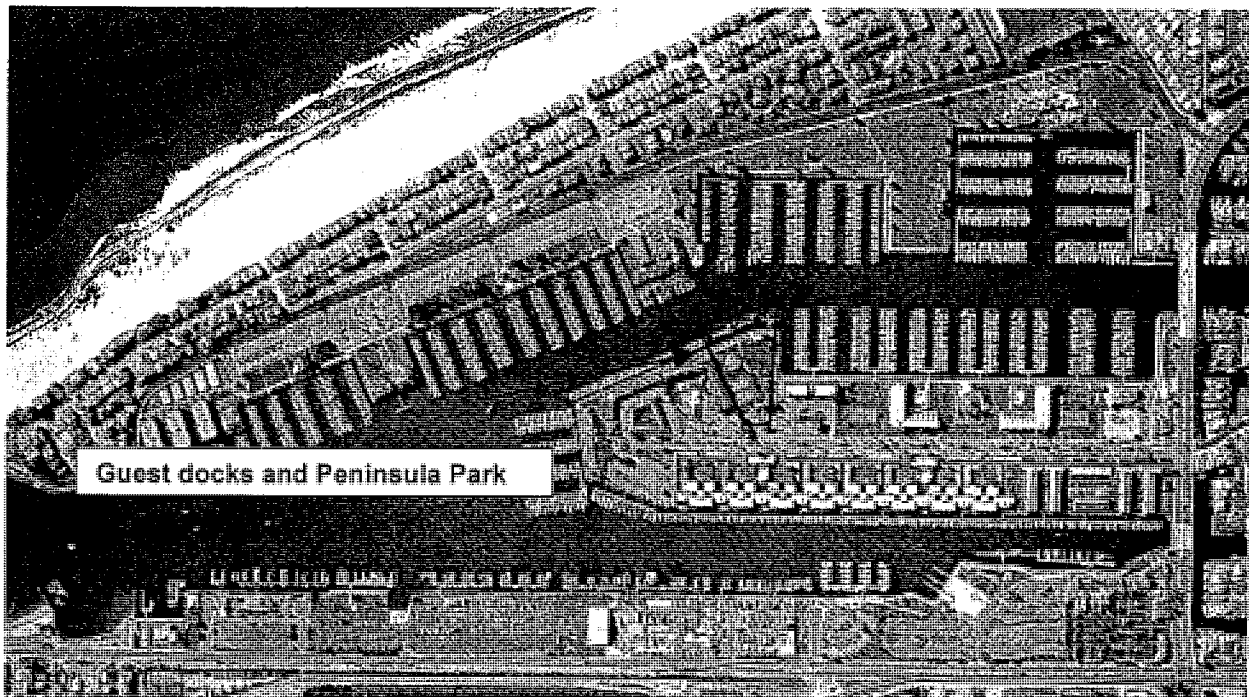
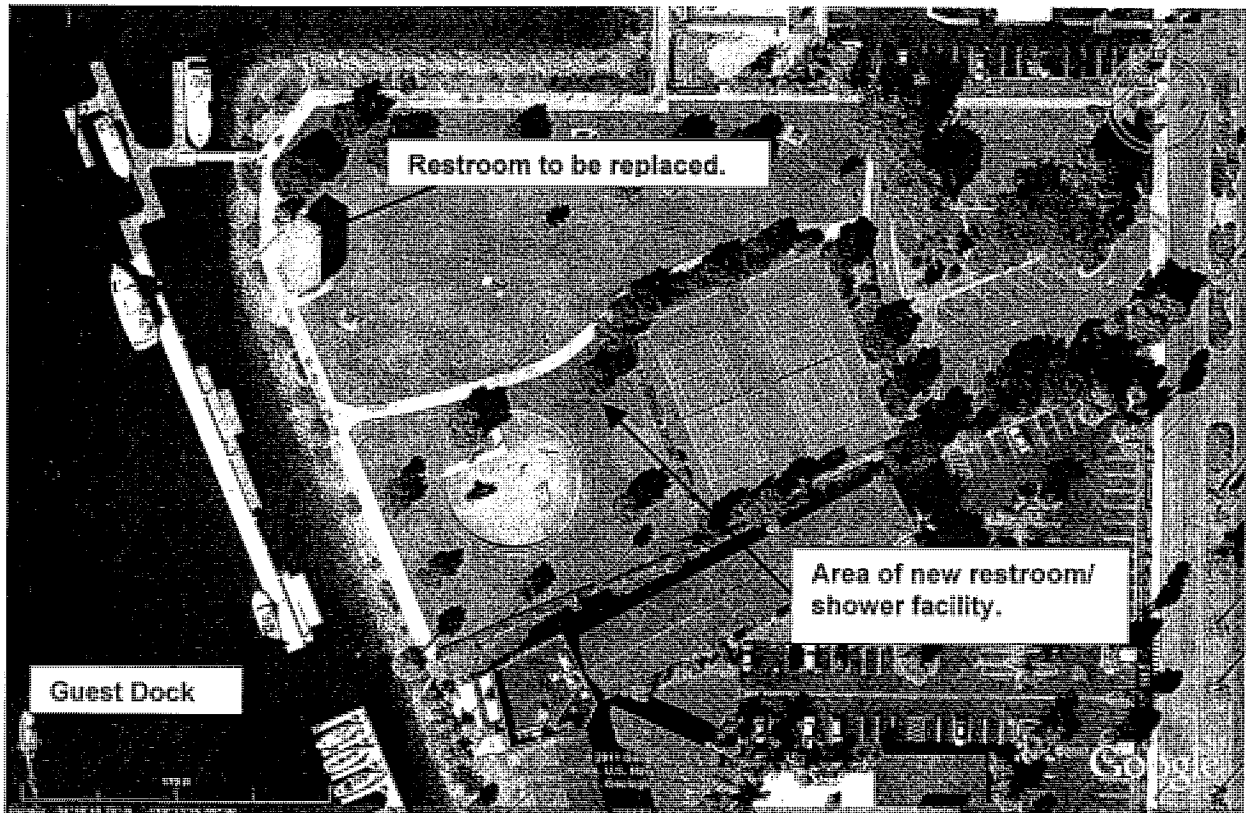


EXHIBIT 4
 CI Harbor NOID 2-11 (Peninsula
 Park Guest Docks & Restroom)
 New Restroom Building Plans

JULY 26, 2011
 REST ROOM PLAN
 A1
COASTAL ARCHITECTS
 905 So. W. St. Suite 200
 Oxnard, CA 93035
 Phone: (805) 321-1111
 Fax: (805) 321-1112
 www.coastalarchitects.com



Aerial of Channel Islands Harbor with location of project.



Aerial of Guest Docks and Peninsula Park.

EXHIBIT 5

**CI Harbor NOID 2-11 (Peninsula
Park Guest Docks & Restroom)**

Guest Dock Aerial Photos

**County of Ventura Conditions of Approval
NOID – Replacement of Guest Docks and Restroom at Peninsula Park**

- 1) Prior to obtaining a building permit or grading permit from the City of Oxnard, the Harbor Department shall approve all plans for construction of this project, including grading, building, and landscaping plans. The revised plans submitted for approval by the Harbor Department and for building permit issuance shall demonstrate compliance with the PWP.
- 2) Plans submitted to the City of Oxnard for building permits shall include a copy of these conditions, as well as any additional special conditions added by the California Coastal Commission, on the first few sheets of the plans.
- 3) Any modifications to the plans after approval of the Harbor Department shall also be approved by the Harbor Department.
- 4) All landscaping, lighting, public access and signage plans shall comply with criteria approved by the County of Ventura.
- 5) No materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health shall be handled, stored or used on the project property, except as provided by a permit issued by the City of Oxnard Fire Department.
- 6) Landscaping and irrigation plans shall show proper water meter size, backflow prevention devices and cross-connection control. All irrigation systems shall be designed to be low water using and shall include automatic rain shut-off and water sensor shut off devices as water conservation measures.
- 7) All trees planted or placed on the property shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise approved on the landscape plans.
- 8) All vehicle access driveways shall be constructed to meet Fire Department conditions. All curbs adjacent to designated fire lanes shall be painted to prohibit parking or stopping in accordance with the California Vehicle Code.
- 9) All roof covering materials shall be of non-combustible or fire retardant materials as approved by the City of Oxnard Fire Department and the City of Oxnard Code.
- 10) All Fire Department approvals to ensure access and the availability of water for fire combat operations to all areas of the project shall be obtained prior to final occupancy.
- 11) Prior to installation of lighting, a lighting plan shall be submitted to the Harbor Department showing type of fixtures, heights, and intensity of illumination. Lighting plan shall comply with the standards approved by the County of Ventura and included in the Channel Islands Harbor Public Areas Plan & Design Guidelines. Lighting fixtures shall be cut-off type fixtures that divert lighting downward onto the property and shall not cast light onto adjacent properties, roadways or waterways. Under canopy lighting shall be concealed or recessed so as to not be directly visible from the street.

EXHIBIT 6

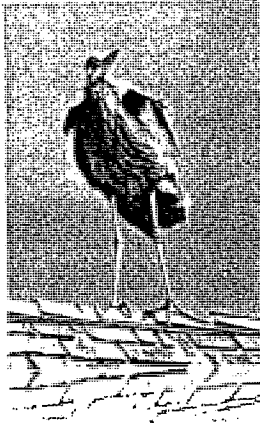
**CI Harbor NOID 2-11 (Peninsula
Park Guest Docks & Restroom)**

**Ventura County Conditions of
Approval**

- 12) All trucks hauling graded or excavated material offsite, if any, shall be required to cover their loads as required by the California Vehicle Code Sec. 23114, with special attention to preventing spilling onto public streets.
- 13) All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
- 14) Contractor shall ensure that all construction equipment is maintained and tuned to meet applicable Environmental Protection Agency (EPA) and California Air Resources Board (CARB) emission requirements. At such time as new emission control devices or operational modifications are found to be effective, contractor shall immediately implement such devices or operational modifications on all construction equipment.
- 15) Contractor shall minimize the number of vehicles and equipment operating on site at the same time.
- 16) At all times during construction activities, contractor shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.
- 17) During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), contractor shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite.
- 18) Throughout construction, contractor shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways.
- 19) Contractor shall employ current Best Management Practices to protect against storm water runoff into storm drains and the Harbor.
- 20) Construction staging areas shall be screened and protected to avoid material being blown or washed into the Harbor. Screening material shall be approved by the Harbor Department. Contractor shall limit outdoor storage of materials to the locations shown and all construction material shall be stored within the staging area. Construction staging area shall remain locked and secure when not in use.
- 21) Hours of construction shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and not allowed on Sunday or holidays without prior approval of the Harbor Department.
- 22) Signage shall be provided to notify the public when access to public sidewalk will be blocked because of construction. Signage will indicate alternate routes.
- 23) All roof heating and cooling systems, and other exterior mechanical equipment, shall be screened from view from adjoining properties, waterways or public streets. Plumbing vents,

ducts, and other appurtenances protruding from the roof of structure shall be placed so that they will not be visible from the front of the property, from waterways, or other vantage points. Roof vents shall be painted to match the roof material color.

- 24) Exterior utility meter panels shall be painted to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g., landscaping or other building elements) from public views, to the maximum extent feasible.
- 25) Adequate trash facilities and pick ups shall be provided to maintain the site free of debris, food waste, and to minimize scavenger birds.
- 26) Policy 10 of the Channel Islands Public Works Plan relating to the presence of black-crowned night herons, great blue herons, or snowy egrets, shall be implemented.
- 27) Policy 11 of the Channel Islands Public Works Plan relating to the disturbance to marine water and the possible presence of *Caulerpa taxifolia* shall be implemented.
- 28) Policy 12 of the Channel Islands Public Works Plan relating to the presence of eelgrass (*Zostera marina*) shall be implemented.
- 29) All tree trimming and removal in conjunction with the project shall comply with Policy 14 Trimming or Removal of Trees of the Channel Islands Harbor Public Works Plan.
- 30) All requirements of Water Quality Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the Channel Islands Harbor Public Works Plan shall be complied with in conjunction with construction of the project.
- 31) Removal of Staging Equipment: All staging equipment and all construction related debris shall be removed from the staging site within sixty (60) days of completion of all development in conjunction with this project.
- 32) 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 changes shall require a new Notice of Impending Development pursuant to the requirements of the Coastal Act and the California Code of Regulation.
- 33) Invasive Plants: All 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.



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.

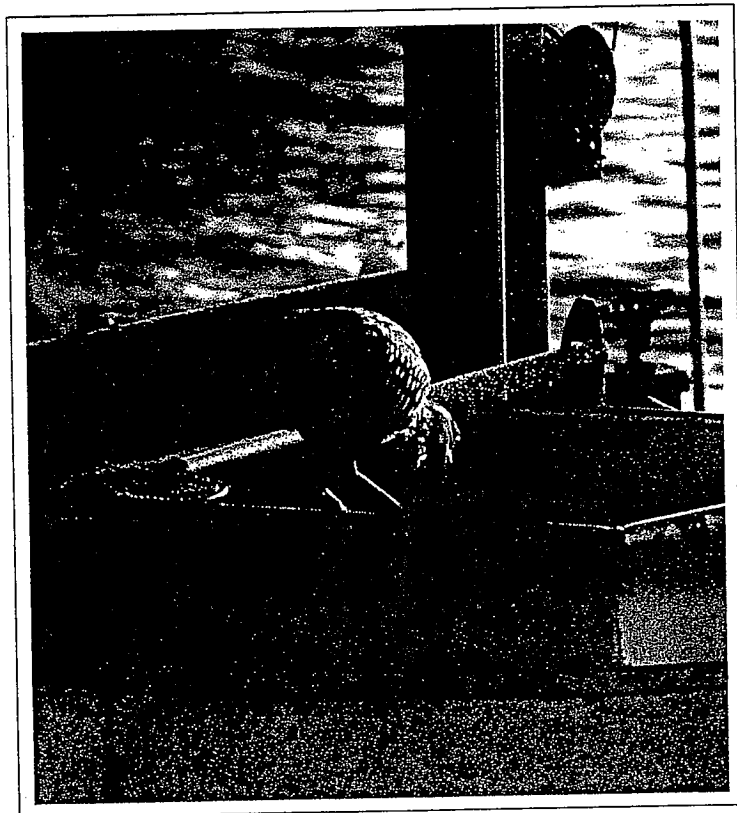
Black-crowned Night-Herons: On 6 June, there were at least five begging nestlings in three nests: two in the SE cypress island at the Peninsula Road roundabout, and three in the two nests

EXHIBIT 7
CI Harbor NOID 2-11 (Peninsula Park Guest Docks & Restroom)
Biologist Reports

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





JEFFREY B. FROKE, Ph.D.

3158 Bird Rock Road / Pebble Beach, CA 93953

CALIFAUNA

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

jbfroke@mac.com

01 June 2008

To: Lyn Krieger

Cc: Andi Culbertson, Marilyn Miller

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

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

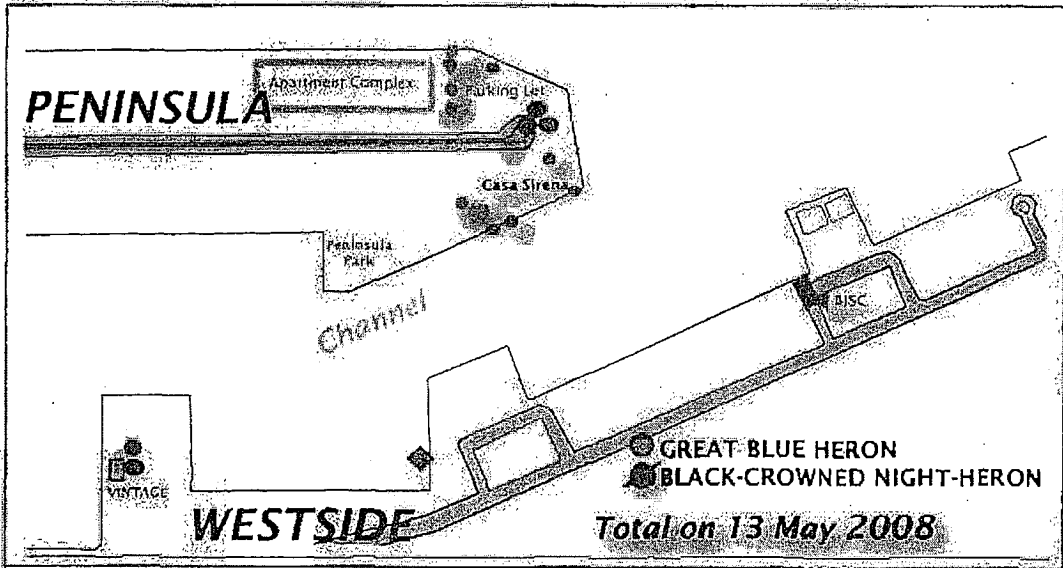
Westside (Harbor Blvd.) -- On 20 April, there were two BCNHs, one adult and one juvenile (2007 hatch) perched and walking about in the canopies of two adjacent cypress trees near the Vintage Marina Yacht Sales building, on the Westside. No direct evidence of nesting was seen in April; but in May, two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

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

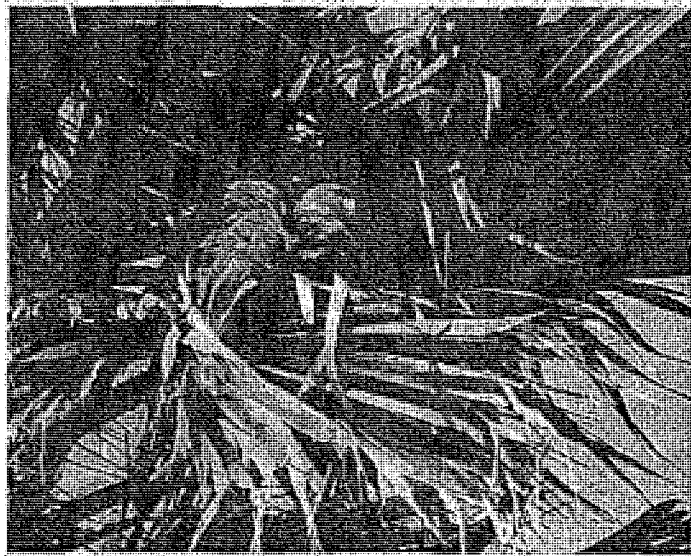
The locations of all (19-20+)* active nests discovered during April and May are identified on the following CIH Heronry Map. ([*]) without knowing the specific identities of all nesting birds, it is not possible to determine the true number of nesting pairs, or nesting efforts within the heronry. Therefore,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

2008 HERON SEASON

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



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



JB
JB Froke