

CALIFORNIA COASTAL COMMISSION

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



W21a & b

DATE: April 23, 2015

TO: Commissioners and Interested persons

FROM: John Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Megan Hudson, Coastal Program Analyst

SUBJECT: Public Works Plan Amendment No. PWP-4-CIH-14-0004-1 and related NOID No. CIH-NOID-0001-15 for the installation of telecommunications facilities and infrastructure and the demolition/reconstruction of adjacent restroom facilities to be heard during the public hearing and Commission action on May 13, 2015 at the Commission Meeting in Santa Barbara.

Motions and Resolutions: Pages 6-7.

SUMMARY OF STAFF RECOMMENDATION

Public Works Plan Amendment

The Ventura County Harbor Department is proposing to amend the certified Channel Islands Harbor Public Works Plan (PWP) to allow for the installation of telecommunications facilities and infrastructure within non-residential areas at the Harbor. The amendment proposes to add a new Section (PWP Section 3.7) to the existing PWP's "Coastal Issues and Development Policies" Chapter (PWP Section 3.0, et seq.). The proposed new Section will add "telecommunications infrastructure" to the uses permitted for the Harbor's "Visitor Serving Boating" (VSB), "Visitor Serving Harbor Oriented" (VSHO) and "Boating Dependent Industrial" (BDI) landside facilities. The proposed amendment establishes new policies that will regulate the installation of telecommunication infrastructure, including cell tower sites, within the Harbor. The proposed amendment allows for the location of "stealth facilities" (designed as "monopalms", mast structures or "monopines") on the east side of the Harbor within the VSB, VSHO and BDI use areas. The proposed amendment also requires telecommunication facilities other than such "stealth facilities" to be incorporated within a building or a building structure or architectural feature (i.e. tower, façade, or similar structure).

Notice of Impending Development

In addition, the Ventura County Harbor Department submitted a related Notice of Impending Development (NOID) for the construction of a wireless telecommunication facility to replace an existing cell tower located on the Naval Base across Victoria Avenue from the Harbor. The existing cell tower on the adjacent Naval Base must be decommissioned to allow conformity with new security requirements. As such, the Harbor proposes to construct a 58-foot high telecommunications facility consisting of a 12-panel antennae mounted on a faux palm tree (“monopalm”) among other natural palms immediately adjacent to the boatyard and boat storage facility (Exhibits 2-3, 5, 7 and 8). In order to avoid visual impacts from the installation, and due to the fact that the accompanying equipment cannot be placed underground within a waterfront location, the accompanying base equipment is proposed to be stored above ground but incorporated into a new restroom structure. The NOID further proposes to demolish an existing aged restroom and construct a new restroom that will include an equipment room for the antennae’s base equipment (Exhibits 5-7 and 9).

Staff is recommending denial of the proposed PWP amendment as submitted, and approval with Three (3) suggested modifications designed to avoid and minimize any adverse visual impacts of telecommunications facilities and associated infrastructure within the Harbor. The proposed PWP amendment, as modified, which would allow the installation of telecommunications facilities within the non-residential areas of the Harbor and facilitate authorization of the projects proposed in the related NOID (CIH-NOID-0001-15) consistent with the policies and provisions of the certified PWP. The standard of review for the proposed amendment to the PWP is consistency with the Chapter 3 policies of the Coastal Act and the City of Oxnard Local Coastal Program (LCP).

The subject site for the installation of the telecommunications infrastructure is immediately adjacent to the existing boatyard and boat storage facility and an aged restroom structure (located at 3821 South Victoria Avenue). The certified PWP contains policies requiring public access to be maintained when redevelopment of harbor property occurs. As such, any installation of telecommunications facilities and infrastructure shall be consistent with the public access policy of the certified PWP. Additionally, the telecommunications facilities would have no impact on water-related recreational activities within the Harbor. As written, the proposed PWP amendment language gives preference to the siting of telecommunications installations within planned or existing structures to avoid significant construction related impacts to recreational activities in the vicinity. As such, no adverse impacts to public recreational Harbor resources or priority uses are anticipated to result from the proposed projects.

The certified PWP designates view corridors from the end of the cul-de-sac on Pelican Way, westward toward the Harbor’s water areas and land across the channels adjacent to the project site. **Suggested Modification One (1)** to the proposed PWP amendment prohibits locating telecommunications infrastructure within a designated view corridor to ensure telecommunication facilities will not adversely impact designated view corridors in the harbor. In addition, **Suggested Modification Two (2)** to the proposed PWP amendment requires that telecommunication equipment shelters shall be incorporated into structures or otherwise screened

from public views of the harbor to minimize any visual impacts resulting from these facilities. Further, as proposed, the PWP amendment requires that any proposed freestanding telecommunication structures must be designed as “stealth” facilities (“monopalms”, mast structures or “monopines”) to further blend into their surrounding area. Telecommunication facility “poles” (which have a relatively small diameter) would be permitted, along with requisite landscaping and screening devices, only on the east side of the Harbor. Finally, **Suggested Modification Three (3)** requires the Harbor Department to submit a written statement from the wireless company/service provider agreeing to remove the wireless facility and restore the project site in the future should technological advances make this facility obsolete or the facility is abandoned for some reason. This requirement assures the removal of the facility should the facility no longer be needed due to more advanced technology and will ensure the area will be restored and the visual qualities of the harbor area are maintained and improved.

Staff is recommending that the Commission find that the proposed PWP amendment is consistent with the Coastal Act and the City of Oxnard’s Local Coastal Program if modified pursuant to the suggested modifications. Staff is also recommending that the Commission find that the proposed NOID, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan (PWP), as modified and pursuant to seven special conditions regarding: (1) consistency with the Channel Islands Harbor PWP, (2) protection of nesting and roosting birds, (3) construction maintenance responsibilities and debris removal, (4) water quality management plan, (5) lighting plan, (6) landscaping plan and (7) future removal of wireless facilities. As conditioned, the submitted NOID is consistent with all resource protection policies and provisions of the Channel Island Harbor certified Public Works Plan.

TABLE OF CONTENTS

I. PROCEDURAL ISSUES.....	5
A. STANDARD OF REVIEW—PUBLIC WORKS PLAN AMENDMENT	5
B. STANDARD OF REVIEW—NOTICE OF IMPENDING DEVELOPMENT	5
II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS	6
A. PWP AMENDMENT NO. PWP-4-CIH-14-0004-1: DENIAL AS SUBMITTED	6
B. PWP AMENDMENT NO. PWP-4-CIH-14-0004-1: CERTIFICATION WITH SUGGESTED MODIFICATIONS	7
C. NOID NO. CIH-NOID-0001-15: APPROVAL WITH CONDITIONS	7
III. SUGGESTED MODIFICATIONS TO PUBLIC WORKS PLAN AMENDMENT NO. PWP-4-CIH-14-0004-1	8
IV. NOTICE OF IMPENDING DEVELOPMENT NO. CIH-NOID-0001-15 SPECIAL CONDITIONS	8
V. FINDINGS FOR APPROVAL OF THE PUBLIC WORKS PLAN AMENDMENT, AS MODIFIED AND APPROVAL OF THE RELATED NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED	14
A. AMENDMENT DESCRIPTION (PWP-4-CIH-14-0004-1).....	14
B. PROPOSED NOTICE OF IMPENDING DEVELOPMENT DESCRIPTION (CIH-NOID-0001- 1) 17	
C. NOID CONSISTENCY WITH PWP.....	19
D. PUBLIC ACCESS AND RECREATION.....	19
E. WATER QUALITY	20
F. VISUAL RESOURCES.....	22
G. ENVIRONMENTALLY SENSITIVE HABITAT	24
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT	27

EXHIBITS

- Exhibit 1: Resolution
- Exhibit 2: Vicinity Map
- Exhibit 3: Project Site Aerial Photo
- Exhibit 4: Wireless Communication Facilities (WCF) Allowable Parcels
- Exhibit 5: Site Plan
- Exhibit 6: Floor Plan for Restroom Facility
- Exhibit 7: Elevations
- Exhibit 8: Visual Simulation of Proposed Monopalm
- Exhibit 9: Photos of Existing Restroom Facility

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW—PUBLIC WORKS PLAN AMENDMENT

Section 30605 of the Coastal Act and Article 14, Section 13356 of California Code of Regulations provides that where a public works plan is submitted prior to certification of the Local Coastal Program (LCP) for the jurisdiction affected by the plan, the Commission's standard of review for certification is Chapter 3 of the Coastal Act. Although the land area within the Harbor is owned by the County, it lies within the jurisdiction of the City of Oxnard. The Commission certified the Public Works Plan in September 1986 prior to certification of the Oxnard LCP, including the Harbor area which was certified in December 1986. Therefore, the Commission's certification of the PWP was based on consistency with Chapter 3. Section 30605 and Section 13357 of the Code of Regulations also states that where a plan or plan amendment is submitted after the certification of the LCP for the area any such plan shall be approved by the Commission only if it finds, after full consultation with the affected local government(s), that the proposed plan is in conformity with the certified LCP. Public Resources Code Section 30605 also states that any proposed amendment to the PWP shall be processed in the same manner as prescribed for an amendment to a Local Coastal Program.

B. STANDARD OF REVIEW—NOTICE OF IMPENDING DEVELOPMENT

Sections 30605 and 30606 of the Coastal Act and Article 14, Section 13359 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 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. In this case, because the NOID is for a project identified in a pending PWP amendment that the Commission has not yet acted on, there is insufficient supporting information to determine whether the proposed development is consistent with the certified PWP. Therefore, the NOID is deemed incomplete at this time and cannot be filed until the amendment has been approved by the Commission. In the event that suggested modifications to the PWP amendment required by the Commission result in substantial changes to the proposed development, then the Notice of Impending Development shall be deemed inconsistent with the PWP and shall remain incomplete. A revised or new Notice of Impending Development that is consistent with the PWP must be submitted before development can commence.

Pursuant to Section 13359, within thirty working days of filing the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified PWP and whether conditions are required to bring the development into conformance with the PWP.

No construction shall commence until after the Commission votes to render the proposed development consistent with the certified PWP.

The standard of review for a Notice of Impending development is the PWP, as amended. Section 30606 of the Coastal Act and Sections 13357 through 13359 of Title 14 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified Public Works Plan. The Executive Director or his designee must review the notice of impending development (or development announcement) and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified Public Works Plan, as amended. The notice is deemed filed when all necessary supporting information has been received and any necessary PWP Amendment is certified by the Commission.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Public Works Plan. The County of Ventura Board of Supervisors held a public hearing and approved the PWP amendment on July 22, 2014. The hearing was duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS

A. PWP AMENDMENT NO. PWP-4-CIH-14-0004-1: DENIAL AS SUBMITTED

MOTION I:

I move that the Commission certify Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-14-0004-1, as submitted.

Staff recommends a NO vote. Passage of this motion will result in denial of the Public Works Plan amendment as submitted and adoption of the following resolution and findings. The motion to deny passes only by an affirmative vote of a majority of the appointed Commission.

RESOLUTION I:

The Commission hereby denies certification of Channel Islands Harbor's Public Works Plan Amendment No. PWP-4-CIH-14-0004-1, as submitted, and adopts the findings stated below on the grounds that the Amendment, as submitted, does not conform with the applicable policies of the certified City of Oxnard Local Coastal Program and the Coastal Act. Certification of the Amendment as submitted does not comply with the California Environmental Quality Act as there are feasible mitigation measures and/or alternatives capable of substantially lessening any significant adverse effects that the approval of the Amendment would have on the environment.

B. PWP AMENDMENT NO. PWP-4-CIH-14-0004-1: CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II:

I move that the Commission certify the Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-14-0004-1, if modified as suggested in the staff report.

Staff recommends a YES vote. Passage of this motion will result in certification of the Public Works Plan Amendment No. PWP-4-CIH-14-0004-1 as modified and adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION II:

The Commission hereby certifies the Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-14-0004-1, as modified, and adopts the findings stated below on the grounds that the Amendment, as modified, conforms with the applicable policies of the certified City of Oxnard Local Coastal Program and the Coastal Act. Certification of the Amendment, as modified, complies with the California Environmental Quality Act as there are no feasible mitigation measures and/or alternatives capable of substantially lessening any significant adverse effect that the approval of the Amendment would have on the environment.

C. NOID No. CIH-NOID-0001-15: APPROVAL WITH CONDITIONS

MOTION III:

I move that the Commission determine that the development described in the Notice of Impending Development No. CIH-NOID-0001-15, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan.

Staff recommends a YES vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development No. CIH-NOID-0001-15, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan as amended pursuant to PWP Amendment No. PWP-4-CIH-14-0004-1, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION III:

The Commission hereby determines that the development described in the Notice of Impending Development No. CIH-NOID-0001-15, as conditioned, is consistent with the

certified Channel Islands Harbor Public Works Plan, as amended pursuant to PWP Amendment No. PWP-4-CIH-14-0004-1, for the reasons discussed in the findings herein.

III. SUGGESTED MODIFICATIONS TO PUBLIC WORKS PLAN AMENDMENT NO. PWP-4-CIH-14-0004-1

The staff recommends that the Commission certify the Public Works Plan (PWP) Amendment only with the modifications as shown or described below. Language recommended by Commission staff to be added to the PWP is shown in underline.

1. SUGGESTED MODIFICATION NO. 1

Add policy 1 to Section 3.7 entitled “Telecommunication Infrastructure”:

Freestanding cell tower facilities on the east side of the harbor shall be minimized in number. To the extent feasible, such facilities shall be incidental to the principal designated land use of each site. Wireless communication facilities shall not be located in designated view corridors.

2. SUGGESTED MODIFICATION NO. 2

Add Policy 2 to Section 3.7 entitled “Telecommunication Infrastructure”:

To the extent feasible, wireless communication equipment shelters shall be incorporated into structures or otherwise screened from public views of the harbor.

3. SUGGESTED MODIFICATION NO. 3

Add Policy 3 to Section 3.7 entitled “Telecommunication Infrastructure”:

All equipment, antennas, poles, towers, artificial screens or any other equipment related to the operation of the wireless or other telecommunication facility shall be removed and the site restored to its pre-installation condition by the service provider/permittee within 30 days after the facility is no longer in operation or is abandoned.

IV. NOTICE OF IMPENDING DEVELOPMENT NO. CIH-NOID-0001-15 SPECIAL CONDITIONS

1. Consistency with the Channel Islands Harbor Public Works Plan

PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT, Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-14-0004-1 must be effectively certified and deemed legally adequate by the California Coastal Commission.

2. Protection of Nesting and Roosting Birds

A qualified independent biologist or environmental resource specialist shall prepare biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities), 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 condition 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:

- A. Within 300 feet of any identified active nesting sites, noise monitors shall be present during all construction activities and tree/shrub removal. Noise generated by construction 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 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.
- C. In the event that the environmental resources specialist reports finding that any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within any of the trees/shrubs to be removed, the applicant shall cease work and immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

3. Construction Maintenance Responsibilities and Debris Removal

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

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

materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

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

4. **Water Quality Management Plan**

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

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

be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.

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

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

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

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

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

5. Lighting Plan

PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT, the Harbor Department shall submit, for the review and approval of the Executive Director, a lighting plan for the approved development. The lighting plan shall incorporate the following requirements:

- (a) Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward.. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.
- (b) The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and trees.

The Harbor Department shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur unless the Executive Director

determines that no new Notice of Impending Development or Public Works Plan Amendment is legally required.

6. Landscaping Plan

PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT, the Harbor Department shall submit a landscaping plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plan shall incorporate the criteria set forth below:

- (a) All disturbed areas on the project site shall be planted and maintained for erosion control purposes and screening purposes within sixty (60) days after completion of construction. All landscaping shall consist primarily of native and drought tolerant plants. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed 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 or maintained within the property.
- (b) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (c) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- (d) The irrigation system shall be designed based on hydrozones and utilizing only drip or micro-spray systems for any landscaping requiring water application.

7. Future Removal of Wireless Facility

PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT, the Harbor Department shall provide to the Executive Director a written agreement, for the review and approval of the Executive Director, from the wireless company/service provider responsible for the construction of the subject wireless facility acknowledging that if, in the future, the facility is abandoned or no longer in operation, the wireless company/service provider, or it's successor in interest, shall within 30 days of abandonment or after the facility is no longer in use, remove the facility in its entirety and restore the site to its pre-installation condition. The written agreement shall include a provision that requires before performing any work in response to the requirements of this condition, the wireless company/service provider shall contact the Harbor Department to determine if a new Notice of Impending Development is necessary.

V. FINDINGS FOR APPROVAL OF THE PUBLIC WORKS PLAN AMENDMENT, AS MODIFIED AND APPROVAL OF THE RELATED NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED

The following findings support the Commission’s approval of the Public Works Plan Amendment if modified as suggested in Section III above and approval of the related Notice of Impending Development No. CIH-NOID-0001-15, as conditioned by Special Conditions 1-7 set forth in Section IV above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION (PWP-4-CIH-14-0004-1)

The Ventura County Harbor Department is proposing to amend the certified Channel Islands Harbor Public Works Plan (PWP) to allow for the installation of telecommunications facilities and associated infrastructure within non-residential areas at the Harbor. The proposed amendment is needed because the certified PWP does not currently include any policies regarding telecommunications infrastructure in accordance with the guidelines and intent of the federal Telecommunications Act of 1996. The proposed amendment provides policies to regulate the installation of telecommunications facilities to allow for the future construction of adequate infrastructure and the provision of wireless services in the Harbor area.

The amendment proposes to add a new Section (PWP Section 3.7) to the existing PWP’s “Coastal Issues and Development Policies” Chapter (PWP Section 3.0, et seq.). The proposed new Section will add “telecommunications infrastructure” to the uses permitted for the Harbor’s “Visitor Serving Boating” (VSB), “Visitor Serving Harbor Oriented” (VSHO) and “Boating Dependent Industrial” (BDI) landside facilities (Exhibit 4). The amendment proposes new policies to regulate the installation of telecommunication infrastructure, including cell tower sites, within the Harbor. The proposed amendment will allow for the location of “stealth facilities” (designed as “monopalms”, mast structures or “monopines”) on the east side of the Harbor within the VSB, VSHO and BDI use areas. The proposed amendment also requires telecommunication facilities other than such “stealth facilities” to be incorporated within a building or a building structure or architectural feature (i.e. tower, façade, or similar structure).

The Ventura County Harbor Department’s proposed language is shown below with language proposed to be added to the certified Public Works Plan shown in underline.

Proposed Amendment Adding “Section 3.7 Telecommunication Infrastructure” to the certified Public Works Plan:

3.7 Telecommunication Infrastructure

The County of Ventura recognizes the need for the installation of wireless communication facilities and antennas in the Harbor and its vicinity in order to provide adequate telecommunications infrastructure in accordance with the guidelines and intent of the Telecommunications Act of 1996, to improve cellular phone and data service for residents and businesses in the area, and to improve access to emergency services in the Harbor and vicinity. The policies below are to provide the means to obtain adequate infrastructure and service while protecting the public health, safety and welfare and the aesthetic resources the Harbor provides.

The following definitions provide assistance in carrying out the intent of the policies included in this section.

ANTENNA: A device used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

CELL SITE: A geographical area with a typical radius of one-half mile to five miles, containing both transmitting and receiving antennas.

CO-LOCATION: The locating of wireless communication facilities from more than one provider on a single building or structure.

ELECTROMAGNETIC FIELD (EMF): The local electric and magnetic fields that envelop the surrounding space, as by the movement and consumption of electrical power by transmission lines, household appliances, and lighting.

EQUIPMENT FACILITY: The structure containing ancillary equipment required for the operation of a wireless facility, including cabinets, shelters, fencing and similar structures.

FCC: The Federal Communications Commission.

MONOPOLE: A single pole wireless communications facility.

STEALTH FACILITY: A wireless communication facility designed to blend into the surrounding environment, typically architecturally integrated into a building or other concealing structure. May also include facilities disguised as palm trees, pine trees, and the like.

WIRELESS COMMUNICATION FACILITY: A structure, including a tower, pole, monopole, or stealth facility that supports antennae and related equipment that sends and receives radio frequency signals.

POLICIES:

Wireless communication facilities shall be allowed on all but the residential designated parcels within the Harbor. Facilities located on the east side of the Harbor, within the visitor serving boating and boating dependent land use areas along Victoria Avenue, may be stealth facility monopoles such as palm trees or pine trees as long as all other policies contained herein are met. Any facility located on any other parcel within the Harbor must be completely located within a building or building structure such as a tower, architectural feature, or façade.

No wireless telecommunication facility shall be constructed or operated until it is reasonably demonstrated by the operator that it will not pose a threat to public health, or produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electrical and magnetic field strength and power density for transmitters or any more restrictive standards subsequently adopted by the FCC.

Each facility must comply with any and all building code requirements and any conditions imposed at the time of approval of a Notice of Impending Development.

Each facility must comply with all applicable regulations and standards established by any state or federal agency, including but not limited to the FCC and the Federal Aviation Administration.

No facility shall interfere with Federal, State, County or City communication systems, including those used by the Coast Guard, Harbor Patrol, Fire Protection District or City Fire Department.

Monopoles, including stealth facilities, shall not exceed a height of 60 feet. The height of the facility shall be measured from average final grade of the parcel on which the facility is located.

Building mounted facilities shall not extend farther than 18 inches above the top of the façade, parapet, or structure on which they are located.

Wireless telecommunication facilities and antennas shall be co-located on existing facilities whenever possible. No operator shall restrict access to an existing antenna location if required to co-locate, and all structures shall be designed to accommodate co-location to the maximum extent possible.

All electrical support equipment shall be located underground or within an approved structure. Roof mounted electrical support equipment is discouraged.

No advertising or signage shall be permitted on any portion of a wireless telecommunication facility, except that required by law, or as otherwise may be

required by the County, or if the wireless telecommunication facility is part of a permitted sign advertising another use in the Harbor.

Each wireless telecommunication facility site must be identified by a permanently installed plaque or marker no larger than forty (40) inches by six (6) inches that clearly states the mailing address, e-mail address, and 24-hour local or toll-free telephone number for reaching a live-contact person for both the permittee and the agent responsible for the maintenance of the wireless telecommunication facility. Emergency contact information must provide contact information for persons who can provide an immediate response. Such information must be updated in the event of any change of permittee, the agent responsible for maintenance of the wireless telecommunication facility, or both.

All antennas shall be located so that any person walking adjacent to the transmitting surface of the antenna will be walking on a surface that is a minimum of 8-1/2 feet below the transmitting surface.

Lighting of antenna structures and their support equipment shall be prohibited, except as required by any regulation of the FCC or the FAA and except for manually operated emergency lights for use when permittee's personnel or agents are working onsite.

All equipment cabinets visible to the public must be treated with a graffiti-resistant coating. All graffiti on any component of the wireless telecommunication facility must be removed promptly in accordance with applicable law, including local ordinances, or other regulations. The operator must remove any graffiti on any facility that is visible to the public within 48 hours of receiving notification of the graffiti's existence.

The facility owner/operator must modify, remove, or relocate its wireless telecommunication facility, or portion thereof added by the permittee, without cost or expense to the County, if and when the facility is abandoned or relinquished. All landscaping, pavement, sidewalks, or building or portion thereof added by the permittee shall be repaired and returned to its condition at the time the permit was originally granted.

Construction of any Wireless Communications Facilities will be subject to submittal of a NOID to the California Coastal Commission for review and approval.

B. PROPOSED NOTICE OF IMPENDING DEVELOPMENT DESCRIPTION (CIH-NOID-0001-1)

The Ventura County Harbor Department has also submitted a related Notice of Impending Development (NOID) for the construction of a wireless telecommunication facility to replace an existing cell tower located on the Naval Base across Victoria Avenue from the Harbor. The

existing cell tower on the Naval Base must be decommissioned to allow conformity with new security requirements. As such, the Harbor proposes to construct a 58-foot high telecommunications facility consisting of a 12-panel antennae mounted on a faux palm tree (“monopalm”) among other natural palms immediately adjacent to the boatyard and boat storage facility (Exhibits 2-3, 5, and 7-8). In order to avoid visual impacts from the installation, and due to the fact that the accompanying equipment cannot be placed underground within a waterfront location, the accompanying base equipment is proposed to be stored above ground but incorporated into a new restroom structure. The NOID proposes to demolish an existing aged restroom and construct a new restroom that will include an equipment room for the antennae’s base equipment (Exhibits 5-7 and 9).

The proposed NOID authorizes the demolition of an existing aged restroom structure and construction a new restroom room facility that will include an equipment room for the antennae’s base equipment (Exhibit 6). The existing one-story, 348 sq. ft. restroom facility will be demolished completely and the proposed one-story (9 ft.) replacement restroom facility will be within the same footprint and the same square footage (348 sq. ft.) and height (9 ft.) as the existing restrooms. The proposed restroom will consist of two single-stall restrooms that conform to Americans with Disabilities Act requirements and one equipment room containing the base equipment for the antennae installation discussed above.

The proposed siting for the antennae and restroom facilities is entirely within an area of the Harbor designated as “Visitor Serving Boating” (VSB) by Channel Islands Harbor’s PWP (Exhibits 2-5). Permitted uses in this area are dry storage of boats, the parking of vehicles and boat trailers and, where launching facilities exist, the washing of boats and flushing of saltwater engine cooling systems, boat and boat equipment sales, rentals, display, brokerage, storage and minor repair and packaged (carry-out) food or beverage sales. The proposed PWP amendment would add telecommunications infrastructure to the list of permitted land uses within the VSB area of the Harbor (Exhibit 4).

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 NOID for review and approval by the Commission for any proposed development authorized pursuant to the Plan. For a project contained in the certified PWP, the Commission’s review of a NOID is limited to determining that the development as proposed is consistent with the PWP, or imposing reasonable terms and conditions to ensure that the development conforms to the PWP.

C. NOID CONSISTENCY WITH PWP

The subject NOID cannot be considered consistent with the certified PWP unless the proposed PWP amendment is approved and fully certified by the Commission. **Special Condition One (1)** of NOID No. CIH-NOID-0001-15, therefore, stipulates that prior to the commencement of any development, certification of the Public Works Plan Amendment No. PWP-4-CIH-14-0004-1 by the Coastal Commission must be final and effective in accordance with the procedures identified in California Code of Regulations, Title 14, Division 5.5, Section 13547.

D. PUBLIC ACCESS AND RECREATION

The following Coastal Act policies pertain to the protection and provision of public access and recreation including lower cost visitor and recreational facilities and are also incorporated into the City of Oxnard Local Coastal Program (LCP):

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.

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.

The City of Oxnard's LCP contains the following relevant policies concerning public access:

Policy 21 of the Local Coastal Policies states:

Maximum access, which shall be conspicuously supported and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners and natural resource areas from overuse.

Policy 22 of the Local Coastal Policies states:

Development shall not interfere with the public's right of access to harbor waters where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky harbor beaches to the first public right-of-way.

With regard to the proposed Notice of Impending Development (NOID), the certified Public Works Plan (PWP) contains the following access and recreation policy that is applicable to the proposed project:

Policy 21 Public Access and Recreation states:

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

The proposed amendment adds policies concerning the installation and maintenance of telecommunications infrastructure to the certified PWP for Channel Islands Harbor. As modified, the proposed amendment does not interfere with the public's right of access to harbor waters, but rather, provides for the enhancement of existing wireless services in the area in support of the Harbor's existing recreational opportunities.

The proposed NOID seeks authorization for the installation of a 58-foot high telecommunications facility in conjunction with the demolition and reconstruction of an existing adjacent bathroom facility to allow for ADA accessible bathroom stalls and base equipment for the telecommunications facility to be stored within the bathroom structure (Exhibits 5-8). In order to recommend approval of the proposed NOID, the proposed project must be consistent with the certified PWP, as amended in PWP amendment No. PWP-4-CIH-14-0004-1. The proposed telecommunications facility will enhance public access to the Harbor by providing improved wireless services to visitors, commercial users and residents. Further, the reconstructed bathrooms will facilitate the public's use of the Harbor and improve disabled access to restroom facilities. Additionally, the proposed construction activity, storage and staging areas will not significantly impede public access to any part of the Harbor's landside or waterside areas.

Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with Sections 30211 and 30213 of the Coastal Act, as well as the applicable City of Oxnard LCP policies. In addition, the Commission finds that the NOID for the installation of a 58-foot high telecommunications facility and the demolition/reconstruction of an adjacent restroom, is consistent with the PWP, as modified, relative to protection of Public Access and Recreation.

E. WATER QUALITY

The following Coastal Act policies pertain to the protection of water quality and are also incorporated into the City of Oxnard certified Local Coastal Program (LCP):

Section 30230 Marine resources/maintenance 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 Biological productivity/water quality 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.

With regard to the proposed NOID, the certified Public PWP contains policies to protect the water quality and biological productivity of Harbor waters. Policy 1 requires a water quality monitoring and a biological monitoring program. Policy 2 states that “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 proposed PWP amendment and NOID that will allow for the installation of telecommunications facilities and the demolition/reconstruction of an existing, aged restroom facility have the potential to adversely impact water quality due to the proposed site’s proximity to the water (Exhibit 2 and 3), the removal of landscaping associated with the demolition and reconstruction of the restroom facility and the potential for the introduction of pollutants during construction. To avoid any adverse impacts to the water the quality of the Harbor, the NOID requires **Special Conditions Three (3), Four (4) and Six (6)**. **Special Condition Three (3)** ensures that proper measures are implemented during construction to avoid any construction related pollutants to enter harbor waters and, further, requires all debris from demolition of the existing restroom facility to be promptly removed to avoid contact with harbor waters. Importantly, should the disposal site be located in the Coastal Zone, a separate coastal development permit or NOID shall be required. **Special Condition Four (4)** requires a Water Quality Management Plan to similarly prevent construction related contaminants from entering harbor waters; ensuring storm water runoff is controlled to prevent erosion; and storm water runoff is treated or infiltrated to minimize polluted runoff from entering Harbor waters. **Special Condition Six (6)** requires the preparation and submittal of a Landscaping Plan to replace any disturbed landscaping resulting from demolition and construction and ensure that adequate landscaping is in place after construction that will provide soil retention and filtration of storm water runoff onsite.

Therefore, the Commission finds that PWP amendment PWP-4-CIH-14-0004-1, as modified, is consistent with the Sections 30230 and 30231 of the Coastal Act and water quality policies of the City of Oxnard’s LCP. In addition, the Commission finds that the NOID, as conditioned, is consistent with the water quality provisions of the certified PWP.

F. VISUAL RESOURCES

The following Coastal Act policy pertains to the protection of visual resources and is also incorporated into the City of Oxnard certified Local Coastal Program (LCP):

Section 30251 Scenic and visual qualities 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.

The City of Oxnard's LCP contains the following relevant policies concerning public access:

Policy 35 of Local Coastal Policies states:

The visual quality of the harbor shall be maintained by protected unimpeded views to the water area from the Victoria Avenue and Channel Islands and Harbor Boulevards by retaining view corridors between the first main road and the water line. View corridors shall be landscaped to screen and soften views across paved areas and to frame and accentuate the view. Development in the harbor shall not exceed two stories (25 feet in height) or at the corner of Victoria Avenue and Channel Islands Boulevard, 35 feet in height.

Additionally, Policy 22 under Public Access and Recreation of the certified Public Works Plan (PWP) states the following:

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 PWP includes several policies and provisions to maintain and protect the visual quality of the Harbor area and preserve views of the harbor from surrounding roadways. The PWP also restricts the height of new development to 25 feet in height. The proposed PWP amendment will authorize wireless telecommunication facilities throughout Channel Island Harbor except in areas designated for residential uses. The amendment also authorizes stand-alone monopole wireless towers on the east side of the harbor up to 60 feet in height provided the towers are of a stealth design, such as faux palm trees or pine trees, and provided these facilities comply with all policies and provision of the certified PWP. In other areas of the Harbor wireless communication facilities must be completely located within or on existing structures such as a building towers, architectural features, or façades. These new provisions are designed to minimize the potential adverse visual impacts associated with such wireless towers and associated equipment facilities.

The PWP amendment authorizes freestanding wireless towers up to 60 feet in height and ground level equipment on the east side of the Harbor where there are no structures where wireless facilities can be incorporated into a structure. A proliferation of freestanding towers and equipment shelters could result in adverse impacts to the visual quality of this area of the harbor. In addition, wireless towers and ground level equipment shelters, if not properly sited and designed to avoid designated view corridors, could adversely impact views to the harbor waters. Therefore, to ensure the visual quality of the harbor is preserved and view corridors to the harbor water areas are maintained and preserved, the Commission finds, **Suggested Modification One (1)** is required to minimize the number of freestanding towers on the east side of the harbor and further requires cell towers shall not be allowed in designated view corridors. In addition, **Suggested Modification Two (2)** is required to ensure, to the extent feasible, ground level equipment shelters are incorporated into existing structures or are otherwise screened from public views of the harbor in order to minimize the potential adverse view impacts associated with these equipment shelters.

Finally, **Suggested Modification Three (3)** requires the Harbor Department to submit a written statement from the wireless company/service provider agreeing to remove the facility and restore the project site in the future should technological advances make this facility obsolete or

the facility is abandoned for some reason. This requirement assures the removal of the facility should the facility no longer be needed due to more advanced technology and will ensure the area will be restored and the visual qualities of the harbor area are maintained and improved.

Therefore, the Commission finds that proposed PWP amendment as modified is consistent with the Sections 20351 of the Coastal Act and the visual resource polices of the Certified Oxnard LCP.

The proposed project site for the 58-foot high wireless antennae and demolition of the existing restroom and construction of a new restroom is located on the east side of the harbor off of Victoria Avenue (Exhibits 2-3). The proposed is adjacent to a view corridor designated by the Channel Islands Harbor PWP. Specifically, the certified PWP designates view corridors from the end of the cul-de-sac on Pelican Way, westward toward the Harbor's water areas and land across the channels. Although the view corridor is adjacent to the subject proposed siting for the antennae and restroom facilities, the footprint of development will not encroach into the designated view corridor. Additionally, the antennae will be camouflaged through the use of a "monopalm" design and its associated base equipment will be built into the reconstructed restroom facility and thus completely screened from public view as required pursuant to the provisions of PWP, as modified. The reconstruction of the existing restroom facilities will occupy the same footprint and height as the existing structure (Exhibits 5-6).

In order to ensure that the proposed NOID is consistent with the visual resource policies of the certified PWP, Commission Staff is recommending **Special Condition Six (6)** which will require the preparation and submittal of a landscaping plan. The landscaping plan will soften and screen the proposed restroom facility and improve the aesthetics of the surrounding area. In addition, **Special Condition Seven (7)** requires the Harbor Department to submit a written statement from the wireless company/service provider agreeing to remove the facility and restore the project site in the future should technological advances make this facility obsolete or the facility is abandoned for some reason. This requirement assures the removal of the facility should the facility no longer be needed due to more advanced technology and will ensure the area will be restored and visual qualities of the harbor area are maintained and improved. As conditioned, the development will not result in any significant adverse impacts to public visual resources or visual quality of the harbor area.

Therefore, the Commission finds the proposed NOID, as conditioned, is consistent with the with applicable visual resource policies of the certified Public Works Plan, as amended.

G. ENVIRONMENTALLY SENSITIVE HABITAT

The certified Local Coastal Program (LCP) for the City of Oxnard contains Section 30240 of the Coastal Act which provides for the protection of Environmentally Sensitive Habitat Areas:

Section 20240

(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.

Additionally the following Public Works Plan (PWP) policies address the protection of Biological Resources:

Policy 2 in the Biological Resources chapter states:

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

Policy 10 of the Biological Resources Section states:

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 certified PWP recognizes that there are no environmentally sensitive habitat areas (ESHA) in the harbor given the developed nature of the harbor. However, the certified PWP includes policies to protect nesting habitat (stands of trees) for wading bird species, such as herons and egrets, and considers the nesting habitat to be a sensitive biological resource. The proposed amendment to the certified PWP will have no significant impact on endangered, sensitive or special status species within the Harbor. With regard to the submitted NOID, the proposed site for the installation of the wireless antennae tower and new restroom facility is located on the eastern side of the Harbor in an area comprised predominantly of scattered buildings, paved areas for parking, boat repair/ boat storage, fishing operations, administrative building and visitor-serving uses (Exhibits 2-5). No sensitive biological resources or environmentally sensitive habitat areas have been identified on site or in close proximity to the subject site. The certified PWP states that there are no terrestrial biological resources of significance within Channel Islands Harbor as the area is completely developed and terrestrial vegetation consists entirely of introduced landscaping species. However, the certified PWP includes policies to protect nesting habitat (stands of trees) for wading bird species, such as herons and egrets, and considers the nesting habitat to be a sensitive biological resource. Bird species found in the Harbor identified in the PWP include great blue herons, night crown herons, snowy egrets, double-breasted cormorant, western grebes, brown pelicans, herring gulls, and California gulls. The PWP acknowledges that it is probable that many more migratory bird species use the Harbor during the year. In past Commission actions, it has been recognized that several bird species, such as great blue herons, black-crowned night herons, and snowy egrets utilize the trees in the Harbor for roosting and nesting. Although none of these species are listed as threatened or endangered, their presence is considered important because some species of herons and egrets are considered Sensitive Species and play an integral role in the ecosystem as top wetland predators. The Harbor Department has consequently monitored bird nesting activity for several years.

The nearest location where nesting by sensitive bird species has been identified in the past within the Channel Islands Harbor is located 1,750 feet from the subject site. In order to find the proposed NOID consistent with the certified PWP for Channel Island Harbor, the Commission finds it necessary to incorporate **Special Condition Two (2), Three (3), Four (4), Five (5) and Seven (7)** to ensure there are no significant impacts to any biological resources within the Harbor. Although seven years of monitoring has not revealed any nesting by sensitive bird species within the proposed siting for the antennae and associated restroom facility, it is possible that sensitive bird species could nest in the site's vicinity due to the proximity of the site to Harbor waters and nearby trees in the area. As such, **Special Condition Two (2)** requires the protection of nesting and roosting birds through pre-construction surveys (within a 500-foot radius of the subject site), and should sensitive species be discovered exhibiting reproductive or

nesting behavior within 500 feet of any construction activities, the condition requires that special protective measures are implemented throughout the construction phase of the project. **Special Condition Five (5)** will similarly protect onsite bird species by requiring lighting for the restroom facilities to be low-intensity, low-glare design and shielded to direct light downward onto the subject site.

Additionally, **Special Condition Three (3)** and **Four (4)** impose requirements concerning construction maintenance, debris removal and a water quality management plan to prevent the discharge of construction related contaminants into Harbor waters and the environment surrounding the proposed site.

Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with the Chapter 3 policies of the Coastal Act and the ESHA policies of the certified City of Oxnard LCP. The proposed NOID, as conditioned, is consistent with bird protection policies of the certified PWP.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, the County of Ventura is the lead agency for CEQA purposes, as it is the public agency with principal responsibility for carrying out the Channel Islands Harbor Public Works Plan (and one of the agencies, if not the agency, with principal responsibility for approving it and supervising it as well), it is a local government with general powers, and it acted first on the subject PWPA.

As an agency with a certified regulatory program under CEQA section 21080.5, the Commission must consider alternatives and mitigation measures that would substantially lessen any significant adverse environmental effects that the proposal would otherwise have on the environment. Sections 13371 and 13356(b)(2) of Title 14 of the California Code of Regulations require that the Commission not approve or adopt a PWPA unless it can find that , "...there are no feasible alternatives, or feasible mitigation measures, . . . available which would substantially lessen any significant adverse impact that the development . . . may have on the environment." 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. For the reasons discussed in this report, Channel Islands Harbor Public Works Plan Amendment PWP-4-CIH-14-0004-1, as suggested to be modified, is consistent with the Chapter 3 policies of the Coastal Act. There is no less environmentally damaging feasible alternative project and there are no other feasible mitigation measures that would reduce the impacts of the proposed amendment.

Further, the Commission has imposed conditions upon Notice of Impending Development CIH-NOID-0001-15 to include such feasible measures as will reduce environmental impacts of new development. As discussed above, the proposed development approved by this NOID, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan as

amended by PWP Amendment PWP-4-CIH-14-0004-1 in accordance with the suggested modification. There are no other feasible alternatives or mitigation measures available that would further lessen any significant adverse effect that the development would have on the environment. Therefore, the Commission finds that the Notice of Impending Development CIH-NOID-0001-15, as conditioned herein, is consistent with CEQA Section 21080.5(d)(2)(A), and the applicable provisions of the Public Works Plan for Channel Islands Harbor.




BOARD MINUTES
BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, PETER C. FOY AND JOHN ZARAGOZA
July 22, 2014 at 11:30 a.m.

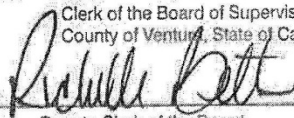
Public Hearing Regarding the Adoption of a Resolution Approving the Fifth Amendment to the Channel Islands Harbor Public Works Plan Establishing Policies to Allow for Certain Installations of Telecommunication Infrastructure; and Authorization for the Harbor Director to Submit the Fifth Amendment to the Public Works Plan to the California Coastal Commission and to Take the Step Necessary to Obtain its Approval and Certification by the Coastal Commission. (Harbor Department)

- (X) All Board members are present, except Supervisor Foy is absent.
- (X) The Board holds a public hearing.
- (X) The following person is heard: Lyn Krieger.
- (X) The following document is submitted to the Board for consideration:
(X) PowerPoint Presentation - Channel Islands Harbor Public Works Plan 5th Amendment Wireless Communication Facilities.
- (X) Upon motion of Supervisor Zaragoza, seconded by Supervisor Bennett, and duly carried, the Board hereby approves staff recommendations as stated in the Board letter.

By: 
Brian Palmer
Chief Deputy Clerk of the Board

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.

Dated: MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By: 
Deputy Clerk of the Board



Item #27
7/22/14

Exhibit 1
Resolution
PWP-4-CIH-14-0004-1 & CIH-
NOID-0001-15

14-082

**RESOLUTION OF THE VENTURA COUNTY BOARD OF SUPERVISORS
APPROVING AN AMENDMENT TO THE
CHANNEL ISLANDS HARBOR PUBLIC WORKS PLAN**

WHEREAS, the Channel Islands Harbor Public Works Plan was certified by the California Coastal Commission on September 19, 1988; and

WHEREAS, the Channel Islands Harbor Public Works Plan has been amended four times with its most recent (fourth) amendment approved by the California Coastal Commission on August 8, 2013; and

WHEREAS, on June 27, 2014, a notice of a public hearing on a proposed fifth amendment to the Public Works Plan (Fifth PWP Amendment) for wireless facilities was mailed to the Harbor's distribution list of approximately 300 interested individuals and agencies as well as posted at the Harbor's administrative offices; and

WHEREAS, a legally noticed public hearing of the proposed Fifth PWP Amendment was held by the Board of Supervisors of Ventura County at Ventura, California, on July 22, 2014; and

WHEREAS, the Ventura County Board of Supervisors ("Board") now wishes to amend the Public Works Plan as set forth in the Fifth PWP Amendment; and

WHEREAS, at the public hearing on July 22, 2014, the Board considered all written and oral testimony on the proposed Fifth PWP Amendment, including staff reports and recommendations;

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND DETERMINED THAT the Board finds that the Public Works Plan as amended by the Fifth PWP Amendment is in conformity with the Local Coastal Plan of the City of Oxnard;

FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED THAT the Board (1) finds (a) that its adoption of the Fifth PWP Amendment is in the public interest and consistent with the California Coastal Act and its policies and (b) that said adoption is exempt from the California Environmental Quality Act and, (2) therefore, (a) approves the Fifth PWP Amendment and (b) directs the Harbor Director to submit it to the California Coastal Commission and to take all steps needed to obtain its approval;

FURTHER BE IT RESOLVED, ORDERED AND DETERMINED THAT the Board specifies the Clerk of the Board, 800 S. Victoria Avenue, Ventura, California, and the Harbor Department, 3900 Pelican Way, Oxnard, California, as the custodians and the location of the documents which constitute the record of proceedings upon which its decision is based; and

**Exhibit 1
Resolution
PWP-4-CIH-14-0004-1 & CIH-
NOID-0001-15**

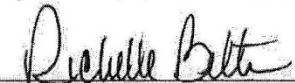
FINALLY, BE IT RESOLVED, ORDERED, AND DETERMINED THAT the Public Works Plan Amendment shall become effective and operative upon approval and certification by the California Coastal Commission.

Upon motion of Supervisor Zuazo, seconded by Supervisor Bennett, duly carried, the foregoing Resolution was passed and adopted this 22 day of July, 2014.

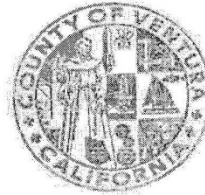


Chair, Ventura County
Board of Supervisors

ATTEST:
MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By: 

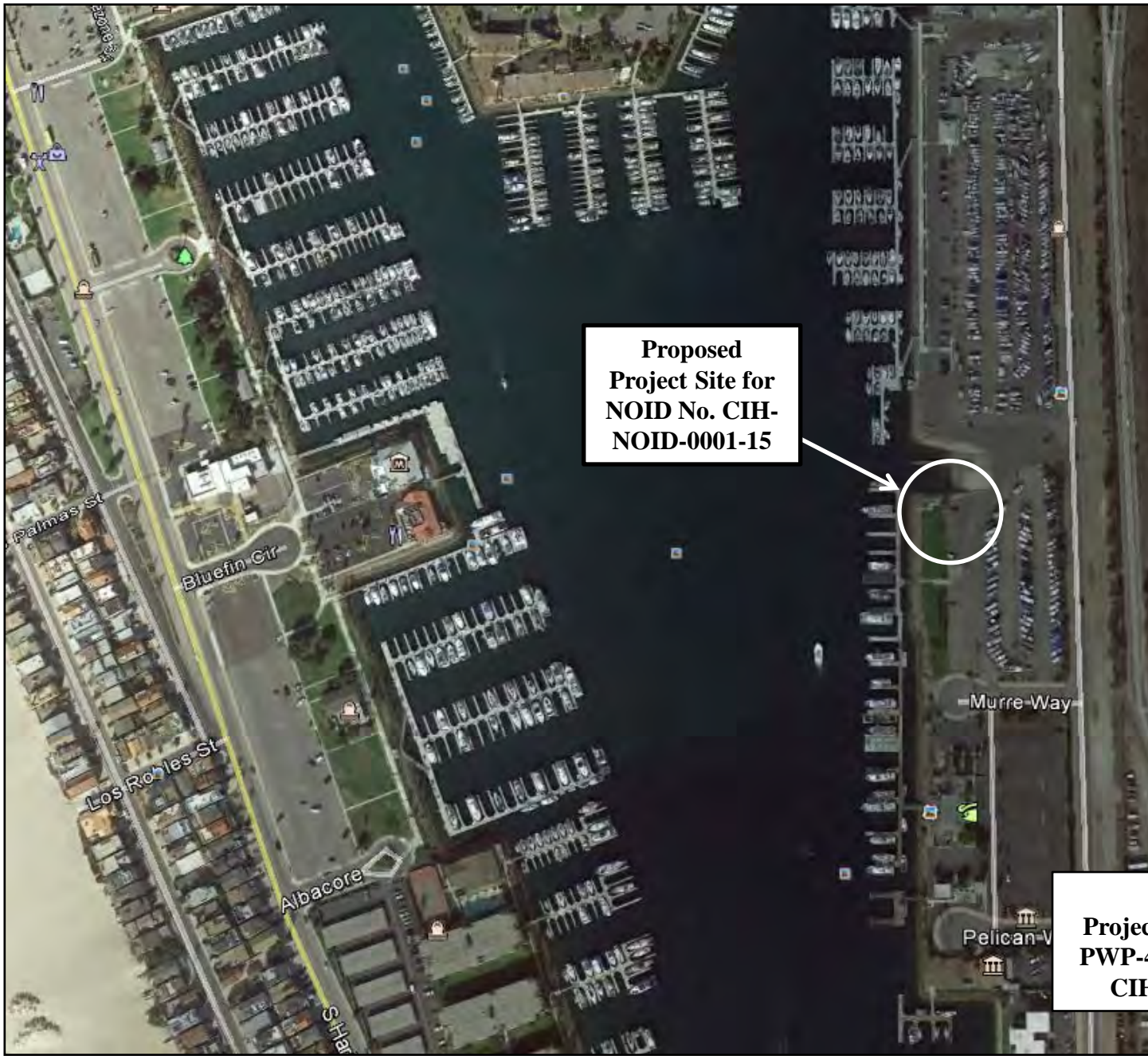
Deputy Clerk of the Board



**Exhibit 1
Resolution
PWP-4-CIH-14-0004-1 & CIH-
NOID-0001-15**

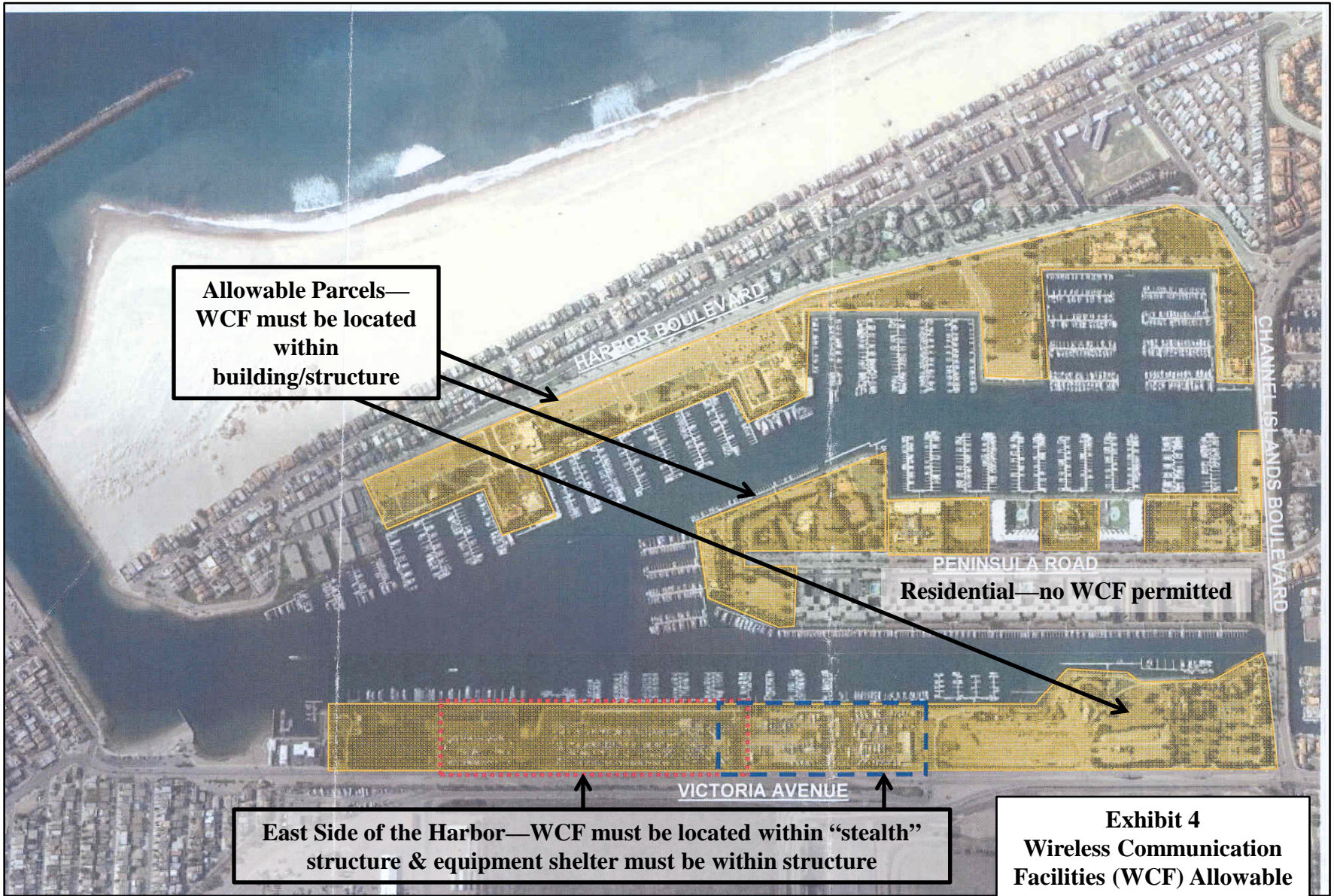


Exhibit 2
Vicinity Map
PWP-4-CIH-14-0004-1 &
CIH-NOID-0001-15



**Proposed
Project Site for
NOID No. CIH-
NOID-0001-15**

**Exhibit 3
Project Site Aerial Photo
PWP-4-CIH-14-0004-1 &
CIH-NOID-0001-15**

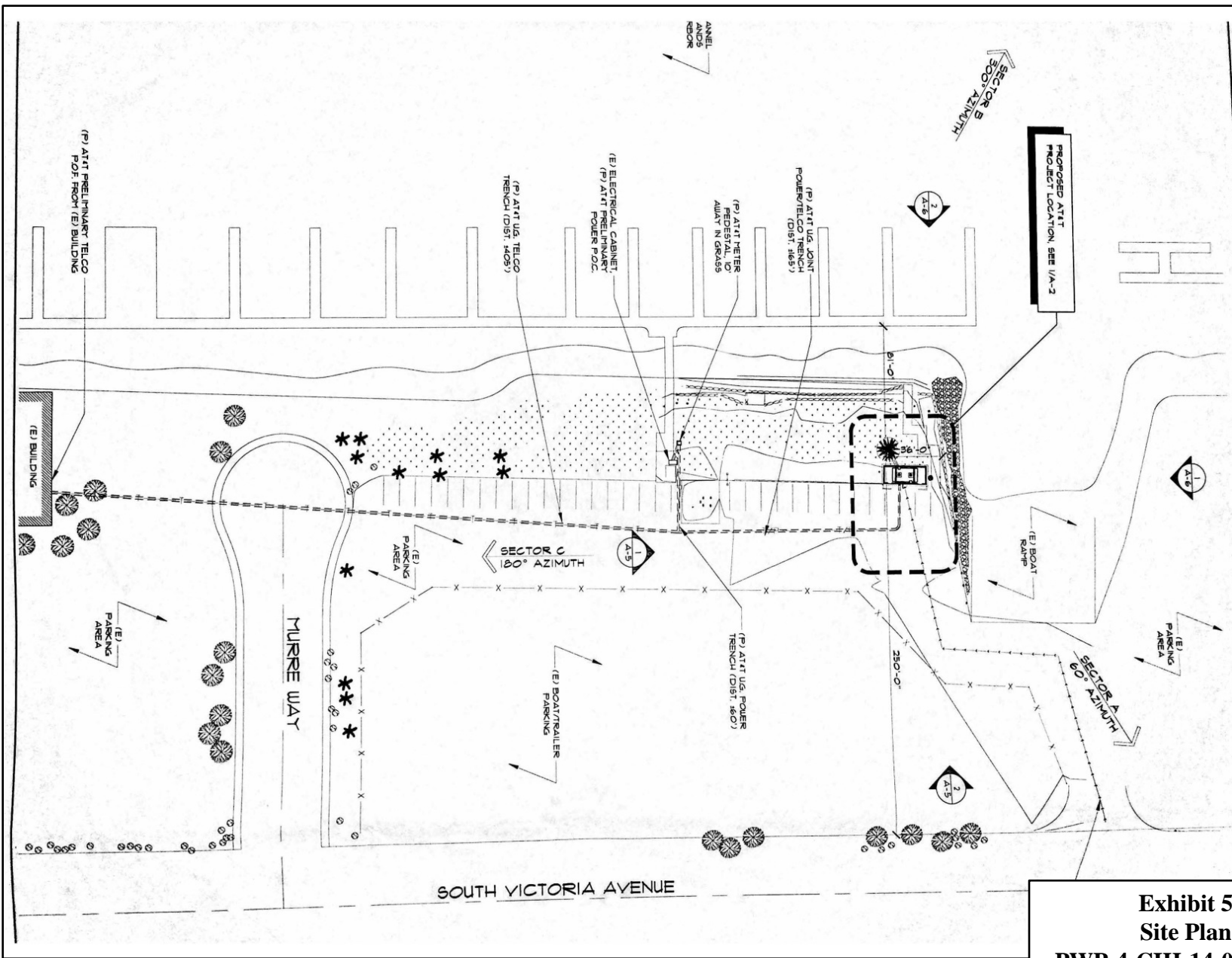


**Allowable Parcels—
WCF must be located
within
building/structure**

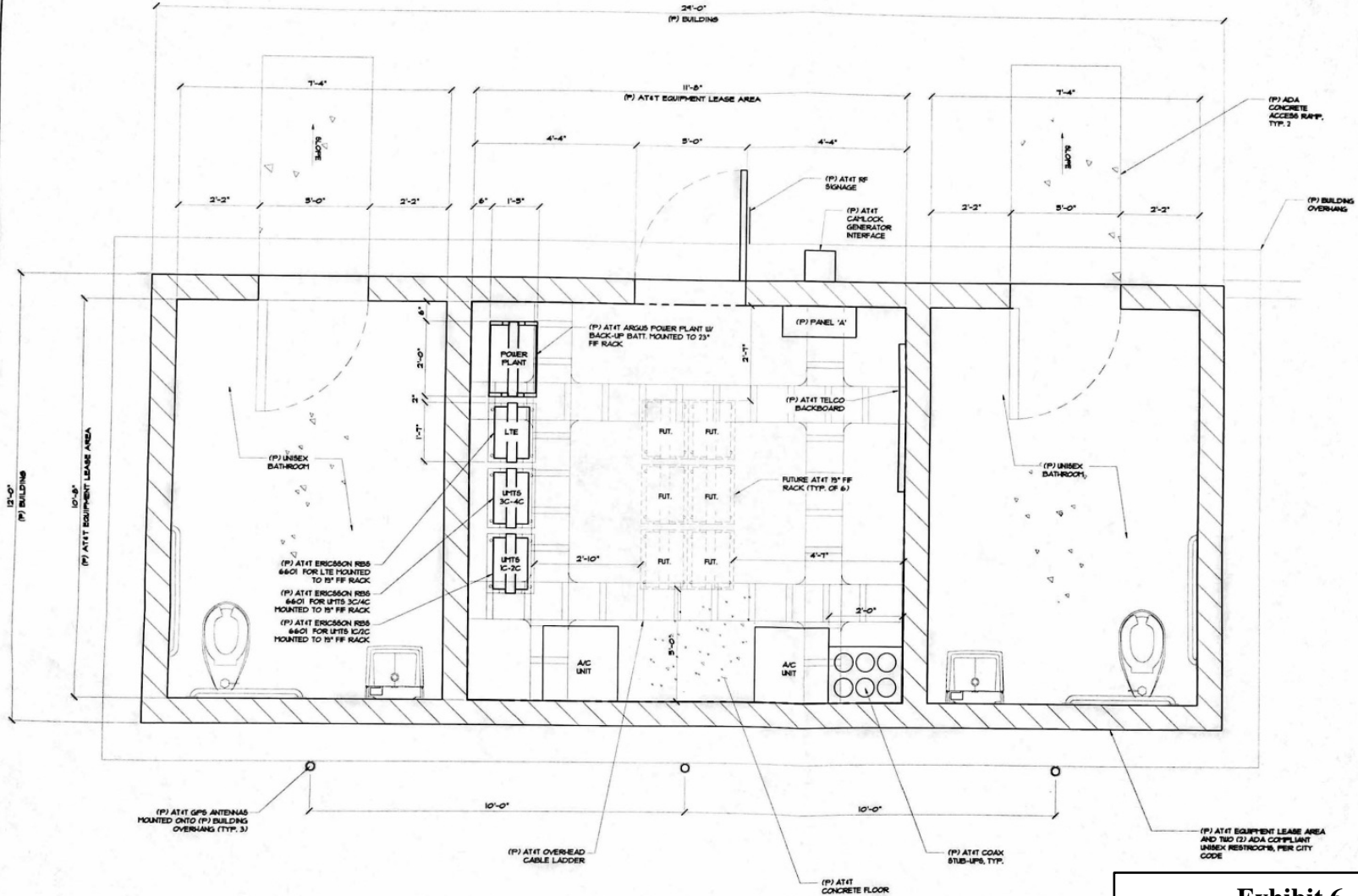
Residential—no WCF permitted

**East Side of the Harbor—WCF must be located within “stealth”
structure & equipment shelter must be within structure**

**Exhibit 4
Wireless Communication
Facilities (WCF) Allowable
Parcels
PWP-4-CIH-14-0004-1 &
CIH-NOID-0001-15**

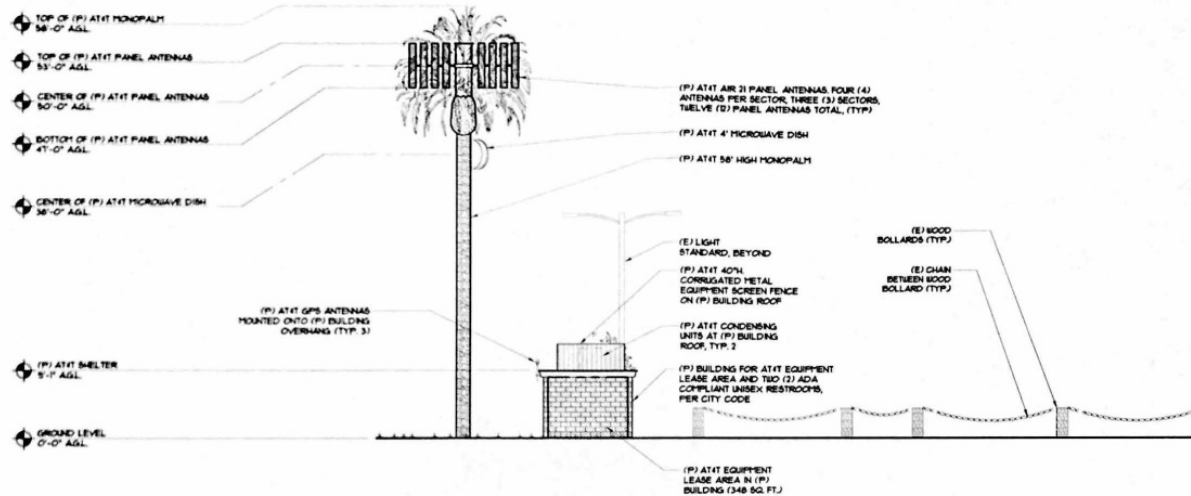


**Exhibit 5
Site Plan
PWP-4-CIH-14-0004-1 &
CIH-NOID-0001-15**



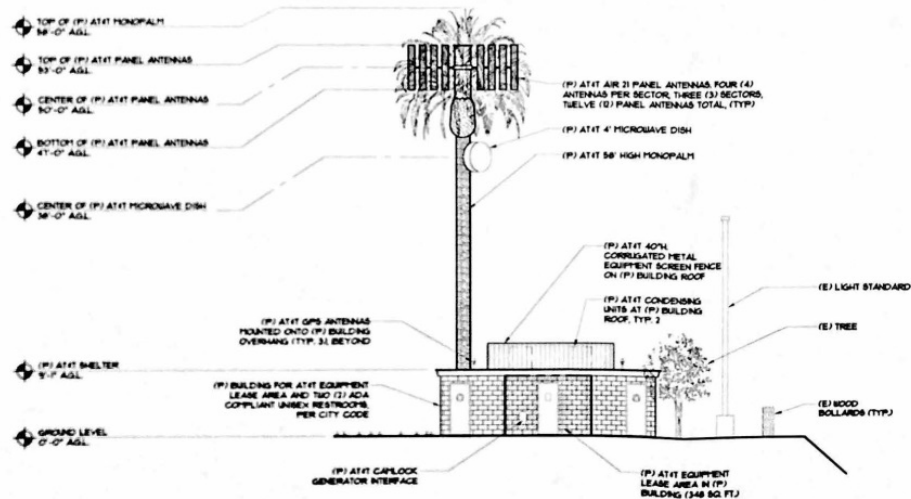
EQUIPMENT LAYOUT PLAN

Exhibit 6
Floor Plan for Restroom
Facility
PWP-4-CIH-14-0004-1 &
CIH-NOID-0001-15



SOUTH ELEVATION

SCALE 1/8"=1' 1



EAST ELEVATION

Exhibit 7
Elevations
PWP-4-CIH-14-0004-1 &
CIH-NOID-0001-15



Exhibit 8
Visual Simulation of Proposed
Monopalm
PWP-4-CIH-14-0004-1 & CIH-
NOID-0001-15

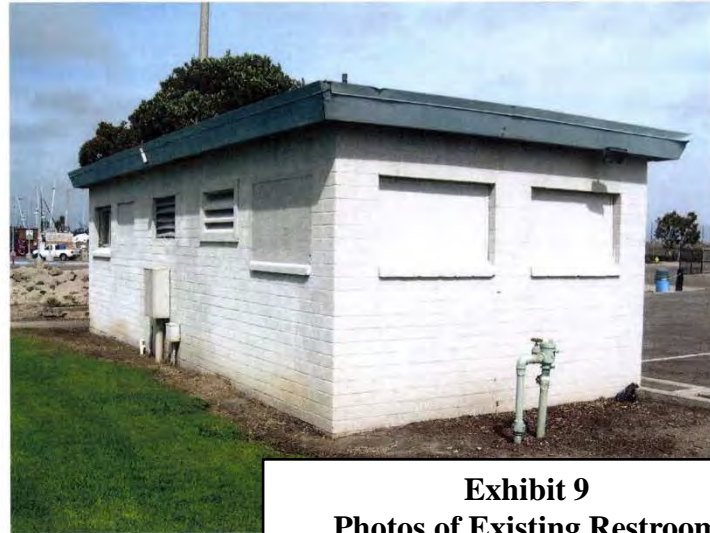


Exhibit 9
Photos of Existing Restroom
Facility
PWP-4-CIH-14-0004-1 & CIH-
NOID-0001-15