

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

DATE: November 2, 2005

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager *JD*

SUBJECT: County of Ventura Channel Islands Harbor Public Works Plan
Amendment 1-04: Executive Director's determination that the County's
acknowledgement of receipt, acceptance, and agreement with the
Commission's certification with suggested modifications is legally
adequate. This determination will be reported to the Commission at the
November 2005 meeting in Los Angeles.

On March 16, 2005 the Commission approved Public Works Plan Amendment No. 1-04 to the Channel Islands Harbor Public Works Plan (PWP) submitted by the County of Ventura Harbor Department with suggested modifications. This amendment incorporates the Boating Instruction and Safety Center (BISC) as an allowed use into the County's certified PWP for Channel Islands Harbor.

On October 19, 2004 the Ventura County Board of Supervisors delegated authority to the Harbor Director to "take all actions necessary to obtain approval of the Public Works Plan Amendment by the California Coastal Commission (CCC) and to take all actions necessary to carry out the approved BISC project." The Harbor Director, acting pursuant to that delegated authority, acknowledged the CCC's certification of Amendment 1-04 to the PWP and accepted all of the CCC's terms and modifications on behalf of the Board of Supervisors at the March 16, 2005 Commission hearing. On July 12, 2005 the County Board of Supervisors acknowledged the Harbor Director's acceptance, on behalf of the Board, of the Commission's certification of PWP Amendment No. 1-04 including accepting and agreeing to all modifications suggested by the Commission and transmitted said acknowledgement to the Executive Director by letter dated July 25, 2005(see attachment).

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the County of Ventura acknowledging receipt and acceptance of, and agreement with the Commission's certification of the above referenced PWP amendment with suggested modifications is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the County's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of PWP Amendment 1-04, as certified by the Commission on March 16, 2005, as contained in the July 25, 2005 letter from the Harbor Director to the Executive Director and further clarified in the November 2, 2005 letter from County Counsel to the Chief Counsel of the Commission and find that the County's action is legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.

NOEL A. KLEBAUM
COUNTY COUNSEL

LEROY SMITH
CHIEF ASSISTANT

JAMES W. THONIS
LITIGATION SUPERVISOR



COUNTY COUNSEL
COUNTY GOVERNMENT CENTER ADMINISTRATION BUILDING
800 SOUTH VICTORIA AVENUE, L#1830
VENTURA, CALIFORNIA 93009
TELEPHONE (805) 654-2580
FAX NO. (805) 654-2185

ASSISTANTS

Linda K. Ash
Alberto Boada
Matthew A. Bromund
Alison L. Harris
Oliver G. Hess
Donald O. Hurley
Robert N. Kwong
Patricia McCourt
Ilene F. Mickens
Daniel J. Murphy
Lori A. Nemirotff
Roberto R. Orellana
John E. Polich
Joseph J. Randazzo
James R. Ross
Matthew A. Smith
Linda L. Stevenson
Rachel S. Van Mullem

November 2, 2005

Ralph Faust, Chief Counsel
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

**Subject: County of Ventura Acceptance of California Coastal Commission's
Conditional Certification of the Channel Islands Harbor Public
Works Plan Amendment (No. 1-04) Regarding the Boating
Instruction and Safety Center**

Dear Mr. Faust:

Pursuant to previous discussions between County of Ventura ("County") representatives and members of the California Coastal Commission ("Commission") staff, this letter is written to verify and clarify that:

1. The Board of Supervisors delegated authority to the Harbor Director on October 19, 2004, to "take all actions necessary to obtain approval of the Public Works Plan amendment by the California Coastal Commission (CCC) and to take all actions necessary to carry out the approved BISC project." (Enclosure 1.)
2. Harbor Director Lyn Krieger, acting pursuant to that delegated authority, acknowledged the CCC's certification of Major Amendment (1-04) to the Channel Islands Harbor Public Works Plan and accepted all of the CCC's terms and modifications on behalf of the Board of Supervisors at the March 16, 2005 CCC, hearing. (Enclosure 2.)

3. The Board of Supervisors' July 12, 2005, action on its Agenda Item 11 to *receive* and file a Board letter from Harbor Director Lyn Krieger (see Enclosure 3) *acknowledged* the Harbor Director's acceptance, on behalf of the Board, of the Commission's March 16, 2005, approval of Major Amendment (1-04) to the Channel Islands Harbor Public Works Plan with the terms and modifications. The Harbor Director's exercise of her delegated authority together with notice to the Board of Supervisors and acknowledgment by it of that exercise satisfies the requirements of title 14, California Code of Regulations section 13544, subdivision (a).

Supervisor John Flynn, who objected to the Boating Instructional and Safety Center project, the Notice of Impending Development, and the Public Works Plan Amendment, and has consistently expressed his objections to the CCC, asked the Board of Supervisors to continue Item 11 for one week for discussion of the modifications. The Board instead adopted the receive and file recommendation. Supervisor Flynn decided to seek further Board discussion of the CCC's modifications by putting his issues on the agenda for the following Board meeting. He then filed a letter and supporting documents for hearing by the Board as Item 45 on the Board's agenda of July 19, 2005. (See Enclosure 4.)

After five minutes of discussion about Item 45, the Board refused to take action on Supervisor Flynn's request. The other four Board members expressed their satisfaction with the status of the Public Works Plan amendment. Supervisor Parks, for example, observed that the CCC's actions make the project better, and expressed her appreciation for the CCC's added conditions.

You may view the video transcription of the Board's discussion of these matters on the Internet at
http://ventura.granicus.com/ViewPublisher.php?view_id=2.

4. The Board of Supervisors' July 12, 2005, action to receive and file the Board letter from Harbor Director Lyn Krieger, and its refusal to hear the matter further at its meeting of July 19, 2005, evidences the Board's ratification of the Harbor Director's acceptance of the CCC's final certification, terms and modifications, and therefore evidences the County's *final and formal acceptance* of all of the modifications placed on the

above-referenced public works plan amendment in compliance with title 14, California Code of Regulations section 13544, subdivision (a).

5. The Harbor Director's July 25, 2005, letter to the Commission's Executive Director entitled "Transmittal of Channel Islands Harbor Public Works Plan (PWP) for Final Certification" (see Enclosure 5) reiterates the County's final and formal acceptance of the certification, terms and modifications and is a valid exercise of Board delegated authority and was done pursuant to the Board's action on July 12 and its refusal to act further on July 19, 2005.
6. The County's actions set forth in items 1-5 above sufficiently address the terms of the Commission's June 13, 2005, and September 13, 2005, letters to the Harbor Director.

After the Commission's March 16, 2005, conditional certification of amendment No. 1-04 for the Channel Islands Harbor Public Works Plan and approval of Public Works Plan Notice of Impending Development No. 1-05 (see Enclosure 6) and the Commission's June 13, 2005, letter (see Enclosure 7), which the County understands and accepts as the equivalent of the Commission's "resolution of certification" as set forth in title 14, California Code of Regulations section 13544, the County's Board of Supervisors and the County Harbor Director, consistent with a formal delegation of authority from the Board, took action on July 12, 2005, and July 25, 2005, to do all of the following:

1. "acknowledge[d] receipt of the Commission's resolution of certification;"
2. acknowledged receipt of "any terms or modifications which may have been suggested for final certification;"
3. "accept[ed] and agree[d] to any such terms and modifications" imposed or suggested by the Commission; and
4. took formal action "to satisfy the terms and modifications" suggested by the Commission in its conditional certification of the public works plan. (See July 25, 2005, letter from Harbor Director to Commission Executive Officer; 14 Cal. Code Regs., § 13544, subd. (a).)

Ralph Faust
November 2, 2005
Page 4

Thus, the County Board of Supervisors' delegation of authority to the Harbor Director, the Harbor Director's acceptance at the March 16, 2005, CCC meeting, the Board of Supervisors' discretionary decision on a unanimous vote of 5-0 to receive and file the "Notice to the Board of Supervisors Regarding the County Acceptance of California Coastal Commission's Minor Modification to Channel Islands Harbor Public Works Plan Amendment Adopted by the Board of Supervisors on October 19, 2004, and Approved (As Modified) by the California Coastal Commission on March 16, 2005," and the Board of Supervisors' refusal to consider further the objections of Supervisor Flynn at its meeting of July 19, 2005, together with the Harbor Director's July 25, 2005, letter to the Commission's Executive Director accomplished all of the above-enumerated elements necessary for the Commission's Executive Director to make a determination, pursuant to California Code of Regulations, title 14, section 13544, subdivision (b), that the County's "action[s] . . . are legally adequate to satisfy any specific requirements set forth in the Commission's certification order."

When viewed and read together, the treatment by the Board of Supervisors of Agenda Item 11 on July 12, 2005, and Agenda Item 45 on July 19, 2005, and Enclosures 1, 2, 3 and 5 satisfy the requirements of title 14, California Code of Regulations section 13544, subdivision (a), for the Commission's approval of the Channel Islands Harbor Public Works Plan amendment (No. 1-04) as modified. If you should have any further questions, please call me at (805) 654-2581.

Very truly yours,



NOEL A. KLEBAUM
County Counsel

NAK/RNK:sld
Enclosures

cc: Chris Pederson, Assistant Counsel
Gary Timm, Coastal Program Manager
Lyn Krieger, Harbor Director
Andi Culbertson, Consultant

ENCLOSURE 1

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

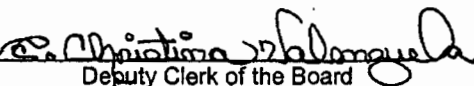
**SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN**

October 19, 2004 at 1:30 p.m.

404.2

Public Hearing Regarding Channel Islands Harbor Public Works Plan Amendment, Addendum to Final Environmental Impact Report and Project Consistency/Boating Instruction and Safety Center in Channel Islands Harbor. (Continued from 10/5/04 – Item 24) (Harbor Department)

- (X) All board members are present.
- (X) The following persons are heard: Lyn Krieger, Jonathan Ziv, Bart Schuman, Vickie Finan, Gordon Birr, Jean Rountree, Lee Quaintance, John Buse, Nancy Snooks, Lauraine Effress, Ellen Spiegel, Patrick M. Forrest, Kenneth Grim, Carol Burhoe, Bruce Mackovich, Mark Graves, Maracia Marcus, Anna Spanopoulos, Stephanie Angelini, Trevor Smith, and Tom Land.
- (X) The following document(s) are submitted to the Board for consideration:
 - (X) 63 cards to consider alternative locations for the BISC in the Channel Islands Harbor;
 - (X) 48 cards in support of the proposed amendment to the Channel Islands Harbor Public Works Plan which designates a western shore location for the BISC;
 - (X) One statement card from Angela Switzky;
 - (X) Letters from Loren A. Clough, Jonathan Ziv, Leslie Wawrzeniak, Trevor A. Smith, K. Grim, Jean Rountree, John Buse – Environmental Defense Center, Lee Quaintance – The Beacon Foundation, and Gordon Birr;
 - (X) Comments from the Channel Island Beach Community Services District;
 - (X) Letter to Mr. Raynor Tsuneyoshi, Department of Boating and Waterways from Tony Strickland, Letter to Mr. John Flynn from Tony Strickland; submitted by Supervisor Flynn;
 - (X) Vickie Finan submitted the Channel Islands Harbor Master Plan, Coastal Land Use Plan, LCP Status Report, Revised Finding from the California Coastal Commission, California Coastal Commission June 2004 Meeting Agenda, Reporter's Transcript of Proceedings;
 - (X) Power Point Presentation by Supervisor Flynn – Contingency Location for BISC.
- (X) The Board holds a public hearing.
- (X) Upon motion of Supervisor Long, seconded by Supervisor Mikels, and duly carried, the Board hereby approves the attached staff recommendation(s); with Supervisors Flynn and Parks dissenting.

By: 
Deputy Clerk of the Board

CLERK'S CERTIFICATE

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

JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: _____

By: _____
Deputy Clerk of the Board

Item # 33
10/19/04

DISTRIBUTION: Originating Agency (2), Auditor, File



Lyn Krieger
Director

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

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

October 19, 2004

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

**SUBJECT: PUBLIC HEARING REGARDING CHANNEL ISLANDS HARBOR
PUBLIC WORKS PLAN AMENDMENT, ADDENDUM TO FINAL
ENVIRONMENTAL IMPACT REPORT AND PROJECT CONSISTENCY/
BOATING INSTRUCTION AND SAFETY CENTER, CHANNEL
ISLANDS HARBOR (Public Works Plan Amendment and
Environmental Impact Report on File with Clerk of the Board)**

Recommendations:

It is recommended that your Board:

1. Review and consider the certified Boating Instruction and Safety Center (BISC) Environmental Impact Report (EIR) (Exhibit 1, on file with Clerk of the Board).
2. Review, consider, approve and adopt the EIR Addendum (Exhibit 2), adopt the findings contained in the Addendum and find that no subsequent or supplemental EIR is necessary.
3. Adopt a Resolution (Exhibit 3) approving the Public Works Plan amendment (Exhibit 4).
4. Find that the BISC project as approved on December 18, 2003, is consistent with the Public Works Plan Amendment (on file with Clerk of the Board) approved in Recommendation No. 3, above.
5. Direct the Harbor Director to take all actions necessary to obtain approval of the Public Works Plan amendment by the California Coastal Commission (CCC) and to take all actions necessary to carry out the approved BISC project.

Fiscal Mandates/Impact:

There is no fiscal impact associated with this item.

Current FY Budget Projection:

CURRENT FY 2004-05 Budget Projection for Harbor Enterprise				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings/(Deficit)
Appropriations	\$7,144,171	\$7,321,872	\$7,321,872	\$0
Revenue	\$7,081,860	\$7,081,860	\$7,085,035	\$3,175
Operating Gain/Loss	(\$62,311)	(\$240,012)	(\$236,837)	\$3,175

Discussion:

On December 16, 2003, your Board certified the BISC EIR and approved a west side BISC project (Alternative 6.2B) as mitigated, modified and conditioned (Exhibit 4, Figure V). At hearings on the approved BISC before the California Coastal Commission, individual Commissioners expressed an interest in seeing an amendment to the certified 1986 Public Works Plan for the BISC. In response to those Commissioners, the Harbor Department has prepared a focused amendment to its Public Works Plan for Channel Islands Harbor. At your Board's direction, the staff has prepared the Amendment, along with the required environmental review of the Amendment, for your review and approval. If approved by your Board, the adopted Amendment will be submitted to the staff of the California Coastal Commission for review and presentation to the Commission within four to six months.

The Amendment as prepared is narrow and focuses only on the approved BISC project, as adopted by your Board in December 2003. The BISC itself remains unchanged. Also, no circumstances have changed in areas affected by the project, and no new information of significance has arisen that would require changes to the Final Environmental Impact Report (FEIR). Public review of the Amendment and EIR Addendum occurred at the County Harbor Commission, with members of the public in attendance.

More specifically, the amendment includes the BISC by name in several locations within the document, such as Tables I and II, where it is added to the list of public facilities, added as a recreational facility within the Harbor, and added to Figure IV, where it is listed along with some other public facilities. The BISC is also specifically mentioned under the sections on Boating Support Facilities, Public Recreation, and Visitor Serving Facilities, among others. The "Visitor Serving Harbor Oriented" land use description is also amended to include the BISC by name. Several changes are made to document bird species present, and to outline protective actions taken toward these species during nesting season. All changes to the document are indicated with underlining to make it easier for the reader to review.

The BISC is intended to provide additional broad, public access to the Harbor and adjacent ocean resources. Of special concern and focus are educational opportunities for students of all ages and incomes, in addition to the recreational opportunities to be provided. To this point, the focus of waterside improvements at the Harbor has been to provide recreational access to private slip tenants, boat owners, and those with existing knowledge of the Harbor environment. The County has attempted, through development of the Junior Lifeguard Program, the active solicitation of programming by the Channel Islands National Marine Sanctuary, and many Harbor events, to broaden the population that is served by this public asset. The BISC builds on these efforts and, with the active participation of the new California State University, Channel Islands campus, promises to provide public access in a new and meaningful way to this portion of the California coast.

This project has become the focus of significant public controversy, particularly among residents from the area adjacent to the west side of the Harbor. From the inception of the project, the Harbor Department and its consultants have attempted to accommodate interested parties, first by redesigning streets in the area to increase public green space, and secondly by turning the building 90 degrees to minimize both impacts on views and on adjacent nesting trees. Although the interest of all parties may not have been completely satisfied, this proposed Amendment will preserve important project goals to provide broader public access to the Harbor and coast, retain project funding, satisfy safety and access concerns, and avoid disruption of Harbor businesses.

The Department of Boating and Waterways has indicated that the funding for working drawings in the 2004-05 State budget remains in place for this fiscal year. If the Coastal Commission should act to accept this Amendment by January or February of 2005, it is possible that working drawings could be completed this fiscal year, with construction commencing in 2005 or 2006.

This item has been reviewed by the County Executive Office, the Auditor-Controller, and County Counsel, and was approved by the Ventura County Harbor Commission at the Commission's September 29, 2004 meeting. If you have any questions, please contact Lyn Krieger at 382-3002.


LYN KRIEGER
Director

Attachments:

- Exhibit 1: EIR on File
- Exhibit 2: Addendum
- Exhibit 3: Resolution
- Exhibit 4: PWP Amendment

ENCLOSURE 2



Lyn Krloger
Director

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

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

March 15, 2005

WED, ITEMS 14D & 14.5

Meg Caldwell, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

SUBJECT: APPLICANT COUNTY OF VENTURA RESPONSE TO STAFF REPORT AND ADDENDUM REGARDING PROPOSED MAJOR AMENDMENT 1-04 TO THE CHANNEL ISLANDS HARBOR PUBLIC WORKS PLAN AND NOTICE OF IMPENDING DEVELOPMENT 1-05, BOATING INSTRUCTION AND SAFETY CENTER (BISC)

Dear Madam Chair:

The County of Ventura, applicant in the above captioned matters, wishes to express its position on the Staff Report and Addendum, recommendations and proposed conditions of approval. The County appreciates the prompt attention of Coastal Commission staff to this very important public access project.

We find that the staff has accurately and thoroughly addressed the project and the issues that have surrounded it. We are, therefore, in full support of the staff recommendations and accept all suggested modifications and conditions as stated in the staff report and addendum, with the following caveat, which we request the Commission consider.

No Amendment to PWP unless Notice of Impending Development is also approved.

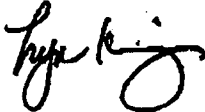
The County of Ventura entered into a tolling agreement on the strength of the Commission's agreement to promptly process a PWP amendment. But for this agreement to process a PWP amendment for the BISC as approved by the Board, the Board would have been unwilling to enter into this agreement and absorb the expense of this amendment. Therefore, if the BISC is not approved in the manner called for in the staff report and addendum, the County requests that the PWP amendment not take effect. Since we have requested instantaneous effect on the amendment, we want to leave no question of its validity should the BISC not proceed. We raise this issue

Meg Caldwell, Chair
March 15, 2005
Page 2

because there are suggested modifications which go well beyond the issues concerning the BISC, and impose additional obligations on the County unrelated to the BISC. The County has no particular objection to those suggested modifications provided, however, the BISC is approved as requested.

The County of Ventura thanks the staff and the Coastal Commission for their past work on this significant contribution to access for the general public to the west side of Channel Islands Harbor. We will have a brief presentation at your March 16 meeting, and we look forward to answering the Commission's questions.

Sincerely,



Lyn Krieger
Director

ENCLOSURE 3

**REVISED
BOARD MINUTES**

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

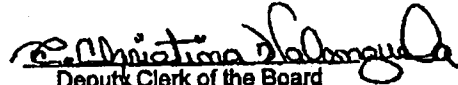
**SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, JUDY MIKELS AND JOHN K. FLYNN
July 12, 2005 at 8:30 a.m.**

404.2

CONSENT – HARBOR DEPARTMENT – Receive and File the Notice to the Board of Supervisors Regarding the County Acceptance of California Coastal Commission's Minor Modification to Channel Islands Harbor Public Works Plan Amendment Adopted by the Board of Supervisors on October 19, 2004, and Approved by the California Coastal Commission on March 16, 2005.

(X) All board members are present.

(X) Upon motion of Supervisor Mikels, seconded by Supervisor Bennett, and duly carried, the Board hereby approves the staff recommendations as stated in the respective Board letters for consent item 11, Notice to the Board of Supervisors Regarding the County Acceptance of California Coastal Commission's Minor Modification to Channel Islands Harbor Public Works Plan Amendment Adopted by the Board of Supervisors on October 19, 2004, and Approved (as Modified) by the California Coastal Commission on March 16, 2005.

By: 
Deputy Clerk of the Board

CLERK'S CERTIFICATE

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

**JOHN F. JOHNSTON, Clerk of the Board of Supervisors,
County of Ventura, State of California.**

Dated: _____

By: _____
Deputy Clerk of the Board

Item 11
07/12/05

DISTRIBUTION: Originating Agency (2), Auditor, File



Lyn Krieger
Director

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



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

July 12, 2005

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: NOTICE TO THE BOARD OF SUPERVISORS REGARDING THE COUNTY ACCEPTANCE OF CALIFORNIA COASTAL COMMISSION'S MINOR MODIFICATIONS TO CHANNEL ISLANDS HARBOR PUBLIC WORKS PLAN AMENDMENT ADOPTED BY THE BOARD OF SUPERVISORS ON OCTOBER 19, 2004, AND APPROVED (AS MODIFIED) BY THE CALIFORNIA COASTAL COMMISSION ON MARCH 16, 2005

RECOMMENDATION: RECEIVE and FILE

The Channel Islands Harbor Public Works Plan (PWP)-certified by the California Coastal Commission ("Commission") on September 19, 1986, was amended by the Board of Supervisors on October 19, 2004, for the narrow and specific purpose of including a publicly owned and operated facility, the proposed Boating Instruction and Safety Center (BISC). This PWP amendment (PWPA) was then forwarded to the Commission for its final review and approval at a hearing on March 16, 2005. The item received significant public comment and Commission consideration before the Commission approved the PWPA and Notice of Impending Development for the BISC. During the course of the Commission's deliberations and approval, a small number of minor modifications were made to the County's proposed PWPA.

It is the practice of the Commission to require, once amendments are heard and approved by the Commission, that the local agency accept any modifications made by the Commission to a coastal plan amendment or PWPA at the Commission's adoption hearing. Once these modifications are accepted by the proponent of the amended coastal plan or PWPA, they are forwarded to the Commission's Executive Director and checked for conformity with the Commission's actions at the hearing.

The purpose of this letter is to notify you of the Commission's modifications made at the March 16, 2005, hearing. Under the authority previously granted by your Board to the Harbor Director on October 19, 2004 to "take all actions necessary to obtain approval of

Board of Supervisors
July 12, 2005
Page 2

the Public Works Plan amendment by the California Coastal Commission (CCC) and to take all actions necessary to carry out the approved BISC project," the Harbor Director orally accepted these minor modifications at the March 16, 2005 hearing and will now send a letter documenting this prior oral acceptance of these minor modifications to the Commission's Executive Director. Acceptance of these modifications and acknowledgement of this acceptance by the Commission's Executive Director will finalize the processing of the PWPA. The Notice of Impending Development remains unchanged, and is already approved.

Specifically, the Commission made the following non-substantive changes (utilizing page numbers from the "redline"). Pages from the redline are attached to this letter to make the changes clear.

- Page 5: The County's proposed amendment of paragraph 3 was deleted.
- Page 27: Item "g", the required replacement of slips removed for the BISC, was added to the PWPA in the same form it was already included in the Notice of Impending Development for the BISC.
- Page 27: Item "h", is added to clarify the meaning of "278 feet" in Table II on the prior page.
- Pages 51-52: The new Table III replaces parking data generated in 1985 with data generated in 2004.
- Page 68: Paragraph 2 under "Existing Conditions" specifically adds bird species mentioned in the BISC EIR, and adds the fact that nearby Hollywood Beach, though not a part of the PWP jurisdiction, is designated critical habitat for two species, the western snowy plover and California least tern.
- Page 70: Within the listing of "BIRDS", specifically added are black-crowned night herons within the harbor, and the western snowy plover and California least tern on Hollywood Beach, again noting that Hollywood Beach is not within the PWP.

This letter has been reviewed by County Counsel. If you have questions, please call me at 382-3002.

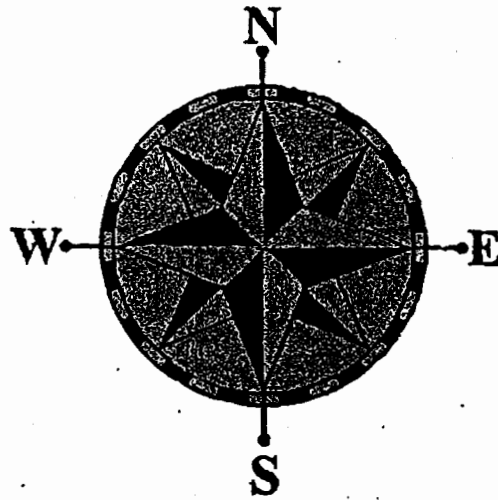

LYN KRIEGER
Director

Attachments



COUNTY OF VENTURA

**~~General Services Agency~~
~~Recreation Services~~ HARBOR
DEPARTMENT**



**Channel Islands Harbor
Public Works Plan**

Channel Islands Harbor is man-made and caters primarily to recreational boaters with a specific number of slips reserved for commercial fishing vessels. The Harbor accommodates approximately 2,500 vessels. The Harbor is in the form of a narrow "Y" oriented on a north-south axis 6,000 feet long (see Figure II). The two northerly segments, known as West Channel and East Channel, are each approximately 3,000 feet long. They are 400 and 300 feet wide, respectively. The base of the "Y" is 1,000 feet wide at the convergence, and narrows to 400 feet at the seaward end of the Harbor entrance channel 3,000 feet south of the "Y" convergence. The entrance channel extends 1,200 feet in a southwesterly direction into the sea. On either side of the entrance are rock jetties which extend offshore 700 feet. A rubble mound breakwater approximately 2,300 feet long lies off the end of the jetties, parallel to the shore, on a bearing 329° true; it provides protection to the entrance from the prevailing seas.

Channel Islands Boulevard bridges the West and East Channels to form the northern boundary of the Harbor. The bridge over the West Channel provides 29 feet of clearance at low tide, which restricts the mast height of sailboats unless they are equipped with pinned masts that can be lowered. The easterly bridge provides nominal clearance, and boats cannot pass under. Both bridges are fixed. All boats moored north of the bridge must use the West Channel to reach the sea. Where the West Channel extends to the north and west of the bridge, it is known as the Edison Canal. The canal extends northwesterly for approximately two miles to the Southern California Edison Company's thermal power plant. It serves as an outlet channel for the plant's cooling water effluent. At present, the effluent discharge, combined with the ebb tidal current causes a maximum current of approximately one-third miles per hour through the West Channel.

With the completion of already approved ~~Phase III basin~~ projects along the West Channel, the Harbor ~~basin~~ will be completely built outly-built-out. The existing development is presented in Table I and Figure III. The ~~Property Administration Agency Harbor Department~~ does not have plans for any major expansions or re-constructions of the Harbor ~~area-area~~basin. There will be, therefore, no previously undisclosed environmental impacts associated with implementation of this proposed Public Works Plan.

The principal objective of the Public Works Plan will be to identify land use designations and intensities within the Harbor and provide policies which provide, protect and maintain the public's access to and use of the recreational waters in and adjacent to the Harbor; additionally, the Plan will protect and maintain commercial fishing facilities in the Harbor. The Plan will contain policies and actions designed to accomplish these recreational and commercial fishing objectives.

The Harbor, as developed, contains no natural resources of environmental significance.

- f. The Boating Instruction and Safety Center is situated partly on the current alignment of the Bluefin Way Loop, and partly on a turf and trees area. The BISC location is shown on Figures III, IV, V and VII.
- g. The Boating Instruction and Safety Center eliminates 22 recreational boating slips, of which 3 are live-aboard. These slips are to be re-created elsewhere in the harbor in connection with Condition 2 of Notice of Impending Development 1-03.
- h. This figure expresses the approximate lineal footage of side-tie dock to be established with the BISC.

Commercial Fishing

There are approximately 25 commercial fishing vessels moored within the Harbor, based on standards developed by the California Coastal Commission (i.e. must fish 100 days per year and derive 50% percent of income from commercial fishing). The operators of these vessels fish or dive for a variety of marine food resources along the coast and in the outer channel and island waters. Fishing activity based within the Harbor includes gill netters, and set line. Species fished out of the Harbor according to season are rock fish of all kinds, halibut, shark, sword, salmon, bonito, yellowtail and tuna. Commercial diving activity out of the Harbor is primarily for urchin and abalone.

In 1979, the County of Ventura obtained a Coastal Permit (178-15) for a project to construct two large boat basins in the West Channel. This permit provides for commercial fishing support facilities on parcels X-1-A, B and X-2. The facilities include 150 commercial fishing slips, 60 permanent, 90 of which would be offered to the industry on a "first right of refusal" basis, an 80,000 sq. ft. net drying area, a vehicle loading and unloading area, a transient commercial dock available to fishing boats, and a fuel dock available to commercial fisherman on a 24-hour basis (located anywhere in the Harbor). Appendix B contains the full text of Permit 178-15.

As of September 1985, the full range of facilities provided by Permit 178-15 had not yet been fully constructed. Of the 67 slips constructed, approximately 12 are occupied by commercial fishing vessels (i.e., Coastal Commission definition). The net drying area is available. The remaining dockside facilities will be constructed in the fall of 1987.

Commercial Sport Fishing

The commercial sport enterprises within the Harbor operate from approximately ~~300~~300 feet of floating dock at Murre Way on the eastern side of the main channel. A variety of boating enterprises operate from the dock. It is the Harbor Administrators' policy that all commercial boating enterprises within the Harbor, except commercial fishing, operate from these docks. Harbor tours and commercial sport fishing boats are the usual operators from these docks. Half, three-quarter and full-day sport fishing excursions are offered. The species taken by these boats include rock fish, calico bass, halibut, mackerel, bonito, yellowtail and sea bass.

Commercial sport dive boats also operate from the commercial sport docks. These enterprises provide diving excursions to the Channel Islands for spear fishing, lobster and abalone.

TABLE III
HARBOR PUBLIC PARKING SUPPLY VS. DEMAND
LABOR DAY WEEKEND (8-31-85)
(1:30 TO 3:30 P.M.)

LOT	LOT CAPACITY	PARKING DEMAND	% OF CAPACITY
B-1	32	30	94%
B-2	100	43	43%
B-3	92	80	87%
E-1	23	10	43%
E-2	126 (Car)	125	99%
	38 (Boat Trailer)		
E-3	106	35	92%
E-4	82	36	34%
E-5	169 (Boat Trailer)	60	73%
E-6	39 (Car)	61	34%
W-1	34	12	31%
W-2	176	34	100%
W-3	146	136	77%
W-4	176	39	27%
W-5	176	100	57%
W-6	150	103	59%
W-7,8	335	93	62%
W-9,10	352	32	10%
W-11	128 (Closed for Construction)		22%
W-12	204	8	4%
W-13	130	109	84%
P-1	31	7	23%
TOTAL	2845	1232	43%
Breakdown	395 BOAT TRAILERS	192	49%

MAXIMUM NUMBER OF SPACES OCCUPIED
OVER 3-DAY LABOR DAY PERIOD

<u>Parking Lot</u>	<u>1000 Hrs</u>	<u>1300 Hrs</u>	<u>1600 Hrs</u>	<u>2000 Hrs</u>	<u>Total available spaces</u>	<u>Percent full during maximum demand</u>
<u>W-2</u>	<u>86</u>	<u>104</u>	<u>110</u>	<u>105</u>	<u>182</u>	<u>57%</u>

<u>W-3¹</u>	<u>7</u>	<u>17</u>	<u>19</u>	<u>69</u>	<u>149</u>	<u>46%</u>
<u>W-4¹</u>	<u>65</u>	<u>78</u>	<u>86</u>	<u>65</u>	<u>179</u>	<u>48%</u>
<u>W-5</u>	<u>59</u>	<u>116</u>	<u>98</u>	<u>55</u>	<u>171</u>	<u>68%</u>
<u>W-6²</u>	<u>152</u>	<u>152</u>	<u>111</u>	<u>65</u>	<u>152</u>	<u>100%</u>
<u>Whale's Tail/ Port Royal</u>	<u>12</u>	<u>51</u>	<u>57</u>	<u>71</u>	<u>76</u>	<u>93%</u>

¹ Lots closest to Boating Instruction and Safety Center

² The Farmer' Market was being held this weekend. W-6 is the supporting parking lot. The Farmers' Market is held on Sundays.

4.5 Biological Resources

The 1976 mandates [sic] the protection of the water quality and biological productivity of coastal waters. Section 30230 of the Coastal Act states that marine resources shall be maintained, enhanced, and where feasible restored, and that uses of the marine environment shall be developed such that the biological productivity of coastal waters will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific and educational purposes. Section 30231 applies this same level of protection to coastal streams, lakes, wetlands and estuaries. Section 30232 requires the protection against the spillage of crude oil, gas, petroleum products or hazardous substances by developing effective containment and cleanup facilities and procedures.

Finally, Section 30240 of the Coastal Act requires the protection of environmentally sensitive habitat.

The Public Works Plan for the Harbor complies with all of the above Sections of the Coastal Act.

Existing Conditions

Within Channel Islands Harbor ~~there are no~~ terrestrial biological resources are limited in distribution and of significance. The area is completely developed with commercial, recreational and residential structures; terrestrial vegetation consists entirely of introduced landscaping species.

Notwithstanding this man-made environment, several bird species, such as great blue herons and black-crowned night herons, utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed or endangered, their presence is considered important. In addition, nearby Hollywood Beach west of the Harbor is designated as critical habitat for western snowy plover and California least tern.

Marine Biology

A biological survey was performed for Channel Islands Harbor and adjacent areas in BIR 81-2 (1982) for development of Mandalay Bay Phase IV. This survey is incorporated, herewithin, by reference. Figure VIII provides a summary of marine organisms present in the project area.

The relatively rich complement of marine algae invertebrates and fishes which is present at or near the Harbor entrance diminishes rapidly through the mid-Harbor area to the Mandalay Bay development north of the Harbor. The primary cause of this reduction in species numbers and diversity may be the pollutant and coliform bacteria concentration which is present in the area. This concentration is the result of inadequate tidal flushing, particularly in the "cul-de-sac" channels in the existing Mandalay development.

The marine species in the Harbor consist in part of:

ALGAE – Colopomenia senuosa, Dictyoza flatilata, Grateloupia daryphara, Ulva lactuca and Sargassum muticum.

FISH – white croaker Genyonemus lineatus, topsmelt Athrinops affinis, jacksmelt Atherinopsis californiensis, staghorn sculpin Leptocottus armatus, pile and shiner surfperch Damalichthys vacca, Cymatogaster aggregate.

BIRDS – great blue heron Ardea herodias, double-crested cormorant Phalacrocorax uritus, western grebe Aechmophorus occidentalis, American coot Fulica americana, brow pelican Pelecanus occidentalis, herring gull large argentatus, and California gull Larus californicus, black-crowned night herons, and western snowy plover and California least tern on adjacent Hollywood Beach.

MAMMALS – California sea lion Zalophus californianus.

It is probable that many more migratory bird species use the Harbor during the year.

Water quality within the Harbor and adjacent waterways to the north is presently impacted by agricultural runoff; boat paint, engine oil, and gas contaminants; and boat toilet discharge. Table V presents the results of water quality sampling (1982) for oxygen, coliform bacteria turbidity, temperature and salinity. The sampling demonstrated that water quality decreased significantly from the Harbor mouth to mid-Harbor; oxygen concentration fell by one-fourth in this interval and was maintained at a level of 9 ppm throughout the rest of the waterways. This is due to the lack of wave action, the decreased tidal mixing, lack of algal species and increase in oxygen consuming bacteria.

The presence of *E. coli* at mid-Harbor and Mandalay Bay boat slips suggests that boat owners are discharging boat toilets directly into the waterways. The presence of increased levels of *E. coli* north of the Harbor indicates a correlation with the agricultural water discharge in this area. The agricultural water is high in nitrate and phosphate levels, which promotes bacterial growth. *E. coli* can cause intestinal disorders while the effect of Enterobacters on marine organisms is unknown.

Since the Harbor will not expand under the Public Works Plan there will be no increase in the current level of Harbor generated pollutants. The development of the Mandalay Bay phases to the north of the Harbor however, will result in substantial increases in water pollutants. The Mandalay project will add approximately 800 boats to the approximately 2,500 that are moored in the Harbor. In addition to some increases in human waste, an additional annual input of 2 tons of engine oil and 20 pounds of lead from marine fuel is projected from the boats in slips at Mandalay Bay.

Impacts upon the distribution and diversity of marine species will not occur with implementation of the Harbor's Public Works Plan. Long- and short-term cumulative impacts, however, from the development of adjacent areas such as the Mandalay Bay projects will affect the distribution

ENCLOSURE 4



REGULAR MEETING AGENDA

July 19, 2005

8:30 A.M.

Board of Supervisors
Ventura County

County Government Center
Hall of Administration
Board of Supervisors
Hearing Room
800 S. Victoria Avenue
Ventura, California 93009

JOHN F. JOHNSTON,
County Executive Officer and
Clerk of the Board of Supervisors

ROBERTA RODRIGUEZ,
Chief Deputy Clerk of the Board
(805) 654-2251

NOEL A. KLEBAUM,
County Counsel

WEB ACCESS

At: <http://www.countyofventura.org>
Live Broadcast and Video Archives
Board Calendar, Agenda, Agenda Items,
and Summary of Actions

MEMBERS OF THE BOARD

KATHY I. LONG, District 3
CHAIR

Camarillo, California State University/Channel Islands, Port Hueneme, Southeast Oxnard, East Oxnard Plain, Santa Paula, Fillmore, Piru, Lockwood Valley, and Eastern Portion of Naval Base Ventura County Port Hueneme

STEVE BENNETT, District 1

San Buenaventura, Montalvo, Satcoy, Ojai Valley, City of Ojai, Upper Ojai Valley, Oxnard Shores, Mandalay Bay, Northwest Oxnard, and North Coast

LINDA PARKS, District 2

Thousand Oaks, Newbury Park, Westlake, Oak Park, Bell Canyon, Hidden Valley, Lake Sherwood, Portions of the Oxnard Plain, Santa Rosa Valley, Naval Base Ventura County Point Mugu, California Air National Guard, and South Coast

JUDY MIKELS, District 4

Simi Valley, Moorpark, Somis, Las Posas Valley, Santa Susana Knolls, Box Canyon, Chatsworth Peak, Home Acres, Sinaloa Lake, and Tierra Rejada Valley

JOHN K. FLYNN, District 5

Oxnard, Silver Strand, Hollywood Beach, Hollywood By the Sea, Channel Islands Harbor, El Rio, Nyeland Acres, Del Norte Area, Oxnard College, Oxnard Plain, Strickland and Portion of Naval Base Ventura County Port Hueneme

Persons who require accommodation for any audio, visual or other disability in order to review an agenda, or to participate in a meeting of the Board of Supervisors per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation in writing addressed to the Clerk of the Board, 800 South Victoria Avenue, Loc. #1920, Ventura, CA 93009 or telephonically by calling (805) 654-2251. Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.

LEGAL NOTICES

Assessment Appeals Board No. 1 will hold their Annual Meeting on Monday, July 18, 2005 at 9:30 a.m., at the Ventura County Government Center, Hall of Administration, Board of Supervisors Hearing Room, 800 South Victoria Avenue, Ventura, California.

There will be no regular meetings of the Board of Supervisors on Tuesday, August 2, 9, 16, 23 and September 6, 2005.
(Continued)

LEGAL NOTICES, CONTINUED

There will be no regular meetings of the Air Pollution Control Board on Tuesday, August 9, 2005.

Welcome to the Meeting of the Board of Supervisors of the County of Ventura, also sitting as the Governing Board of the Ahmanson Ranch Community Services District, County Service Districts, Fire Protection District, Lake Sherwood Community Services District, Redevelopment Agency of the County of Ventura, Watershed Protection District, Ventura County In-Home Supportive Services Public Authority, Ventura County Library, Ventura County Public Financing Authority, and the Waterworks Districts.

The following information is provided to help you understand, follow, and participate in the Board meeting:

Pursuant to California Government Code Section 54953 (a) et al. Time is set aside for citizen presentations regarding County related matters. Those wishing to speak must fill out a speaker card and submit it to the Clerk. Speaker cards for issues not on the agenda must be submitted to the Clerk prior to the beginning of the public comment period. Agendized item, speaker cards must also be submitted before the item is taken up for consideration. The Clerk may not accept any additional speaker cards once an item commences.

Items on the Consent calendar may be voted on in one motion at the beginning of the meeting. If you wish to discuss any of these items, please fill out a "Speaker Card." The Board will either move the item to the regular agenda or allow the speaker his or her time prior to the Board's consideration of the Consent Agenda.

Regular Agenda items are not Time Certain items and they will be heard at the Board's discretion, either before or after scheduled Time Certain Appointments and Hearings.

Members of the public making oral presentations to the Board in connection with one or more agenda or non-agenda items at a single meeting are limited to a cumulative total of time not to exceed five (5) minutes for all of their oral presentations at such meeting unless otherwise provided. The entire public comment period is limited to no more than thirty (30) minutes total for all speakers. NOTE: The Chair may limit the number or duration of speakers on a matter pursuant to amended Resolution #205 of the Board of Supervisors establishing rules relating to oral presentations by members of the public dated September 18, 2001.

Reports and supporting data can be reviewed in the Office of the Clerk of the Board of Supervisors the Thursday, Friday and Monday before the meeting. The reports and supporting data are also available on the County's Internet site at <http://www.countyofventura.org>.



REMINDER: In order to minimize distractions during public meetings, all personal communication devices should be turned off or put in a non-audible mode.

OPENING

1. Call to Order.
2. Roll Call.
3. Moment of Affirmation – Rabbi John Sherwood, Chaplain Ventura County Fire Protection District.
4. Pledge of Allegiance to the Flag of the United States of America.
5. Minutes of the meeting of the County and Special Districts governed by the Board held Tuesday, July 12, 2005.
6. Agenda Review – Consider and approve, by majority vote, minor revisions to Board items and/or attachments and any item added to, or removed/continued from, the Board of Supervisors Agenda.
7. Consent Agenda Items 10-28 - Review and approve unless an item is pulled for separate action by the Board and moved to the Regular agenda for consideration. Consent items are to be routine and non-controversial. All items are approved as recommended without discussion. (See Guidelines above)
8. Public Comments – Citizen presentations regarding County related matters NOT appearing on this agenda. (See Guidelines above)
9. Board Comments – Comments by Board Members on matters they deem appropriate.

CONSENT AGENDA

COUNTY COUNSEL

10. Approval of an Amendment to a Contract with the Law Firm of Howard, Rice, Nemerovski, Canady, Falk & Rabkin for Legal Services.
CEO RECOMMENDS APPROVAL AS PROPOSED

CONSENT AGENDA, CONTINUED**DEPARTMENT OF AIRPORTS**

11. Approval of the Plans and Specifications and Award of Contract to Berry General Engineering Contractors, Inc. for the Oxnard Airport – Apron Improvements, Taxiway Sealcoat & Blast Pad, Specification No. DOA 05-03, Supervisorial District No. 5.
CONTRACT ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

12. Approval of Plans and Specifications and Award of Contract to Golden State Fence Company for the Oxnard Airport – Oxnard Fence Rehabilitation PH. 2, North Side, Specification No. DOA 05-08, Supervisorial District No. 5.
CONTRACT ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

13. Approval of a Lease with Experimental Aircraft Association for Construction of an Additional Hangar at the Camarillo Airport. REQUIRES 4/5THS VOTE
LEASE ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

HEALTH CARE AGENCY – Ventura County Health Care Plan

14. Approval to Increase Spending Limits for Listed Vendors Exceeding \$100,000 in Fiscal Year 2005-06.
CEO RECOMMENDS APPROVAL AS PROPOSED

HUMAN SERVICES AGENCY

15. Approval of Budget Adjustments to Incorporate Additional Workforce Investment Act (WIA) Funds for the Bio Tech Career Pathways Project as Approved by the State Employment Development Department Under a Unilateral Modification to the WIA Subgrant Agreement; Approval to Add a Fixed Term Position Allocation; and Approval of a Contract with the Ventura County Community College District for the Provision of Project Services. REQUIRES 4/5THS VOTE
CONTRACTS ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

16. Approval of Budget Adjustments to Incorporate Additional Workforce Investment Act (WIA) Funds for the Winter Impact Project as Approved by the State of California Employment Development Department Under a Unilateral Modification to the WIA Subgrant Agreement, and Approval to Add a Fixed Term Position Allocation. REQUIRES 4/5THS VOTE
AGREEMENT ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

CONSENT AGENDA, CONTINUED**PUBLIC WORKS AGENCY – County of Ventura**

17. Receive and File the Contractor Payment Tabulation for June 2005, All Supervisorial Districts.
CEO RECOMMENDS APPROVAL AS PROPOSED
18. Approval of a Lease Amendment for the Health Care Agency's Conejo Valley Medical Clinic Located at 233 E. Thousand Oaks Boulevard, Thousand Oaks, Supervisorial District No. 2.
LEASE ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

PUBLIC WORKS AGENCY – Watershed Protection District

19. Authorization for the Director of Public Works Agency (PWA) to Approve Contract Change Order (CCO) No. 2 to the Construction Contract with T.A. Staben, Inc. for the Las Lajas Canyon Dam Sediment Cleanout, Specification No. WP 05-03(N), Project No. 47908.
REQUIRES 4/5THS VOTE
CEO RECOMMENDS APPROVAL AS PROPOSED
20. Approval of the Plans and Specifications for the Warring Debris Basin 2005 Cleanout and Authorization for the Director of the Public Works Agency to Award Maintenance Contracts, Project No. F3904, Specification No. WP 05-46(M), Supervisorial District No. 3, Zone 2.
CEO RECOMMENDS APPROVAL AS PROPOSED
21. Approval of the Plans and Specifications for the Real Debris Basin 2005 Cleanout and Authorization for the Director of the Public Works Agency to Award Maintenance Contracts, Project No. F3903, Specification No. WP 05-47(M), Supervisorial District No. 3, Zone 2.
CEO RECOMMENDS APPROVAL AS PROPOSED
22. Approval of the Plans and Specifications for the Fagan Debris Basin 2005 Cleanout and Authorization for the Director of the Public Works Agency to Award Maintenance Contracts, Project No. F3907, Specification No. WP 05-45(M), Supervisorial District No. 3, Zone 2.
CEO RECOMMENDS APPROVAL AS PROPOSED
23. Approval of the Plans and Specifications for the Jepson Debris Basin 2005 Cleanout and Authorization for the Director of the Public Works Agency to Award Maintenance Contracts, Project No. F3901, Specification No. WP 05-49(M), Supervisorial District No. 3, Zone 2.
CEO RECOMMENDS APPROVAL AS PROPOSED

CONSENT AGENDA, CONTINUED

PUBLIC WORKS AGENCY – Watershed Protection District, CONTINUED

- 24. Approval of the Plans and Specifications for the Honda West Debris Basin 2005 Cleanout and Authorization for the Director of the Public Works Agency to Award Maintenance Contracts, Project No. F5909, Specification No. WP 05-42(M), Supervisorial District No. 4, Zone 3.
CEO RECOMMENDS APPROVAL AS PROPOSED
- 25. Approval of the Plans and Specifications for the Gabbert Debris Basin 2005 Cleanout and Authorization for the Director of the Public Works Agency to Award Maintenance Contracts, Project No. F7901, Specification No. WP 05-32(M), Supervisorial District No. 4, Zone 3.
CEO RECOMMENDS APPROVAL AS PROPOSED
- 26. Approval of the Plans and Specifications for the Tapo Hills Diversion Debris Basin #1 2005 Cleanout and Authorization for the Director of the Public Works Agency to Award Maintenance Contracts, Project No. F7905, Specification No. WP 05-43(M), Supervisorial District No. 4, Zone 3.
CEO RECOMMENDS APPROVAL AS PROPOSED
- 27. Approval of Plans and Specifications, Award of Contract for the Thacher Creek at Siete Robles Tract 2005 Storm Repairs, and Authorization for the Director of Public Works to Approve Technical Addenda to the Contract, Specification No. WP 05-54; Project No. F1443, Supervisorial District No. 1, Zone 1.
CEO RECOMMENDS APPROVAL AS PROPOSED

RESOURCE MANAGEMENT AGENCY – Environmental Health

- 28. Receive and File the Hazardous Materials Discharge Report from July 4, 2005 through July 10, 2005 – Proposition 65.
CEO RECOMMENDS APPROVAL AS PROPOSED

TIME CERTAIN ITEMS, PRESENTATIONS AND HEARINGS

9:30 A.M.

- 29. Public Hearing regarding the Approval, Modification and Ratification of the Older Americans Act Supportive and Nutrition Services Funding Recommendations of the Area Agency on Aging (AAA) Advisory Council for FY 2005-06. (Area Agency on Aging – 10 Minutes)
CONTRACTS ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

TIME CERTAIN ITEMS, PRESENTATIONS AND HEARINGS, CONTINUED

10:00 A.M.

- 30. Study Session by the Ventura County Watershed Protection District on the District's Integrated Watershed Protection Plan, All Supervisorial Districts, All Zones.
 (Continued from 6/14/05 – Item 26) (Public Works Agency – 45 Minutes)
MATERIALS ON FILE WITH THE CLERK OF THE BOARD

12:00 P.M.

- 31. Closed Session – It is the intention of the Ventura County Board of Supervisors to meet in closed session to consider the following items at 12:00 p.m. or earlier based on Agenda progress:

(A) CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code, § 54957.6)

COUNTY DESIGNATED REPRESENTATIVES: John Nicoll, Thomas Womack

EMPLOYEE ORGANIZATIONS:

- (1) Service Employees International Union, Local 998
- (2) Ventura County Professional Firefighters Association
- (3) International Union of Operating Engineers, Local 501
- (4) Ventura County Deputy Sheriff's Association

UNREPRESENTED EMPLOYEES:

- (5) Management, Confidential Clerical and Other Unrepresented Employees

(B) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov. Code, § 54956.9)

PURSUANT TO GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a):

NAME OF CASE: Clyde Reed, et al. v. County of Ventura, et al., United States District Court, Central District, Case No. CV04-5364 DDP(MANx)

REGULAR AGENDA

AREA AGENCY ON AGING

- 32. Ratification, Approval and Authorization of the Area Agency on Aging Multipurpose Senior Services Program (MSSP) and Linkages Program Vendor Contracts for FY 2005-06.
VENDOR CONTRACTS ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

REGULAR AGENDA, CONTINUED**AREA AGENCY ON AGING, CONTINUED**

33. Ratification and Approval of the Submittal of a Grant Application to the United States Department of Health and Human Services for the 2005 Community Food and Nutrition Program Grant.
GRANT APPLICATION ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

DEPARTMENT OF AIRPORTS

34. Authorization for the Director of Airports to Accept and Sign the Offer of Federal Aviation Administration (FAA) Grant No. 3-06-0179-24 to Provide Funds for Oxnard Airport Improvements.
GRANT OFFER ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED
35. Approval of a Protocol Agreement Between the County and the City of Camarillo regarding Transfer of the County Airport Water System to the City of Camarillo, and the Proposed Modification of Airport Avigation Easement at the Camarillo Airport.
AGREEMENT ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

HARBOR DEPARTMENT

36. Adoption of a Resolution for the Acceptance of Grant Funds from the California Coastal Commission to Purchase Two Beach Accessible Wheelchairs; and Approval, Ratification and Authorize the Harbor Director to Sign a Contract with the California Coastal Commission.
CEO RECOMMENDS APPROVAL AS PROPOSED
37. Approval of Lease Transactions Between the County of Ventura and Various Limited Liability Companies Controlled by Greystar Real Estate Partners, L.P. (Greystar) for Casa Sirena and Other Harbor Properties. **REQUIRES 4/5THS VOTE**
DRAFT LEASE DOCUMENTS ON WITH THE CLERK OF THE BOARD AND AVAILABLE ON THE INTERNET AT [HTTP://HARBOR.COUNTYOFVENTURA.ORG](http://HARBOR.COUNTYOFVENTURA.ORG)
38. Adoption of a Resolution of Support for a Harbor-Wide and Adjacent Beach Areas (Silver Strand and Hollywood) Beverage Recycling Program Sponsored Through the California Department of Conservation Beverage Container Recycling Grant.
CEO RECOMMENDS APPROVAL AS PROPOSED

REGULAR AGENDA, CONTINUED**HEALTH CARE AGENCY – Behavioral Health**

39. Ratification and Approval of Agreements with United Parents, Inc. for Hospital Alternative Treatment Team Services, Respite Care Services and New Crisis Support Counselor Program.
CONTRACT AMENDMENTS ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

HUMAN SERVICES AGENCY

40. Ratification and Approval of Contracts with the Boys & Girls Club of Greater Oxnard & Port Hueneme, Work Training Programs, Inc. to Operate Networked Youth Services Programs, and a Contract with Mayerson Marketing & Public Relations to Provide Marketing Services for the Workforce Investment Network.
CONTRACTS ON FILE WITH THE CLERK OF THE BOARD
CEO RECOMMENDS APPROVAL AS PROPOSED

COUNTY EXECUTIVE OFFICE

41. Adoption of a Resolution Supporting Issuance of Facility Use Permit for HELP of Ojai for Access to the Honor Farm.
CEO RECOMMENDS APPROVAL AS PROPOSED
42. Discuss and Make an Appointment to the Ventura County Campaign Finance Ethics Commission. (Policy) (Continued from 7/12/05 – Item 37)
43. Commence Public Hearings regarding the Adoption of the 2005-07 Memorandum of Agreement with Service Employees International Union, and Set Second Hearing for July 26, 2005 at 9:30 a.m.
SET SECOND HEARING FOR JULY 26, 2005 AT 9:30 A.M.
CEO RECOMMENDS APPROVAL AS PROPOSED

POLICY MATTERS

44. Recommendation of Supervisor Flynn to Appoint Bruce R. Wilkoff to the Alcohol and Drug Advisory Board.

REGULAR AGENDA, CONTINUED**POLICY MATTERS, CONTINUED**

45. Recommendation of Supervisor Flynn that Item 11 from the Agenda of July 12, 2005, be brought Back to the Board to Clarify the Modifications and Conditions in the Coastal Commission Staff Report and Addendum (W14D & W14.5) regarding the Channel Islands Public Works Plan and the Channel Islands Harbor Notice of Impending Development.
46. Recommendation of Supervisor Flynn to Recognize the Existence of the Adelante! Court Program and the Individuals who are Helping to Make this Program so Successful.

PUBLIC WORKS AGENCY – County of Ventura

47. Approval of the Multi-Year Pavement Rehabilitation Plan (2005-2006), County Unincorporated Area, All Supervisorial Districts.
CEO RECOMMENDS APPROVAL AS PROPOSED

PUBLIC WORKS AGENCY – Watershed Protection District

48. Ratification of Change Order (CCO) No. 1 for the Arroyo Simi/Tapo Canyon Confluence 2005 Repair, Specification No. WP 05-26(E), Project No. F7025, Supervisorial District No. 4, Zone 3.
REQUIRES 4/5THS VOTE
CEO RECOMMENDS APPROVAL AS PROPOSED

TREASURER-TAX COLLECTOR-PUBLIC ADMINISTRATOR

49. Adoption of a Resolution Providing for the Borrowing of Funds on Behalf of the Oxnard School District for Fiscal Year 2005-06 and the Issuance and Sale of 2005 Tax and Revenue Anticipation Notes.
CEO SUPPORTS RECOMMENDATION

CORRESPONDENCE AGENDA

50. Correspondence Items 1-2 - Receive and file correspondence from other governmental entities and members of the public.

CORRESPONDENCE AGENDA

The following matters are being presented to the Board for information. These items require no action or are not ready for Board consideration. The Clerk of the Board may refer these matters to the County Departments and Agencies for acknowledgement, investigation and report back, direct action or response as appropriate. Report back to the Board may appear on Agenda for action by the Board of Supervisors or for informational purposes upon dates indicated below as appropriate.

COMMUNICATIONS RECEIVED AND FILED BY THE CLERK OF THE BOARD ON BEHALF OF THE BOARD OF SUPERVISORS, WITH COPIES FURNISHED AS INDICATED.

1. Report from Los Padres National Forest Supervisor's Office regarding the Schedule of Proposed Action (SOPA) for July 1, 2005 to September 30, 2005 for the Los Padres National Forest.
FIRE PROTECTION DISTRICT
2. Letter from Elpidio D. Lauquico requesting a list of foreclosed properties as a prerequisite to participating in pre-qualification lending procedures.
TREASURER-TAX COLLECTOR

**ALL OF THE ABOVE ITEMS HAVE BEEN FURNISHED TO
EACH MEMBER OF THE BOARD OF SUPERVISORS**



**BOARD OF SUPERVISORS
COUNTY OF VENTURA**

GOVERNMENT CENTER, HALL OF ADMINISTRATION, L #5238
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009 (Mailing Address)
2800 SOUTH SAVIERS ROAD, 2nd FLOOR, OXNARD, CALIFORNIA 93033 (Location Address)

MEMBERS OF THE BOARD
KATHY I. LONG
Chair
STEVE BENNETT
LINDA PARKS
JUDY MIKELS
JOHN K. FLYNN

JOHN K. FLYNN
SUPERVISOR, FIFTH DISTRICT
(805) 487-6331
FAX NO. (805) 487-7692
E-Mail: john.flynn@mail.co.ventura.ca.us

July 19, 2005

Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

Subject: Notice to the Board of Supervisors regarding the County acceptance of California Coastal Commission's Minor Modifications to Channel Islands Harbor Works Plan Amendment adopted by the Board of Supervisors on October 19, 2004, and approved (as modified) by the California Coastal Commission on March 16, 2005.

Recommendation:

It is recommended that Item 11 be removed from the consent agenda of July 12, 2005 and brought back to the Board to clarify what the actual modifications and conditions are in the Coastal Commission Staff report and Addendum (W14D & W14.5) regarding the Channel Islands Public Works Plan and the Channel Islands Harbor Notice of Impending Development. The Harbor Department should submit a report to the Board regarding how it intends to meet the modifications and conditions, what the initial cost will be and what the ongoing costs will be to meet the continuing requirements of the modifications and conditions.

Discussion:

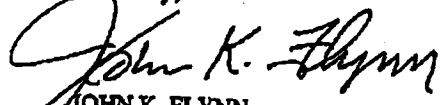
The Board Letter regarding Item 11 indicates that there are six minor modifications required. After reading the Coastal Commission Staff Report I counted thirty

July 19, 2005
Page Two

modifications and conditions. In order to avoid any misunderstanding, I feel it is important that there be a clear understanding as to what modifications and conditions the California Coastal Commission is calling for. I also believe that it is imperative to determine:

1. How those conditions will be met by the Harbor Department.
2. What the initial cost will be to meet those conditions.
3. What the ongoing costs will be to continue to meet the conditions and modifications.

Sincerely,


JOHN K. FLYNN
Member, Board of Supervisors

Channel Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05

the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the Amendment] on the environment.

SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the Public Works Plan Amendment only with the modifications as shown or described below. Language presently contained within the certified PWP is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language proposed by Commission staff to be inserted is shown underlined. Other suggested modifications to revise maps or figures are shown in *italics*.

The following policies relating to construction and continued operation of the Boating Instruction and Safety Center shall be added to the Public Works Plan:

Add to Chapter 4.5, Biological Resources -- Policies (page 74):

Modification 1

Portions of Hollywood Beach west of the Harbor utilized by western snowy plovers and/or California least terns for nesting, breeding, and foraging are designated as Environmentally Sensitive Habitat Area. No activities associated with operation of the BISC shall be permitted to occur on or across Hollywood Beach during the nesting/breeding season for snowy plovers and least terns (March 1 – September 30). In carrying out this policy the Harbor Department shall consult with the US Fish and Wildlife Service.

Modification 2

The Harbor Department shall coordinate with the California Department of Fish and Game, the US Fish and Wildlife Service and the Army Corps of Engineers to develop and implement a long-term conservation plan for California least terns and western snowy plovers at Hollywood Beach. The conservation plan shall include management strategies that address Harbor education and outreach programs (including those associated with the BISC), beach maintenance activities, dredging, and designation of breeding areas for the least tern and snowy plover.

Modification 3

The Harbor Department shall avoid beach grooming activities at Hollywood Beach between January 1 and September 30 of each year unless authorized by the US Fish

Channel Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05

and Wildlife Service. Removal of items not necessary to support insects and invertebrates that western snowy plovers feed upon is allowed provided that removal is not conducted during the breeding season. Motorized vehicles shall stay on the wet sand or along the south edge by the jetty during this period.

Modification 4

The Harbor Department shall install educational signs at access points to Hollywood Beach to inform beach users of "leash" laws and to discourage harmful activity within the nesting area for snowy plovers and least terns during the breeding season. If recommended by the U.S. Fish and Wildlife Service "symbolic" fencing (e.g. rope and stakes) may be installed to protect nests during the breeding season.

Modification 5

Construction of the Boating Instruction and Safety Center (BISC)

Commencement of construction shall not take place until a qualified biologist has determined the black-crowned night herons are no longer nesting. No construction shall commence or ongoing exterior construction shall occur during the nesting season for black-crowned night herons (February through July). Construction improvements to the interior of the building may continue during the balance of the year if the biological monitor determines that interior construction will not adversely impact nesting or fledging activity and all construction noise is mitigated to the maximum feasible extent. Construction staging shall take place from the opposite side of the BISC away from the nesting trees. A qualified biologist shall monitor the site prior to, during (at least twice monthly), and after construction. The biologist shall submit a monitoring report after each nesting season during construction and once annually for 3 years after final construction is completed which addresses the status of black-crowned night heron nesting in the immediate vicinity of the BISC.

Modification 6

To avoid disturbance of nesting herons all lighting on the north side of the BISC building shall be of low intensity and directed downward and/or away from nesting trees.

Modification 7

Replacement of all lost boat slips within CIH

All recreational boat slips eliminated due to construction of the BISC project shall be replaced in kind (size and use) within the Channel Islands Harbor PWP jurisdiction. Replacement shall take place within 6 months of completion of BISC.

Channel Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05

Modification 8Replacement of lost park area from BISC construction

The County shall be responsible for the replacement of an equal or greater area of park to that lost to construction of the BISC within the immediate area of the project site in the Harbor. The replaced park area shall be equally accessible and usable by the public as the area lost to construction. The replacement of the park shall occur concurrently with construction of the BISC.

Modification 9

Page 5, 3rd paragraph. (Delete proposed addition of "Phase III basin" and "basin" and elimination of "built out" as follows:

With the completion of already approved ~~Phase III basin~~ projects along the West Channel, the Harbor ~~basin~~ will be completely ~~built out~~ built out. . . . The ~~Property Administration Agency Harbor Department~~ does not have plans for any major expansions or re-constructions of the Harbor area ~~basin area~~.

Modification 10

Page 22, - *Figure IV shall be revised to identify the Boating Instruction & Safety Center as proposed rather than existing at bottom of page as follows:*

Existing and/or Proposed Recreation/Access/Visitor Serving Facilities

Modification 11

Page 25, FUTURE WATERSIDE BOATING SUPPORT FACILITIES (for BISC at bottom): -*Table II shall be revised to account for change in number of recreational and live-aboard boating spaces due to construction of BISC as well as lateral dock space provided for BISC.*

Modification 12

Page 42, Public Parks: *Revise 2nd full sentence at top of page as follows:*

~~The 2.6 acre linear Channel Islands Harbor Park is located on the western Harbor side, consisting and consists of all open turf and landscaped area, trees, with picnic tables, walkways and restroom facilities.~~

Modification 13

Figures III (page 6), IV (page 22) and VII (page 35) shall be revised to clarify or reflect that the entire linear landscaped park along the west side of the Harbor is designated as

Channel Islands Harbor FWP Amendment 1-04 &
Notice of Impending Development 1-05

Public Park (with the exception of the portion of the existing park eliminated construction of BISC).

Modification 14

Page 50, Recreation Policy 20 shall be revised as follows:

20. All areas designated as public parks and beaches in Figures III, IV, and VII of the Plan shall be protected as open space and shall not be developed or utilized for other uses without an amendment to the Plan, accept as set forth in Policy 19.

Modification 15

Page 50, Visual Access Policy 22c. shall be revised as follows:

- 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 in keeping with this policy. 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.

Modification 16

Table III (page 51) shall be revised to incorporate results of parking lot survey conducted over 3-day Labor Day weekend, September 2004.

Modification 17

Page 53, 3rd paragraph (proposed to be added by Harbor Department) under "Recreational Boating" shall be modified as follows:

The Harbor Department will implement the recreational and public access policies of the Coastal Act as set forth in Public Resource Code Sections 30001.5, 30213 and 30224. One means of carrying out the Recreational Boating policies of the Coastal Act is by establishing a Boating Instruction and Safety Center on the west side of the Harbor as shown on Figures III, IV, V, and VII.

Modification 18

Page 69, Biological Resources, added paragraph under "Existing Conditions" shall be modified as follows:

Channel Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05

Notwithstanding this man-made environment, several bird species, such as great blue herons and black-crowned night herons, utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed as threatened or endangered, their presence is considered important. In addition, nearby Hollywood Beach west of the Harbor is designated as critical habitat for western snowy plover and California least tern.*

*double underline indicates language added to new language proposed to the PWP by the Harbor Department

Modification 19

Page 71, under "BIRDS", add black-crowned night herons, and western snowy plover and California least tern on adjacent Hollywood Beach.

Modification 20

Page 74, Section 4.5, Biological Resources, POLICIES shall be modified to add the following policies:

Water Quality Protection

5. Ensure that development is designed and managed to minimize the introduction of pollutants into the Channel Islands Harbor and surrounding coastal waters to the maximum extent practicable.

6. Ensure that development plans and designs incorporate appropriate Site Design, Source Control and Structural Treatment Control Best Management Practices (BMPs) to reduce pollutants and runoff from the proposed development to the maximum extent practicable. Structural Treatment Control BMPs shall be implemented when a combination of Site Design and Source Control BMPs are not sufficient to protect water quality.

7. Ensure that development minimizes erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable. Ensure that development minimizes land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.

8. Ensure that development incorporates appropriate design elements and management practices to minimize adverse impacts to water quality related to boating facilities and boater waste in the Channel Islands Harbor to the maximum extent practicable. Boating in the Harbor shall be managed in a manner that protects water quality, and any persons or employees maintaining boats in slips

Channel Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05

or using slips on a transient basis shall be made aware of water provisions.

II. STAFF RECOMMENDATION FOR APPROVAL OF NOTICE OF IMPENDING DEVELOPMENT WITH SPECIAL CONDITIONS

MOTION: *I move that the Commission determine that the development described in the Notice of Impending Development 1-05, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan if amended in accordance with the suggested modifications.*

Staff recommends a YES vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 1-05, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, as amended pursuant to PWP Amendment 1-04 in accordance with the suggested modifications, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby determines that the development described in the Notice of Impending Development 1-05, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, as amended pursuant to PWP Amendment 1-04, for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Mitigation Measures Identified during Environmental Review

In accordance with the Ventura County Harbor Department's proposal to implement all mitigation measures identified in the Final Environmental Impact Report (EIR) for the Boating Instruction and Safety Center (BISC) dated December 2003, all mitigation measures and project modifications identified within the subject final EIR applicable to alternative 6.2B are hereby incorporated by reference as conditions of the Notice of Impending Development 1-05 unless specifically modified by one or more of the special conditions set forth herein.

2. Replacement of all lost boat slips within CIH

All recreational boat slips eliminated due to construction of the BISC project shall be replaced in kind (size and use) within the Channel Islands Harbor PWP jurisdiction.

**Channel Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05**

- Receptacles shall be provided for the recycling of appropriate waste materials.

c. Hazardous Waste Best Management Practices

- Storage areas for hazardous wastes, including old gasoline or gasoline with water, oil absorbent materials, used oil, oil filters, antifreeze, lead acid batteries, paints, and solvents shall be provided.
- Containers for used anti-freeze, lead acid batteries, used oil, used oil filters, used gasoline, and waste diesel, kerosene and mineral spirits which will be collected separately for recycling shall be provided in compliance with local hazardous waste storage regulations and shall be clearly labeled.
- Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes.

d. Sewage Pumpout System Best Management Practices

- Adequate sewage pumpout facilities to serve the proposed development shall be provided to prevent the overboard disposal of untreated sewage within the project area and surrounding waters.

e. Public Education Measures

The Harbor Department shall distribute the Water Quality Management Plan to all users of the boat docks. Informative signage describing and/or depicting Best Management Practices for maintenance of boats and boating facilities consistent with those specified herein shall be posted conspicuously.

9. Approval of PWPA 1-04

Commencement of development/construction of the proposed Boating Instruction and Safety Center shall not occur until the County has acted to accept all suggested modifications to PWP amendment 1-04 and the Executive Director of the Commission has formally concurred with said County action.

10. Coastal Development Permit

Prior to commencement of construction the Harbor Department shall obtain a Coastal Development Permit from the Commission for the proposed dock and elimination of recreational boating slips located within the Commission's area of retained permit jurisdiction.



Lyn Krieger
Director

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



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

July 12, 2005

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: NOTICE TO THE BOARD OF SUPERVISORS REGARDING THE COUNTY ACCEPTANCE OF CALIFORNIA COASTAL COMMISSION'S MINOR MODIFICATIONS TO CHANNEL ISLANDS HARBOR PUBLIC WORKS PLAN AMENDMENT ADOPTED BY THE BOARD OF SUPERVISORS ON OCTOBER 19, 2004, AND APPROVED (AS MODIFIED) BY THE CALIFORNIA COASTAL COMMISSION ON MARCH 16, 2005

RECOMMENDATION: RECEIVE and FILE

The Channel Islands Harbor Public Works Plan (PWP) certified by the California Coastal Commission ("Commission") on September 19, 1986, was amended by the Board of Supervisors on October 19, 2004, for the narrow and specific purpose of including a publicly owned and operated facility, the proposed Boating Instruction and Safety Center (BISC). This PWP amendment (PWPA) was then forwarded to the Commission for its final review and approval at a hearing on March 16, 2005. The item received significant public comment and Commission consideration before the Commission approved the PWPA and Notice of Impending Development for the BISC. During the course of the Commission's deliberations and approval, a small number of minor modifications were made to the County's proposed PWPA.

It is the practice of the Commission to require, once amendments are heard and approved by the Commission, that the local agency accept any modifications made by the Commission to a coastal plan amendment or PWPA at the Commission's adoption hearing. Once these modifications are accepted by the proponent of the amended coastal plan or PWPA, they are forwarded to the Commission's Executive Director and checked for conformity with the Commission's actions at the hearing.

The purpose of this letter is to notify you of the Commission's modifications made at the March 16, 2005, hearing. Under the authority previously granted by your Board to the Harbor Director on October 19, 2004 to "take all actions necessary to obtain approval of

Board of Supervisors
July 12, 2005
Page 2

the Public Works Plan amendment by the California Coastal Commission (CCC) and to take all actions necessary to carry out the approved BISC project," the Harbor Director orally accepted these minor modifications at the March 16, 2005 hearing and will now send a letter documenting this prior oral acceptance of these minor modifications to the Commission's Executive Director. Acceptance of these modifications and acknowledgement of this acceptance by the Commission's Executive Director will finalize the processing of the PWWA. The Notice of Impending Development remains unchanged, and is already approved.

Specifically, the Commission made the following non-substantive changes (utilizing page numbers from the "redline"). Pages from the redline are attached to this letter to make the changes clear.

- Page 5: The County's proposed amendment of paragraph 3 was deleted.
 - Page 27: Item "g", the required replacement of slips removed for the BISC, was added to the PWWA in the same form it was already included in the Notice of Impending Development for the BISC.
 - Page 27: Item "h", is added to clarify the meaning of "278 feet" in Table II on the prior page.
 - Pages 51-52: The new Table III replaces parking data generated in 1985 with data generated in 2004.
-
- Page 68: Paragraph 2 under "Existing Conditions" specifically adds bird species mentioned in the BISC EIR, and adds the fact that nearby Hollywood Beach, though not a part of the PWP jurisdiction, is designated critical habitat for two species, the western snowy plover and California least tern.
 - Page 70: Within the listing of "BIRDS", specifically added are black-crowned night herons within the harbor, and the western snowy plover and California least tern on Hollywood Beach, again noting that Hollywood Beach is not within the PWP.

This letter has been reviewed by County Counsel. If you have questions, please call me at 382-3002.


LYN KRUEGER
Director

Attachments

ENCLOSURE 5



Lyn Krieger
Director

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



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

July 25, 2005

Mr. Peter Douglas, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Attn. Mr. Gary Timm

**SUBJECT: TRANSMITTAL OF CHANNEL ISLANDS HARBOR PUBLIC WORKS
PLAN (PWP) FOR FINAL CERTIFICATION**

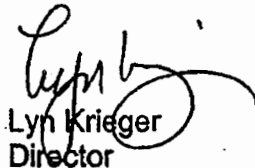
Dear Messrs. Douglas and Timm:

Consistent with the action of the Coastal Commission on March 16, 2005, the County of Ventura accepts all changes and suggested modifications of the Coastal Commission on July 12, 2005. Prior to transmitting these modifications to the Board, we provided Mr. Timm with a copy to review. Upon his concurrence, transmittal to the Board of Supervisors was made.

The County of Ventura requests, pursuant to California Coastal Commission Regulations §13544 and 13544.5, that the Executive Director determine that the actions of the County satisfy Coastal Act requirements sufficient to finally certify this amendment to the PWP, and that such determination be reported to the Coastal Commission pursuant to §13544(c) as soon as possible.

Please do not hesitate to contact me if I may be of assistance.

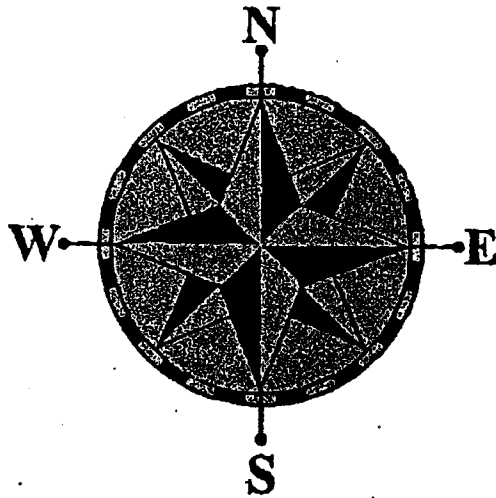
Sincerely,


Lyn Krieger
Director

Enclosure *(Redline PWP)*

COUNTY OF VENTURA

**~~General Services Agency~~
~~Recreation Services~~ HARBOR
DEPARTMENT**



**Channel Islands Harbor
Public Works Plan**

Channel Islands Harbor is man-made and caters primarily to recreational boaters with a specific number of slips reserved for commercial fishing vessels. The Harbor accommodates approximately 2,500 vessels. The Harbor is in the form of a narrow "Y" oriented on a north-south axis 6,000 feet long (see Figure II). The two northerly segments, known as West Channel and East Channel, are each approximately 3,000 feet long. They are 400 and 300 feet wide, respectively. The base of the "Y" is 1,000 feet wide at the convergence, and narrows to 400 feet at the seaward end of the Harbor entrance channel 3,000 feet south of the "Y" convergence. The entrance channel extends 1,200 feet in a southwesterly direction into the sea. On either side of the entrance are rock jetties which extend offshore 700 feet. A rubble mound breakwater approximately 2,300 feet long lies off the end of the jetties, parallel to the shore, on a bearing 329° true; it provides protection to the entrance from the prevailing seas.

Channel Islands Boulevard bridges the West and East Channels to form the northern boundary of the Harbor. The bridge over the West Channel provides 29 feet of clearance at low tide, which restricts the mast height of sailboats unless they are equipped with pinned masts that can be lowered. The easterly bridge provides nominal clearance, and boats cannot pass under. Both bridges are fixed. All boats moored north of the bridge must use the West Channel to reach the sea. Where the West Channel extends to the north and west of the bridge, it is known as the Edison Canal. The canal extends northwesterly for approximately two miles to the Southern California Edison Company's thermal power plant. It serves as an outlet channel for the plant's cooling water effluent. At present, the effluent discharge, combined with the ebb tidal current causes a maximum current of approximately one-third miles per hour through the West Channel.

With the completion of already approved ~~Phase III basin~~ projects along the West Channel, the Harbor ~~basin~~ will be completely built outly built out. The existing development is presented in Table I and Figure III. The ~~Property Administration Agency~~ Harbor Department does not have plans for any major expansions or re-constructions of the Harbor ~~area~~ ~~are~~ basin. There will be, therefore, no previously undisclosed environmental impacts associated with implementation of this proposed Public Works Plan.

The principal objective of the Public Works Plan will be to identify land use designations and intensities within the Harbor and provide policies which provide, protect and maintain the public's access to and use of the recreational waters in and adjacent to the Harbor; additionally, the Plan will protect and maintain commercial fishing facilities in the Harbor. The Plan will contain policies and actions designed to accomplish these recreational and commercial fishing objectives.

The Harbor, as developed, contains no natural resources of environmental significance.

- f. The Boating Instruction and Safety Center is situated partly on the current alignment of the Bluefin Way Loop, and partly on a turf and trees area. The BISC location is shown on Figures III, IV, V and VII.
- g. The Boating Instruction and Safety Center eliminates 22 recreational boating slips, of which 3 are live-aboard. These slips are to be re-created elsewhere in the harbor in connection with Condition 2 of Notice of Impending Development 1-05.
- h. This figure expresses the approximate lineal footage of side-tie dock to be established with the BISC.

Commercial Fishing

There are approximately 25 commercial fishing vessels moored within the Harbor, based on standards developed by the California Coastal Commission (i.e. must fish 100 days per year and derive 50% percent of income from commercial fishing). The operators of these vessels fish or dive for a variety of marine food resources along the coast and in the outer channel and island waters. Fishing activity based within the Harbor includes gill netters, and set line. Species fished out of the Harbor according to season are rock fish of all kinds, halibut, shark, sword, salmon, bonito, yellowtail and tuna. Commercial diving activity out of the Harbor is primarily for urchin and abalone.

In 1979, the County of Ventura obtained a Coastal Permit (178-15) for a project to construct two large boat basins in the West Channel. This permit provides for commercial fishing support facilities on parcels X-1-A, B and X-2. The facilities include 150 commercial fishing slips, 60 permanent, 90 of which would be offered to the industry on a "first right of refusal" basis, an 80,000 sq. ft. net drying area, a vehicle loading and unloading area, a transient commercial dock available to fishing boats, and a fuel dock available to commercial fisherman on a 24-hour basis (located anywhere in the Harbor). Appendix B contains the full text of Permit 178-15.

As of September 1985, the full range of facilities provided by Permit 178-15 had not yet been fully constructed. Of the 67 slips constructed, approximately 12 are occupied by commercial fishing vessels (i.e., Coastal Commission definition). The net drying area is available. The remaining dockside facilities will be constructed in the fall of 1987.

Commercial Sport Fishing

The commercial sport enterprises within the Harbor operate from approximately ~~300600~~300 feet of floating dock at Murre Way on the eastern side of the main channel. A variety of boating enterprises operate from the dock. It is the Harbor Administrators' policy that all commercial boating enterprises within the Harbor, except commercial fishing, operate from these docks. Harbor tours and commercial sport fishing boats are the usual operators from these docks. Half, three-quarter and full-day sport fishing excursions are offered. The species taken by these boats include rock fish, calico bass, halibut, mackerel, bonito, yellowtail and sea bass.

Commercial sport dive boats also operate from the commercial sport docks. These enterprises provide diving excursions to the Channel Islands for spear fishing, lobster and abalone.

TABLE III
HARBOR PUBLIC PARKING SUPPLY VS. DEMAND
LABOR DAY WEEKEND (8-31-85)
(1:30 TO 3:30 P.M.)

LOT	LOT CAPACITY	PARKING DEMAND	% OF CAPACITY
B-1	32	30	94%
B-2	100	43	43%
B-3	92	80	87%
E-1	23	10	43%
E-2	126 (Car)	125	99%
	38 (Boat Trailer)		
E-3	106	35	92%
E-4	82	36	34%
E-5	169 (Boat Trailer)	60	73%
E-6	39 (Car)	61	34%
W-1	34	12	31%
W-2	176	34	100%
W-3	146	136	77%
W-4	176	39	27%
W-5	176	100	57%
W-6	150	103	59%
W-7,8	335	93	62%
W-9,10	352	32	10%
W-11	128 (Closed for Construction)		22%
W-12	204	8	4%
W-13	130	109	84%
P-1	31	7	23%
TOTAL	2845	1232	43%
Breakdown	395 BOAT TRAILERS 192		49%

MAXIMUM NUMBER OF SPACES OCCUPIED
OVER 3-DAY LABOR DAY PERIOD

<u>Parking Lot</u>	<u>1000 Hrs</u>	<u>1300 Hrs</u>	<u>1600 Hrs</u>	<u>2000 Hrs</u>	<u>Total available spaces</u>	<u>Percent full during maximum demand</u>
<u>W-2</u>	<u>86</u>	<u>104</u>	<u>110</u>	<u>105</u>	<u>182</u>	<u>57%</u>

<u>W-3¹</u>	<u>7</u>	<u>17</u>	<u>19</u>	<u>69</u>	<u>149</u>	<u>46%</u>
<u>W-4¹</u>	<u>65</u>	<u>78</u>	<u>86</u>	<u>65</u>	<u>179</u>	<u>48%</u>
<u>W-5</u>	<u>59</u>	<u>116</u>	<u>98</u>	<u>55</u>	<u>171</u>	<u>68%</u>
<u>W-6²</u>	<u>152</u>	<u>152</u>	<u>111</u>	<u>65</u>	<u>152</u>	<u>100%</u>
<u>Whale's Tail/ Port Royal</u>	<u>12</u>	<u>51</u>	<u>57</u>	<u>71</u>	<u>76</u>	<u>93%</u>

¹ Lots closest to Boating Instruction and Safety Center

² The Farmer' Market was being held this weekend. W-6 is the supporting parking lot. The Farmers' Market is held on Sundays.

4.5 Biological Resources

The 1976 mandates [sic]the protection of the water quality and biological productivity of coastal waters. Section 30230 of the Coastal Act states that marine resources shall be maintained, enhanced, and where feasible restored, and that uses of the marine environment shall be developed such that the biological productivity of coastal waters will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific and educational purposes. Section 30231 applies this same level of protection to coastal streams, lakes, wetlands and estuaries. Section 30232 requires the protection against the spillage of crude oil, gas, petroleum products or hazardous substances by developing effective containment and cleanup facilities and procedures.

Finally, Section 30240 of the Coastal Act requires the protection of environmentally sensitive habitat.

The Public Works Plan for the Harbor complies with all of the above Sections of the Coastal Act.

Existing Conditions

Within Channel Islands Harbor ~~there are no~~ terrestrial biological resources are limited in distribution and of significance. The area is completely developed with commercial, recreational and residential structures; terrestrial vegetation consists entirely of introduced landscaping species.

Notwithstanding this man-made environment, several bird species, such as great blue herons and black-crowned night herons, utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed or endangered, their presence is considered important. In addition, nearby Hollywood Beach west of the Harbor is designated as critical habitat for western snowy plover and California least tern.

Marine Biology

A biological survey was performed for Channel Islands Harbor and adjacent areas in EIR 81-2 (1982) for development of Mandalay Bay Phase IV. This survey is incorporated, herewithin, by reference. Figure VIII provides a summary of marine organisms present in the project area.

The relatively rich complement of marine algae invertebrates and fishes which is present at or near the Harbor entrance diminishes rapidly through the mid-Harbor area to the Mandalay Bay development north of the Harbor. The primary cause of this reduction in species numbers and diversity may be the pollutant and coliform bacteria concentration which is present in the area. This concentration is the result of inadequate tidal flushing, particularly in the "cul-de-sac" channels in the existing Mandalay development.

The marine species in the Harbor consist in part of:

ALGAE – Colopomenia senuosa, Dictyozoa flatilata, Grateloupia daryphara, Ulva lactuca and Sargassum muticum.

FISH – white croaker Genyonemus lineatus, topsmelt Athrinops affinis, jacksnipe Atherinopsis californiensis, staghorn sculpin Leptocottus armatus, pile and shiner surfperch Damalichthys vacca, Cymatogaster aggregate.

BIRDS – great blue heron Ardea herodias, double-crested cormorant Phalacrocorax uritus, western grebe Aechmophorus occidentalis, American coot Fulica americana, brown pelican Pelecanus occidentalis, herring gull large argentatus, and California gull Larus californicus, black-crowned night herons, and western snowy plover and California least tern on adjacent Hollywood Beach.

MAMMALS – California sea lion Zalophus californianus.

It is probable that many more migratory bird species use the Harbor during the year.

Water quality within the Harbor and adjacent waterways to the north is presently impacted by agricultural runoff; boat paint, engine oil, and gas contaminants; and boat toilet discharge. Table V presents the results of water quality sampling (1982) for oxygen, coliform bacteria turbidity, temperature and salinity. The sampling demonstrated that water quality decreased significantly from the Harbor mouth to mid-Harbor; oxygen concentration fell by one-fourth in this interval and was maintained at a level of 9 ppm throughout the rest of the waterways. This is due to the lack of wave action, the decreased tidal mixing, lack of algal species and increase in oxygen consuming bacteria.

The presence of *E. coli* at mid-Harbor and Mandalay Bay boat slips suggests that boat owners are discharging boat toilets directly into the waterways. The presence of increased levels of *E. coli* north of the Harbor indicates a correlation with the agricultural water discharge in this area. The agricultural water is high in nitrate and phosphate levels, which promotes bacterial growth. *E. coli* can cause intestinal disorders while the effect of Enterobacters on marine organisms is unknown.

Since the Harbor will not expand under the Public Works Plan there will be no increase in the current level of Harbor generated pollutants. The development of the Mandalay Bay phases to the north of the Harbor however, will result in substantial increases in water pollutants. The Mandalay project will add approximately 800 boats to the approximately 2,500 that are moored in the Harbor. In addition to some increases in human waste, an additional annual input of 2 tons of engine oil and 20 pounds of lead from marine fuel is projected from the boats in slips at Mandalay Bay.

Impacts upon the distribution and diversity of marine species will not occur with implementation of the Harbor's Public Works Plan. Long- and short-term cumulative impacts, however, from the development of adjacent areas such as the Mandalay Bay projects will affect the distribution

ENCLOSURE 6

March 2005 Agenda

**Sutton Place Hotel
4500 MacArthur Blvd.
Newport Beach, CA 92660
(949) 476-2001**

This has been updated at 11:45 a.m., Friday, March 18, 2005.

10:00 A.M.

WEDNESDAY, MARCH 16, 2005

**See video proceedings
of January meeting items 1-6
including LNG Status Report
filmed and presented by SLO-SPAN.**

1. CALL TO ORDER.

2. ROLL CALL.

SOUTH COAST DISTRICT

3. CONSENT CALENDAR. See AGENDA CATEGORIES.

a. Application No. 5-04-359 (Melby, Newport Beach) Application of Marie T. Melby to demolish single-family home, and construct ocean front 2,560 sq.ft. 3-story single-family home & attached 458 sq.ft. 2-car garage with 187 cu.yds. of grading, at 3106 West Oceanfront, Newport Beach, Orange County. (FSY-LB) **[APPROVED WITH CONDITIONS]**

b. Application No. 5-04-361 (Watson, Seal Beach) Application of James & Judy Watson to demolish single-family home, and construct ocean front 7,436 sq.ft. 3-level single-family home & attached 675 sq.ft. 3-car garage with 800 cu.yds. of grading, at 250 Ocean Avenue, Seal Beach, Orange County. (FSY-LB) **[APPROVED WITH CONDITIONS]**

c. Application No. 5-04-459 (Hurley, Newport Beach) Application of Robert Hurley to demolish single-family home, and construct ocean front 24-ft-high 2,685 sq.ft. single-family home (with 334 sq.ft. basement) and attached 430 sq.ft. garage, at 6706 West Oceanfront, Newport Beach, Orange County. (RT-LB) **[APPROVED WITH CONDITIONS]**

4. DEPUTY DIRECTOR'S REPORT. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the commission's Long Beach office at (562) 590-5071.

5. CONSENT CALENDAR (removed from Regular Calendar). See AGENDA CATEGORIES.

6. LOCAL COASTAL PROGRAM (LCP). See AGENDA CATEGORIES.

a. Marina del Rey Periodic LCP Review. Public hearing and presentation to the Commission of results of issue scoping and identification of priority issues for evaluation of County of Los Angeles's LCP for the Marina Del Rey segment. (PE-LB & LF-SF) [See also **Appendix B** of the report: Written Comments Submitted (17Mb)] **[APPROVED]**

6.5 NEW APPEAL. See AGENDA CATEGORIES.

a. Appeal No. A-5-05-63 (Palisades Landmark, Los Angeles) Appeal of Palisades Landmark from decision by City of Los Angeles granting permit with conditions to Palisades Landmark to demolish two apartment buildings, grade 210,000 cu.yds. of material to stabilize Revello landslide, and construct 82 condominiums, on 173,496 sq.ft. lot, at 17331 - 17333 Tramonto Drive, Pacific Palisades, Los Angeles, Los Angeles County. (PE-LB) **[TO CONTINUE]**

7. COASTAL PERMIT APPLICATIONS. See AGENDA CATEGORIES. Attention: Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting

Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

Items 7a and 7b below are linked to a single, combined staff report.

a. Application No. 5-01-257 (Ballona Lagoon Enhancement III, Los Angeles) Application of City of Los Angeles for Phase III of Ballona Lagoon Enhancement Plan, including removal of encroachments & non-native vegetation from protective lagoon buffer strip, landscaping lagoon buffer with native dune plants, realigning & improving west bank public access trail from Canal Court to Topsail Street, construction of split-rail fence along public access trail, construction of public overlooks with benches at four street ends, and construction of public education area with benches near north end of lagoon, at Ballona Lagoon West Bank, Pacific Ave., From Canal Court To Via Marina, Venice, Los Angeles, Los Angeles County. (CP-LB) **[APPROVED WITH CONDITIONS]**

b. Appeal No. A-5- 01-279 (Ballona Lagoon Enhancement III, Los Angeles) Application of City of Los Angeles for Phase III of Ballona Lagoon Enhancement Plan, including removal of encroachments & non-native vegetation from protective lagoon buffer strip, landscaping lagoon buffer with native dune plants, realigning & improving west bank public access trail from Canal Court to Topsail Street, construction of split-rail fence along public access trail, construction of public overlooks with benches at four street ends, and construction of public education area with benches near north end of lagoon, at Ballona Lagoon West Bank, Pacific Ave., From Canal Court To Via Marina, Venice, Los Angeles, Los Angeles County. (CP-LB) **[APPROVED WITH CONDITIONS]**

c. Application No. A-5-03-465 (Y.M.C.A. & Santa Monica Mountains Conservancy, Los Angeles) Application of Y.M.C.A. of Metropolitan Los Angeles & Santa Monica Mountains Conservancy to divide 56.78 acres into two lots (3.95 & 52.83 acres) in RE40-1-H zone, to continue annual retail sale of Christmas trees between December 1st & 25th and Halloween pumpkins between October 15 & 31st, and operation of youth day camp, at 15601 Sunset Boulevard, Pacific Palisades, Los Angeles, Los Angeles County. (AJP-LB) **[TO CONTINUE]**

d. Application No. 5-03-529 (Yuji, San Clemente) Application of Yuji Enterprise Inc. to add 49 outdoor seats at existing restaurant without any additional parking spaces, at 1814 North El Camino Real, San Clemente, Orange County. (DL-SD) **[APPROVED WITH CONDITIONS]**

e. Application No. 5-04-19 (Santa Catalina Island, Los Angeles Los Angeles Co.) Application of Santa Catalina Island Company to renovate existing pier and floating dock with like-for-like replacement of sixty ACZA-treated timber piles, pile caps, stringers, bracing, decking, handrails and fueling station, install sewage pump-out system on reconstructed pier, and construct 2-story, 576 sq.ft. Harbor Master pier administrative building, at Isthmus Pier, Two Harbors, Catalina, Los Angeles Los Angeles County. (CP-LB) **[APPROVED WITH CONDITIONS]**

f. Application No. 5-04-200 (Los Angeles County, Marina del Rey water circulators) Application of Los Angeles County Beaches & Harbors for two water circulators with 55-inch diameter banana blade propellers and 4.6 Kilowatt electric motor, encased in wire cage, at depth of 10 feet, in basin D to improve water quality in basin, at Marina Beach & Basin D, Marina del Rey, Los Angeles County. (AJP-LB) **[APPROVED WITH CONDITIONS]**

g. Application No. 5-04-373 (Landon, Los Angeles) Application of Chris Landon to demolish 1-story 762 sq.ft. single-family home, and construct 28-ft-high 2,715 sq.ft. single-family home & attached 2-car garage, on 3,600 sq.ft. lot on, walk street, at 728 East Marco Place, Venice, Los Angeles, Los Angeles County. (CP-LB)

h. Application No. 5-04-436 (Bohi, San Clemente) Application of Markus & Sandra Bohi to construct 375 sq.ft. 1-story addition and 375 sq.ft. 2-floor addition to existing 2-story 2,976 sq.ft. single-family home with attached 793 sq.ft. garage on 16,165 sq.ft. lot, and remove patio encroachments next to canyon edge, at 206 Calle Conchita, San Clemente, Orange County. (DL-SD) **[APPROVED WITH CONDITIONS]**

i. Application No. 5-04-451 (Calafia Partners, San Clemente) Application of Calafia Partners, L.L.C. for two 38-ft-high commercial office buildings totaling 12,300 sq.ft. and 41 parking spaces on 26,104 sq.ft. lot with 430 sq.ft. of export for garage, at 101 Avenida Calafia, San Clemente, Orange County. (DL-SD) **[APPROVED WITH CONDITIONS]**

j. Application No 5-04-485 (Slaven, Hermosa Beach) Application of Mary-Gene Slaven to demolish single-family home, and construct 25-ft-high 2,298 sq.ft. single-family home (2-story, plus roof deck over basement level), with three parking spaces, on 1,662 sq.ft. beach front lot, at 3409 Hermosa Avenue, Hermosa Beach, Los Angeles County. (RT-LB) **[APPROVED WITH CONDITIONS]**

8. FINDINGS. See **AGENDA CATEGORIES.**

a. **Appeal No. A-5-02-162 & 5-02-99 (Bel Air Bay Club, Los Angeles)** Bel Air Bay Club granted permit with conditions to demolish 30,701 sq.ft. of existing 51,120 sq.ft. lower Bel Air Bay Club Facility, construct 40,709 sq.ft. resulting in 61,128 sq.ft. Lower Club Facility, realign existing sea wall, and realign PCH/Bay Club Drive Interchange, at 16800 Pacific Coast Highway, Pacific Palisades, Los Angeles, Los Angeles County. (AJP-LB) **[POSTPONED]**

b. **Appeal No. A-5-04-261 (Doyle, Redondo Beach)** Michael & Kimberly Doyle granted permit with conditions to construct 23-ft-high 835 sq.ft. addition to 13-ft-high 1,673 sq.ft. single-family home, and remove ficus tree & private development from adjacent public access easement, at 801 Esplanade, Redondo Beach, Los Angeles County. (CP-LB) **[APPROVED]**

ENERGY, OCEAN RESOURCES and WATER QUALITY

9. **ENERGY, OCEAN RESOURCES and WATER QUALITY REPORT.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. (ALW-SF)

STATEWIDE

CLOSED SESSION. At a convenient time during the meeting, the Commission (CCC) will have a closed session to discuss items of pending litigation, including:

Blanton et al. v. State of California, CCC and consolidated cases (Govt. Code §11126(e)(2) (A))
 Sierra Club v. CCC (Luers, RPI) (Govt. Code §11126(e)(2)(A))
 Capuano v. CCC et al. (California Department of Parks & Recreation, RPI) (Govt. Code §11126 (e)(2)(A))
 Surfrider Foundation et al. v. CCC (City of Dana Point et al. RPI) (Govt. Code §11126(e)(2) (A))
 Coalition to Save the Marina, Inc. v. CCC (Govt. Code §11126(e)(2)(A))
 Feduniak v. CCC (Govt. Code §11126(e)(2)(A))
 Kennerly v. CCC (Govt. Code §11126(e)(2)(A))
 Sierra Club et al. v. CCC (Catellus Residential Group, RPI) (Govt. Code §11126(e)(2)(A))
 Geffen v. CCC (Govt. Code §11126(e)(2)(A))
 Stoney Heights LLC et al. v. CCC (Govt. Code §11126(e)(2)(A))

The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Sections 11126(e)(2)(A) and (2)(C). In addition, the Commission may consider matters which fall under Government Code Section 11126(e)(2)(B) or (2)(C).

10. **FEDERAL CONSISTENCY REPORT.** Report by the Division Supervisor on Negative Determinations issued by the federal consistency staff, and status report on other major non-energy federal consistency matters. (MPD-SF)

11. **FEDERAL CONSISTENCY.** See **AGENDA CATEGORIES.**

a. **CD-84-04 (BLM, Humboldt Co.)** Consistency Determination by Bureau of Land Management for South Jetty Road Shoreline Stabilization Project, South Spit of Humboldt Bay, Humboldt County. (LJS-SF) **[APPROVED]**

b. **CC-4-05 (North County Transit District, San Diego Co.)** Consistency Certification by North County Transit District for O'Neil to Flores Second Railroad Track Project, Marine Corps Base Camp Pendleton, San Diego County. (MPD-SF) **[POSTPONED]**

c. **CD-15-05 (Navy, Los Angeles Co.)** Consistency Determination by Department of the Navy to repair and replace cables and projectors for anti-submarine warfare range, off western shore of San Clemente Island, Los Angeles County. (MPD-SF) **[APPROVED]**

SOUTH CENTRAL COAST DISTRICT

12. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Ventura office at (805) 585-1800.

a. **Santa Barbara LCP Amendment No. SBC-MAJ-1-04 (HRC and OC Zones) Certification Review.** Concurrence with Executive Director's determination that action by City of Santa Barbara, accepting certification of Amendment No. SBC-MAJ-1-04 with modifications, is legally adequate. (LF-V) **[APPROVED]**

13. **CONSENT CALENDAR (removed from Regular Calendar).** See **AGENDA CATEGORIES.**

14. **LOCAL COASTAL PROGRAMS (LCPs).** See **AGENDA CATEGORIES.**

a. **Carpinteria LCP Amendment No. CPN-MAJ-2-04 Time Extension.** Public hearing and action to extend time limit to act on request by City of Carpinteria to amend its LCP to allow residential-only use in commercial and industrial zones. (LF-V) **[APPROVED]**

b. **Santa Barbara Co. LCP Amendment No. MAJ-2-03 (Second Units).** Public hearing and action on request by County of Santa Barbara to amend its LCP to revise regulations regarding permitting and appeal procedures for residential second units. (SLG-V) **[APPROVED WITH MODIFICATIONS]**

c. **Santa Barbara Co. LCP Amendment No. MAJ-2-04-C (Ocean Meadows) & 2-04-D (Open Space Plan) Time Extension.** Public hearing and action to extend time limit to act on request by County of Santa Barbara to amend its LCP to modify land use and zoning designations on part of APN 073-090-062 from Planned Residential Development to Recreation; and amend Goleta Community Plan to incorporate Ellwood-Devereux Open Space Plan including land use designations, resource maps, and policies. (SLG-V) **[APPROVED]**

Items 14d and 14.5 below are linked to a single, combined staff report.

d. **Ventura Co. Channel Islands Harbor Public Works Plan Amendment No. 1-04 (BISC).** Public hearing and action on request by Ventura County Harbor Department to amend certified Channel Islands Harbor PWP to allow Boating Instruction & Safety Center (BISC) as a permitted use in the Harbor. (GT-V) **[APPROVED WITH MODIFICATIONS]**

14.5 **CHANNEL ISLANDS HARBOR PUBLIC WORKS PLAN NOTICE of IMPENDING DEVELOPMENT No. 1-05 (BISC).** Public hearing and action on Notice of Impending Development by Channel Islands Harbor for Boating Instruction and Safety Center (BISC) consisting of 26,000 sq.ft. of exterior space, 24,000 sq.ft. of dock space, 2-story 19,000 sq.ft. building, and 1-story 1,000 sq.ft. maintenance building, on west side of Channel Islands Harbor, Oxnard, Ventura Co. Is consistent with the Channel Islands Harbor certified Public Works Plan as amended by PWP amendment 1-04. (GT-V) **[APPROVED WITH CONDITIONS]**

15. **COASTAL PERMIT APPLICATIONS.** See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. **Application No. 4-02-74 (Beacon, Santa Barbara & Ventura Cos.)** Application of BEACON for five-year opportunistic beach replenishment project involving up to 792,000 cu.yds. of beach quality material per year on five beaches, and pre- and post- monitoring of biological and physical impacts at Goleta Beach, Carpinteria Beach, Oil Piers, Surfer's Point, and Hueneme Beach, Santa Barbara and Ventura Counties. (SLG-V) **[APPROVED WITH CONDITIONS]**

b. **Application No. 4-04-61 (Bleavins, Los Angeles Co.)** Application of David Bleavins for 3,590 sq.ft. 29½-ft-high single-family home, 2-car garage, septic system, use of trailer as guest house, 841 cu.yds. of grading, and encroachment into protected zone of 16 oak trees, at 802 North Old Topanga Canyon Road, Topanga, Los Angeles County. (BJC-V) **[POSTPONED]**

c. **Application No. 4-04-86 (Murchland, Los Angeles Co.)** Application of Randy Murchland for 32-ft-high 6,712 sq.ft. single-family home, attached 1,660 sq.ft. garage, retaining walls, septic system, temporary trailer, and 4,284 cu.yds. of grading, at 24815 Mulholland Highway, Calabasas, Los Angeles County. (JCJ-V) **[APPROVED WITH CONDITIONS]**

16. **RECONSIDERATION.** See **AGENDA CATEGORIES.**

a. **Application No. 4-03-86-R (Stoney Heights & Meadowlands Ranch, Los Angeles Co.)** Stoney Heights, LLC and Meadowlands Ranch, LLC denied permit to re-divide two lots (34.5-acres next to Corral Canyon Road and 0.16-acres within El Nido small lot subdivision on Searidge Drive) to create two lots of 14.8-acres & 19.8-acres, Santa Monica Mountains, Los Angeles County. (BJC-V) **[WITHDRAWN]**

STATEWIDE

17. **APPROVAL OF MINUTES. [APPROVED]**

18. **COMMISSIONERS' REPORTS.**

19. **CONSERVANCY REPORT.**

20. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.**

21. **SANTA MONICA BAY RESTORATION COMMISSION REPORT.**

22. **DEPUTY ATTORNEY GENERAL'S REPORT.**

23. **EXECUTIVE DIRECTOR'S REPORT** including report on legislation.

a. **Contract.** Authorization to contract with Santa Barbara County Planning Department to provide staff services to assist in review of OCS Lease tracts. (AJD & SMH-SF) **[APPROVED]**

b. **Public Education Grant Program.** Public hearing and action on proposed competitive grant awards from sales of the Whale Tail License Plate. (CP & SBL-SF) **[APPROVED]**

9:00 a.m.

THURSDAY, MARCH 17, 2005

1. **CALL TO ORDER.**

2. **ROLL CALL.**

SAN DIEGO COAST DISTRICT

3. **CONSENT CALENDAR.** See **AGENDA CATEGORIES.**

a. **Application No. 6-05-5 (Santa Fe Irr. Dist., Solana Beach)** Application of Santa Fe Irrigation District to replace waterlines (4- & 6-inch) with 8- & 12-inch water lines within various public street rights-of-way to increase flows for fire protection, at Canyon Drive, Ford Avenue, Marview and South Hwy 101 between Dahlia Drive and Plaza Street, Solana Beach, San Diego County. (WNP-SD) **[APPROVED WITH CONDITIONS]**

b. **Application No. 6-05-7 (SD Co. Parks & Rec., Encinitas)** Application of San Diego County Parks & Recreation Dept and San Elijo Lagoon Conservancy to open San Elijo Lagoon mouth Inlet as needed for 10 year period, at mouth of San Elijo Lagoon, Highway 101, Cardiff, Encinitas, San Diego County. (DL-SD) **[APPROVED WITH CONDITIONS]**

NORTH COAST DISTRICT

4. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Eureka office at (707) 445-7833.

5. **CONSENT CALENDAR (removed from Regular Calendar).** See **AGENDA CATEGORIES. [APPROVED WITH CONDITIONS]**

6. **LOCAL COASTAL PROGRAMS (LCPs).** See **AGENDA CATEGORIES.**

- a. **Del Norte Co. LCP Amendment No. DNC-MAJ-1-04 (Walters) Time Extension.** Public hearing and Commission action to extend time limit for action by County of Del Norte to accept Commission certification of LCP Amendment No. DNC-MAJ-1-04 with suggested modifications. (JB-E) **[Time Extension APPROVED]**
- b. **Del Norte Co. LCP Amendment No. DNC-MAJ-2-04 (Rural Land Division Standards) Time Extension.** Public hearing and Commission action to extend time limit for action by County of Del Norte to accept Commission certification of LCP Amendment No. DNC-MAJ-2-04 with suggested modifications. (JB-E) **[Time Extension APPROVED]**
- c. **Del Norte Co. LCP Amendment No. DNC-MAJ-2-00 (Fernandes).** Public hearing and action on request by County of Del Norte to amend certified Implementation Plan to rezone of five acres from General Resources Conservation Area (RCA-1) zoned land to Designated Resources Conservation Area Riparian Vegetation (RCA-2(r)) and Rural Residential Agriculture, RCA (General Designated Resource conservation) and RRA-2 (Rural Residential and Agriculture - 1du/2ac.). (JB-E) **[APPROVED WITH MODIFICATIONS]**
- d. **Point Arena LCP Amendment No. PTA-MAJ-2-04 (Wasserman) Time Extension.** Public hearing and action to extend time limit to act on request by City of Point Arena to change land use designation and zoning of 7.4-acre site at 240 Port Road from Agriculture Exclusive (20 acre minimum) to Residential Agriculture (2 acre minimum). (RSM-E) **[Time Extension APPROVED]**
- e. **Mendocino Co. LCP Amendment No. MEN-MAJ-1-02 D (Wages Creek Campground & Westport Cemetery).** Public hearing and action on request by Mendocino County to amend land use plan and implementation plan to reflect boundary line adjustments between Wages Creek Campground and Westport Cemetery District, including changing designations from Remote Residential 20-acre minimum (RMR-20) to Public Facility (PF), Open Space (OS) to Public Facility (PF), and OS to RMR-20, at two adjacent lots, one mile north of Westport, west of Highway One, near Wages Creek. (RP-SF) **[APPROVED WITH MODIFICATIONS]**

7. NEW APPEAL. See **AGENDA CATEGORIES.**

- a. **Appeal No. A-1- 05-2 (U. S. Cellular & Stanford, Mendocino)** Appeal by Mona Lisa Perez, Antonia Lamb & Donna Schuler from decision of County of Mendocino granting permit with conditions to U. S. Cellular Corporation and Jeff & Joan Stanford for wireless telecommunications (cellular) service facility (two 4-panel antennas & two global positioning antennas) to be concealed within two of six existing 35-ft. chimneys and associated electronic equipment to be housed within main structure of Stanford Inn, at 44850 Comptche Ukiah Road, ½ mile south of Town of Mendocino, Mendocino County. (RP-SF) **[NO SUBSTANTIAL ISSUE FOUND]**

7.5 COASTAL PERMIT APPLICATIONS. See **AGENDA CATEGORIES.**

- a. **Application No. 1-01-30 (Humboldt Co. Public Works)** Application of the Humboldt County Public Works Department to replace and modify storm-drain system at west end of School Road, McKinleyville, Humboldt County. (RSM-E) **[APPROVED WITH CONDITIONS]**
- b. **Application No. 1-03-4 (Reclamation Dist. 768, Humboldt Co.)** Application of Reclamation District 768 to repair 230-ft-long breach in part of levee along Mad River Slough, replace two 48-inch-diameter culverts & flood gates, and repair and maintain levee system for 10 years, along north shoreline of Humboldt Bay and banks of Mad River Slough, Humboldt County. (DSL-SC) **[APPROVED WITH CONDITIONS]**
- c. **Application No. 1-03-45 (Humboldt Co. Clam Beach vehicle gate)** Application of the Humboldt County Public Works Department for installation of a gate and related signage within the vehicle access area of Clam Beach County Park, to prevent vehicle access on the beach after daylight hours at Clam Beach County Park, near McKinleyville, Humboldt County. (RSM-E) **[APPROVED WITH CONDITIONS]**

ENFORCEMENT

- 8. ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. (LAH-SF)
- 9. COMMISSION CEASE & DESIST ORDER No. CCC-05-CD-02 (Knipe, Los Angeles Co.)** Public hearing and Commission action on proposed Cease & Desist Order directing Victor & Susan Knipe to cease from conducting further unpermitted development and from maintaining unpermitted structures including fences, horse corrals, horse stable, horseback riding ring, and roads, on Assessor Parcel Nos. 4456-013-024, 4456-037-038, 4456-037-037, and 4456-037-010, next to Dark Canyon Creek and Pluma Road, In Monte Nido area of Los Angeles County. (ANM-SF) **[POSTPONED]**

9.5 COMMISSION RESTORATION ORDER No. CCC-05-RO-2 (Knipe, Los Angeles Co.) Public hearing and

Commission action on proposed Restoration Order directing Victor & Susan Knipe to remove unpermitted development and restore disturbed areas, including land subject to offer-to-dedicate fee interest, with restorative grading and revegetation with native plant species of Santa Monica Mountains; on Assessor Parcel Nos. 4456-013-024, 4456-037-038, 4456-037-037, and 4456-037-010, next to Dark Canyon Creek and Piuma Road, in Monte Nido area of unincorporated Los Angeles County. (ANM-SF) **[POSTPONED]**

SAN DIEGO COAST DISTRICT

10. DEPUTY DIRECTOR'S REPORT. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's San Diego office at (619) 767-2370.

a. Encinitas LCP Amendment No. 3-03 (Community Character) Certification Review. Concurrence with Executive Director's determination that action by City of Encinitas, accepting the Commission's certification with suggested modifications is legally adequate. (GDC-SD) **[APPROVED]**

11. CONSENT CALENDAR (removed from Regular Calendar). See **AGENDA CATEGORIES.** **[APPROVED WITH CONDITIONS]**

12. LOCAL COASTAL PROGRAMS (LCPs). See **AGENDA CATEGORIES.**

a. Carlsbad LCP Amendment No. 3-04A (Carlsbad Ranch). Public hearing and action on request by City of Carlsbad to amend its certified LCP Land Use and Implementation Plan to allow Planning Area #5 to develop as stand-alone resort hotel independent of developing Planning Area #8 as golf course. (BP-SD) **[APPROVED]**

b. Carlsbad LCP Amendment No. 3-04 B-G (NPDES, Emerald Pointe, Tabata, Lohf, Palomar Pointe and Thompson/Tabata) Time Extensions. Public hearing and action to extend time limit for Commission action for up to one year on request by City of Carlsbad to amend six separate components of its certified LCP Land Use and Implementation Plans. (BP-SD) **[APPROVED]**

c. San Diego LCP Amendment No. 3-03B (Crescent Heights). Public hearing and action on request by City of San Diego to amend its certified North City/Mira Mesa Land Use Plan and modify maps to define development area and open space on nine non-contiguous parcels (185-acres); and Implementation Plan amendment to rezone all parcels currently zoned AR-1-1 (minimum 10-acre lots) to RX-1-1 (single-family residential) and RM-2-5 (multi-family), with all open space rezoned to OC-1-1, on property surrounding Camino Santa Fe and Calle Cristobal, Mira Mesa, North City. (EL-SD) **[APPROVED WITH MODIFICATIONS]**

d. San Diego LCP Amendment No. 3-03C (Sunset Pointe). Public hearing and action on request by City of San Diego to amend certified Mira Mesa Land Use Plan and modify maps to define development area and open space on 37-acre site; and Implementation Plan amendment to rezone all parcels currently zoned AR-1-1 (minimum 10-acre lots) to RS-1-14 (single family residential) with all open space rezoned to OC-1-1, at south of southern ends of Sunny Mesa Way and Lopez Ridge Way, Mira Mesa, North City. (EL-SD) **[TO CONTINUE]**

e. San Diego LCP Amendment No. 1-04B. (Tandem Parking & Transit Overlays). Public hearing and action to amend City's certified LCP Implementation Plan to remove certain properties from Residential Tandem Parking Overlay Zone and Transit Area Overlay Zone. (LRO-SD) **[APPROVED]**

13. NEW APPEAL. See **AGENDA CATEGORIES.**

a. Appeal No. A-6-LJS-05-14 (Olsen & Tang, San Diego) Appeal by Joseph F. Marrone from decision of City of San Diego granting permit with conditions to William R. Olsen, Jr. and Wanda W. Tang to demolish single-family home, and construct 4,943 sq.ft. 2-story single-family home (with 1,820 sq.ft. basement) and attached 616 sq.ft. garage and relocate private storm drain pipe, on 7,148 sq.ft. lot, at 348 Vista De La Playa, La Jolla, San Diego, San Diego County. (LRO-SD) **[NO SUBSTANTIAL ISSUE FOUND]**

14. COASTAL PERMIT APPLICATIONS. See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to

expedite the Commission's coastal development permit process.

- a. **Application No. 6-04-49 (22nd Ag. Dist., Del Mar)** Application of 22nd District Agricultural Association to demolish three exhibit halls/barns totaling 56,410 sq.ft. and replace with two new exhibit halls/ barns totaling 82,336 sq.ft. in same area as three removed barns at fairgrounds facility, at 2260 Jimmy Durante Boulevard, Del Mar, San Diego County. (EL-SD) **[APPROVED WITH CONDITIONS]**
- b. **Application No. 6-04-83 (Cumming & Johnson, Solana Beach)** Application of John Cumming & Lee Johnson to construct 138-ft-long 35-ft-high concrete seawall and reinforced fill slope on beach and bluff below two homes, at 371 & 403 Pacific Avenue, Solana Beach, San Diego County. (GC-SD) **[APPROVED WITH CONDITIONS]**
- c. **Application No. 6-04-94 (SD Metro Waste seismic retrofit)** Application of City of San Diego Metropolitan Wastewater Department to install tiebacks and brace two 84-inch outfall pipes at Point Loma Wastewater Treatment Plant (PLWTP), at 1902 Gatchell Road, Peninsula, San Diego, San Diego County. (LRO-SD) **[APPROVED WITH CONDITIONS]**
- d. **Application No. 6-04-128 (Fisher, San Diego)** Application of Dan Fisher for underpinning for existing seawall foundation and new cement slurry behind wall to fill void, at 1370 Sunset Cliffs Blvd., Ocean Beach, San Diego, San Diego County. (LRO-SD) **[DENIED]**
- e. **Application No. 6-04-28 (22nd Ag. Dist., San Diego)** Application of 22nd District Agricultural Association to replace two unpermitted office trailers with two new office trailers of same size and in same location, at existing equestrian facility, 14550 El Camino Real, North City, San Diego, San Diego County. (EL-SD) **[APPROVED WITH CONDITIONS]**
- f. **Application No. 6-04-29 (22nd Ag. Dist., San Diego)** Application of 22nd District Agricultural Association for after-the-fact approval of several structures including: 18 barns, 2 fenced open show rings, 4 fenced open training rings, several minor sheds and out buildings; and reconfiguration of oval grass & covered show arenas and 6 open show rings at existing equestrian facility; extension of sanitary sewer system, relocate water tower, retain parts of unpermitted fill and provide buffer from on-site wetlands, at 14550 El Camino Real, North City, San Diego, San Diego County. (EL-SD) **[APPROVED WITH CONDITIONS]**

15. **PERMIT AMENDMENTS.** See **AGENDA CATEGORIES.** An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.

- a. **Permit No. F7453-A2 (Stephenson, San Diego)** Request by Richard & Agnetha Stephenson to amend permit to divide 40.2 acres into 27 lots to revise development restrictions to allow home size to increase from 3,000 to 4,656 sq.ft. and to construct 1-story 1,300 sq.ft. garage & workshop addition and pool, at 3070 Racetrack View Drive, North City, San Diego, San Diego County. (DL-SD) **[APPROVED WITH CONDITIONS]**
- b. **Permit No. F6760-A2 (Kretowicz, San Diego)** Request by Ure & Dianne Kretowicz to amend permit for addition to home to replace offer to dedicate public access easement with emergency lifeguard access and \$10,000 for public access improvements in area; also, remove improvements (wooden timber stairs, retaining walls and palm trees) on face of coastal bluff, modify retaining wall, install patio & barbecue and construct car lift in garage, at 7957 Princess Street, La Jolla, San Diego, San Diego County. (LRO-SD) **[POSTPONED]**

16. **FINDINGS.** See **AGENDA CATEGORIES.**

- a. **Permit No. 6-04-71 (Evangelical Formosan Church, San Diego)** Evangelical Formosan Church granted permit with conditions for 24,069 sq.ft. church with 43-ft high steeple, on 3.6-acre site, at 14900 El Camino Real, North City, San Diego, San Diego County. (DL-SD) **[APPROVED]**

9:00 a.m.

FRIDAY, MARCH 18, 2005

1. CALL TO ORDER.

2. ROLL CALL.

NORTH CENTRAL COAST DISTRICT

3. DEPUTY DIRECTOR'S REPORT. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's San Francisco office at (415) 904-5260.

4. CONSENT CALENDAR (removed from Regular Calendar). See **AGENDA CATEGORIES.**

5. LOCAL COASTAL PROGRAM (LCP). See **AGENDA CATEGORIES.**

a. Half Moon Bay LCP Amendment HMB-MAJ-1-05 (additions to homes). Public hearing and action on request by City of Half Moon Bay to modify procedures for permitting additions to single-family home on substandard lots. (YZ-SF) **[APPROVED WITH MODIFICATIONS]**

6. COASTAL PERMIT APPLICATION. See **AGENDA CATEGORIES.** **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. Appeal No. A-2-04-2 (Polacek, San Mateo Co.) Application of Michael & Anna Polacek for 5,866 sq.ft. single-family home, 569 sq.ft. garage, 329 sq.ft. workshop & craft studio, pool, septic system, landscaping, 1,400 cu. yds. of grading and conversion of existing agricultural well to domestic well, on 17.98-acre lot, on west side of Bean Hollow Road in Pescadero, San Mateo County. (SC-SC) **[POSTPONED]**

CENTRAL COAST DISTRICT

7. DEPUTY DIRECTOR'S REPORT. Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Santa Cruz office at (831) 427-4863.

a. Capitola LCP Amendment No. 2-04 A (Tree & Forest Ordinance; Secondary Dwellings) Certification Review. Concurrence with Executive Director's determination that action by City of Capitola accepting certification of Amendment No. 2-04 Part A with modifications is legally adequate. (SC-SC) **[APPROVED]**

b. Capitola LCP Amendment No. 2-04 (Three Visitor-Serving areas) Certification Review. Concurrence with Executive Director's determination that action by City of Capitola, accepting certification of Amendment No. 2-04 with modifications, is legally adequate. (SC-SC) **[APPROVED]**

8. CONSENT CALENDAR (removed from Regular Calendar). See **AGENDA CATEGORIES.** **[APPROVED WITH CONDITIONS]**

9. LOCAL COASTAL PROGRAMS (LCPs). See **AGENDA CATEGORIES.**

a. Santa Cruz Co. LCP Amendment No. SCO-2-04 (Part 1) (Park Site Review). Public hearing and action on request by Santa Cruz County to make minor modifications to the LCP's park site review process. (DC-SC) **[APPROVED]**

b. Santa Cruz Co. LCP Amendment No. SCO-2-04 (Part 3) (Public Notices - Signs and Neighborhood Meetings). Public hearing and action on request by Santa Cruz County to make minor changes to the LCP's procedural section to modify posting notice parameters and to add neighborhood meeting requirements. (DC-SC) **[POSTPONED]**

c. Santa Cruz Co. LCP Amendment No. SCO-2-04 (Part 4) (2-Story Second Unit Approvals). Public hearing and action on request by Santa Cruz County to modify LCP requirements applicable to two-story and/or greater than 17 foot tall second units located within urban areas. (DC-SC) **[APPROVED]**

10. NEW APPEALS. See AGENDA CATEGORIES.

a. Appeal No. A-3-04-64 (Parks & Rec., Monterey Co.) Appeal by Friends of The Big Sur Coast & Joseph P. Schoendorf from decision of County of Monterey granting permit with conditions to California Department of Parks & Recreation for waterfall House Landscape Maintenance Project consisting of replacing 4,516 exotic plants (trees & shrubs) with native plants near environmentally sensitive habitat (ESHA) and on slopes exceeding 30%, at Julia Pfeiffer-Burns State Park (Highway One), Big Sur, Monterey County. (CKC-SC) **[POSTPONED]**

b. Appeal No. A-3-05-2 (Yandow, Pismo Beach) Appeal by Commissioners Caldwell & Wan and Tim Page from decision of City of Pismo Beach granting permit with conditions to Mark S. & Sandra L. Yandow to expand garage in northwest part of property to within 5 ft. of property line and within or on top of vertical access path, at 188 Seacliff, Pismo Beach, San Luis Obispo County. (MW-SC) **[SUBSTANTIAL ISSUE FOUND, de Novo Hearing TO CONTINUE]**

c. Appeal No. A-3-05-14 (Crowther, San Luis Obispo Co.) Appeal by Commissioners Reilly & Wan from decision of County of San Luis Obispo granting permit to John Crowther for 4,100 sq.ft. farm support quarters as earthquake damage replacement, at Van Gordon Creek Road and Highway One, San Simeon, San Luis Obispo County. (JB-SC) **[SUBSTANTIAL ISSUE FOUND, de Novo Hearing TO CONTINUE]**

11. COASTAL PERMIT APPLICATIONS. See AGENDA CATEGORIES. Attention: Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See **AGENDA CATEGORIES**) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

a. Application No. A-3-02-92 (Webb, Santa Cruz Co.) Application of Margaret Webb to construct single-family home, define two additional building envelopes, and improve Coastview Drive next to Corcoran Lagoon, in Live Oak region of Santa Cruz County. (DC-SC) **[APPROVED WITH CONDITIONS]**

b. Application No. 3-02-114 (Kelley & Green, San Luis Obispo Co.) Application of Richard Kelley & Carmen Green for duplex (two 1,425 sq.ft. apartments) with associated grading and landscaping, at 537 Honolulu Avenue, Oceano, San Luis Obispo County. (JB-SC) **[POSTPONED]**

c. Application No. 3-04-30 (Pebble Beach Co., Monterey Co.) Application of Pebble Beach Company for two concrete seawalls with steel tiebacks and artificial stone fascia at base of coastal bluff to protect 5th Tee (83-ft-long, 43 to 46 ft-ft-high with 24-ft. of buried wing walls) and 5th Green (160-ft-long 14-22 ft-high with 22-ft. of buried wing walls, backfilled and vegetated to recreate 2:1 slope to top of bluff), at 5th Hole @ Pebble Beach Golf Links, Pebble Beach, Monterey County. (CKC-SC) **[POSTPONED]**

ENCLOSURE 7

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 686-1800



June 13, 2005

Ms. Lyn Krieger, Director
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA. 93035-4367

RE: Channel Islands Harbor Public Works Plan (PWP) Amendment 1-04

Dear Ms. Krieger:

On March 16 2005, the Coastal Commission took the following action on PWP Amendment 1-04:

By a vote of 7 to 3 approved Amendment 1-04 to the Public Works Plan with suggested modifications.

The Commission's action is based upon the findings contained in the staff report dated March 3, 2005 and the Addendum dated March 15, 2005. The suggested modifications, as approved by the Commission, are attached separately for your convenience.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested person or agencies. Further, the certification shall not be deemed final and effective until all of the following occur (summarized as applicable to PWP's):

- (a) **The governing authority acknowledges receipt of the Commission's resolution of certification including any terms or modifications which may have been required for final certification; accepts and the Board of Supervisors agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications;**
- (b) The Executive Director of the Commission determines in writing that the action of the governing authority, the Board of Regents or Board of Trustees where appropriate, is legally adequate to satisfy any specific requirements set forth in the Commission's certification order; and
- (c) The Executive Director of the Commission reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If the Executive Director finds that the governing authority's action does not conform to the provisions of the Commission's action to certify the PWP, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

If there are any questions regarding this matter, please contact Gary Timm in our Ventura office. The Commission and staff greatly appreciate the County's cooperation and assistance.

Authorized on behalf of the California Coastal Commission by:

PETER DOUGLAS
Executive Director

By: Gary Timm
Coastal Program Manager

Proposed Major Amendment (1-04) to the Channel Islands Harbor Public Works Plan approved with modifications at the 3/16/04 Commission Hearing.

SUGGESTED MODIFICATIONS

The Commission certified the Public Works Plan Amendment with the suggested modifications as shown or described below. Language presently contained within the certified PWP is shown in straight type. Language recommended to be deleted is shown in line-out. Language proposed to be inserted is shown underlined. Other suggested modifications to revise maps or figures are shown in *italics*.

The following policies relating to construction and continued operation of the Boating Instruction and Safety Center shall be added to the Public Works Plan:

Add to Chapter 4.5, Biological Resources – Policies (page 74):

Modification 1

Portions of Hollywood Beach west of the Harbor utilized by western snowy plovers and/or California least terns for nesting, breeding, and foraging are designated as Environmentally Sensitive Habitat Area. No activities associated with operation of the BISC shall be permitted to occur on or across Hollywood Beach during the nesting/breeding season for snowy plovers and least terns (March 1 – September 30). In carrying out this policy the Harbor Department shall consult with the US Fish and Wildlife Service.

Modification 2

The Harbor Department shall coordinate with the California Department of Fish and Game, the US Fish and Wildlife Service and the Army Corps of Engineers to develop and implement a long-term conservation plan for California least terns and western snowy plovers at Hollywood Beach. The conservation plan shall include management strategies that address Harbor education and outreach programs (including those associated with the BISC), beach maintenance activities, dredging, and designation of breeding areas for the least tern and snowy plover.

Modification 3

The Harbor Department shall avoid beach grooming activities at Hollywood Beach between January 1 and September 30 of each year unless authorized by the US Fish and Wildlife Service. Removal of items not necessary to support insects and invertebrates that western snowy plovers feed upon is allowed provided that removal is not conducted during the breeding season. Motorized

vehicles shall stay on the wet sand or along the south edge by the jetty during this period.

Modification 4

The Harbor Department shall install educational signs at access points to Hollywood Beach to inform beach users of "leash" laws and to discourage harmful activity within the nesting area for snowy plovers and least terns during the breeding season. If recommended by the U.S. Fish and Wildlife Service "symbolic" fencing (e.g. rope and stakes) may be installed to protect nests during the breeding season.

Modification 5

Construction of the Boating Instruction and Safety Center (BISC)

Commencement of construction shall not take place until a qualified biologist has determined the black-crowned night herons are no longer nesting. No Construction shall commence or ongoing exterior construction shall occur during the nesting season for black-crowned night herons (February through July). Construction Improvements to the interior of the building may continue during the balance of the year if the biological monitor determines that interior construction will not adversely impact nesting or fledging activity and all construction noise is mitigated to the maximum feasible extent. Construction staging shall take place from the opposite side of the BISC away from the nesting trees. A qualified biologist shall monitor the site prior to, during (at least twice monthly), and after construction. The biologist shall submit a monitoring report after each nesting season during construction and once annually for 3 years after final construction is completed which addresses the status of black-crowned night heron nesting in the immediate vicinity of the BISC.

Modification 6

To avoid disturbance of nesting herons all lighting on the north side of the BISC building shall be of low intensity and directed downward and/or away from nesting trees.

Modification 7

Replacement of all lost boat slips within CIH

All recreational boat slips eliminated due to construction of the BISC project shall be replaced in kind (size and use) within the Channel Islands Harbor PWP jurisdiction. Replacement shall take place within 6 months of completion of BISC.

Modification 8Replacement of lost park area from BISC construction

The County shall be responsible for the replacement of an equal or greater area of park to that lost to construction of the BISC within the immediate area of the project site in the Harbor. The replaced park area shall be equally accessible and usable by the public as the area lost to construction. The replacement of the park shall occur concurrently with construction of the BISC.

Modification 9

Page 5, 3rd paragraph. (Delete proposed addition of "Phase III basin" and "basin" and elimination of "built out" as follows:

With the completion of already approved projects along the West Channel, the Harbor will be completely built out. . . . The Harbor Department does not have plans for any major expansions or re-constructions of the Harbor area.

Modification 10

Page 22, - *Figure IV shall be revised to identify the Boating Instruction & Safety Center as proposed rather than existing at bottom of page as follows:*

Existing and/or Proposed Recreation/Access/Visitor Serving Facilities

Modification 11

Page 25, FUTURE WATERSIDE BOATING SUPPORT FACILITIES (for BISC at bottom): *-Table II shall be revised to account for change in number of recreational and live-aboard boating spaces due to construction of BISC as well as lateral dock space provided for BISC.*

Modification 12

Page 42, Public Parks: *Revise 2nd full sentence at top of page as follows:*

The linear Channel Islands Harbor Park is located on the western Harbor side, and consists of all open turf and landscaped area, trees, picnic tables, walkways and restroom facilities.

Modification 13

Figures III (page 6), IV (page 22) and VII (page 35) shall be revised to clarify or reflect that the entire linear landscaped park along the west side of the Harbor is designated as Public Park (with the exception of the portion of the existing park eliminated due to construction of BISC).

Modification 14

Page 50, Recreation Policy 20 shall be revised as follows:

20. All areas designated as public parks and beaches in Figures III, IV, and VII of the Plan shall be protected as open space and shall not be developed or utilized for other uses without an amendment to the Plan.

Modification 15

Page 50, Visual Access Policy 22c. shall be revised as follows:

- 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.

Modification 16

Table III (page 51) shall be revised to incorporate results of parking lot survey conducted over 3-day Labor Day weekend, September 2004.

Modification 17

Page 53, 3rd paragraph (proposed to be added by Harbor Department) under "Recreational Boating" shall be modified as follows:

One means of carrying out the Recreational Boating policies of the Coastal Act is by establishing a Boating Instruction and Safety Center on the west side of the Harbor as shown on Figures III, IV, V, and VII.

Modification 18

Page 69, Biological Resources, added paragraph under "Existing Conditions" shall be modified as follows:

Notwithstanding this man-made environment, several bird species, such as great blue herons and black-crowned night herons, utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed as threatened or endangered, their presence is considered important. In addition, nearby Hollywood Beach west of the Harbor is designated as critical habitat for western snowy plover and California least tern.*

*double underline indicates language added to new language proposed to the PWP by the Harbor Department

Modification 19

Page 71, under "BIRDS", add black-crowned night herons, and western snowy plover and California least tern on adjacent Hollywood Beach.

Modification 20

Page 74, Section 4.5, Biological Resources, POLICIES shall be modified to add the following policies:

Water Quality Protection

5. Ensure that development is designed and managed to minimize the introduction of pollutants into the Channel Islands Harbor and surrounding coastal waters to the maximum extent practicable.

6. Ensure that development plans and designs incorporate appropriate Site Design, Source Control and Structural Treatment Control Best Management Practices (BMPs) to reduce pollutants and runoff from the proposed development to the maximum extent practicable. Structural Treatment Control BMPs shall be implemented when a combination of Site Design and Source Control BMPs are not sufficient to protect water quality.

7. Ensure that development minimizes erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable. Ensure that development minimizes land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.

8. Ensure that development incorporates appropriate design elements and management practices to minimize adverse impacts to water quality related to boating facilities and boater waste in the Channel Islands Harbor to the maximum extent practicable. Boating in the Harbor shall be managed in a manner that protects water quality, and any persons or employees maintaining boats in slips or using slips on a transient basis

shall be made aware of water quality provisions.

Suggested Modification 21 (added pursuant to 3/15/05 addendum)

Page 28 of PWP amendment, Chapter 2.3, first sentence under "Commercial Sport Fishing" shall be revised to delete the proposed change in the dock length as follows:

The commercial sport enterprises within the Harbor operate from approximately 600 300 feet of floating dock at Murre Way on the eastern side of the main channel.

Suggested Modification 22 (added at 3/16/05 Commission Hearing)

Page 74 of PWP amendment, Biological Resources, POLICIES, shall be modified to add to following policy:

In order to provide further protection to avian species adjacent to the BISC, all music played at the BISC during special events, whether inside or outside the facility, shall consist of non-amplified, acoustic music.

Channel Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05

Replacement shall take place within 6 months of completion of the BISC and the new replacement slips shall require a Coastal Development Permit from the Commission.

3. Protection of Nesting and Roosting Herons

Commencement of construction shall not take place until a qualified biologist has determined the black-crowned night herons are no longer nesting. No Construction shall commence or ongoing exterior construction shall occur during the nesting season for black-crowned night herons (February through July). Construction improvements to the interior of the building may continue during the balance of the year if the biological monitor determines that interior construction will not adversely impact nesting or fledging activity and all construction noise is mitigated to the maximum feasible extent. Construction staging shall take place from the opposite side of the BISC away from the nesting trees. A qualified biologist shall monitor the site prior to, during (at least twice monthly), and after construction. The biologist shall submit a monitoring report after each nesting season during construction and once annually for 3 years after final construction is completed which addresses the status of black-crowned night heron nesting in the immediate vicinity of the BISC.

4. Direction of lighting on north side of building away from nesting trees.

To avoid disturbance of nesting herons all lighting on the north side of the BISC building shall be of low intensity and directed downward and/or away from nesting trees.

5. Revised Plans for showing replacement of lost park area.

Prior to commencement of construction the County shall submit, for the review and approval of the Executive Director, a site plan showing the replacement of an equal or greater area of park to that lost to construction of the BISC within the immediate area of the project site in the Harbor. The replaced park area shall be equally accessible and usable by the public as the area lost to construction.

6. Drainage and Polluted Runoff Control Plan

Prior to the commencement of development, the Harbor Department shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Site design, source control, and treatment control BMPs shall be implemented to minimize water quality impacts resulting from the proposed project.

- (b) Parking lots shall be designed to minimize the offsite transport of pollutants that are deposited on parking lot surfaces. Parking lots shall be designed to reduce impervious land coverage of parking areas, infiltrate runoff before it reaches the storm drain system, and treat runoff before it reaches the storm drain system. The proposed parking lots for this project shall incorporate infiltration measures such as permeable pavement, infiltration basins, or other landscaped features to ensure that all runoff is infiltrated and/or treated onsite before it reaches the storm drain system, to the maximum extent feasible.
- (c) Development of the BISC shall be designed to control the runoff of pollutants from structures, parking and loading areas. Loading/unloading dock areas shall be covered or run-on and run-off of drainage shall be minimized. Under no circumstances are direct connections to the storm drains from depressed loading docks permitted. Repair/maintenance bays shall be indoors or designed in such a way that does not allow stormwater run-on or contact with stormwater runoff. Repair/maintenance bay drainage systems shall be designed to capture all washwater, leaks and spills and shall be connected to a sump for collection and disposal. Vehicle/boat/equipment wash areas shall be self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer.
- (d) Outdoor material storage areas shall be designed to prevent stormwater contamination from stored materials. Materials with the potential to contaminate storm water shall be placed in an enclosure such as a cabinet, shed or similar structure that prevents contact with runoff or spillage to the storm water conveyance system or protected by secondary containment structures such as berms, dikes or curbs. The storage area shall be paved and sufficiently impervious to contain leaks and spills.
- (e) Trash storage areas shall be designed to prevent stormwater contamination by loose trash and debris. Trash container areas shall have drainage from adjoining roofs and pavement diverted around the area(s). Trash container areas shall be screened or walled to prevent off-site transport of trash.
- (f) Treatment control 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 runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (g) Runoff shall be conveyed off site in a non-erosive manner.
- (h) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (i) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail

Chanin Islands Harbor PWP Amendment 1-04 &
Notice of Impending Development 1-05

or result in increased erosion, the Harbor Department or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area.

7. Erosion Control and Removal of Debris

Prior to the commencement of development, the Harbor Department shall submit, for the review and approval of the Executive Director, an erosion and sediment control plan and Storm Water Pollution Prevention Plan for the construction phase of the project designed by a licensed landscape architect, licensed engineer, or other qualified specialist. The plans shall be reviewed and approved by the consulting engineering geologist or qualified County designee to ensure that the plans are in conformance with the consultants' recommendations and shall provide the following:

- (a) The project site shall be in compliance with State Water Resources Control Board NPDES Permit Waste Discharge Requirements for Construction Activity and shall not cause or contribute to significant adverse impacts to coastal resources.
- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to erosion and dispersion.
- (c) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction.
- (d) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas.
- (e) Construction debris and sediment shall be properly contained and secured on site with Best Management Practices (BMPs) to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. BMPs designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activities shall be implemented prior to the on-set of such activity. These BMPs shall include, but are not limited to: storm drain inlets must be protected with sandbags or berms, sediment must be trapped on site using fiber rolls, silt fencing or sediment basins, disturbed areas must be stabilized with vegetation, mulch or geotextiles, all stockpiles must be covered, the storage, application and disposal of pesticides, petroleum and other construction and chemical materials must be managed and controlled, and adequate sanitary and waste disposal facilities must be provided. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading and/or site preparation operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an

Channel Islands Harbor PWP Amendment 1-04-6
Notice of Impending Development 1-05

appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and graded areas with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

8. Water Quality/Best Management Practices Program

Prior to the commencement of development, the Harbor Department shall submit, for the review and approval of the Executive Director, a detailed Water Quality/Best Management Practices (BMP) Program for controlling adverse impacts to water quality related to the public boating facilities associated with this project. The plan shall demonstrate that boating in the project area will be managed in a manner that protects water quality and that persons or employees maintaining boats in slips or using slips on a transient basis are made aware of water quality provisions. The plan shall include, at a minimum, the following provisions:

a. Boat Maintenance Best Management Practices

- Clean boat hulls above the waterline and by hand. Where feasible, remove the boats from the water and perform cleaning at a location where debris can be captured and disposed of properly.
- Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
- Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
- In-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull shall be minimized to the maximum extent practicable.

b. Solid Waste Best Management Practices Related to Boat Maintenance

- Boat maintenance and cleaning shall be performed above the waterline in such a way that no debris falls into the water.
- Clearly marked designated work areas for boat repair and maintenance shall be provided. Work outside of designated areas shall not be permitted.
- Hull maintenance areas, if provided, shall be cleaned regularly to remove trash, sanding dust, paint chips and other debris.
- Public boat facility patrons shall be provided with proper disposal facilities, such as covered dumpsters or other covered receptacles.