

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

**DATE:** March 3, 2005

**TO:** Commissioners and Interested Persons

**FROM:** John Ainsworth, Deputy Director  
Gary Timm, District Manager

**SUBJECT:** (1) Proposed Major Amendment (1-04) to the Channel Islands Harbor Public Works Plan and;

(2) Notice of Impending Development 1-05, Pursuant to the Channel Islands Harbor certified Public Works Plan (PWP) as amended by the proposed PWP amendment 1-04 referenced above.

For Public Hearing and Commission Action at the March 16, 2005  
Commission Meeting in Orange County

**SUMMARY AND STAFF RECOMMENDATION**

The amendment to the Public Works Plan (PWP) is proposed to allow for the construction of the Boating Instruction and Safety Center (BISC) on property owned by the County of Ventura located on the west side of the Channel Islands Harbor. The County Harbor Department has also submitted the corresponding Notice of Impending Development (NOID) to provide for construction of the proposed project upon certification of the PWP amendment. The project includes approximately 26,000 sq. ft. of exterior space, 24,000 sq. ft. of dock space, a two-story 19,000 sq. ft. building, and a one-story 1,000 sq. ft. maintenance/storage building.

The Ventura County Harbor Department submitted the amendment to its certified Channel Islands Harbor Public Works Plan (PWP) on October 28, 2004. On November 19, 2004, the Executive Director determined that the County's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30605. Pursuant to Section 30605 of the Coastal Act, any proposed amendment to the certified PWP shall be submitted to, and processed by, the Commission in the same manner as prescribed for amendment of a local coastal program.

Relative to the proposed amendment, the Commission and the County have entered into an agreement that tolls any statutes of limitation applicable to the County's filing of litigation against the Commission over action taken by the Commission on the BISC

project at the February 2004 hearing until July 1, 2005. As part of the agreement the Commission agrees to hear and decide an application for a PWP amendment related to the BISC within six months of that application being determined complete and deemed filed by the Commission unless extended by future mutual agreement of both parties.

Coastal Act Section 30517 and California Code of Regulations Section 13535 (c) state that the Commission may extend for good cause any time limit for a period not to exceed one year. Therefore, in accordance with the agreement referenced above the Commission extended the 60-day time limit by six months in order to allow adequate time to review and analyze the amendment. The six-month time limit extension will expire on May 19, 2005 unless extended by agreement of the County and the Commission.

The Notice of Impending Development was received on February 25, 2005 and deemed filed on February 28, 2005.

Staff is recommending denial of the proposed PWP amendment as submitted followed by approval with 20 suggested modifications. Staff is recommending that the Commission determine that the impending development is consistent with the certified Channel Islands Harbor Public Works Plan with ten special conditions regarding (1) compliance with all required project modifications and mitigation measures; (2) replacement of lost boat slips caused by the project within the harbor; (3) protection of nesting and roosting herons; (4) night lighting restrictions; (5) revised plans for replacement of lost park area; (6) drainage and polluted runoff control; (7) erosion control and removal of debris; (8) Best Management Practices; (9) approval of PWP amendment; and, (10) future CDP for proposed dock, all of which are necessary to bring the development into conformance with the PWP.

### **STANDARD OF REVIEW**

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

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contains all applicable Coastal Act policies, conformance with applicable Chapter 3 policies of the Coastal Act is also required. PRC Section 30605 also states that any proposed amendment shall be processed in the same manner as prescribed for an amendment to a Local Coastal Program.

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

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

### **PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Public Works Plan. The County of Ventura Board of Supervisors held a public hearing and approved the PWP amendment on October 19, 2004. Written comments were also received regarding the project from public agencies, organizations and individuals. The hearing was duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

### **PROCEDURAL REQUIREMENTS**

Because approval of the PWP amendment is subject to suggested modifications by the Commission, the County must act to accept the adopted suggested modifications pursuant to the requirements of Section 13547 of the California Code of Regulations, which provides for the Executive Director's determination that the County's action is legally adequate, within six months from the date of Commission action on this application before the PWP amendment shall be effective.

**I. STAFF RECOMMENDATION FOR DENIAL OF PWP AMENDMENT 1-04 AS  
SUBMITTED AND CERTIFICATION WITH SUGGESTED MODIFICATIONS**

**A. Denial as Submitted**

**MOTION:** *I move that the Commission certify the Channel Islands Harbor Public Works Plan Amendment 1-04 as submitted.*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Public Works Plan Amendment 1-04 and the adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION I:**

The Commission hereby denies certification of the Channel Islands Harbor Public Works Plan Amendment 1-04 and adopts the findings stated below on the grounds that the Amendment does not conform with the certified Local Coastal Program for the City of Oxnard. Certification of the Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or feasible mitigation measures or alternatives that would substantially lessen the significant adverse effects that the approval of the Amendment] would have on the environment.

**B. Certification with Suggested Modifications**

**MOTION:** *I move that the Commission certify the Channel Islands Harbor Public Works Plan Amendment 1-04 if modified as suggested in the staff report.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Public Works Plan Amendment 1-04 plan as modified. The motion to certify passes only by affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION II:**

The Commission hereby certifies the Channel Islands Harbor Public Works Plan Amendment 1-04 as modified and adopts the findings stated below on the grounds that the Amendment as modified conforms with the certified Local Coastal Program for the City of Oxnard. Certification of the Amendment if modified as suggested complies with

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

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 8

Replacement 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, 3<sup>rd</sup> 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 2<sup>nd</sup> 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*

*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, 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, 3<sup>rd</sup> 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 Resources 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:



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.

**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.

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.

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- (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 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85<sup>th</sup> 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 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail

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: stormdrain 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

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.

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- 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.



**III. FINDINGS FOR DENIAL OF THE PUBLIC WORKS PLAN AMENDMENT AS SUBMITTED AND APPROVAL OF THE PUBLIC WORKS PLAN AMENDMENT IF MODIFIED AS SUGGESTED AND APPROVAL OF THE RESPECTIVE NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED.**

The following findings support the Commission's denial of the PWP amendment as submitted, and approval of the PWP amendment if modified as indicated in the *Suggested Modifications* and approval of the corresponding Notice of Impending Development, *as conditioned*. The Commission hereby finds and declares as follows:

**A. Amendment and Project Description and Background**

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

Requirements for the level of information contained in a Public Works Plan are contained in Section 13353 of the California Code of Regulations, which states that a PWP "shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan". Such information includes: 1) the specific type of activity or activities proposed to be undertaken; 2) the maximum and minimum intensity of activity or activities proposed to be undertaken; 3) maximum size of facilities proposed to be constructed pursuant to the plan; and 4) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plan. In other words the Coastal Act envisions that a Public Works Plan functions more as a Specific Plan or a master development permit in order for specific projects or activities described in the PWP to be approved quickly through the Notice of Impending Development Process at later dates with minimal review. Activities, projects, or facilities not specifically proposed in a Public Works Plan in the level of detail described above shall require an amendment to the certified PWP that must be approved by the Coastal Commission prior to approval and issuance of a Notice of Impending Development for said activity, project, or facility.

The Land Use Map contained in the PWP specifies land use designations and describes permitted uses within specific areas of the Harbor. The proposed BISC site is



designated *Visitor Serving Harbor Oriented (VSHO)*. The PWP states that "the purpose of this designation is to provide for visitor serving uses and amenities which are either directly related to the boating activity within the Harbor, or ancillary to it." Permitted uses include "picnicking and other passive recreation, lodging, dining, fast food and shopping in chandleries, gift shops and boutiques, motels, restaurants, convenience stores, gas stations, fire stations, community centers/meeting places, yacht clubs, park areas, marine museums and marine oriented research facilities." Although the BISC is the type of use that appears to be consistent with the use designation it is not specifically referenced or described as a permitted use in the PWP, however. In addition, although the BISC has been rotated on the proposed project site to minimize encroachment into the designated public park, the project is still inconsistent with Policy 20 of the PWP which requires that all areas designated as public parks shall not be developed or utilized for other uses without an amendment to the plan.

The Commission has previously found that the BISC was not approved or intended for the specific proposed project site along the West Channel of the Harbor at the time the PWP was certified. In addition, the BISC is not specifically referenced as an existing or permitted structure in Table I of the PWP which provides for limiting expansion of existing and permitted structures in the Harbor. Therefore, in order for the BISC to be permitted pursuant to the PWP an amendment to the plan is required.

#### Amendment and Project Description

The proposed amendment and project subject to the Notice of Impending Development (NOID) is to authorize the construction and operation of a Boating Instruction and Safety Center (BISC) on a 0.84 acre parcel owned by the County of Ventura located on the west side of the Channel Islands Harbor between Harbor Boulevard and the Harbor (exhibits 2 & 5). The BISC would consist of approximately 26,000 sq. ft. of exterior space, 24,000 sq. ft. of dock space, an approximately 19,000 sq. ft. two-story building, and a one-story, 1,000 sq. ft. maintenance and storage building to provide for incidental maintenance of the sailing, rowing, kayaking, and canoeing vessels. The project includes a full ADA access ramp from the main building to the dock area.

The BISC would be available to California State University – Channel Islands (CSU-CI), the Channel Islands Marine Sanctuary, community colleges, public schools, community groups, and the general public. The County intends to operate the BISC in partnership with CSU-CI to provide programs in marine biology, ecology, coastal resources, and oceanography. These programs will be available to University students and to the general public through extended education classes. The facility will also provide training in sailing, rowing, kayaking, canoeing, and other aquatic skills to students at the University, local public schools and the public. Nominal fees will be charged for equipment rental, boating and safety classes, and education programs. A gathering and teaching facility on the second floor will be available to the general public on a fee basis. The proposed facility will be open to the general public.

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There is significant public opposition to the project, particularly from residents living adjacent to the west side of the Harbor. As originally proposed, the BISC was to be constructed within a grassy area of the Harbor designated as Public Park in the PWP and would have required the removal of a number of nesting trees for Black-crowned Night Herons. In response to comments from Commission staff the County re-oriented the BISC building by 90 degrees to avoid the trees used for nesting activity and to significantly minimize intrusion into the park area. As a result, one non-nesting tree and approximately 1700 sq. ft. of grass area will be lost. Street access was also redesigned, however, to provide a small overall increase in green area of approximately .25 acres. Opponents contend that the amount of green area displaced is 2300 sq. ft. when the area to be fenced off by the BISC is considered. This alternative, identified as alternative 6.2B in the FEIR, was approved by the County as the preferred alternative. In its approval of alternative 6.2B, the County Board of Supervisors incorporated all EIR mitigation measures into the BISC project. The Board also required 10 Standard Conditions and 31 Project Modifications (Special Conditions) in its approval of the project.

Staff note: There are a number of proposed minor changes to the PWP involving correcting typos, punctuation, spelling, and page numbers etc. that do not relate directly to the BISC project. These changes are found throughout the PWP document and staff is recommending approval of these changes as submitted.

#### Department of Boating and Waterways Review

The project is proposed to be funded through a mix of state and local funds. The State Department of Boating and Waterways is contributing a significant portion of the funds necessary to construct the project. The Department of Boating and Waterways has reviewed the proposed project and commented on the proposed project including the proposed location on the west side of the Harbor.

The location of the BISC has become extremely controversial. There is opposition to siting the proposed BISC on the west side of the Harbor and opponents have argued that an eastside location is preferable. The Commission has been provided copies of letters from the Department of Boating and Waterways concerning location of the BISC (December 1, 2003 from Mike Ammon to Lyn Krieger, October 15, 2004 from Raynor Tsuneyoshi, Director to members of the Ventura County Board of Supervisor, and October 21, 2004 from Director Tsuneyoshi to Assemblyman Tony Strickland). [Exhibit 7] These letters all indicate a preference for locating the BISC on the west side of the Harbor in the proposed location. Safety concerns relative to wind direction were cited as one of many factors in the decision. Both the October 15 and 21 letters state "given the considerable safety concerns expressed by independent experts, we cannot recommend funding from the Department of Boating and Waterways for a BISC project on the harbor's east side." Staff recently contacted the Department to confirm this position and in an e-mail dated February 28, 2005 Director Tsuneyoshi stated that the Department continues to prefer the Harbor west side location for the BISC and that the Department's position on funding has not changed.

**B. Consistency with City of Oxnard certified Local Coastal Program**

The Oxnard LCP was effectively certified by the Commission in April 1985; however, certification of an LCP for the Channel Islands Harbor was deferred creating an Area of Deferred Certification (ADC). The PWP for the Harbor was certified by the Commission in September of 1986 prior to certification of an LCP for the area. Subsequently, the Commission certified an LCP for the City's Harbor ADC in December 1986. As previously stated, pursuant to PRC Section 30605 of the Coastal Act and Article 14, Section 13357 of the California Code of Regulations, where a plan or plan amendment is submitted after certification of the LCP for the jurisdiction over the area (the City of Oxnard) any such plan amendment shall be approved by the Commission only if it finds, after consultation with the affected local government, that the proposed plan amendment is in conformance with the certified LCP. As also stated, the City's LCP contains all applicable Coastal Act policies which the plan amendment is subject to as well.

The Commission has received a letter from the City of Oxnard Development Services Director (exhibit 6) dated February 4, 2005 concerning the proposed BISC's consistency with the City's certified LCP. In the letter the City states its determination that the BISC is consistent with the City's certified LCP and provides substantiation for that position. The letter notes that the certified LCP emphasizes recreational boating and that sailing schools are listed as conditionally permitted uses. Other policies encourage the maximization of public access and recreational boating opportunities and provide for the promotion and protection of water-related uses. The City notes that there are no policies prohibiting new development in the harbor although the existing PWP can be interpreted as such (which is the basis of the submittal of the PWP amendment to allow the project). In addition to the issue of build-out of the harbor, the City also addresses designation and use of the park area on the west side of the harbor and maintenance of view corridors in the harbor and concludes that the BISC project is consistent with LCP policies. In a letter dated February 6, 2003 to the Director of the Harbor Department (exhibit 6) the City notes that the BISC site is zoned HCI (Harbor, Channel Islands) in the certified coastal zoning ordinance and that "sailing or SCUBA schools and marine-related museums are listed as conditionally permitted uses in this zone." The City concludes that the BISC is consistent with this zoning designation.

**C. Biological Resources**

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

Section 20240

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

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

The proposed BISC is located on the western side of the Harbor in an area comprised predominantly of paved areas for parking and visitor-serving uses. A landscaped linear park exists adjacent to Harbor waters and a public walkway that parallels Harbor Boulevard. The landscaped area includes several large non-native trees that are used by black-crowned night herons for nesting. Existence of the heron rookery has been confirmed by the California Department of Fish and Game (DFG). Nests were found throughout the Harbor. Great blue herons also have been found nesting in Cypress trees in the Harbor away from the proposed BISC site.

As stated in the FEIR the black-crowned night heron is a fairly common local resident of lowlands and foothills and very common locally in large nesting colonies. The herons are not listed or proposed for listing as threatened or endangered species. The federal Migratory Bird Treaty Act provides protection for individual black-crowned night herons and their active nests, however. The California Fish & Game Code also prohibits direct take of individual birds and their active nests. The FEIR states that in southern and central California the species nest in numerous types of trees, tall shrubs, and dense emergent marsh vegetation and is widely known to nest in City parks. The species is noted for its tolerance of human activity, including noise, within its nesting environment. The FEIR states that the black-crowned night herons at Channel Islands Harbor have adjusted to the presence of human activity. The FEIR concludes that construction of the BISC project will not undermine or displace the black-crowned night heron colony in nesting trees on the west side of the Harbor due to the species resilience and acclimation to human activity and that the herons will reassemble after construction is completed. As proposed by the County, major construction will take place outside of the nesting season as a mitigation measure to avoid or minimize adverse impacts on the night herons. Site work and outdoor construction may not begin prior to August 1 unless a qualified biologist determines that nesting and fledging activity have been completed. The County required special conditions (mitigation measures) which have been incorporated into the approved project by the Harbor Department including special condition 15 which requires enforcing litter and trash standards during construction and ongoing operation of the BISC and special condition 30 regarding timing of commencement of and ongoing construction which is discussed below.

The certified PWP states that there are no terrestrial biological resources of significance within Channel Islands Harbor, that the area is completely developed, and that terrestrial vegetation consists entirely of introduced landscaping species. Bird species found in the Harbor identified in the PWP include great blue herons, double-breasted

cormorant, western grebes, brown pelicans, herring gulls, and California gulls. The PWP acknowledges that it is probable that many more migratory bird species use the Harbor during the year. Policy 2 in the Biological Resources chapter states "use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters." Presently, trees within the linear park which parallels the west side of the Harbor along Harbor Boulevard are used by Black-crowned night herons for nesting and roosting. The heron rookery includes trees immediately adjacent to the proposed BISC project site but also extends well beyond the site into the park area and other areas of the Harbor. The project will extend to within 10 feet of the nearest nesting tree.

The consulting biologist for the proposed BISC has reviewed the revised plan (alternative 6.2B) and commented as follows:

*Importantly, the activity entrances and mobilization areas of this building are oriented to the parking lot side of the facility, not the tree side. This orientation will allow the nesting birds to coexist with the non-threatening human activities associated with the BISC program. I also continue to recommend that construction of the exterior components of the project (grading, framing, roofing and exterior sheeting) be limited to the non-breeding season, which is August through January. Construction improvements to the interior of the building could continue during the balance of the year, i.e., February through July, without disturbing the birds.*

As stated previously, the project has been revised to relocate the building so that only one non-nesting tree is lost. Although the County has found that there are several other trees in the Harbor available for nesting, in order to avoid impacts to herons caused by construction noise the County has incorporated a mitigation measure (County special condition 30) requiring that no construction shall commence during the nesting season for black-crowned night herons. If construction commences prior to or continues into a nesting season the County has required that six nesting trees adjacent to the BISC site be covered with netting to prevent herons from using the trees for nesting during construction. Prior to commencement of construction a qualified biologist is required to determine that black-crowned night herons are not nesting and that fledging will not be adversely affected by construction. It is anticipated that construction will take from 12 to 14 months to complete. The Commission is not convinced that covering nesting trees with netting and allowing construction to continue during the nesting season is the least damaging alternative. Nor is the Commission convinced that the herons will relocate to other trees in the harbor to avoid construction activity. The Commission also notes that the PWP does not contain policies to adequately protect the heron rookery from impacts associated with construction and permanent placement of new buildings adjacent to the park. Had the PWP anticipated future construction of a specific project in that location it is likely that the PWP would have contained additional protective policies in addition to Policy 2 cited above.

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Therefore, the Commission is requiring PWP suggested modification 5 and NOID special condition 3 which prohibit all outside exterior construction during the nesting season of the night herons. Interior construction shall be allowed throughout the year if the consulting biological monitor determines that interior construction can be performed without adversely impacting nesting herons.

Opponents to the project cite a letter to Lyn Krieger, Director of the Harbor Department, from John P. Kelly, PhD, dated June 25, 2003, commenting on the Draft EIR for the BISC. Dr. Kelly suggests that it would not be possible to either avoid or mitigate significant adverse impacts on the heronry, given the close proximity of the BISC. Dr. Kelly further states that "disturbed colonies may or may not re-establish in nearby areas", that "heronries vary dramatically in their response to disturbance", and that "scientific efforts have been unable so far to explain this variability in ways that allow reliable prediction of the consequences of construction activities, increases in human presence, or special recreational events." The letter concedes that black-crowned night herons often nest in areas with human activity but that they "seem to be very sensitive to changes in human activity and will abandon nesting areas if disturbed." Dr. Kelly's letter asserts that "disturbed colonies may shift locally to adjacent trees but may also abandon colony sites completely" due to such causes as removal of trees, direct harassment, predators, and other types of disturbance. In addition, Dr. Kelly states that assertions made in the DEIR relative to relocation are not substantiated or documented. He recommends a setback of nearly 200 meters to avoid disturbance.

While it is true that the greater the distance of setback the lesser the chance of disturbance or impacts the Commission notes that the area of the proposed BISC is not pristine and has been subject to human intrusion for years yet the black-crowned night herons continue to nest in the area. While the degree of disturbance may be intensified somewhat by construction of the BISC there are alternative trees available for nesting in the near vicinity of the project. Further, the County has required planting of additional trees suitable for nesting in the Harbor by incorporating mitigation measures 1 - 4 into the project. While a large setback might be applicable in an area of otherwise undisturbed pristine habitat it is not possible in this case under the proposed development scenario. The County biological consultant maintains that the black-crowned night herons have demonstrated a high level of adaptability or tolerance to human caused impacts in the Harbor. (The degree of tolerance or adaptability of herons which become accustomed to nesting and roosting in large, undisturbed areas might be quite different, however.) It is possible that the introduction of an additional disturbance such as construction of the BISC so close to the nesting trees could cause a change in the level of tolerance of the herons, however. The biological consultant also notes that the primary food source for the herons, Harbor waters, will not be degraded or lessened by construction of the BISC. As previously noted, the proposed BISC project will be sited less than 10 feet away from the existing nesting trees. The degree of tolerance or adaptability of the herons to future development, which have become accustomed to nesting and roosting in the public park, cannot be accurately predicted and might be quite different, however, during or after construction of the BISC. Although it is not possible or necessary to provide a setback of 200 meters to avoid



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disturbance to the heron colony other measures are feasible to provide a greater degree of protection for the herons at this location during and post construction.

The Commission's staff biologist, Dr. John Dixon, has reviewed the County biological consultant's report and agrees with its conclusions relative to the nesting and roosting activity of the black-crowned night herons near the BISC site. Due to the existence of numerous trees throughout the harbor available to the herons and level of tolerance and adaptability to humans and structures demonstrated in the past an additional setback from the trees is not necessary in this case. Nor do the trees within the Harbor meet the Coastal Act definition of Environmentally Sensitive Habitat. It is necessary that measures be taken during the nesting season to protect the herons during construction of the BISC, however.

For the reasons discussed above, the Commission finds that construction of the BISC consistent with alternative 6.2B and with all required mitigation measures and special conditions attached to this permit will not adversely impact the nesting of black-crowned night herons in the long run. The Commission is requiring compliance with PWP suggested modification 5 and NOID special condition 3 to prohibit commencement of construction or ongoing exterior construction of the BISC during the nesting season for black-crowned night herons (February through July). In addition, modification 5 and special condition 3 require biological monitoring during and after construction. PWP modification 6 and NOID special condition 4 require that all lighting on the north side of the BISC building be of low intensity and directed downward and away from the nesting trees. PWP modifications 18 and 19 add language to the PWP to acknowledge the existence and nesting activity of the herons within the Harbor.

The FEIR states that the western snowy plover and the California least tern use areas on nearby Hollywood Beach to rest or forage. Hollywood Beach is located west of the Harbor. According to the FEIR, snowy plovers roost on the beach and nest or attempt to nest in front of the dunes at the south end of the beach. In past years up to five nests have been observed. Hollywood Beach has been designated as critical habitat for the snowy plover. No nesting by California least tern has been observed at Hollywood Beach. Concerns have been raised that snowy plover and least tern habitat would be adversely affected by users of the BISC crossing the beach from the Harbor to the ocean. In response to these concerns the U.S. Fish and Wildlife Service was consulted and determined, in a March 25, 2003 letter to the County, that "the activities associated with BISC on Hollywood Beach are not likely to cause disturbance beyond that caused by current recreational use and beach grooming activities. Therefore, we concur with your determination that the proposed BISC would not result in the take of western snowy plovers or California least terns." The USFWS did recommend that the County take measures to protect portions of the beach used by these species. In approving the project the County required mitigation measure or County special condition 14 to be incorporated into the project, which states:

*In January of each calendar year, the Director, County of Ventura Harbor Department will consult with the USFWS. If the USFWS advises that a western*

*snowy plover nesting season is expected that year, the County of Ventura Harbor Department shall restrict crossing at the south end of Hollywood Beach for BISC activity during the months that correspond with the western snowy plover nesting season. Prior to recurring activities that cross the beach, the County of Ventura Harbor Department will consult with the USFWS to assure that the nesting season is considered complete.*

The Commission notes that the March 2003 letter from USFW to the County does not address current nesting activity by snowy plovers on Hollywood Beach that has been observed and that the PWP contains no specific policies which require mitigation or protective measures for western snowy plovers during nesting season. Therefore, for the reasons discussed above, the Commission finds that modifications to the PWP are necessary to provide protective measures to nesting snowy plovers and least terns and to designate nesting areas on Hollywood Beach as Environmentally Sensitive Habitat. PWP Modification 1 designates the nesting and breeding area as ESHA and prohibits activities associated with the BISC on or across Hollywood Beach during the nesting & breeding season (March 1 – September 30). This requirement is also included within Special Condition 1 to the NOID, (Mitigation Measures). Modification 2 provides for coordination with the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the Army Corps of Engineers to development a conservation plan for least terns and western snowy plovers that address Harbor education and outreach programs such as those provided by the BISC. Modification 3 provides that beach grooming by the Harbor Department at Hollywood Beach is restricted between January 1 and September 30 of each year unless authorized by the U.S. Fish and Wildlife Service. Modification 4 requires that educational signs be installed at beach access locations to inform beach users of leash laws and to discourage harmful activity within the nesting area.

Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with the City of Oxnard LCP including applicable Coastal Act policies. In addition, the Commission finds that the Notice of Impending Development for the BISC project, subject to the recommended special conditions, is consistent with the PWP, as modified, relative to biological resources.

#### **D. Recreational Boating**

The certified City of Oxnard LCP contains Sections 30220, 30224, and 30234, of the Coastal Act relative to the provision and protection of recreational boating and commercial fishing facilities in the Harbor.

##### **Section 30220**

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

##### **Section 30224**



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

#### Section 30234

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Under the PWP existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided (PRC Section 30234). Policy 3 of the Recreational Boating Section of the PWP states, in part:

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

- (a) Harbor recreational boating facilities shall be protected, and where possible upgraded in order to provide further opportunity to the recreational boater.*

Uncongested use and access to the ocean through Channel Islands Harbor waterways is a stated objective of the PWP. Policy 4 states:

*Any further development adjacent or near to Channel Islands Harbor which will create significant additional demand for boating access to the Harbor or its landside facilities will have adverse effects upon circulation and congestion, particularly at the Harbor entrance. As a condition to the consideration of any such development, the project proponent(s) shall be required to have completed a study evaluating traffic circulation and all related impacts. This shall include examination of the adequacy of the Harbor waterway and entrance to accommodate such demand and what measures are appropriate to mitigate these issues.*

The Harbor Department prepared "an assessment of vessel traffic congestion of the inland waters of Channel Islands Harbor". The stated purpose of the study was to assess current and predicted vessel traffic congestion on the inland waters of Channel Islands Harbor. The study focused on the potential impact on current vessel traffic of

the proposed BISC relative to conducting boating classes within the waters of the Harbor. The study compared Channel Islands Harbor, Marina del Rey and Newport harbors. The study found that current vessel activities are well managed and conducted in a relatively safe environment. The study also found that the proposed BISC location would provide more than ample room for transiting vessel traffic to maneuver safely around students. The study concludes that that the Harbor will not likely reach a level of congested weekday vessel traffic and that, even on weekends, current vessel operating conditions should not be significantly impacted by the BISC.

Construction of the proposed BISC will cause the elimination or loss of three live-aboard spaces and 22 recreational boating spaces. The County has incorporated mitigation measure 3 and County special condition 28 into the proposed project which require the Harbor Department to offer transient boaters (non live-aboard) similar accommodations within the Harbor. In addition to compliance with Policy 3, stated above, relative to protecting recreational boating facilities in the Harbor, however, the Commission is also requiring PWP suggested modification 7 which requires that all recreational boating slips eliminated as a result of construction of the BISC be replaced in kind within the jurisdictional geographic boundaries of the PWP. Special Condition 2 to the NOID also requires in kind replacement of recreational boating slips within the Harbor. Because the construction of the proposed new dock space for the BISC and the corresponding elimination of existing recreational boating slips takes place within and/or over Harbor water which is within the Commission's area of retained permit jurisdiction special condition 10 to the NOID requires that a CDP from the Commission be required for the dock construction and elimination of boat slips prior to commencement of construction of the BISC.

Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with the City of Oxnard LCP including applicable Coastal Act policies. In addition, the Commission finds that the Notice of Impending Development for the BISC project, subject to the recommended special conditions, is consistent with the PWP, as modified, relative to protection of recreational boating.

#### **E. Public Access and Recreation - Parkland**

The City of Oxnard LCP contains Coastal Act policies relative to the protection and provision of public access and recreation including lower cost visitor and recreational facilities:

Section 30213 states in part:

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

Section 30221

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Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

In addition, existing Policy 20 to the Public Works Plan states:

*All areas designated as public parks and beaches in Figure IV 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.*

Existing Policy 21 states:

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

A linear parkway borders Harbor Boulevard on the west side of the Harbor. As proposed, construction of the BISC will eliminate approximately 1700 sq. ft. of grassy area within the park to allow for placement of the BISC structure and related parking.

The BISC would be available to California State University – Channel Islands (CSU-CI), the Channel Islands Marine Sanctuary, community colleges, public schools, community groups, and the general public. The County intends to operate the BISC in partnership with CSU-CI to provide programs in marine biology, ecology, coastal resources, and oceanography. These programs will be available to University students and to the general public through extended education classes. The facility will also provide training in sailing, rowing, kayaking, canoeing, and other aquatic skills to students at the University, local public schools and the public. Nominal fees will be charged for equipment rental, boating and safety classes, and education programs. A gathering and teaching facility on the second floor will be available to the general public on a fee basis. The proposed facility will be open to the general public.

As previously indicated, there is significant public opposition to the project, particularly from residents living adjacent to the west side of the Harbor. As originally proposed, the BISC was to be constructed within the landscaped area of the Harbor designated as Public Park in the PWP and would have required the removal of a number of nesting trees for Black-crowned Night Herons. In response to comments from Commission staff the County re-oriented the BISC building by 90 degrees to avoid the trees used for nesting activity and to significantly minimize intrusion into the park area. As a result, one non-nesting tree and 1700 sq. ft. of grass area will be lost. Street access was also redesigned, however, to provide a small increase in green area. This alternative, identified as alternative 6.2B in the FEIR, was approved by the County as the preferred

alternative. In its approval of alternative 6.2B, the County Board of Supervisors incorporated all EIR mitigation measures into the BISC project. The Board also required 10 Standard Conditions and 31 Project Modifications (Special Conditions) in its approval of the project.

The Commission finds that the entire linear landscaped area along the west side of Harbor Boulevard is designated as Public Park in the PWP. Therefore, an amendment to the PWP is necessary to construct a portion of the BISC on the park. In this case, the Commission finds that the proposed BISC, as described above, is consistent with the type of uses envisioned by the City of Oxnard LCP and the applicable public access and recreation policies of the Coastal Act. For this reason the Commission finds that it is appropriate to displace a portion of the public park for the BISC facility provided that an equal amount of parkland is created in the immediate area. Displacement of public parks would not be appropriate for other kinds of uses in the Harbor, however. Therefore, modification 8 to the PWP amendment and special condition 5 to the NOID require the replacement of an equal or greater area of park that is lost to construction of the BISC within the immediate area of the project site. PWP modification 12 further defines the entire linear grass area on the western side of the Harbor as public park (minus the portion eliminated due to BISC construction) and modification 13 provides that all areas designated as public park shall not be developed unless an amendment to the PWP is approved.

Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified is consistent with the public access and recreation policies of the certified City of Oxnard LCP. In addition, the proposed NOID, as conditioned, is consistent with the PWP as amended, relative to the public access and recreation policies of the Channel Islands Harbor Public Works Plan.

#### **F. Water Quality**

The City of Oxnard certified LCP contains Coastal Act policies 30230 & 30231 which are both applicable to the protection of water quality:

##### **Section 30230 Marine resources; maintenance**

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

##### **Section 30231 Biological productivity; water quality**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms

and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Public Works Plan contains policies to protect the water quality and biological productivity of Harbor waters. Policy 1 requires a water quality monitoring and a biological monitoring program. Policy 2 states that "use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters. The proposed BISC will result in the addition of structural and parking lot development plus increased use of the site which have the potential to adversely impact coastal water quality through the removal of vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as chemicals, petroleum, cleaning products, pesticides, and other pollutant sources.

Potential sources of pollutants such as chemicals, petroleum, cleaning agents and pesticides associated with new development, as well as other accumulated pollutants from rooftops and other impervious surfaces result in potential adverse effects to water quality to the Harbor and coastal waters. Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration.

In the case of this project, a majority of the project site has been previously developed with landscape and some hardscape features. The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with the proposed use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals; dirt and vegetation; litter; fertilizers, herbicides, and pesticides. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams,

wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the City of Oxnard certified LCP and the PWP, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85<sup>th</sup> percentile, 24 hour storm event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in PWP modification 20 and special condition 6 to the NOID, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Oxnard LCP and PWP as amended.

Furthermore, interim erosion control measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. To ensure that proposed erosion control measures are properly implemented and in order to ensure that adverse effects to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the Harbor Department, as required by modification 20 and Special Condition 7, to submit final erosion control plans. Additionally, the Commission finds that stockpiled materials and debris have the potential to contribute to increased erosion, sedimentation, and pollution. Therefore, consistent with the City of Oxnard LCP and PWP, in order to ensure that excavated material will not be stockpiled on site and that landform alteration and site erosion is minimized, Modification 20 and Special Condition 7 requires the Harbor Department to remove all excavated material, including debris resulting from the demolition of existing structures, from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the commencement of development. Should the disposal site be located in the Coastal Zone a separate coastal development permit or notice of impending development shall be required.

The Commission also notes the potential for adverse impacts to water quality related to the public boating facilities associated with the BISC. Therefore, modification 20 and special condition 8 requires the Harbor Department to submit a water quality Best Management Practices (BMPs) program that demonstrates that boating activity in the project area will be managed in a manner that protects water quality.

The Commission finds that the proposed BISC project described in the proposed PWP amendment with the suggested modifications is consistent with the applicable policies of the City of Oxnard LCP. In addition, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the PWP, as amended, with regards to protection of water quality.

### **G. Visual Resources – View Corridors**

The City of Oxnard LCP contains Coastal Act policy 30251 relative to the protection of scenic views:

#### **Section 30251 Scenic and visual qualities**

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

Construction of the BISC will take place within a view corridor designated by Figure VII in the Public Works Plan. Figure VII designates all of the linear park and most other areas along Harbor Boulevard as view corridors. Protected views are from the street east and north to the Harbor waters. Existing PWP policy 22c states that "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.

A controversy exists as to the interpretation of the view corridor map and policies. Opponents to the project maintain that the entire mapped view corridor is to be protected while the County interprets the policy as only requiring protection of 25% of the mapped view corridor.

The proposed BISC will result in some view blockage from Harbor Boulevard. Given the largely undeveloped nature of the west side of the Harbor the Commission finds that this view blockage is not significant. Further, the Commission notes that the BISC will provide additional benefits for public access and recreation. The Commission also finds



that the apparent conflict between the mapped view corridor and policy 22 in the PWP should be resolved before any additional new development in the Harbor is approved in the future. Therefore, the Commission is requiring suggested modification 15 to policy 22c which provides that, other than the proposed BISC, no new development within a designated view corridor shall occur without an amendment to the PWP. Only as modified does the Commission find that that the proposed PWP amendment and corresponding NOID is consistent the certified LCP for the City of Oxnard and the PWP, as amended.

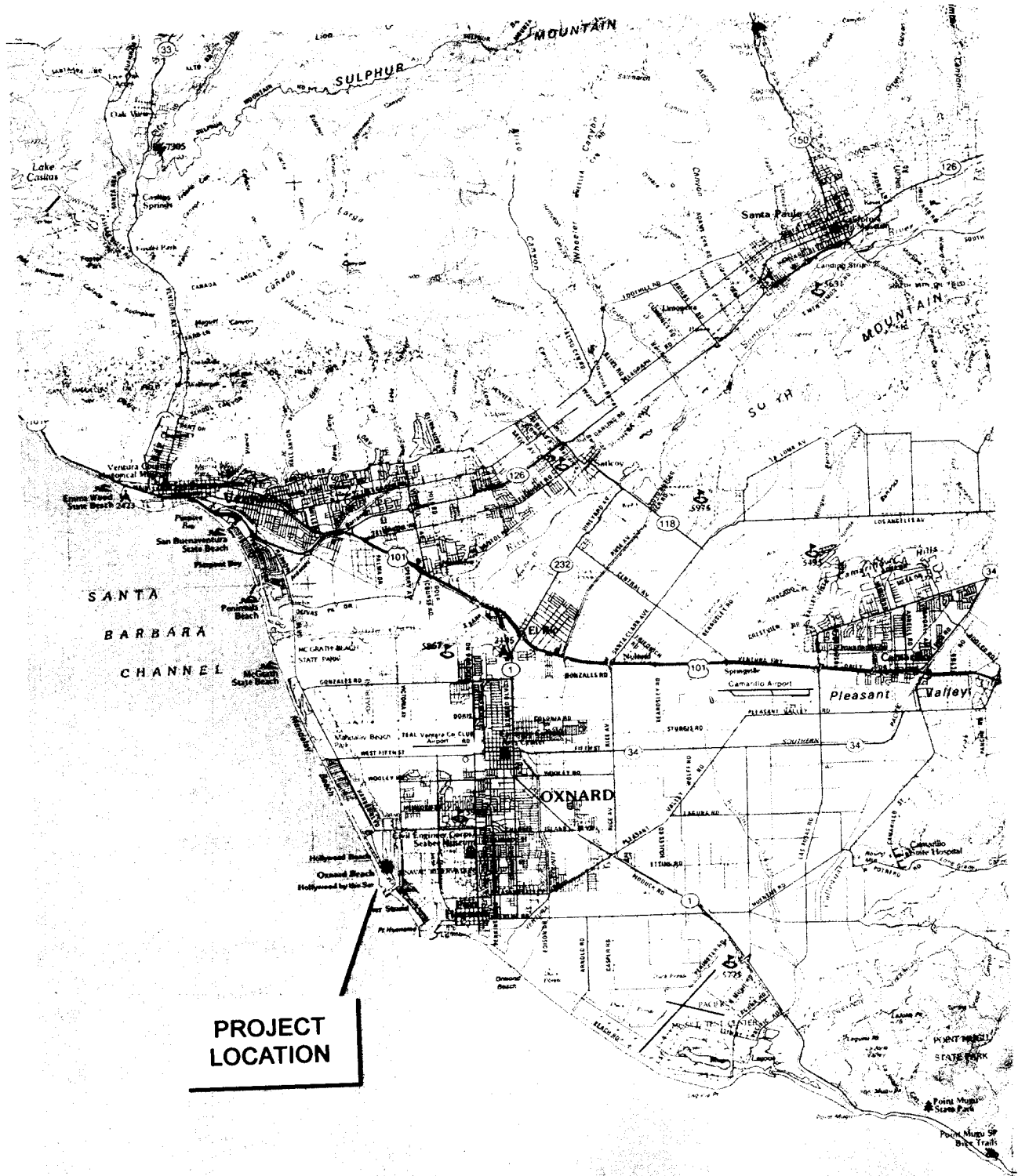
## **I. California Environmental Quality Act**

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Public Works Plans for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying PWPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the PWP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(1) of CEQA and Section 13356 of the California Code of Regulations require that the Commission not approve or adopt a PWP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

For the reasons discussed in this report, the PWP Notice of Impending Development 1-04, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan if amended in accordance with the suggested modifications. In addition, the mitigation measures identified in the Final Environmental Impact Report (December 2003) have been incorporated by reference into the special conditions identified herein through Special Condition One (1), in addition to other special conditions which will lessen any significant adverse effect of the specific project components associated with Notice of Impending Development 1-04. There are no other feasible alternatives or mitigation measures available that would further lessen any significant adverse effect that the approval would have on the environment. The Commission has imposed conditions upon the respective Notice of Impending Development to include such feasible measures as will reduce environmental impacts of new development. As discussed in the preceding section, the Commission's special conditions bring the proposed projects into conformity with the PWP, if amended in accordance with the suggested modifications. Therefore, the Commission finds that the Notice of Impending Development 1-04, as conditioned herein, is consistent with CEQA and the Public Works Plan for Channel Islands Harbor if amended in accordance with the suggested modifications.



# Regional Location Map



**PROJECT  
LOCATION**

**Exhibit 1  
PWPA 1-04  
NOID 1-05**

100  
100

# Project Vicinity

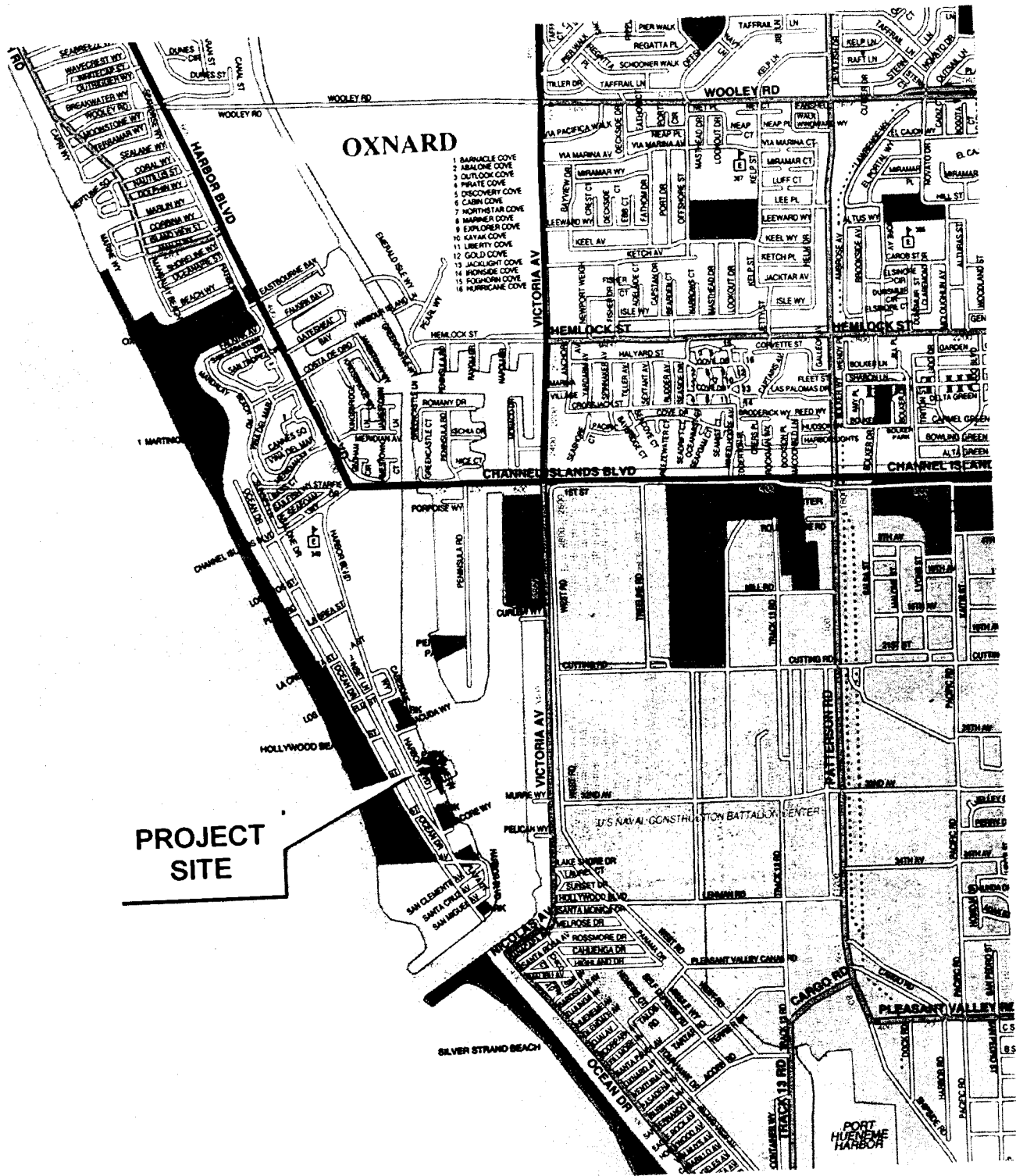
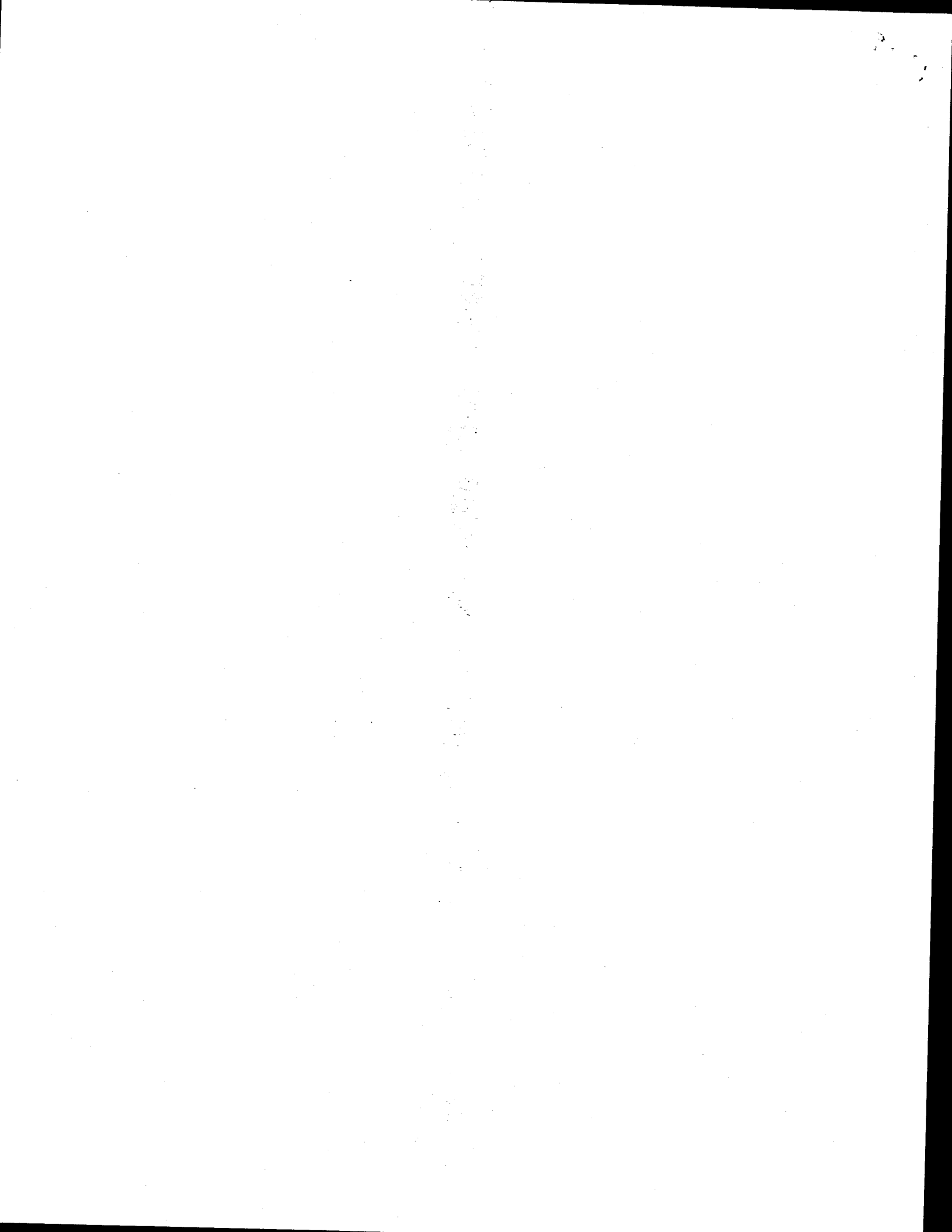


Exhibit 2  
PWPA 1-04  
NOID 1-05





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

Lyn Krieger  
Director

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

October 27, 2004

RECEIVED

OCT 28 2004

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

OFFICE OF THE  
CALIFORNIA COASTAL COMMISSION  
1001 MARINA DRIVE, SUITE 100  
SAN FRANCISCO, CALIFORNIA 94105-2219

Attention. Mr. Gary Timm, District Manager

**SUBJECT: TRANSMITTAL OF AMENDMENT TO THE CHANNEL ISLANDS  
PUBLIC WORKS PLAN TO ESTABLISH A BOATING INSTRUCTION  
AND SAFETY CENTER (BISC)**

Dear Mr. Timm:

The County of Ventura is pleased to submit this focused amendment to the Channel Islands Harbor Public Works Plan (hereinafter "PWPA") in accordance with the agreement reached between the California Coastal Commission (hereinafter "CCC") and the County of Ventura, Board of Supervisors (hereinafter "Board"). We make this submittal in accordance with Coastal Act §30605 and Coastal Commission Regulations §§ 13370 and 13371.

The Board approved this PWPA on October 19, 2004, and directed the Harbor Department to forward such amendment to the California Coastal Commission for review and action in accordance with the Agreement.

The Board majority strongly supports this public use, which they believe is key to providing access to the Harbor and to the ocean for all residents of Ventura County, as well as the general public. Although controversy still attends this project, the Board of Supervisors remains strongly committed to this facility, as does the State Department of Boating and Waterways.

This PWPA is for the express and limited purpose of recognizing that the BISC is a permitted use in the PWP.

In compliance with Coastal commission Regulations §13353, the County has already submitted the entire Final EIR record to the Ventura office of the CCC, as well as

Exhibit 3  
PWPA 1-04  
NOID 1-05

Mr. Peter Douglas, Executive Director  
October 27, 2004  
Page 2

numerous large-scale maps and supplemental informational materials. In view of the fact that the prior Notice of Impending Development Application was considered complete with these materials, the County is only transmitting those materials which are specifically directed at the PWPA. These include:

1. A full copy of the Board of Supervisors hearing package, including a highlight/strikeout version of the PWP which is the subject of the Amendment, as well as clean version of the same document;
2. The Addendum pursuant to CEQA;
3. The final biological reports (also submitted to Dr. Dixon by mutual agreement);
4. A parking study over Labor Day weekend 2004 confirming that parking is underutilized in this area;
5. Signed resolution of the Board of Supervisors;
6. The agreement between the CCC and the County dated July 26, 2004; and
7. Recent correspondence to and from the Department of Boating and Waterways regarding the feasibility and desirability of a BISC on the east side.

We look forward to working with you on this important public project. Please do not hesitate to call on us for any assistance you may need.

Sincerely yours,

  
Lyn Krieger  
Director

c: Board of Supervisors  
County Counsel

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

WHEREAS, the Channel Island Harbor Public Works Plan was certified by the California Coastal Commission on September 19, 1986;

WHEREAS, the Ventura County Board of Supervisors now wishes to amend the Public Works Plan as set forth in Exhibit 4 to the Board;

WHEREAS, a legally noticed public hearing on this matter was held by the Board of Supervisors of Ventura County at Ventura, California, on October 19, 2004;

WHEREAS, the Board of Supervisors ("Board") considered all written and oral testimony on this matter, including County staff reports and recommendations;

WHEREAS, notice of the hearing has been provided as required by law; and.

WHEREAS, the matter was considered by the Ventura County Harbor Commission on September 29, 2004.

NOW, THEREFORE, BE IT RESOLVED, ORDERED, AND DETERMINED THAT the Board has reviewed and considered, and has approved and adopted the Addendum to EIR as set forth in Exhibit 2 to the Board, prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines and found that no subsequent or supplemental EIR is necessary;

FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED THAT the Board finds that the Public Works Plan as amended as set forth in Exhibit 4 to the Board is in conformity with the Local Coastal Plan of the City of Oxnard;

FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED that the Board hereby also finds the adoption of the Public Works Plan amendment as set forth in Exhibit 4 to the Board to be in the public interest and consistent with the California Coastal Act and its policies and hereby adopts the Public Works Plan Amendments as set forth in Exhibit 4 to the Board.

FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED that the Board finds that the Boating Instructional and Safety Center (BISC) project as approved by the Board on December 16, 2003, is consistent with the Public Works Plan amendment as set forth in Exhibit 4 to the Board and approved herein;

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

FINALLY, BE IT RESOLVED, ORDERED, AND DETERMINED that the Public Works Plan Amendment shall become effective and operative upon: 1) the adoption of this Resolution and 2) approval and certification by the California Coastal Commission.

Upon motion of Supervisor Long, seconded by Supervisor Mikels, duly carried, the foregoing Resolution was passed and adopted this 19th day of October, 2004.



A handwritten signature in cursive script, appearing to read "S. Becc", is written over a horizontal line.

Chair, Board of Supervisors

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

By: A handwritten signature in cursive script, appearing to read "Christina Palomayela", is written over a horizontal line.  
Deputy Clerk of the Board



February 25, 2005

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

**SUBJECT: NOTICE OF IMPENDING DEVELOPMENT – BOATING INSTRUCTION  
AND SAFETY CENTER (CHANNEL ISLANDS HARBOR)**

Dear Mr. Timm:

Pursuant to Public Resources Code §30606 and California Coastal Commission Regulations §§ 13358 and 13359, this letter is presented to provide Notice of Impending Development (NOID) for the proposed Boating Instruction and Safety Center (BISC) project located at Channel Islands Harbor. Such notice must be submitted prior to commencement of development by the public agency proposing a public works project pursuant to an adopted Public Works Plan. In this case, the certified Channel Islands Harbor Public Works Plan (PWP) is the PWP covering this project. This Notice provides a description of the proposed project as well as a showing of consistency with the PWP.

On December 16, 2003, the Ventura County Board of Supervisors certified the project EIR and approved the project, more specifically, Alternative 6.2B. Therefore, the project as originally proposed by the Board of Supervisors was rejected, and an environmentally superior alternative was adopted. A Public Works Plan Amendment was submitted in October, 2004 to specifically designate this project.

Project Description

The project approved by the Board of Supervisors is a State Capital Project on County-owned land. The project consists of the development of the Boating Instruction and Safety Center (BISC) on property located in Channel Islands Harbor, more specifically Project Alternative 6.2B as described in the EIR (Section 6.2). The project site is located on the west side of Channel Islands Harbor between Harbor Boulevard and the Harbor. Please see the enclosed Regional Location Map, Project Vicinity Map and Aerial Photograph.

Exhibit 4  
PWPA 1-04  
NOID 1-05

The project as originally proposed eliminated a small number of nesting trees for Black-crowned night herons. To reduce biological resources impacts to less than significant levels, Project Alternative 6.2B was developed to re-orient the BISC building and avoid trees with nesting activity. The approved project site plan and elevations are enclosed and also are shown as Exhibits 49 and 50 in the EIR. This alternative was coordinated with the Department of Fish and Game, and was endorsed by the Harbor Department and the Harbor Commission prior to the Board's action.

The 0.84-acre project site proposes to accommodate approximately 26,000 sq. ft. of exterior space and approximately 24,000 sq. ft. of dock space, which includes a full ADA access ramp from the main building to the docking area. The facility would provide of a two-story, approximately 19,000 sq. ft. building and a one-story, 1,000 sq. ft. maintenance/storage building (square footages are approximate and may be slightly higher or lower upon completion of working drawings). The proposed center would be designed to provide training in sailing, rowing, kayaking, and canoeing for athletes, local public schools, California State University, Channel Islands (CSUCI), and the general public.

The County plans to lease the center to CSUCI to provide programs in marine biology, ecology, and oceanography. The BISC will provide facilities, staff, and equipment needed to teach sailing and aquatic skills and safety to youth and adults of Ventura County, and various college-level marine and oceanographic courses to California State University, Channel Islands students. The second floor "Teaching/Gathering Facility" would accommodate public and private functions. The Center would also include a Gathering Facility for limited events for a fee, in the same manner as other BISCs in the state operate.

The project is proposed to be funded through a mix of state and local funds. A contribution has been approved by the Department of Boating and Waterways to fund \$4.2 million to go toward construction of the project. The remaining money to fund the BISC is to be raised by the County of Ventura.

Recognizing the existing limited public use of the site, the BISC is an effort by the County and the State Department of Boating and Waterways to increase public access to the water and insure that the amenities serving the general public are increased in the harbor.

#### Consistency with Public Works Plan

The Channel Islands Harbor Public Works Plan, including the Land Use Plan, was certified by the Coastal Commission on September 19, 1986, and has been the governing document for Harbor development since that time. A Public Works Plan Amendment has been submitted to the Coastal Commission and is being heard

Mr. Gary Timm  
February 25, 2005  
Page 3

concurrently with this project. The Public Works Plan Amendment is for the specific purpose of recognizing that the BISC is permitted at the site proposed.

In addition, Coastal Act §30605 makes clear that Coastal Commission review of the NOID (if the Public Works Plan Amendment is approved) is limited to imposing conditions consistent with Section 30607 and 30607.1. Section 30607.1 is restricted only to consideration of dike and fill impacts to wetlands. No wetlands exist on the project site; therefore, this section does not apply to the proposed project.

#### Notification

Pursuant to Coastal Act §30606, the Harbor Department is notifying, through provision of this letter, the Coastal Commission as well as other interested persons, organizations, and governmental agencies of the impending development. Under separate cover, a list has been provided of all persons and organizations receiving a copy of this letter, including all residents within 300 feet of the project.

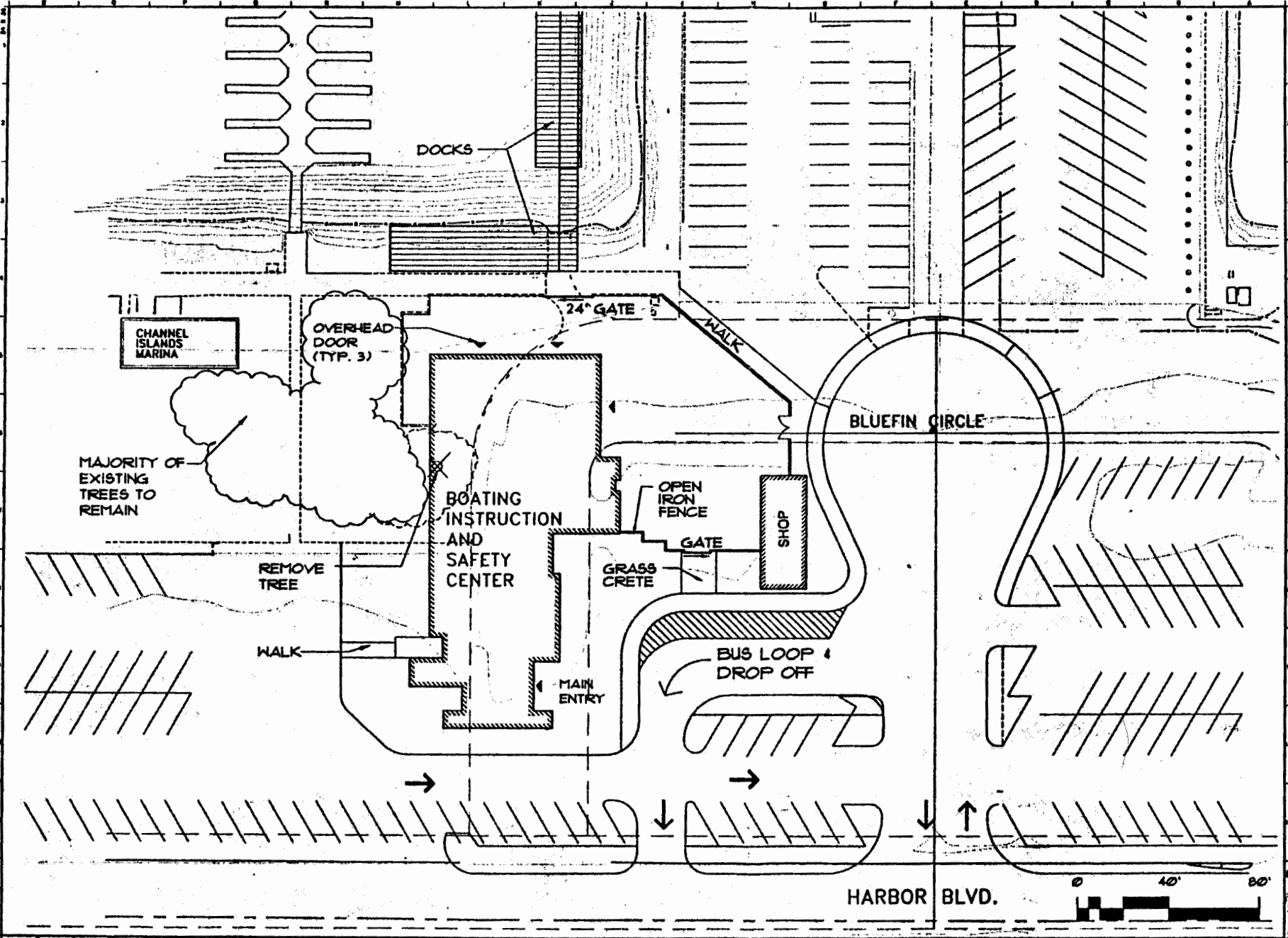
#### Conclusion

In conclusion, we believe the approved project is in compliance with the certified PWP as well as consistent with the purpose of the Coastal Act by furthering educational opportunities for boating and marine instruction. Please let us know if any additional information or materials are needed to assist with your review.

Sincerely,

Lyn Krieger, Director  
County of Ventura Harbor Department

Enclosures: Regional Location Map  
Project Vicinity Map  
Aerial Photograph  
Approved Project Site Plan and Elevations (Alternative 6.2B)



Division of the State Architect  
ACCESS COMPLIANCE  
App. No. 02-10020

California State Plan Member  
APPROVED

Approved by the State Architect for compliance with the California State Plan Member. This approval is not a guarantee of the accuracy of the information provided. It is the responsibility of the applicant to provide accurate information.

No.	Date	Description
1	02/10/04	PRELIMINARY PLAN
2	02/10/04	PRELIMINARY PLAN

Project  
**CHANNEL ISLAND  
BOATING INSTRUCTION  
AND SAFETY CENTER**

OXNARD, CA.

Prepared by	Checked by	Date	Scale

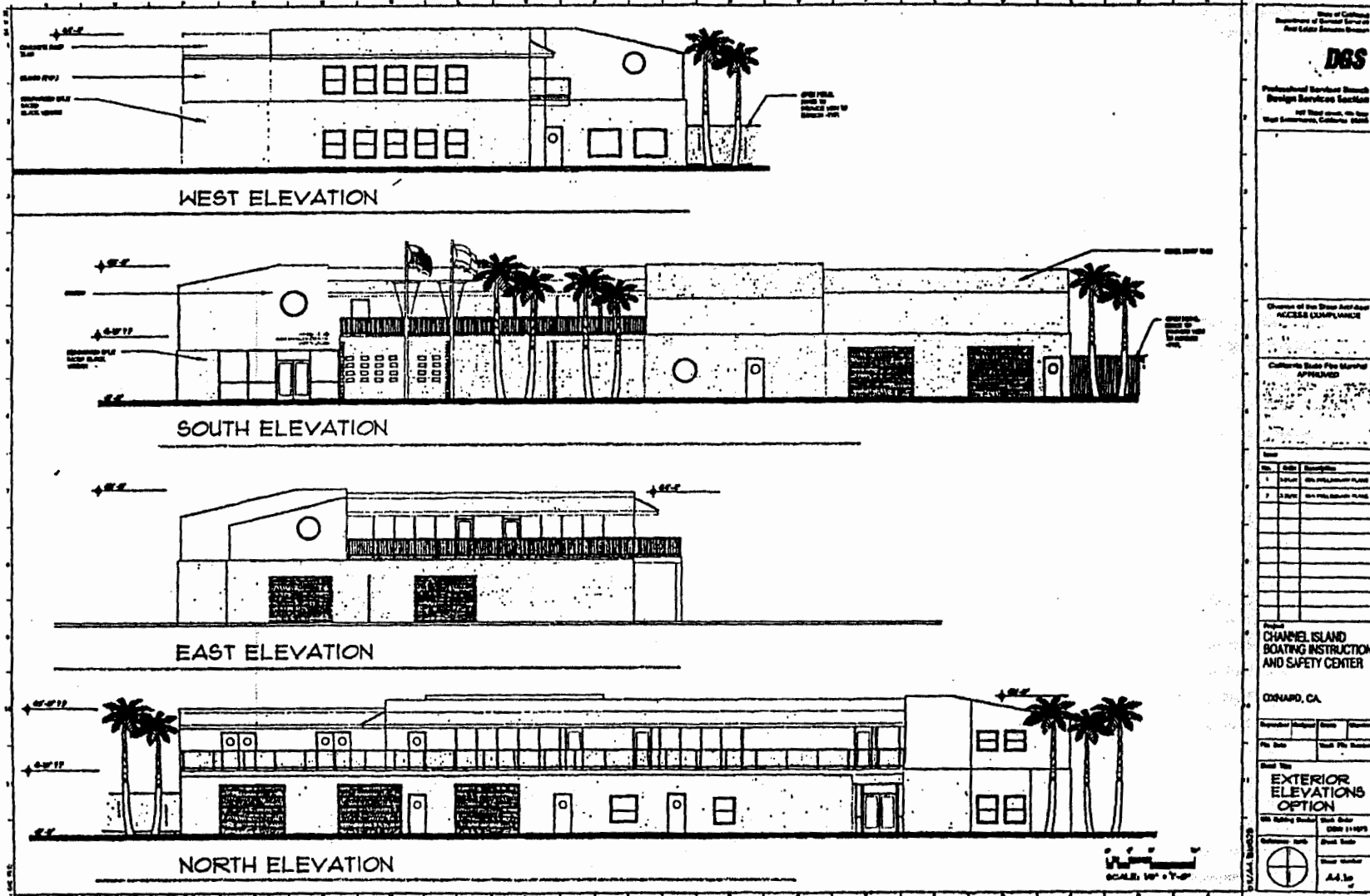
Site Plan  
**ALTERNATIVE  
(VARIATION)**

DBM 111872

Sheet Title  
1"-00"

Sheet Number  
A1.10





State of California  
Department of General Services  
Architectural Services Section

**DGS**

Professional Services Branch  
Design Services Section  
1415 Street Street, 4th Floor  
West Sacramento, California 95690

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Division of the State Architect  
ACCESS COMPLIANCE

California State Fire Marshal  
APPROVAL

Rev.	Date	Description
1	1/1/00	REVISED PER PLAN
2	2/1/00	REVISED PER PLAN

Project  
**CHANNEL ISLAND  
BOATING INSTRUCTION  
AND SAFETY CENTER**

OSNARD, CA

Prepared	Checked	Date	Revised

File No. \_\_\_\_\_  
Sheet No. \_\_\_\_\_

Sheet Title  
**EXTERIOR ELEVATIONS  
OPTION**

Architect	Scale	Date
Cullerison, Adams & Associates 1415 Street Street West Sacramento, CA 95690	1/4" = 1'-0"	02/01/1999

Scale: 1/4" = 1'-0"

Exhibit 50 - Exterior Elevations (Variations A and B)



Development Services Administration  
305 West Third Street • Oxnard, CA 93030 • (805) 385-7896 • Fax (805) 385-7833

February 4, 2005

RECEIVED

FEB 10 2005

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Mr. Jack Ainsworth  
Mr. Gary Timm  
California Coastal Commission  
89 S. California St.  
Suite 200  
Ventura, CA 93001

Dear Messrs. Ainsworth and Timm:

**SUBJECT:** Boating Instruction and Safety Center, Channel Islands Harbor;  
Determination of Consistency with the Oxnard Local Coastal Plan (LCP)  
Pursuant to Coastal Commission Regulations Sec. 13371

The City of Oxnard has been working cooperatively with the County of Ventura Harbor Department towards establishing a Boating Instruction and Safety Center ("BISC") in Channel Islands Harbor. We are aware that the County and your agency have agreed to process an amendment to the Public Works Plan, and that your regulations require consultation with our City regarding the consistency of the amendment with the City LCP. The purpose of this letter is to conform to CCR Sec. 13371 by explaining our determination of consistency.

*Background*

The Public Works Plan (PWP) for Channel Islands Harbor was approved prior to the Oxnard LCP, and takes precedence over the LCP. However, if and when an amendment to the PWP is proposed, the amendment must be evaluated to determine if it is in conformity with the Oxnard LCP. Both the PWP and the Oxnard LCP are older documents, and share the same historical context, being approved in the same general timeframe.

The City first considered the consistency question when we were approached by the County and its consultant during the preparation of the EIR for the BISC. That EIR was to evaluate this consistency question, and the County desired the City's input during the normal CEQA consultation process.

Exhibit 6  
PWPA 1-04  
NOID 1-05

California Coastal Commission  
February 4, 2005  
Page Two

After carefully evaluating the BISC project against the Oxnard Certified LCP, the City prepared a letter concluding that the BISC "would appear to be consistent with these policies and ordinances". That letter, dated February 6, 2003, is attached for your reference.

Thereafter, the City reviewed the Draft EIR and its discussion of the Oxnard LCP. As the EIR accurately reflected the City's position, the City made no comment on the Draft EIR. The Board of Supervisor's selection of Project Alternative 6.B reduced impacts even further.

*Present Position of the City of Oxnard*

The City has been made aware that the County and the Coastal Commission have entered into an agreement whereby the PWP will be amended in a focused amendment aimed at making clear that the BISC is a permitted use under the PWP. The City believes that the LCP allows the BISC in any event; however, the City has no objection to a clarifying amendment to the PWP if that is the desire of the Coastal Commission and the County.

The Coastal Commission regulations provide a role for the City in that your agency is obligated to request that our City transmit its determination as to whether the Plan amendment is in conformity with the certified local coastal program. We are writing now to assist the County and the Commission in complying with this section of your regulations.

The City of Oxnard has determined that the BISC itself is consistent with the Oxnard Certified LCP. It naturally follows that an amendment, narrowly focused on establishing the BISC in the manner already approved by the Board Of Supervisors, would also be consistent. We have reviewed the County's Board of Supervisor's transmittal, including the amendment itself and the associated addendum, and we have determined that the amendment is in conformity with our certified LCP. No modifications to the PWP amendment are recommended by the City.

In terms of consistency, and because it has been asserted that the BISC is in fact not consistent with the Oxnard certified LCP, we offer the following substantiation of our position. First, in our February 6, 2003 letter we explain that the Oxnard Certified LCP emphasizes recreational boating, noting specifically that sailing schools are listed as conditionally permitted uses. Further policies stress the need to promote and protect water-related uses. We are not aware of any controversy concerning our determination of consistency when this project was being considered by the Board of Supervisors last year.



Present concerns seem to focus on three areas; that the harbor is "built out" and therefore the BISC cannot be established, that the BISC will be located in a "park", and that the BISC would interfere with protected view corridors. The following addresses those concerns:

*Buildout of Harbor*

The Oxnard LCP devotes five pages to the Channel Islands Harbor. A complete reading of these pages reveals to the reader that the concept of "buildout" is related to the harbor/water area itself, and not the landside development. The LCP notes that at the time of original preparation there were two studies related to enlarging the harbor and reducing congestion. The Inland Waterway issues had just arisen, and as your agency is aware, have recently been resolved. Therefore, the City's focus was on the size, number and character of the *waterside* facilities. Note the statement in the LCP, repeated from what was then the draft Public Works Plan:

"With the completion of already approved projects along the west channel, the harbor will be completely built out. The Property Administration Agency does not have plans for any major expansions or re-constructions of the harbor area." (Oxnard LCP, page III-21)

This passage follows a discussion of "Local Issues" wherein the City of Oxnard relates studies that were being considered at that time to expand the water portion of the harbor itself. The City wanted to be on record supporting the expansion of recreational boating opportunities (Oxnard LCP, page III-21). We also wanted to be a part of any future proposal to expand the harbor (Oxnard LCP, page III-22). Clearly, when read in context, the Oxnard Certified LCP not only does not "freeze" development as it existed at the time of original certification, it provides encouragement and regulations to maximize public access and recreational boating opportunities. (Oxnard Certified LCP policies 14, 116, 21, 24, and 25, pages III-22,23). There is no statement that no other structures or uses could be established in Channel Islands Harbor in the Oxnard LCP.

The decision of whether to amend the PWP is one to be made between the County and the Coastal Commission. However, it is the determination of the City of Oxnard that no amendment is necessary to its LCP to establish the BISC.

*Use of the "Park"*

The Oxnard Certified LCP, Policy 26 at page III-23, states:

"To ensure that lower cost recreational and visitor-serving harbor facilities are available to all income groups, picnic tables, public restrooms, pedestrian and bicycle accessways, pedestrian furniture, bicycle storage racks, small boat sailing, renting and berthing areas shall be provided. In addition, the harbor public park areas, which provide a lower cost recreational activity, shall be preserved for general public recreational use."

First, the public park areas insofar as the City is concerned are those shown on the Master Plan and referred to in the PWP, as explained in the BISC EIR. Secondly, the Oxnard LCP in no way prohibits the establishment of the BISC in a park, even if that characterization is given to the BISC site. Therefore, the City has determined that the BISC is consistent with its LCP.

Oxnard LCP Policy N calls for the preservation of parking to serve recreational boating, sport fishing and commercial fishing. The BISC is part of a recreational boating complex.

*View Corridors*

The Oxnard Certified LCP contains Policy 35 at page III-24, which is aimed at preserving the visual quality of the area.

Oxnard LCP Policy V calls for the maintenance of view corridors between the first main road and the water line. The LCP does not identify with precision where the view corridors are located. The BISC does interfere with two view corridors identified in the Channel Islands PWP, which allows elimination of the identified view corridors so long as 25% of the view corridors as identified remain.

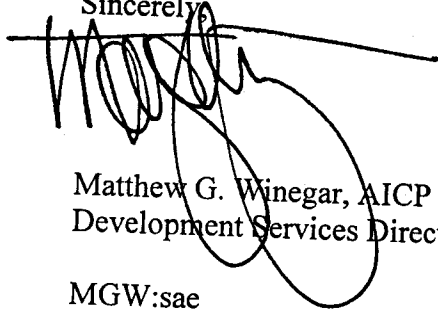
*Conclusion*

It is our finding that this project is consistent with the Oxnard Certified LCP and advances Coastal Act objectives.

California Coastal Commission  
February 4, 2005  
Page Five

Please contact me if I can answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Winegar", is written over a horizontal line. The signature is stylized and somewhat illegible due to the cursive nature of the handwriting.

Matthew G. Winegar, AICP  
Development Services Director

MGW:sae

cc: Edmund F. Sotelo, City Manager  
Mayor and City Council



Planning and Environmental Services Division  
305 West Third Street • Oxnard, CA 93030 • (805) 385-7858 • Fax (805) 385-7417



February 6, 2003

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

Re: *Response to Notice of Preparation of Environmental Impact Report  
Boating Instruction and Safety Center (BISC)  
Channel Islands Harbor, California*

Thank you for including the City of Oxnard on the distribution list for the NOP for the Boating Instruction and Safety Center. I would like to submit the following comments.

Channel Islands Harbor is within the city limits of the City of Oxnard and is addressed within the City's Local Coastal Plan. The County of Ventura Channel Islands Harbor Public Works Plan was adopted by the County of Ventura and reviewed and approved by the California Coastal Commission in 1986. Under the Public Works Plan the County issues all permits or other approvals within the Channel Islands Harbor. It has been the practice, since 1986, for the City of Oxnard to issue building permits for private development within the harbor. Because this is a County/State facility, it is anticipated that building permits will be issued by the State of California. Since the City has no permitting authority for the proposed BISC, it is not a responsible agency as defined by CEQA. Because the facility will require connection to City services such as water, sewer, etc., it is considered an "agency with jurisdiction by law." The Development Services Department will be responsible for issuing any connection permits associated with providing City services.

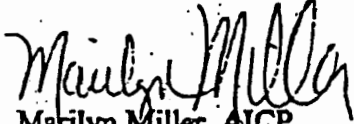
The City's Local Coastal Plan contains several policies that pertain to the Channel Islands Harbor, including policies within Sec. 3.2.4 and 3.2.5. These policies support recreational boating and other water-related uses within the Channel Islands Harbor. Further, the site is zoned HCI (Harbor, Channel Islands) in the City's coastal zoning ordinance. Sec. 37-2.15.1 states that the purpose of the HCI zone is to "provide, protect and encourage commercial fishing, sport fishing, recreational boating and related uses at the Channel Islands Harbor." Sailing or SCUBA schools and marine-related museums

Lyn Krieger, Director  
Ventura County Harbor Department  
Re: NOP for Boating Instruction and Safety Center  
Channel Islands Harbor, California

February 6, 2003  
Page 2

are listed as conditionally permitted uses in this zone. The proposed BISC would appear to be consistent with these policies and ordinances.

The City of Oxnard Recreation Department operates a variety of recreational programs for all segments of the community. Providing Oxnard citizens with an opportunity to learn sailing, boating and water safety, and take advantage of other marine educational programs is a benefit available in few cities. We look forward to working with you on this worthwhile facility.



Marilyn Miller, AICP

Planning & Environmental Services Manager

- C: M. Andriette Culbertson, President, Culbertson, Adams & Associates, Inc.  
Edmund F. Sotelo, City Manager  
Matthew G. Winegar, AICP, Development Services Director  
Rob Roshanian, Development Services Manager  
Bo Bowman, Public Works Director  
Michael Henderson, Parks and Facilities Superintendent  
Gil Ramirez, Recreation Superintendent

## CALIFORNIA COASTAL COMMISSION

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



February 24, 2005

Raynor Tsuneyoshi, Director  
Department of Boating and Waterways  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815-3888

Re: Proposed Boating Instruction and Safety Center for Channel Islands Harbor, Ventura County

Dear Director Tsuneyoshi:

Coastal Commission staff has been provided copies of letters from the Department of Boating and Waterways concerning proposed construction of the Boating Instruction and Safety Center (BISC) in Channel Islands Harbor (December 1, 2003 from Mike Ammon to Lyn Krieger, October 15, 2004 to members of the Ventura County Board of Supervisors, and October 21, 2004 to Assemblyman Tony Strickland). These letters all indicate a preference for locating the BISC on the west side of the Harbor in the proposed location. In particular, safety concerns relative to wind direction was cited as one of many factors for your decision. Both the October 15 and 21 letters signed by you state "given the considerable safety concerns expressed by independent experts, we cannot recommend funding from the Department of Boating and Waterways for a BISC project on the harbor's east side."

As I'm sure you are aware the location of the BISC has become extremely controversial. The Coastal Commission has scheduled a public hearing on a proposed Public Works Plan Amendment for Channel Islands Harbor to specifically permit the BISC at the west side location for its March 16, 2005 meeting in Orange County. Because of the continuing controversy surrounding this project I am writing to ask whether the Department's position has changed in any form from that stated in the October 15 and 21, 2004 letters referenced above. Specifically, does the Department continue to prefer the Harbor west side location for the BISC and has the Department's position on funding changed?

Although we would prefer to receive a written response to this letter please feel free to call me if that is not possible. You may also reply by e-mail. My phone number and e-mail address are provided below. Thank you for your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Timm".

Gary Timm  
District Manager  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA. 93001  
805-585-1800  
[gtimm@coastal.ca.gov](mailto:gtimm@coastal.ca.gov)

cc. Jack Ainsworth  
Lyn Krieger

Exhibit 7  
PWPA 1-04  
NOID 1-05

**Gary Timm**

---

**From:** Ray Tsuneyoshi [RTSUNEYOSHI@dbw.ca.gov]  
**Sent:** Monday, February 28, 2005 2:06 PM  
**To:** gtimm@coastal.ca.gov  
**Cc:** Lyn Krieger; David Johnson; Steve Watanabe  
**Subject:** Your Letter of 2/24/05:BISC for Channel Islands Harbor, Ventura County

Gary Timm  
District Manager  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001

Dear Mr. Timm,

To answer your two questions as succinctly as possible, "Specifically, does the Department continue to prefer the Harbor west side location for the BISC..." The answer is , yes. "has the Department's position on funding changed." The answer is, no.

I hope our response is clear. If not, please give me a call at 916 263 4326.

Sincerely

Raynor Tsuneyoshi  
Director  
Department of Boating and Waterways

3/1/2005



STATE OF CALIFORNIA-THE RESOURCES AGENCY

Arnold Schwarzenegger, Governor

**DEPARTMENT OF BOATING AND WATERWAYS**2000 Evergreen Street, Suite 100  
SACRAMENTO, CA 95815-3888  
(916) 263-1331

December 1, 2003

Lyn Krieger, Director  
Harbor Department  
3900 Pelican Way, L#5200  
Oxnard, CA 93035-4367**Subject: BISC Site Funding**

Dear Ms. Krieger:

The purpose of this letter is to comment on the site selection for the Channel Islands Boating Safety Center, which is funded in large part by this Department. The Department has reviewed the presented alternatives, studied the comments by the four Center Directors, and visited the alternative project sites. Our position after careful study is that the only viable site is #2, the "Port Royal/CI Marina Central" location.

In light of the presented evidence it is the Department's position that it will be very unlikely that any other site will be acceptable.

Sincerely,

A handwritten signature in black ink that reads "Mike Ammon".

Mike Ammon  
Contract Administrator  
(916) 263-8163RECEIVED  
South Coast

FEB 6 2005

COAST

Oct 15 04 09:30a Boating &amp; Waterways

916-263-0648

p. 1

STATE OF CALIFORNIA-THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

## DEPARTMENT OF BOATING AND WATERWAYS

2000 Evergreen Street, Suite 100  
SACRAMENTO, CA 95815-3888  
Tele: (916) 263-4325  
Fax: (916) 263-0648  
www.dbw.ca.gov



October 15, 2004

Supervisor Steve Bennett  
Supervisor Linda Parks  
Supervisor Kathy Long  
Supervisor Judy Mikels  
Supervisor John Flynn  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009

Subject: Funding for the Proposed Channel Islands Boating Instruction and Safety Center

Dear Supervisor:

Chairman Steve Bennett recently wrote to the Department of Boating and Waterways asking for clarification of the Department's position on site selection as it relates to funding of the proposed Channel Islands Boating Safety Instruction Center (BISC).

As you are aware, Ventura County proposed, and the State accepted, a project adjacent to the Port Royal site within the Channel Islands Harbor.

This west harbor site was selected after careful consideration by a committee of experts, which included the director of the San Diego Aquatic Center, Glen Brandenburg. Many questions were raised during the site selection evaluation phase of the study regarding wind effect on boating safety.

We reviewed the reports submitted by experts retained by the County, experts in whom we have a great deal of confidence. We also conducted our own review and site inspections. To date, four current or former boating center directors in California have unanimously recommended the proposed west side site as the safest location.

Conversely, these same experts have counseled against a site on the east side for safety and operational reasons. The mission of the Department is to provide safe boating access to the California boating public. In regard to a boating center that will be offering boating and sailing instruction for youths and beginners, safety is a paramount concern.

For the current fiscal year, a total of \$310,000 is appropriated from the Department's Harbors and Watercraft Revolving Fund for the development of working drawings at the west site.

Oct 15 04 09:30a

Boating & Waterways

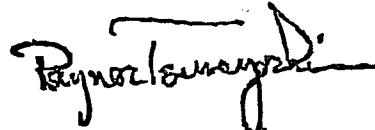
916-263-0648

P.2

Supervisors, County of Ventura  
October 15, 2004  
Page Two

Given the considerable safety concerns expressed by independent experts, we cannot recommend funding from the Department of Boating and Waterways for a BISC project on the harbor's east side.

Sincerely,



Raynor Tsuneyoshi  
Director

RT:dj:ms

cc: Mr. David Johnson  
Mr. Steve Watanabe ✓  
Ms. Lyn Krieger

DEPARTMENT OF BOATING AND WATERWAYS

2000 Evergreen Street, Suite 100  
SACRAMENTO, CA 95815-3888  
Tel: (916) 263-4328  
Fax: (916) 263-0848  
www.dboer.ca.gov



October 21, 2004

-Faxed on 10/21/04-

The Honorable Tony Strickland  
Assemblyman, Thirty-Seventh District  
Westlake Corporate Centre  
2659 Townsgate Road, Suite 236  
Westlake Village, CA 91361

Post-It® Fax Note	7871	Date	# of pages
To	CAROL ABELLA	From	MIKE AMMA
Co./Dept		Co.	
Phone #		Phone #	
Fax #		Fax #	

Dear Assemblymember Strickland:

I am writing in response to your October 14, 2004, letter concerning the Channel Islands Boating Instruction and Safety Center. I assure you that the single most influential factor in our deliberations is safety. The west harbor site was selected after careful consideration by a committee of experts, which included the director of the San Diego Aquatic Center, Glen Brandenburg. Many questions were raised during the site selection evaluation phase of the study regarding wind effect on boating safety.

We reviewed the reports submitted by experts retained by the County, experts in whom we have a great deal of confidence. We also conducted our own review and site inspections. To date, four current or former boating center directors in California have unanimously recommended the proposed west side site as the safest location. In regard to a boating center that will be offering boating and sailing instruction for youths and beginners, safety is of paramount concern.

Following are answers to each of the specific questions you have raised:

1. Question: Is it true that site #2 is the only viable site in the harbor?

Answer: The site selection report for the Boating Instruction and Safety Center for the Channel Islands Harbor was completed in November 1999 and submitted to the Department of Boating and Waterways. Based on recommendations in the report, the "Port Royal/Channel Islands Marina Central" site was selected by the State of California as the preferred alternative.

Accordingly, funding for preliminary plans for a capital outlay, Boating Instruction and Safety Center in the amount of \$319,000 was included in the State of California's 2001-02 Budget Act (Chapter 106, Statutes of 2001). This \$319,000 line-item appropriation, initiated by the Administration and approved by the Legislature, was allocated for the "Port Royal" site.

02/02/05 12:23 FAX 8053823015

CHANNEL ISLANDS HARBOR

0003

Feb 01 05 10:56a

Boating &amp; Waterways

916-263-0648

p. 2

Honorable Tony Strickland  
October 21, 2004  
Page Two

On December 1, 2003, Mike Ammon, Contract Administrator, Department of Boating and Waterways, wrote a letter to Lyn Krieger, Director of the Ventura County Harbor Department, which stated, in part, that "the only viable site is #2, the 'Port Royal/CI Marina Central' location." Mr. Ammon's letter was made in response to an information request from the County of Ventura.

Mr. Ammon's statement was based on a variety of critical factors – site capability, locational criteria, financial issues, development criteria, and, equally important, State budgetary and funding issues. Site #2 is "the only viable site" in the sense that these project funds are not portable and have been earmarked for the Port Royal location. Moving the project to a new location will essentially require starting the budget process all over and ignoring the approximate \$500,000 of state and county funds already spent on this project. Because the State of California is continuing to face difficult budgetary problems, there is no assurance that State funding for a new site would be available and approved in the future. Given the breadth of these factors, Mr. Ammon's statement is accurate.

2. Question: Was land traffic taken into consideration as one of the site selection criteria when analyzing the various sites in the harbor?

Answer: Although land traffic was not addressed in the original proposal, a 55-page traffic study was included in the EIR, which revealed no significant impacts.

3. Question: Is the wind direction the sole factor that makes the east side a safety concern for the Department?

Answer: The direction of the wind in relation to the proposed Boating Instruction and Safety Center is clearly significant for safety reasons, but this factor is just one of the many factors listed in the original proposal Site Selection Criteria (Please see page 12 of the "Proposed Boating Instruction and Safety Center, Channel Islands Harbor, Ventura County, California" proposal, dated November 1999.)

In addition, the EIR points out that if the east side were selected, a dock would have to be placed into the channel that would protrude 115 feet beyond the existing pierhead lines. The U.S. Coast Guard is on record opposing this concept for channel traffic safety reasons. It is also noteworthy that the east side site received one of the lowest ratings of the seven study areas, as listed on the Site Selection Criteria study, and was the only location marked down for safety reasons.

4. Question: Are there other BISCs in the state that are placed downwind? With these BISCs placed downwind, what are the overriding factors that determined placement?

Answer: We have not, to our knowledge, funded the construction of any BISC facilities in the state with wind conditions as unfavorable as those that would be found at a BISC located on the east side of Channel Islands Harbor.

02/02/05 12:23 FAX 8053623015

CHANNEL ISLANDS HARBOR

004

Feb 01 05 10:57a

Boating &amp; Waterways

916-263-0648

p. 3

Honorable Tony Strickland  
October 21, 2004  
Page Three

**Question:** If the county were to opt to place the BISC on the east side of the harbor, would the Department completely refuse to support the BISC?

**Answer:** Given the considerable safety concerns expressed by independent experts, we cannot recommend support from the Department of Boating and Waterways for a BISC project on the harbor's east side.

Lastly, we have enclosed an April 20, 2004, letter from Steve Bennett and Kathy I. Long, members of the Board of Supervisors for the County of Ventura, concerning the board's reasoning and decision-making for the boating center. Supervisors Bennett and Long make clear that the board majority concluded separately that the west side was superior based upon important reasons other than the Department's letter.

Like you, we are interested in assuring that the county's decision is based on receiving complete and accurate information from the Department of Boating and Waterways. Hopefully we have provided the clarification you were seeking. If you should have any further questions regarding our response, please contact me or David Johnson (916) 263-0780.

Sincerely,



for Raynor Tsuneyoshi  
Director

RT:dj:ms

Enclosure

cc: Mr. Steve Watanabe  
Mr. David Johnson ✓

**CAPITOL OFFICE:**  
STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0037  
(916) 319-2037  
FAX: (916) 319-2137

**DISTRICT OFFICE:**  
WESTLAKE CORPORATE CENTRE  
2659 TOWNSGATE ROAD, SUITE 236  
WESTLAKE VILLAGE, CA 91361  
(805) 230-9167  
FAX: (805) 230-9163

Assembly  
California Legislature



**TONY STRICKLAND**  
ASSEMBLYMAN, THIRTY-SEVENTH DISTRICT

**COMMITTEES:**  
**VICE-CHAIRMAN**  
ARTS, ENTERTAINMENT, SPORTS,  
TOURISM AND INTERNET MEDIA  
**MEMBER**  
BANKING AND FINANCE  
ELECTIONS, REDISTRICTING, AND  
CONSTITUTIONAL AMENDMENTS  
GOVERNMENTAL ORGANIZATION  
**COMMISSION**  
STRUCTURAL CHALLENGES  
TO BUDGETING IN CALIFORNIA

October 14, 2004

Mr. Raynor Tsuneyoshi  
Director  
Department of Boating and Waterways  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815-3888

Dear Director Tsuneyoshi:

First, I want to thank Mike Ammon and David Johnson from your Department for assisting my office and helping to clarify some issues regarding the Channel Islands Boating Safety Center in Ventura County. I also appreciate their efforts in assisting the County of Ventura. However, it is precisely your department's assistance to the County that has caused me to write to you today.

In reference to the attached letter from Mr. Ammon sent to Lyn Krieger on December 1, 2003 regarding the Channel Islands Boating Safety Center, it was stated that it is the Department's position that "the only viable site is #2, the 'Port Royal/CI Marina Central' location." It has come to my attention that Mr. Ammon's description of site #2 as the "only viable" site may be inaccurate.

Because I want to assure the County of Ventura and its residents that your department did indeed provide accurate and complete information to the County, can you please take the time to address the following questions?

1. Is it true that site #2 is the *only* viable site in the harbor? It is my understanding that the Department uses a ranking system based on selection criteria and that several sites in the harbor can be considered viable. In fact in a conversation with my staff, Mr. Ammon mentioned that there are only a couple of sites that can be flatly rejected and that there are more sites that can be deemed viable.
2. Was land traffic taken into consideration as one of the site selection criteria when analyzing the various sites in the harbor?
3. Is the wind direction the sole factor that makes the east side a safety concern for the Department?
4. Are there other BISCs in the state that are placed downwind? With these BISCs placed downwind, what are the overriding factors that determined placement?

E-MAIL: [Assemblymember.Strickland@assembly.ca.gov](mailto:Assemblymember.Strickland@assembly.ca.gov)

WEB: <http://www.assembly.ca.gov/strickland>

Printed on Recycled Paper

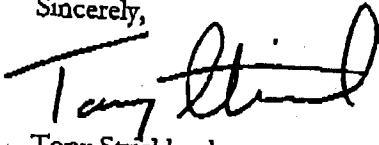


5. If the County were to opt to place the BISC on the east side of the harbor, would the Department completely refuse to support the BISC?

Thank you in advance for you time. I am sure you share my desire to ensure that the County of Ventura did indeed receive complete and accurate counsel from your department.

If you should have any questions, please feel free to contact me or my Chief of Staff, Joel Angeles, in my District Office at (805) 230-9167.

Sincerely,



Tony Strickland  
Assemblyman, 37<sup>th</sup> District

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

<b>Parking Lot</b>	<b>1000 Hrs</b>	<b>1300 Hrs</b>	<b>1600 Hrs</b>	<b>2000 Hrs</b>	<b>Total available spaces</b>	<b>Percent full during maximum demand</b>
W-2	86	104	110	105	182	57%
W-3 <sup>1</sup>	7	17	19	69	149	46%
W-4 <sup>1</sup>	65	78	86	65	179	48%
W-5	59	116	98	55	171	68%
W-6 <sup>2</sup>	152	152	111	65	152	100%
Whale's Tail/ Port Royal	12	51	57	71	76	93%

<sup>1</sup> Lots closest to Boating Instruction and Safety Center

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



# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd  
Oxnard, CA 93035

RECEIVED

February 2, 2005

FEB 02 2005

Gary Timm  
District Director  
California Coastal Commission  
89 S. California Street  
Ventura, CA 93001

Re: PWP-MAJ-1-04  
County In Denial

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Dear Director Timm:

Without unduly burdening your file, we wish to provide the enclosed partial transcript of the October 19, 2004 Ventura County Board of Supervisors meeting where, by a vote of three to two, the Public Works Plan Amendment before you was approved. Please particularly note the following:

1. County Refusal to Accept the Validity of CCC June 9, 2004 Findings. At pages 13-14 of the transcript Supervisor Flynn inquires whether language added to the Public Works Plan by the Amendment is in answer to the CCC findings. The Harbor Director, Lyn Krieger, responds:

"No. They are not responding to the June findings. I have been told that the County does not recognize the June findings because there's disagreement about whether a decision was even made in February. See, we are specifically not responding to the findings, but we are responding to the written agreement we have with the Coastal Commission and the comments made at the February and June meetings."

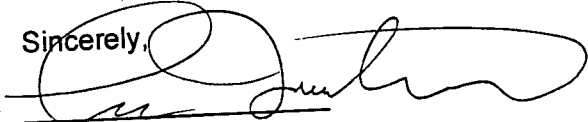
Director Krieger states at page 6 that the purpose of the Amendment is to "insert" the BISC as a "specific project" in the PWP. That insertion is the only obligation recognized by the County and the Commission is said to agree. This is wholly erroneous. The Commission findings detail multiple Coastal Act and PWP compliance deficiencies. The review agreement with Commission staff does not and cannot waive the necessity for the County to respond to the substantive issues raised by the findings and to otherwise come into compliance with the Coastal Act.

2. County Refusal to Accept Commission Determination that the BISC Site is a Designated Park. At pages 10-12 Supervisor Parks leads questioning on placement of the BISC in a designated park. Director Krieger responds that the County does not accept that the site is a designated park. She says the Amendment makes the BISC an "exemption" to Policies 19 and 20. She states that it was always clear to County Planning and CCC staff that the project was consistent with the PWP. In fact, at all times from the first Staff Report through the findings, The Commission has consistently recognized the site as a designated park.

Exhibit 9  
PWPA 1-04  
NOID 1-05  
Correspondence

County failure to respond to the findings and its refusal to accept that its chosen site is a designated park should make it impossible for Commission staff to recommend approval of the Amendment. **The County and the Commission are trains passing in the night. To accept a County Amendment pasted over unresolved and fundamental disagreement would be to become complicit in County undermining of the protections of the Public Works Plan.**

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Quaintance", written over a horizontal line.

Lee Quaintance  
Secretary

Encl.

1 VENTURA COUNTY BOARD OF SUPERVISORS

2 STATE OF CALIFORNIA

3  
4  
5 --oOo--

6  
7  
8 ITEM NO. 33

9 CHANNEL ISLANDS HARBOR AND PUBLIC WORKS PLAN  
10 AMENDMENT, ADDENDUM TO FINAL ENVIRONMENTAL IMPACT  
11 REPORT AND PROJECT CONSISTENCY/BOATING INSTRUCTION  
12 AND SAFETY CENTER IN CHANNEL ISLANDS HARBOR

13  
14  
15 --oOo--

16  
17  
18 HEARING BEFORE THE BOARD OF SUPERVISORS

19 COUNTY OF VENTURA

20 Partial Transcript of Recorded Proceedings

21 Tuesday, October 19, 2004

22 Ventura, California

23  
24  
25 Transcribed by:

Marlene Struss

PARTICIPANTS

Board of Supervisors

First District - Steve Bennett, Chair  
Second District - Linda Parks  
Third District - Kathy I. Long  
Fourth District - Judy Mikels  
Fifth District - John K. Flynn

County Representatives

Lyn Krieger - Harbor Department

Public Speakers

Mark Graves  
Marcia Marcus, Channel Islands Beach Community  
Services District  
Jonathan Ziv  
Bart Schuman  
Vickie Finan, Beacon Foundation  
Gordon Birr, Beacon Foundation  
Jean Rountree, Beacon Foundation  
Lee Quaintance, Beacon Foundation  
John Buse, Environmental Defense Center, Beacon  
Foundation  
Nancy Snooks  
Lauraine Effress, Harbors West Owners Association  
Ellen Spiegel, Channel Islands Beach Community  
Services District  
Patrick Forrest  
Kenneth Grim  
Carol Burhoe  
Bruce Markovich  
Anna Spanopoulos  
Stephanie Angelini  
Trevor Smith  
Tom Land

I N D E X

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1 VENTURA, CALIFORNIA

2 TUESDAY, OCTOBER 19, 2004

3 --oOo--

4 (CD Board of Supervisors Mtg. 10/19/04

5 @1:37:01.)

6 SUPERVISOR BENNETT: I'd like to call the meeting  
7 back into order, welcome everybody here.

8 We have quite a few speaker cards here. And  
9 so I'm going to ask everybody to limit their comments  
10 to four minutes. And I have one speaker who wants to  
11 speak on two items, 33 and 34, Marcia Marcus.

12 I'm going to ask you to speak first only --  
13 that way I'll put your card in the right spot and I  
14 won't forget when we get to Item 34

15 Also I'm going to ask that anybody who has --  
16 actually, Marcia, I'm going to let you go second. I'm  
17 going to go with Mark Graves. He was up here first.  
18 You look like you need a second there now, right?

19 And I'm going to ask anybody that has a  
20 speaker card or wishes to speak, if you'd turn it in  
21 now, we will stop accepting speaker cards here in the  
22 next 30 seconds or so. Does anybody else have a  
23 speaker card to turn in?

24 All righty. Okay, our -- we have our staff  
25 report.

4

1 MS. KRIEGER: Good afternoon, Members of the  
2 Board, Ms. Robinson. Lyn Krieger from the Harbor  
3 Department.

4 And I am here today for a very specific  
5 purpose and specific project. And that is for a  
6 proposed amendment to the Channel Islands Harbor Public  
7 Works Plan as certified by the Coastal Commission on  
8 September of 1986.

9 Accompanying that document is an addendum to  
10 the fire -- final environmental impact report that you  
11 all certified last December for project consistency and  
12 for the Boating Center.

13 These two items are before you today at your  
14 own instruction. As you know this, we have a project.  
15 The project has already been adopted and approved. And  
16 the EIR has already been certified. It is final. And  
17 there's been a notice to that effect.

18 I know that there are a number of people who  
19 still want to revisit the project. And we'd be happy  
20 to answer any questions you might have today about any  
21 of that. But our real purpose here is for the  
22 amendment.

23 This is a very focused amendment to the  
24 Public Works Plan, done based on comments from the  
25 Coastal Commission, from specific Coastal

1 commissioners.

2 We have today here to answer your questions  
3 of course County Counsel, who are here in force, Noel  
4 Klebaum and his staff. Also, Andi Culbertson is here  
5 from Culbertson, Adams, & Associates. And Jeffrey  
6 Froke, who was the biologist for this particular  
7 project, who is involved in review of these documents.

8 This focused amendment is in response to, as  
9 I said, Coastal Commission comments and to our recent  
10 agreement with the Coastal Commission. And what we  
11 agreed to was to make the Boating Instruction and  
12 Safety Center a specific project within the Public  
13 Works Plan.

14 We have provided to you both a red-line and a  
15 clean copy of the amended Public Works Plan. The  
16 red-line is provided to you for your convenience;  
17 otherwise, I must tell you, even I couldn't find what  
18 was changed in this document. It's a little  
19 difficult.

20 The clean copy is what would ultimately, if  
21 adopted, be the final amended Public Works Plan.

22 You'll notice as you went through it that  
23 what we have done primarily is insert the -- the  
24 project specifically, which is what was suggested to  
25 us, both by commissioners and Coastal Commission staff

1 to do. We've also adjusted Policies 20 and 21, which  
2 have been the subject of considerable testimony before  
3 the Board, having to do with open space. And there has  
4 been some clarification in tables where public projects  
5 are listed. Other than that, there is very little  
6 change.

7 The addendum, after review by County Counsel,  
8 is what was required for modification of the CEQA  
9 document to meet the requirements of the California  
10 Environmental Quality Act.

11 I'm not going to belabor this issue now. I'm  
12 sure there will be a number of questions, but I just  
13 wanted to give you a brief overview of where we are.

14 SUPERVISOR BENNETT: Thank you very much.

15 Do we have any questions before we go to the  
16 public comment?

17 Supervisor Parks?

18 SUPERVISOR PARKS: I -- I was hoping we'd have  
19 like a PowerPoint.

20 Can you tell us specifically then the changes  
21 like in the open space and just be more specific?

22 MS. KRIEGER: Yes. In Policies 20 and 21 -- and  
23 if you can give me just a moment to find the page --  
24 and if someone finds it sooner than me, they can call  
25 it out.

1                   Well, I'll comment on two areas. First, on  
2 page 40 -- because this relates to Policies 20 and 21  
3 -- the section on public recreation begins at the  
4 bottom of page 41, where we talk about public  
5 recreation. It mentions, and I quote, "A publicly  
6 owned and operated facility is also permitted. The  
7 Boating Instruction and Safety Center. This facility  
8 is located on public land and provides marine  
9 education, including but not limited to sailing,  
10 rowing, swimming, beach activities, marine biology, and  
11 other water-oriented activities and topics.

12                   "The Boating Instruction and Safety Center  
13 also has a gathering facility," which is what it was  
14 called in the EIR, "which is provided for community  
15 gatherings, classes, and fee-paying private events as  
16 approved by the Harbor Department."

17                   SUPERVISOR PARKS: Though specifically this  
18 wording says the park could also be this building --  
19 could have this building?

20                   MS. KRIEGER: That's correct. Well, not the  
21 park. It just says that that particular area, which is  
22 designated visitor-serving harbor oriented.

23                   SUPERVISOR PARKS: Well, because this -- I'm  
24 sorry. The last portion of the paragraph prior to what  
25 you just read said, "Further, the park could be

1 expanded either along the --" and it -- it's talking  
2 about the park.

3 MS. KRIEGER: Right. That's right.

4 SUPERVISOR PARKS: So then it goes, "A publicly  
5 owned and operated facility is also permitted."

6 MS. KRIEGER: In that area.

7 SUPERVISOR PARKS: In that park area.

8 MS. KRIEGER: Right.

9 In terms of policies, on page 50 of the  
10 document, going back further, I'll come in on 18, 19,  
11 and 20. Policy 18 on the top of page 50, it currently  
12 says "to ensure that lower-cost recreational and  
13 visitor-serving facilities are available to all income  
14 groups, picnic tables, public restrooms, pedestrian  
15 furniture, bicycle storage rack, small boat rental,  
16 berthing and sailing areas," and then added was "marine  
17 education facilities." And then it goes to the  
18 original, "and at least two lower-cost eating  
19 establishments."

20 In Policy 19 it says, "The four existing park  
21 areas, the public swim beach, and the BISC facility and  
22 uses shown on Figures 3, 4, 5, and 7 have been added."

23 And in Policy 20 it says, "All areas  
24 designated as public parks and beaches in Figure 4 of  
25 the plan shall be protected as open space and shall not

1 be developed or utilized for other uses without an  
2 amendment to the plan except as set forth in Policy  
3 19," where the BISC facility is (inaudible)

4 SUPERVISOR PARKS: If I may, then, prior to the  
5 amendment that you're suggesting, you had Item 20 that  
6 said it can only be used for open space.

7 MS. KRIEGER: Well, it said all areas designated  
8 as public parks, which we don't believe this area --

9 SUPERVISOR PARKS: Shall be protected as open  
10 space and shall not be developed --

11 MS. KRIEGER: Right.

12 SUPERVISOR PARKS: -- and then, "without an  
13 amendment to the plan." But you don't need to amend  
14 the -- the plan if you want to put item Policy No. 19  
15 in this public park open space.

16 MS. KRIEGER: Well, we are amending the plan. I  
17 mean, that's what this --

18 SUPERVISOR PARKS: To put --

19 MS. KRIEGER: -- is (inaudible)

20 SUPERVISOR PARKS: Okay, I just -- you understand  
21 where I'm going. We are putting the building in a park  
22 that was previously only allowed for open space.

23 MS. KRIEGER: Oh, yeah, there's -- there's some  
24 disagreement (inaudible) testimony.

25 SUPERVISOR PARKS: I -- I don't know if that's a

10

1 point of view if the words say it, you know, that  
2 "shall be protected as open space and shall not be  
3 developed or utilized for other uses." This is in  
4 reference to the public park. So I don't think it's an  
5 interpretation.

6 But now we're putting an exemption for a BISC  
7 in a public park that's designated for open space to  
8 this -- to this date.

9 SUPERVISOR BENNETT: Supervisor Mikels.

10 SUPERVISOR MIKELS: Well, to follow up on that,  
11 then do we have a picture of the map with the land use  
12 underlying designation? I don't believe that was  
13 designated parkland.

14 MS. KRIEGER: Well, that's where the disagreement  
15 has always been. And what we're trying to do is --

16 SUPERVISOR MIKELS: Is undisagreement it.

17 MS. KRIEGER: Yes.

18 SUPERVISOR MIKELS: Okay.

19 MS. KRIEGER: It's just make it clear where before  
20 clearly the County's Planning Department, the Coastal  
21 Commission staff, and in the EIR it was always found  
22 consistent with the existing plan, including the staff  
23 report from the Coastal Commission. So we believe it's  
24 clear.

25 But clearly there are enough people who don't



1 believe that, that it seems in order to make it clear  
2 here and not argue anymore about what is park and what  
3 is not park, but to specifically allow the use. And  
4 even if it were a park, in many jurisdictions buildings  
5 for recreational purposes are allowed --

6 SUPERVISOR MIKELS: On parks, right.

7 MS. KRIEGER: -- in parks. It's not private  
8 development; it's a public use.

9 SUPERVISOR BENNETT: So my guess, Supervisor  
10 Parks, you -- we still have a disagreement, but do you  
11 under- -- did you hear?

12 SUPERVISOR PARKS: Well, it sounds like what the  
13 rules are on open space and parks there's no  
14 disagreement about. The disagreement is about whether  
15 this site is considered one of those parks or open  
16 space.

17 MS. KRIEGER: That's correct.

18 SUPERVISOR PARKS: And just to make sure there's  
19 no question about it, you're now allowing building of a  
20 BISC in the park or open space --

21 MS. KRIEGER: But --

22 SUPERVISOR PARKS: -- just in case that's how  
23 people interpret it?

24 MS. KRIEGER: But only a boating center. We're --  
25 yeah, we're making it specific.

1 SUPERVISOR BENNETT: Okay. Supervisor Flynn?

2 SUPERVISOR FLYNN: Yes. I assume that all of the  
3 underlinings in the public works document that is  
4 before us, those are changes; is that correct?

5 MS. KRIEGER: I believe there's one spot where we  
6 have a note that says this was originally underlined.  
7 I don't remember exactly where that is, but it's  
8 specifically noted. But other than that, yes, they are  
9 all changes.

10 SUPERVISOR FLYNN: And these -- these underlinings  
11 pertain, in your view, to a focus amendment, relate to  
12 a focus amendment?

13 MS. KRIEGER: That's correct.

14 SUPERVISOR FLYNN: All the underlines relate to a  
15 focus amendment of the Public Works Plan.

16 MS. KRIEGER: Well, there are a couple of areas,  
17 particularly in tables where the numbers didn't add up  
18 or were flatly incorrect even at the time it was  
19 written. And where we knew exactly what those were,  
20 they were corrected, but otherwise, that -- that's  
21 true.

22 SUPERVISOR FLYNN: And thirdly, these -- these  
23 underlinings that we're looking at represent answers,  
24 if you will, to the concerns of the Coastal Commission  
25 that were expressed at a Coastal Commission meeting.

1 The underlinings are -- are answering the findings; is  
2 that -- is that your thought?

3 MS. KRIEGER: No. They are not responding to the  
4 June findings. I have been told that the County does  
5 not recognize the June findings because there's  
6 disagreement about whether a decision was even made in  
7 February. See, we are specifically not responding to  
8 the findings, but we are responding to the written  
9 agreement we have with the Coastal Commission and the  
10 comments made at the February and June meetings.

11 SUPERVISOR FLYNN: Well, I -- Mr. Chair?

12 (Inaudible)

13 SUPERVISOR BENNETT: You still got the floor.

14 SUPERVISOR FLYNN: Do you have a copy of the  
15 letter, a memorandum to Lee Quaintance dated August  
16 3rd, 2004, from Chuck Damm, subject processing a public  
17 works plan amendment for the Boating Instruction and  
18 Safety Center in Channel Islands Harbor? Are you  
19 familiar with that?

20 MS. KRIEGER: No, I don't believe it was forwarded  
21 to us.

22 SUPERVISOR FLYNN: Let me -- let me just read a  
23 little bit. Maybe you will.

24 "The purpose of my sending this memo is to  
25 clarify that the Coastal Commission did agree to

1 process a public works plan amendment for the Channel  
2 Islands Harbor should the County choose to submit such  
3 an amendment.

4 "The intent of the amendment would be to  
5 include the Boating Instruction and Safety Center in  
6 the Public Works Plan. However, in agreeing to process  
7 an amendment to the Public Works Plan I want to assure  
8 you that the review and processing of the amendment  
9 will follow the Commission's regulations for such  
10 review and processing that one or more duly noticed  
11 public hearings will held -- be held by the Commission  
12 that legal basis for review will be consistency with  
13 the policies of the California Coastal Act. This is  
14 the normal process, and no exception to that process  
15 was made."

16 "As part of the Commission agreeing to  
17 process the Public Works Plan amendment submission the  
18 Coastal Commission retains full discretion as to its  
19 review and action on the amendment. Commission staff  
20 did indicate that the County -- to the County that we  
21 expect to process the amendment once it's deemed filed  
22 within four to six months."

23 And then my understanding is that both the  
24 County and the Commission retain their respective legal  
25 positions regarding the Commission's action on the BISC

1 this past February and that any legal proceedings are  
2 told during the time the Public Works Plan amendment is  
3 being processed.

4 You're familiar with that?

5 MS. KRIEGER: Oh, I don't know that I've seen that  
6 memo. But that is exactly my understanding of where we  
7 are.

8 SUPERVISOR FLYNN: Okay. That's --

9 SUPERVISOR BENNETT: Okay. Any other questions?

10 Thank you very much.

11 MS. KRIEGER: Thank you.

12 SUPERVISOR BENNETT: We will begin our public  
13 testimony. We're going to go with Mark Graves, and  
14 then we'll go to Marcia Marcus.

15 Oh, are you? Go ahead.

16 MR. GRAVES: Fight over who could get there  
17 first.

18 SUPERVISOR BENNETT: Right.

19 MR. JOHNSTON: Mr. Chairman? Excuse me one  
20 moment.

21 SUPERVISOR BENNETT: Excuse me.

22 MR. JOHNSTON: I -- I just would like to clarify  
23 that you are now opening the public hearing on Item No.  
24 33.

25 SUPERVISOR BENNETT: Well, thank you very much for

16



# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd  
Oxnard, CA 93035

RECEIVED

DEC 28 2004

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

December 28, 2004

Gary Timm  
District Director  
California Coastal Commission  
89 S. California Street, Suite 200  
Ventura, CA 93001

Re: PWP-MAJ-1-04  
Taking of Public Access  
Parks and Parking

Dear Director Timm:

Three letters<sup>1</sup> to the Commission by our Counsel John Buse detail our concerns regarding the proposed Amendment to the Channel Islands Harbor Public Works Plan (PWP). This letter focuses on **diminished public coastal access** caused by taking park and parking resources for the Boating Instruction and Safety Center (BISC) project.

1. **Parks.** Commission staff has consistently rejected the County contention that the BISC site is not a park protected by Policy 19 and Policy 20 of the PWP. The findings adopted by the Commission on June 9, 2004 affirm the staff position.

The County has also grossly understated the amount of park taken. Its EIR it states the taking is 800 sq ft. At the Commission BISC hearing on February 19, 2004, we presented<sup>2</sup> the County site diagram (Attachment One) colored to depict the taking. Colored blue on the diagram is 1,700 square feet of existing park covered by the BISC building footprint. Colored Green is 2,300 square feet of existing park enclosed within the gated and fenced BISC compound. We testified that these two takings total 4,000 square feet of park that is eliminated by the BISC. The County preparer, Andi Culbertson, told the Commission:

*"There was a comment made that 4000-square feet is what is occupied at the park. That is false. I have measured it, and I have had an engineer measure it, and the lawn area is generously estimated at 800-square feet ...."<sup>3</sup>*

The County has belatedly but only partly recanted this misstatement by an EIR amendment approved on October 19, 2004 and submitted to the Commission as part of the Amendment. It states the County *"retained a civil engineer to review the drawing ..."* and determined that: *"The turf area actually occupied by the building shown on Exhibit 49 is approximately 1500-1700 square feet."* This validates our 1,700 square foot calculation for the building footprint. We calculated the additional area taken by the fenced and gated BISC compound using the same method we used for the footprint. **Even in the Amendment, the County persists in mischaracterizing the area as "turf" rather than a protected park. It replaces its prior misstatement of the size of the taking with a half truth. It admits its error regarding the footprint while ignoring the additional taking of park by the fenced and gated BISC compound.**

<sup>1</sup> September 23, 2004, October 19, 2004 and November 15, 2004

<sup>2</sup> Certified Transcript pages 44-47

<sup>3</sup> Certified Transcript page 66.

Any taking of protected park is contrary to clear preservation requirements of the PWP. An encroachment even of 800 square feet (and it is actually five times that) requires a PWP Amendment. The purported Amendment filed with the Commission imposes the BISC on PWP Policies 19 and 20<sup>4</sup> by fiat. It simply pastes the BISC on as a like thing to a designated park, beach or open space. This rhetorical designation of "park" as "BISC" defines two unlike things as the same thing. It is illogical and inconsistent on its face. This is demonstrated by the Policy 19 requirement, even after amendment, that facilities designated therein "*shall be protected for general public use.*" The BISC is a special purpose facility with primary use by enrolled students of California State University. Any secondary users must be enrolled in some program that gains approval to use the facility at times not needed by the primary user. This is a pay for use facility imposed on a public park actively utilized for coastal access by the general public without enrollment or fee of any kind. Taking this free park for a fee use is contrary to Coastal Act and PWP protections for low cost recreational users and is an issue of environmental justice.

The County states an intention to more than replace the "turf" it is taking with other "landscaped area" to be created from present roadbed abandoned in reconfiguration of the site. There is no actual commitment by the County in any stated time frame to convert the roadbed to "landscaped area." Additionally, **parks are not fungible.** Specific parks are protected under the PWP and this roadbed is not one of them. Further, much of the roadbed is located with its view of the water blocked by the backside of two existing restaurants. The entire area of existing protected park appropriated by the BISC project is qualitatively superior to the roadbed. It has mature trees and all of it has unobstructed views of the water.

**2. Parking.** The Amendment packet<sup>5</sup> submitted to the Commission by the County contains raw utilization data for parking lots in the vicinity of the BISC project. This consists of photos taken at intervals on the Labor Day weekend in 2004 and charts stating the lots were variously 46% to 100% "*full during maximum demand.*" The only interpretation of the data is by Director Krieger in her October 27, 2004 cover letter statement that the 2004 study shows "*parking is underutilized in this area.*" This statement completely misunderstands the role of parking enunciated in the Public Works Plan.

The Public Works Plan contains a parking lot demand study conducted on the Labor Day weekend in 1985. It showed<sup>6</sup> "ample" public parking in the lots nearest the area now proposed for the BISC. This was not seen as "underutilization" but as fulfillment of an PWP objective. The PWP approaches Harbor parking as an organic whole. It specifically states a goal through shuttle buses and other means to balance low use in one area with high use in another. "Ample" and free public parking is a key PWP program to assure maximum public coastal access. The County 2004 Labor Day study does nothing more than show that the Plan objectives are being achieved with the present activity level in the Harbor. In no way does it justify absorbing new project parking demand within existing parking.

<sup>4</sup> See annotated version of proposed Amended Public Works Plan, page 50

<sup>5</sup> Please note that this "packet" includes materials not seen or approved by the Board of Supervisors. Not part of the materials reviewed by the Board for its October 19, 2004 approval of the amendment, are the parking and heronry studies.

<sup>6</sup> See annotated version of proposed Amended Public Works Plan, page 44 et. seq.

The new parking data fails to even consider BISC parking demand. The "study" is not only devoid of consideration of parking usage by BISC users but also fails to consider the parking impact of elimination of existing parking by the BISC and its fenced compound.

The diagram we presented at the February 19, 2004 Coastal Commission hearing (Attachment One to this letter) shows the elimination of existing parking by the BISC project. Colored on the diagram in yellow is more than 15,000 square feet of existing parking area that will be taken by the BISC building footprint and by its gated and fenced compound. In addition pursuant to the County EIR<sup>7</sup> 118 parking spaces in the immediate vicinity of the BISC are to be signed and enforced as "BISC Use Only" parking spaces. The Harbor Director may seek to make these spaces available to other users when the BISC is not in use but no method of doing so is indicated. Obviously, this signage will place these 118 spaces out of general public use.

The proposed reconfiguration of the area depicted in Attachment One reduces the present existing spaces available in the area by more than 100. In addition all of the surviving spaces, depicted in salmon color on the diagram, will be signed for "BISC Use Only." The net effect is the elimination of more than 218 parking spaces from general public use. This appropriation of existing parking requires analysis and an Amendment to the PWP. **The submission received by the Commission makes no Amendment to existing PWP parking provisions.**

**3. Conclusion.** Appropriation by the BISC project of a protected park and parking has a direct and negative effect on public coastal access. We call on the Commission to uphold the PWP as the only existing charter document for the Channel Islands Harbor. If the County wishes to fundamentally revise this charter it must follow the proper process for a comprehensive amendment. Meanwhile, it may not ignore requirements of the present PWP and be permitted to "paste" in new projects. The proposed Amendment before you is defective and incomplete and severely diminishes protections for public coastal access. It should be rejected.

Sincerely,



Lee Quaintance  
Secretary

Attachment





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<sup>7</sup> EIR Project Modification number 27, page 252 and 349



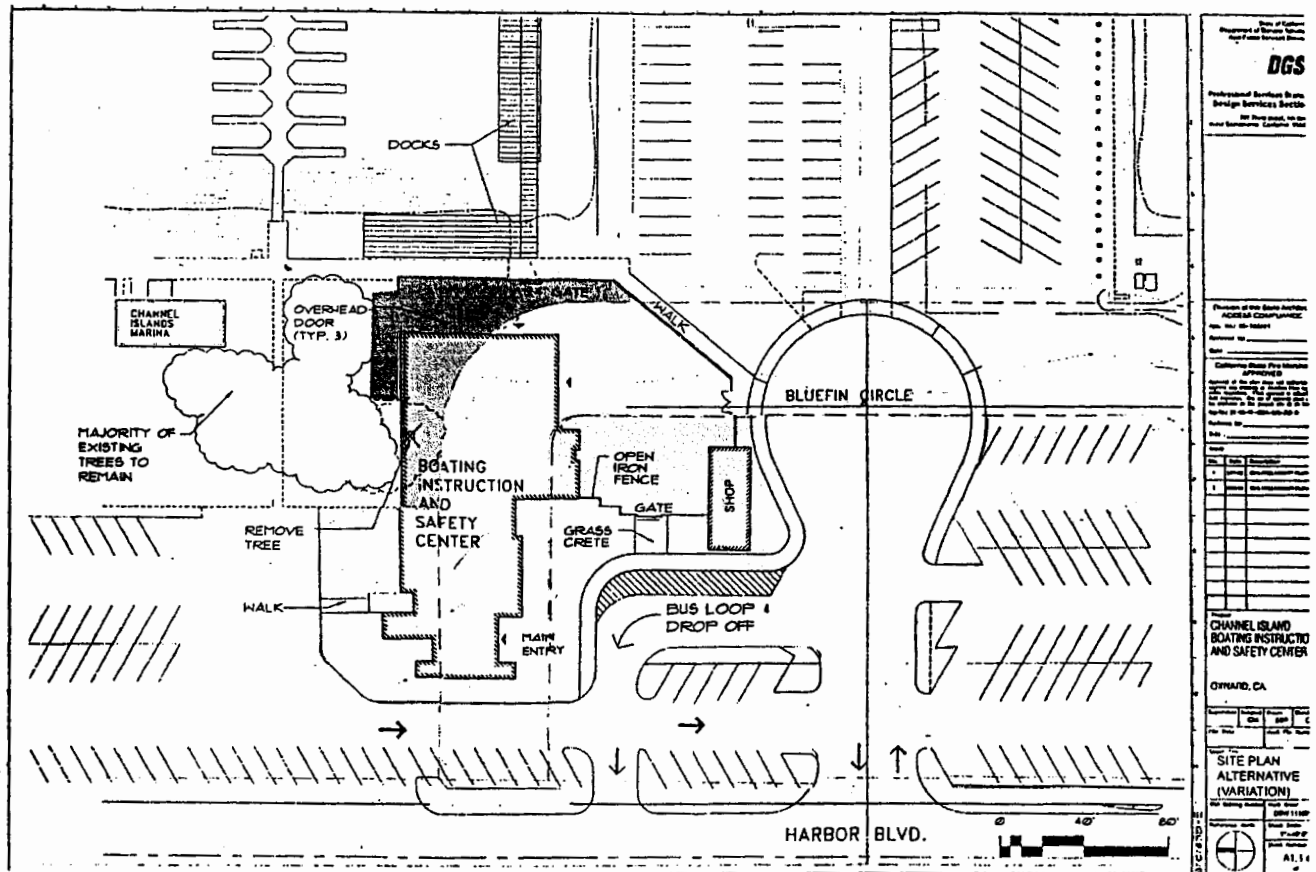
# TAKING OF PUBLIC PARK AND PARKING

Th7

-  2,300+ sq. ft. of existing park taken by fenced compound.
-  1,700+ sq. ft. of existing park taken by building footprint.
-  15,000+ sq. ft. of existing parking area taken by building footprint and compound.
-  100 of the 118 parking places to be permanently posted as : "BISC use only"

- This project diagram is attached to the Notice of Impending Development as "the approved project site plan." The County claims it "only occupies approximately 800 square feet of turf." The area of existing park taken by the project is actually more than 4000 sq. ft..
- The CCC Staff Report relied on the false County data stating: "approximately 800 sq. ft. of designated park area will be displaced by the BISC."
- Condition 5 is based on the false data. This taking requires a PWP amendment. In a Notice process, Condition 5 needs to be rewritten to state:

**Revised Condition 5: The project may not take designated park area and must not displace public parking access to designated park area.**



Division of Planning  
Department of Planning, Research  
and Public Services  
**DGS**  
Professional Services Branch  
Design Services Section  
1000 Main Street, Suite 1000  
Santa Ana, California 92701

Project: Channel Islands Boating Instruction and Safety Center  
Site: 1000 Main Street, Suite 1000  
Date: 11/11/11  
Drawing No: 11-11-11-001

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMITTING
2		
3		
4		
5		
6		
7		
8		
9		
10		

CHANNEL ISLANDS  
BOATING INSTRUCTION  
AND SAFETY CENTER  
ORLAND, CA  
DATE: 11/11/11  
SCALE: AS SHOWN  
SHEET NO. 11-11-11-001  
TOTAL SHEETS: 11-11-11-001

ATTACHMENT #1



# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd  
Oxnard, CA 93035

Received  
11/16/04

November 12, 2004

Barbara J. Carey  
Coastal Program Analyst  
California Coastal Commission  
89 South California Street  
Ventura, CA 93001

Re: Permit Application # 4-04-097  
Vintage Marina, Channel Islands Harbor

Dear Ms. Carey:

The Beacon Foundation is a nonprofit environmental organization focused on coastal Ventura County. We have reviewed the above file and have concerns we wish to draw to your attention. We also request by this letter to be placed on the distribution for all notices or actions regarding this Permit Application or regarding any Notice of Impending Development or Public Works Plan Amendment that may be filed with regard to this project.

**A primary and threshold concern is that the application is so incomplete that the project is not fully described.** We note that by a letter of October 19, 2004 you have requested additional information. Based on the data at hand we have identified these concerns:

**1. Issue of NOID or PWP Amendment for landside development.**

Your letter of October 19, 2004 indicates that landside portions of the project are not in the area of original permit jurisdiction of the Commission and will need to be evaluated via a Notice of Impending Development (NOID) process. We suggest that there is insufficient information in the Application to determine whether an NOID or a Public Works Plan (PWP) Amendment will be necessary for the landside portion. If the landside development is not consistent and contained within the PWP then a Plan Amendment rather than a NOID will be needed. Among key factors not clear from the Application, is whether buildings to be demolished are replaced entirely on the same footprint; the square footage of replacement structures compared to existing structures is not stated; replacement building heights are not disclosed; and it is unclear whether there are any entirely new buildings.

**2. Interdependency with the Boating Instruction and Safety Center (BISC) Project.**

The BISC project is the subject of extensive proceedings before the Coastal Commission as NOID 1-04. At a hearing on June 9, 2004 the Commission adopted Findings confirming its determination at a two and one half hour hearing on February 19, 2004. The Commission found that the BISC project is not contained within or consistent with the approved 1986 Public Works Plan and that the project could not be processed as an NOID. The County is

now seeking approval of the BISC project via an Amendment to the Public Works Plan filed with the Commission on October 27, 2004. The Findings approved June 9, 2004 are relevant to the Vintage Marina project as will be pointed out below. The marina project and the BISC project are proposed on physically adjacent sites in the Channel Islands Harbor (see pages 18-19 of the Vintage Application that includes depiction of the BISC building and compound). In addition to being physically adjacent, these two projects are functionally intertwined.

- *Slip Count and Public Availability.* Approximately 24,000 square feet of dock space and 25 slips in the Vintage Marina project are to be dedicated for use by the BISC. Those slips are not available for lease to the general public. The Application presented by Vintage does not describe the BISC component of its project. Among the resulting unanswered questions is whether the 405 slips stated in the Vintage application include the BISC dedicated slips. The findings in NOID 1-04 (page 12) state that the elimination of the recreational spaces for BISC use is inconsistent with Policy 3 of the PWP. This same inconsistency is operative in the Vintage Marina project.

As presented in the Application, the Vintage project contains 87 less slips than the existing marina total of 592 slips. Whether or not the applicant's 405 slip count includes slips dedicated to the BISC is unknown. If the 25 slips lost to BISC use are in the 405 total then the number of slips lost to general public use is actually 112 rather than 87. The Marina project eliminates 15% (87) or 19% (112) of the public slips and this further compounds inconsistency with Policy 3 of the PWP.

- *Extension of Pier Heads.* The Vintage Application (pages 18-19) depicts the project extending 20 feet beyond the present pier head into the Harbor main channel waterway. The new area would be developed into slips and tie downs. This incursion into the waterway does not appear to be included in the lease the County has granted to Vintage. This proposed building into the main channel creates congestion and safety issues for boating classes the BISC proposes to operate in the portion of the channel immediately adjacent to the Vintage project. These effects are not considered in the Vintage Application. The Findings adopted by the Commission in the BISC matter recognize that the PWP states the Harbor will be completely "built out" with construction of projects scheduled in PWP Table 1. Neither the BISC nor extension of the Vintage marina 20 feet further into the Harbor main channel is contained in Table 1. Therefore, a PWP amendment (as required by the Commission findings for the BISC project) should be required for any expansion of the Vintage project beyond the existing pier heads.

The Amendment to the PWP filed with the Commission for the BISC project seeks to alter the PWP restriction on new construction by adding the word "basins" so the restriction would read "the Harbor basins will be completely built out." Were this amendment to be approved, the restriction on expansion of the Vintage project beyond the present

pier head would be even more clearly forbidden without submission and approval of an Amendment to the PWP to allow such expansion.

Aside from the "built out" restriction, the proposed expansion beyond the existing pier head lines is already specifically prohibited by existing Policy 3 g (page 68) of the PWP providing:

The existing open water areas in the inner Harbor, as depicted on the Land Use Map as 'Waterways' and as defined by existing pier head lines at the time of original approval by the California Coastal Commission of the Harbor's Public Works Plan, shall not be developed with surface structures of any kind, floating or otherwise, except in cases of emergency where temporary structures are required.

The stated total of 405 slips in the reconstructed marina includes slips and tie downs gained by extension of the pier heads. Unless this extension is approved by a PWP amendment the number of slips available for public use will be even further reduced counter to Policy 3.

### **3. Loss of Lower Cost Recreational Facilities**

The Vintage Application (page 5) asserts that the project will protect existing "lower cost visitor and recreational facilities." However, the application never considers the effects of the substantial decrease in the number of slips (see point 2 above) or the consequences of the drastic decrease in the number of slips 30 feet or less in length used by smaller vessels. This reduction of lowest cost slips used by small boats is obviously a negative impact on lower cost recreational facilities.

Another impact on lower cost facilities not evaluated in the Application, is the effects of phasing of the redevelopment. The Applicant claims that nearly one quarter of the slips in the project will be for vessels 30 feet or less in length. However, the project will be developed in phases and no information is provided on how this phasing will affect the mix of slips. Will there be one or more points in time when less than one quarter of the operational slips are 30 feet or less? How long will any such phase last? If phasing of the development results in a decrease in the ratio of small slips to large slips then the project falls disproportionately on the lower cost slip users. The diagram of the project in the application suggests this impact may well occur when the southern basin is built out since the new configuration appears entirely reserved for larger slips.

### **4. Exemption from CEQA**

The Application claims categorical exemption from CEQA pursuant to Guideline 15302. This Guideline describes a Class 2 exemption as one applicable to replacement of existing structures and facilities on the same site and for "substantially the same purpose and capacity as the structures replaced." The substantial diminution in the absolute number of slips available to the public for recreational boating and the disproportionate impact of this decrease on lower cost slips makes a Class 2 exemption inappropriate for this project.

Further, the Guideline Section 15300.2 may make a categorical exemption inapplicable due to cumulative impacts or "... where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The Vintage project application fails to consider impacts of this action in conjunction with the interrelated BISC project and so there are cumulative impacts requiring analysis.

The existence of significant effects of the project due to "unusual circumstances" is clearly present. As is demonstrated in the County filing NOID 1-04, the BISC project is partly on a public park containing an established rookery for a colony of black-crowned night heron. The Coastal Commission staff addendum dated June 7, 2004 to its staff report on the BISC notes this rookery has been confirmed by the California Department of Fish and Game. The Commission Finding adopted June 9, 2004 states: "... the degree of tolerance or adaptability of the heron to future development cannot be accurately predicted and might be quite different during or after construction of the BISC." The Commission further stated it was not convinced the draping of trees to prevent nesting use is "the least damaging alternative." The findings suggest greater protections are needed.

**The Vintage project is immediately adjacent to the same heron rookery. It's landside buildings are in the very park where the BISC is proposed. The most direct access to The Vintage docks is a pathway underneath nesting trees and some of the present and proposed Vintage buildings are less than 20 feet from nesting trees.**

The application notes that all the present buildings and docks will either be extensively remodeled or demolished. It is contemplated that the demolition and construction will extend over several years. Despite the obvious potential for disruption of biological resources during or after construction of the Vintage project there is no recognition of impacts by the Applicant. In fact, **the biological survey provided in the Application does not even list the black crowned night heron among species found in proximity to the project site.** This September 20, 2004 document in support of the Applicant's Notice of Exemption was prepared by Rincon Consultants Inc.

The omission of the black-crowned night heron is bizarre and very troubling since it was this very same consulting firm, Rincon Consultants Inc, that first confirmed the existence of the heron rookery. Its original findings are contained in the attached letter of August 30, 2001 to the preparer who was then engaged by the County of Ventura to do the environmental documentation for the BISC project.

The Rincon biological assessment of August 30, 2001 specifically finds this heron rookery to be (page 2) "a sensitive biological resource ...." The obvious probability that the Vintage project, just as the BISC project, may have a significant effect on the environment makes any exemption to CEQA inapplicable to this project. The project must comply with CEQA analysis requirements.

Sincerely



Lee Quaintance, Secretary

Encl.

cc: Gary Timm



Rincon Consultants, Inc.

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Ventura, California 93001

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info@rinconconsultants.com  
www.rinconconsultants.com

August 30, 2001.

Ingrid Elsel/ Associates  
3875 Telegraph Road A155  
Ventura, CA 93003

Attention: Ingrid Elsel

Reference: Channel Islands Boating and Instruction Safety Center Project  
Biological Assessment

Dear Ms. Elsel:

Rincon Consultants has conducted a limited biological assessment of the above referenced project and prepared the biological assessment section of an Initial Study (attached). The project is located within the Channel Islands Harbor at a previously urbanized location, a portion of which is a strip park adjacent to the harbor waters. According to the information previously provided, a heron rookery had developed in the non-native trees within the park. Information supplied by an employee of the Channel Islands Marina, located adjacent to the park, indicated that this past spring and summer, 12-20 Black-crowned night heron nests, 2 Great blue heron nests, and two Snowy egret nests were located at the site. Two Great blue heron nests are also located to the north of the site along Barracuda Way.

The field investigation conducted on August 14, 2001 confirmed the presence of Black-crowned night-herons, with several probable nests observed in the trees within the park, extensive fecal droppings on the trees, and an adult and five juveniles observed within a large pine tree near the water. The presence of juveniles confirm the use of the site for nesting since the young are normally not far from their nests at this time of the year. Figure 1 (attached) illustrates the location of the heron rookery.

Heron rookeries are considered sensitive by the California Department of Fish and Game because of their relative scarcity. Rookeries are locations where a large number of the same or like species gather to breed within a limited area. This colonial nesting habit provides greater protection to the eggs and young from certain predators (mostly other birds such as crows and hawks) because the colony's adults can protect several nests or young during the absence of the parents. The California Department of Fish and Game (Morgan Wehtje) and local birding enthusiasts were contacted for information regarding any other known locations of heron rookeries or nesting activity. This site was the only active one known to still be present, though it is likely that black-crowned night heron nesting also occurs at the mouth of the Santa Clara River (possibly within the adjacent Ventura Wastewater Treatment Facility) because of past observance of juvenile birds in this location. A rookery formerly occurred at an elementary school in Fillmore near the fish hatchery, but was reported

**Attachment G**

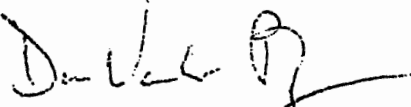
abandoned by Morgan Wehtje due to tree trimming and thinning. Nesting is still expected to occur somewhere in the vicinity of the fish hatchery because of observance of juveniles in this vicinity this last spring season, but the location of any large rookery is not known. Great blue herons are known to nest in either individual nests or small (2-3 nests) groups at Lake Casitas, but no rookery is known to have formed. Great blue herons may also nest locally in the eucalyptus trees along the base golf course at Port Hueneme.

The limited occurrence of rookeries causes the onsite rookery to be considered a sensitive biological resource from a local perspective, despite the fact that it is located within an urban area and within a habitat that did not exist until the harbor was constructed on dry land in the 1960's. Since it is a sensitive resource, the removal of the nesting trees for the boating safety center is considered a significant impact under the California Environmental Quality Act and mitigation is required. Avoidance, minimization of impacts, restoration, and compensation are the primary mitigation methods available in order of preference. Therefore, the preferred mitigation measure is to move the proposed center to the similar land area located at the southeast corner of Bluefin Circle. If land leases or similar obstructions limit the feasibility of this measure such that it cannot be accomplished, it is possible that the rookery could be moved (re-established) in another location based on the fact that it has developed at this site within the last 40 years. The parkland at the south end of Bluefin Circle (the alternative center site) could serve as the new rookery. Preferably, the existing trees could be transplanted to the new location in the same density pattern as at the project site. Site specific design should also avoid as many trees at the project site as possible, particularly the large pine tree near the water's edge that serves as a roost. It is noted that the current trees are in relatively poor shape, due largely to the heron excrement. If the existing trees cannot be successfully moved and transplanted (per an arborist's opinion), then a similar grove should be developed at the relocation site. This latter measure could cause a few year's loss of nesting activity at the site, but eventually, the rookery would be expected to become re-established.

Thank you for choosing Rincon Consultants for this analysis. If you have any questions, please feel free to contact us.

Sincerely,

RINCON CONSULTANTS, INC.



Duane Vander Pluym, D. ESE  
Principal





RECEIVED

SEP 23 2004

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

September 23, 2004

Gary Timm, District Manager  
California Coastal Commission  
89 California Street, Suite 200  
Ventura, CA 93001

Steve Bennett, Chairman  
Ventura County Board of Supervisors  
800 S. Victoria Avenue  
Ventura, CA 93009

RE: Public Works Plan Amendment for Ventura County's Boating Instruction and Safety Center, Channel Islands Harbor

Dear Mr. Timm, Chairman Bennett, and Supervisors:

This office represents The Beacon Foundation, which has a long-standing interest in the proposed Channel Islands Harbor Boating Instruction and Safety Center (BISC).

In June, the Commission adopted findings in support of its February decision rejecting Ventura County's Notice of Impending Development for the BISC. These findings made clear the Commission's position that the County's Public Works Plan for Channel Islands Harbor would have to be amended to accommodate the BISC in its proposed location and configuration. It is our understanding that the County now intends to prepare and submit to the Coastal Commission for approval a Public Works Plan (PWP) amendment. The purpose of this letter is to outline our view of the minimum requirements of any PWP amendment for the BISC.

In addition, we would welcome the opportunity to meet with you to discuss our concerns regarding the PWP amendment.

On-site Biological Resources

As approved by Ventura County, the BISC would be located adjacent to trees and within parkland used by nesting black-crowned night herons. The project would require removal of one tree (described as a "non-nesting" tree, although the actual trees used for nesting varies from year to year), and would be within 3 to 5 feet of nesting trees. In the Revised Findings for Notice of Impending Development 1-04 (May 2004), the Commission expressed doubt that a mitigation measure that would cover nesting trees



with netting but allow construction to proceed during the nesting season was the least damaging alternative.

In addition, the Commission noted that "the PWP does not contain policies to adequately protect the heron rookery from impacts associated with construction and permanent placement of new buildings adjacent to the park. Had the PWP anticipated future construction of a specific project in that location it is likely that the PWP would have contained additional protective policies in addition to Policy 2 . . ."

Accordingly, any PWP amendment must include new policies adequately protecting significant terrestrial biological resources in Channel Islands Harbor, including nesting and roosting black-crowned night herons and great blue herons. Moreover, any amendment should require avoidance or mitigation of impacts to such resources, including adequate buffers during both the construction and operational phases of new development.

While the Commission did not address designation of the area containing nesting herons as environmentally sensitive habitat, the County should undertake a reconsideration of such a designation as part of the amendment process. In connection with this consideration, the County should consider the extent and location of other heron nesting habitat available in Channel Islands Harbor. This analysis is essential because the County has alleged that there are alternative nesting trees available and that the herons affected by the project constitute part of a larger harbor population. Thus, this analysis is necessary in order to evaluate the direct and cumulative effect of impacts to the larger population.

#### Off-site Biological Resources

BISC activities would include off-site boat launch and kayaking at nearby Hollywood Beach. In order to conduct these activities, participants would have to traverse areas occupied by nesting snowy plovers and/or least terns. The Commission's Revised Findings note that the County's proposed mitigation, requiring consultation with the US Fish and Wildlife Service, does not address current snowy plover nesting activity at Hollywood Beach. The Findings further state that "the PWP contains no specific policies requiring mitigation or protective measures for western snowy plovers during nesting season. The lack of specific provisions in the PWP for the BISC project at this location should be viewed in tandem with the lack of adequate setback or buffer and other protective policies."

Additional information has come to light since the Commission adopted the Revised Findings indicating that snowy plover and least tern nesting at Hollywood Beach is more prevalent than previously believed. The snowy plover is a federally-listed threatened species and Hollywood Beach is designated as critical habitat. The least tern is a federally-listed endangered species and is considered a "fully protected species" under

state law, which prohibits any "take" of least terns. The area qualifies as environmentally sensitive habitat under the Coastal Act, and plover and tern habitat should be so designated in connection with the County's application and the Commission's review of the BISC PWP amendment. We will provide a map of snowy plover and least tern nesting areas based on the most recent information to guide ESHA designation. In addition, the PWP amendment should adopt policies requiring avoidance, setbacks, and mitigation measures for snowy plovers and least terns.

### Harbor Development

The Commission's Revised Findings note that the current PWP includes statements that the Harbor is completely built out. The Findings further state that "the Commission does not agree that the BISC is a project that is specifically contained in or provided for pursuant to the certified PWP because there is no reference to the specific project, including the type, size, or location of the project, contained in the PWP." Accordingly, any PWP amendment for the BISC must address both the "Harbor is built out" and the "BISC is not contained in the PWP" aspects of the current PWP. If the County proposes to carve out an exception to the "Harbor is built out" limitation, it must evaluate pursuant to CEQA the effect of removing this limitation on Harbor growth recognized by the Commission.

The Findings further state that the current PWP "contains ambiguous or contradictory statements and policies relative to allowance of future development." The County has also stated on numerous occasions that the PWP is ambiguous and internally inconsistent. Any PWP amendment must resolve these ambiguities and inconsistencies in order to provide the clearest possible guide for future Harbor development. Because the current PWP allows only very limited new development in the Harbor (essentially limited to new construction on one designated parcel other than the BISC site and/or minor expansion of no more than 10% of the floor space in existing structures), additional environmental review is necessary to evaluate the growth-inducing and cumulative impacts of any relaxation of this limitation.

### Parks

As approved by Ventura County, the BISC would occupy a portion of a public park. The Commission's Revised Findings concluded that the current PWP does not contain authorization to convert 800 square feet of parkland that would be occupied by the BISC. The Beacon Foundation has measured the parkland affected by the Project and concluded that the area occupied by the BISC and attendant enclosures is actually in excess of 4000 square feet. In any case, a PWP amendment must address any encroachment on parkland inconsistent with current PWP Policies 19 and 20. If the County proposes to carve out an exception to these policies for the BISC, it must evaluate the direct and cumulative loss of parkland, as well as the adverse precedent associated with piecemeal exceptions to the current policies protecting public parks.

During the history of the BISC project, the County has adopted a variety of contradictory positions regarding the parkland at the BISC location and elsewhere in the Harbor. At various times, the County has denied that the BISC will affect parkland at all. More recently, the County has acknowledged the impact, but argued that the loss is mitigated by providing replacement "green areas" despite the fact that PWP Policy 20 absolutely prohibits development of parkland without a PWP amendment. In general, the County has tended to minimize the extent and value of parkland at the BISC site and throughout the Harbor. Accordingly, it is essential that the County provide a full inventory of parkland throughout the Harbor in connection with the BISC PWP amendment in order to evaluate the project's direct and cumulative parkland impacts and to avoid future parkland conversion controversies.

Finally, any PWP amendment must be consistent with the Coastal Act's policy regarding lower cost recreational facilities, which states that "[l]ower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred." Pub. Res. Code § 30213. The parkland that would be occupied and enclosed by the BISC is a low-cost recreational amenity that provides coastal access and recreational opportunities to the public. The BISC, in contrast, would provide only limited public access for paying visitors.

#### Boating and Coastal Access

The Commission's Revised Findings concluded that "the elimination of 22 recreational boating spaces caused by the construction of the BISC is neither consistent with Policy 3 [of the PWP] nor is authorization for this specifically contained in the PWP." The loss of recreational boating spaces must be addressed in the PWP amendment either through modification of the existing recreational boating policies consistent with the Coastal Act or through actual establishment of replacement slips in the Harbor.

In an earlier comment on the County's Mitigated Negative Declaration for the BISC, Commission staff noted that the BISC project does not appear consistent with the intent of PWP Policy 5 regarding the maximization of pedestrian waterfront access (Bonnie Luke June 17, 2002 letter). Although the County subsequently prepared an EIR and revised the project, this concern still has not been adequately addressed. In particular, BISC site plans indicate that the BISC and its enclosures will obstruct existing pedestrian walkways that currently provide direct waterfront access. PWP Policy 5 requires that "[a] promenade walkway shall be provided along the Harbor frontage for all new development." The County must provide such access as part of the BISC or amend the PWP consistent with the public access requirements of the Coastal Act.

#### View Corridors

Although the Commission's Revised Findings did not specifically address the BISC's consistency with the PWP policy protecting Harbor view corridors, this issue has been

raised previously by Commission staff. In particular, the June 17, 2002 letter from Bonnie Luke commenting on the County's Mitigated Negative Declaration for the BISC stated that it is the Commission staff's opinion that the BISC obstructs a mapped view corridor that is afforded "special protection" under the PWP, and that this obstruction is inconsistent with the PWP.

The narrative portion of the PWP (p. 42) states that areas designated on the PWP Access Map as view corridors "will receive special protection." PWP Policy 22(a) defines a view corridor in the Harbor "as that area between the roadway and the roadway [sic] and the water which is not occupied by buildings, solid walls or fences, or landscaping which might interfere with the view of the water or water surface activity from the roadway." The purpose of Policy 22 is to "ensure that new development and redevelopment activity does not impede views to the water area from the roadway to and from the waterfront and inland Harbor area . . ." Based on these criteria, the BISC would occupy and obstruct a protected view corridor that is afforded special protection. Any PWP amendment must address this inconsistency with the current PWP.

#### Water Quality

The Revised Findings provide guidance as to the water quality measures and management practices necessary to meet the PWP's marine resource policies. The amendment should incorporate, at a minimum, these measures and management practices.

#### Alternatives

According to Coastal Commission regulations, an application for a PWP amendment "shall contain information which meets the requirements for submittal of public works plans in Sections 13353 and 13354." Cal. Code Reg. § 13365. Section 13353(6) provides that the PWP shall contain information regarding "the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plans." Thus, the PWP amendment for the BISC must include information and a comprehensive analysis regarding alternative locations considered for the BISC. The Commission should be aware that the adequacy of the alternatives analysis previously undertaken by the County for the BISC is at issue in The Beacon Foundation's pending lawsuit against the County. Any analysis of alternatives must be sufficient to allow the Commission to make an independent finding that no less environmentally damaging feasible alternative exists (Revised Findings, p. 14).

#### Cumulative Impacts

Section 13353(3) of the Commission's regulations provides that the PWP amendment must contain "the proposed timetable for precise definition of all projects included in the plan and any phasing of development activity contemplated." This requirement should

be viewed in conjunction with the County's obligation to evaluate the BISC's cumulative impacts under CEQA. In The Beacon Foundation's view, the County's environmental review process did not adequately evaluate the project's cumulative impacts. In any case, the PWP amendment should disclose other pending and proposed development activity in the Harbor, including:

- A new lease approved by the County with Vintage Marina partners, which calls for renovation and expansion of existing boating slips proximate to the BISC location.
- A fitness center originally conceived as part of the Vintage Marina lease and proposed for parkland near the BISC site.
- Proposed redevelopment of Fisherman's Wharf, the subject of an August 2004 Request for Qualifications from the County.
- Development proposed in the 1998 Draft Harbor Master Plan, which the County contends has been approved "in concept."
- Approved development projects in the Harbor, including Westport and Seabridge, that will add boating traffic to the Harbor, creating additional cumulative boating congestion impacts in the Harbor's main channel. The PWP requires the County to implement a monitoring plan that identifies areas of boating congestion and establishes actual traffic capacities of Harbor channels (PWP p. 65). To our knowledge, the County has not implemented this plan, which is necessary to evaluate the direct and cumulative impacts of the BISC project on boating traffic.

#### Consistency With City of Oxnard LCP

The current PWP provides (p. 2) that if amendments to the PWP are submitted after certification of the City of Oxnard's Local Coastal Program, the plan shall be approved by the Commission only if it finds, "after full consultation with the affected local governments, that the proposed public works plan is in conformity with the local coastal programs for the affected jurisdiction."

In addition, the Commission's regulations provide that where, as here, a PWP amendment is submitted for a PWP that was approved prior to the certification of a local coastal program, the Commission staff shall consult with affected local government with respect to the impact of the amendment on the coastal zone and on the certified local coastal program. Cal. Code Reg. § 13371(1). Approval of a public works plan amendment by the Commission must be accompanied by specific factual findings that the amendment is in conformity with the certified local coastal program in affected jurisdictions. Cal. Code Reg. § 13371(4).

Thus, the Commission must ensure both that the City of Oxnard is consulted regarding the BISC and that the proposed PWP amendment *is consistent* with Oxnard's certified LCP. The BISC project approved by the County, however, appears to be inconsistent with several policies in the Oxnard LCP for the Harbor, including the following:

Policy M, which states that "the harbor public park areas, which provide a lower cost recreational activity, shall be preserved for general public recreational use." Thus, even if the PWP is amended to allow occupation of public parkland by the BISC, the project would still be inconsistent with Oxnard's LCP.

Policy N, which provides that "[p]arking required to serve recreational boating, sport fishing or commercial fishing shall not be eliminated or reduced by new development." The BISC as approved would require the net loss of approximately 100 parking spaces that are currently available to serve recreational boating, sport fishing, and commercial fishing uses. In addition, over 100 other spaces currently available to serve recreational boating, sport fishing, and commercial fishing uses would be converted to exclusive BISC use.

Policy V, which provides that "[t]he visual quality of the harbor shall be maintained by protecting unimpeded views to the water area from the [sic] Victoria Avenue and Channel Islands and Harbor Boulevards by retaining view corridors between the first main road and the water line." Thus, even if the PWP is amended to eliminate the protected view corridor defined in the PWP, the BISC would still be inconsistent with Oxnard's LCP if it blocked a view of the water from Harbor Boulevard.

Based on these inconsistencies, it appears that the Oxnard LCP must be amended concurrently with the PWP to accommodate the BISC as approved by the County.

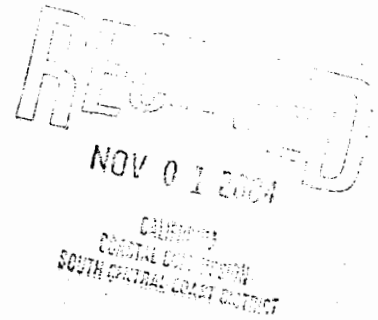
Thank you for your consideration of these comments. Obviously, I am writing without actual knowledge of the content of the anticipated PWP amendment, and we will provide additional comments when the amendment is available for public review. Please keep me apprised of any developments relating to the amendment.

Sincerely,



---

John T. Buse  
Senior Staff Attorney  
Environmental Defense Center



October 19, 2004

Steve Bennett, Chairman  
Ventura County Board of Supervisors  
800 S. Victoria Avenue  
Ventura, CA 93009

RE: Public Works Plan Amendment and EIR Addendum, Boating Instruction and Safety Center, Channel Islands Harbor

Dear Chairman Bennett and Supervisors:

The following comments on the proposed Public Works Plan (PWP) Amendment and EIR Addendum for the Channel Islands Harbor Boating Instruction and Safety Center (BISC) are submitted on behalf of The Beacon Foundation.

The Addendum is Inadequate and a Subsequent or Supplemental EIR Must Be Prepared

*Project Description*

The Introduction states that “[a]ll development projects within the Channel Islands Harbor Public Works Plan ... are subject to County approval and a Notice of Impending Development to the California Coastal Commission.” This statement suggests that all future Harbor development projects will be approved on the basis of a Notice of Impending Development, regardless of whether the project is specifically described in the PWP. This implication is inconsistent with the express requirements of the Coastal Act, which provides that the fast-track Notice of Impending Development process applies only to “a specific project contained in the certified plan.” Public Resources Code § 30605. Moreover, this approach would remove an existing impediment to Harbor development, and thus would require additional environmental review. This statement should be clarified to track the requirements of the Coastal Act.

The Project Description in the Addendum is fundamentally flawed. The Introduction states that “[t]his Addendum has been prepared to analyze whether the addition of an alternative Coastal Commission entitlement mechanism to the previously approved BISC project will require the preparation of a subsequent or supplemental EIR under [CEQA].” This statement neither describes the project under review nor the purpose of the Addendum. What is an “alternative Coastal Commission entitlement mechanism”? What is the alternative to the PWP amendment? The “alternative Coastal Commission entitlement mechanism” language is confusing, meaningless, and adds nothing to this





section. Instead, the Addendum must clearly identify the project under review and the purpose of the project.

A more fundamental problem is that the project description fails to disclose that the project now requires a PWP Amendment. The project description in the Addendum merely refers to an "alternative Coastal Commission entitlement mechanism", whatever that may be. CEQA, however, provides that a "project" is "*the whole of an action*, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment . . ." CEQA Guidelines § 15378(a) (emphasis added). Neither the EIR nor the Addendum disclose that a PWP Amendment is now part of the project. On the contrary, the EIR contains extensive, although erroneous, analysis contending that a PWP Amendment is not necessary. By failing to provide an accurate description of the project as modified, the Addendum frustrates CEQA's objective of full disclosure of the project's environmental consequences:

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance.

*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.

Here, the Addendum's project description merely considers that "the only project change is to add this alternative coastal regulatory entitlement process to the entitlement component of the [EIR's] project description." This statement is both misleading and inaccurate. The project now includes a PWP Amendment. The PWP Amendment would, standing alone, qualify as a CEQA discretionary project that may have a significant effect on the environment. Thus, the Addendum must evaluate the full range of environmental impacts associated with the PWP Amendment. As discussed more fully below, it does not do so.

Moreover, the Addendum fails to describe reasonably foreseeable future components of the project, including the anticipated lease agreement with California State University Channel Islands for operation of the BISC. The revised Addendum now states that the BISC will "be operated by California State University - Channel Islands, through a lease with the County." This statement is a change from the previously circulated version of the Addendum, which stated that the BISC would be operated by the County Harbor Department. The new statement clearly indicates that the lease will be a part of the project. CEQA requires that reasonably foreseeable future phases of the project must be evaluated. Moreover, the terms of the lease may have environmental consequences or alter existing mitigation obligations. For example, the lease terms may specify off-site



activities that may affect biological resources or establish use fees that are inconsistent with the County's statements about public access to the BISC. In addition, the County is currently responsible for some BISC mitigation measures. If the lease arrangement provides that these measures will be modified or that some other party will perform them, the lease must be evaluated as part of the project.

#### *PWP Consistency*

The Addendum states that "[a]t the [February 19, 2004] Coastal Commission hearing, individual commissioners suggested that the County pursue a PWP amendment." This statement is an incomplete and inaccurate characterization of the Coastal Commission's action. The Commission subsequently adopted specific findings regarding the BISC project's inconsistency with the PWP. The proposed PWP fails to address most of these findings, as discussed below. Because the Addendum makes no effort to respond to the Commission's findings, the Addendum's analysis of the project's consistency with the PWP is inadequate. The Addendum's conclusion that, with the recognition of the BISC in the PWP, "consistency issues will be non-existent" is incorrect because the PWP Amendment fails to address most of the PWP consistency issues raised by the Commission's findings.

#### *CEQA Analysis*

The Addendum further states that "[t]here is no difference between the BISC project described in the Final EIR and the project authorized by the PWP amendment and analyzed in this Addendum." This statement is incorrect. The project now includes the PWP Amendment, which has new direct and cumulative impacts that are not evaluated in the Addendum or elsewhere. For example:

- The PWP Amendment removes an existing impediment to growth by altering language on page 5 of the PWP to indicate that the Harbor *basin*, rather than the Harbor, is complete. The current language supported the Coastal Commission's conclusion that the Harbor was built out and therefore that the BISC (and implicitly most other new Harbor development) required a PWP Amendment. With this change, the door is open not merely to the BISC, but to development throughout the County. The County must consider the growth-inducing impacts of this change. Other statements indicating that the Harbor (not merely the basin) is built out (pp. 53, 78) are retained in the amended PWP, creating further internal inconsistencies or ambiguities in the PWP.
- The PWP Amendment modifies Policies 19 and 20 regarding the protection of public parks by writing in the BISC as an allowed use. Nowhere, however, has the County evaluated the cumulative impact of taking a portion of the existing public park for the BISC. In general, the County has tended to minimize the extent and value of parkland at the BISC site and throughout the Harbor by

exploiting the purported ambiguities and inconsistencies in the PWP, yet the Addendum and PWP Amendment utterly fail to resolve this issue. At a minimum, the PWP Amendment must define the protected parkland in the Harbor and County must review the cumulative loss of parkland associated with the BISC. This review must account for both qualitative and quantitative factors. For example, the replacement "green area" adjacent to the BISC does not appear to have the same value as public open space as the parkland eliminated to accommodate the BISC, as it consists largely of a landscaped area surrounding the BISC and existing buildings bordered by a parking lot. In particular, there is no basis for the Addendum's conclusion that an "augmented" landscaped area on the south side of the Whale's Tail restaurant, which already provides views of the turning basin, somehow replaces the public parkland that will be lost to the BISC.

- In addition, the PWP Amendment adds language to Policy 22 regarding visual access that weakens the current PWP's protection of view corridors. The narrative portion of the PWP (p. 42) states that areas designated on the PWP Access Map as view corridors "will receive special protection." The change in Policy 22 suggests that mapped view corridors can be eliminated so long as 25% of the Harbor provides a view corridor. This change creates an additional inconsistency in the PWP. In addition, the direct and cumulative effects of eliminating or abrogating the effects of mapped view corridors must be evaluated pursuant to CEQA.

Each of these changes to the PWP has the potential to cause new, unevaluated, and potentially significant environmental impacts, and must be considered in a subsequent or supplemental EIR. The Addendum's conclusion that no subsequent or supplemental EIR need be prepared fails to consider new impacts associated with the PWP Amendment and is not supported by substantial evidence.

The Addendum also fails to provide an accurate analysis of significant new information or changed circumstances that have come to light since the EIR was certified. In particular, the Addendum concludes that new information regarding nesting snowy plovers at Hollywood Beach does not require preparation of a subsequent or supplemental EIR. This conclusion, however, is rests on several mistaken assumptions. First, it assumes that the new information relates solely to nesting snowy plovers. The Addendum fails to disclose that California least terns, a state and federal endangered species, and a state fully protected species, are also now nesting at Hollywood Beach and may be affected by BISC activities. Moreover, the Addendum fails to acknowledge that plover nesting has now been documented north of the area covered by the existing MOU with the U.S. Fish and Wildlife Service, indicating that existing mitigation measures are inadequate.

The Addendum states that this information is not a substantial change in circumstances because "the beach is used daily by the public." While this statement is correct, it is

irrelevant to the County's obligation to consider the direct and indirect impacts of the project on terns and plovers. The Addendum further states that the route to the water proposed for some BISC activities is away from the nests and not in their paths. Based on the new information regarding the northward extent of plover nesting, this statement is incorrect. Finally, the Addendum states that "most significantly, the Board of Supervisors has conditioned the BISC project to restrict crossing at the South end of Hollywood Beach if, after consultation with the USFWS, it is advised that a snowy plover nesting season is expected that year". This statement fails to consider the inadequacy of the existing condition in light of the northward extension of plover nesting. As the Coastal Commission recognized, it also fails to consider that the existing MOU between the County and Fish and Wildlife Service is based on outdated information regarding the extent of plover nesting and the presence of least tern nests. The new information and changed circumstances regarding snowy plover and least tern nesting requires additional analysis in a subsequent or supplemental EIR and additional mitigation measures.

The PWP Amendment fails to consider designation of the portion of Hollywood Beach used by nesting snowy plovers and least terns as an environmentally sensitive habitat pursuant to the Coastal Act despite the project's use of this area and potential impact to these species, and despite this area's qualification for environmentally sensitive habitat status. Pub. Res. Code § 30240.

The Addendum further fails to consider the potentially significant cumulative impacts associated with the BISC project in light of new approvals and pending projects described in the attached letter.

As a CEQA certified regulatory agency, the Coastal Commission must address any inadequacies in the County's environmental review for the project when it considers the PWP Amendment.

#### The PWP Amendment Does Not Address Purported Inconsistencies in the PWP

In defending its erroneous conclusion that the BISC can be approved without a PWP Amendment, the County has argued on numerous occasions that the current PWP is internally inconsistent. The Coastal Commission also found that the current PWP "contains ambiguous or contradictory statements and policies relative to allowance of future development." Yet the County now seeks to provide a "spot" amendment to the PWP that addresses none of these purported inconsistencies. This approach is contrary to state law requiring that general plans and their components must be internally consistent. By law, the PWP and land use plan is part of the County's Local Coastal Element. Pub. Res. Code §§ 30108.5, 30108.55. All components of the County's General Plan must be both internally consistent and consistent with other elements of the General Plan. Before the BISC may be approved, the County must address the purported internal inconsistencies in the PWP and land use plan.

The PWP Amendment Does Not Address the BISC Project's Inconsistencies With the PWP

We have previously submitted a letter (attached) detailing the Coastal Commission's findings regarding the BISC's inconsistencies with the PWP, and the need for the PWP Amendment to address these inconsistencies. The PWP Amendment, however, fails to address most of these inconsistencies:

- The PWP Amendment fails to provide new policies protecting biological resources in the Harbor. Instead, the PWP Amendment continues to assert incorrectly that the Harbor contains no natural resources of biological significance (p. 5 and elsewhere). On the contrary, the Harbor contains several populations of black-crowned night herons and great blue herons. The PWP Amendment acknowledges that "several bird species" roost and nest in the Harbor and that their presence is considered "important" but does not describe these species or evaluate their biological significance. In addition, the PWP Amendment does not disclose that endangered least terns use the Harbor for foraging or that marine mammals are found in the Harbor's channel areas. The PWP Amendment must reflect these facts and include policies protecting significant biological resources.
- The PWP Amendment fails to provide specific setbacks and mitigations for roosting herons that will be directly affected by the BISC. This omission is inconsistent with the Coastal Commission's finding that "the PWP does not contain policies to adequately protect the heron rookery from impacts associated with construction and permanent placement of new buildings adjacent to the park. Had the PWP anticipated future construction of a specific project in that location it is likely that the PWP would have contained additional protective policies in addition to Policy 2 . . ."
- The PWP Amendment fails to provide specific policies to protect off-site biological resources, including snowy plovers and least terns at Hollywood Beach, or to consider designation of plover and tern nesting areas as environmentally sensitive habitats pursuant to the Coastal Act.
- The PWP Amendment fails to ensure consistency with the Coastal Act's policy regarding lower cost recreational facilities, which states that "[l]ower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred." Pub. Res. Code § 30213. The parkland that would be occupied and enclosed by the BISC is a low-cost recreational amenity that provides coastal access and recreational opportunities to the public. The BISC, in contrast, would provide only limited public access for paying visitors.
- The PWP Amendment fails to address the Coastal Commission's finding that "the elimination of 22 recreational boating spaces caused by the construction of the BISC

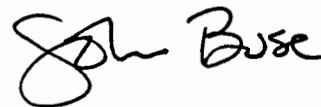
is neither consistent with Policy 3 [of the PWP] nor is authorization for this specifically contained in the PWP.”

- The PWP Amendment fails to address the Coastal Commission staff’s conclusion that the BISC project is inconsistent with the PWP because it obstructs a mapped view corridor.
- The PWP Amendment fails to address the Coastal Commission’s guidance as to the water quality measures and management practices necessary to meet the PWP’s marine resource policies.
- The PWP Amendment fails to address the requirements of Coastal Commission regulations that an application for a PWP amendment “shall contain information which meets the requirements for submittal of public works plans in Sections 13353 and 13354.” Cal. Code Reg. § 13365. Section 13353(6) provides that the PWP shall contain information regarding “the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plans.” Any analysis of alternatives must be sufficient to allow the Commission to make an independent finding that no less environmentally damaging feasible alternative exists.
- The PWP Amendment fails to address the potential inconsistencies of the PWP Amendment with the City of Oxnard’s certified local coastal program outlined in the attached letter.

For these reasons, the BISC project is inconsistent with the PWP despite the proposed PWP Amendment. A more comprehensive PWP Amendment, and attendant supplemental environmental review, is necessary to address the full range of the project’s inconsistencies with the PWP and to respond to the findings adopted by the Coastal Commission.

Thank you for your consideration of these comments.

Sincerely,



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John T. Buse  
Senior Staff Attorney  
Environmental Defense Center

cc: Gary Timm, District Manager, California Coastal Commission



September 23, 2004

Gary Timm, District Manager  
California Coastal Commission  
89 California Street, Suite 200  
Ventura, CA 93001

Steve Bennett, Chairman  
Ventura County Board of Supervisors  
800 S. Victoria Avenue  
Ventura, CA 93009

RE: Public Works Plan Amendment for Ventura County's Boating Instruction and Safety Center, Channel Islands Harbor

Dear Mr. Timm, Chairman Bennett, and Supervisors:

This office represents The Beacon Foundation, which has a long-standing interest in the proposed Channel Islands Harbor Boating Instruction and Safety Center (BISC).

In June, the Commission adopted findings in support of its February decision rejecting Ventura County's Notice of Impending Development for the BISC. These findings made clear the Commission's position that the County's Public Works Plan for Channel Islands Harbor would have to be amended to accommodate the BISC in its proposed location and configuration. It is our understanding that the County now intends to prepare and submit to the Coastal Commission for approval a Public Works Plan (PWP) amendment. The purpose of this letter is to outline our view of the minimum requirements of any PWP amendment for the BISC.

In addition, we would welcome the opportunity to meet with you to discuss our concerns regarding the PWP amendment.

#### On-site Biological Resources

As approved by Ventura County, the BISC would be located adjacent to trees and within parkland used by nesting black-crowned night herons. The project would require removal of one tree (described as a "non-nesting" tree, although the actual trees used for nesting varies from year to year), and would be within 3 to 5 feet of nesting trees. In the Revised Findings for Notice of Impending Development 1-04 (May 2004), the Commission expressed doubt that a mitigation measure that would cover nesting trees



with netting but allow construction to proceed during the nesting season was the least damaging alternative.

In addition, the Commission noted that "the PWP does not contain policies to adequately protect the heron rookery from impacts associated with construction and permanent placement of new buildings adjacent to the park. Had the PWP anticipated future construction of a specific project in that location it is likely that the PWP would have contained additional protective policies in addition to Policy 2 . . ."

Accordingly, any PWP amendment must include new policies adequately protecting significant terrestrial biological resources in Channel Islands Harbor, including nesting and roosting black-crowned night herons and great blue herons. Moreover, any amendment should require avoidance or mitigation of impacts to such resources, including adequate buffers during both the construction and operational phases of new development.

While the Commission did not address designation of the area containing nesting herons as environmentally sensitive habitat, the County should undertake a reconsideration of such a designation as part of the amendment process. In connection with this consideration, the County should consider the extent and location of other heron nesting habitat available in Channel Islands Harbor. This analysis is essential because the County has alleged that there are alternative nesting trees available and that the herons affected by the project constitute part of a larger harbor population. Thus, this analysis is necessary in order to evaluate the direct and cumulative effect of impacts to the larger population.

#### Off-site Biological Resources

BISC activities would include off-site boat launch and kayaking at nearby Hollywood Beach. In order to conduct these activities, participants would have to traverse areas occupied by nesting snowy plovers and/or least terns. The Commission's Revised Findings note that the County's proposed mitigation, requiring consultation with the US Fish and Wildlife Service, does not address current snowy plover nesting activity at Hollywood Beach. The Findings further state that "the PWP contains no specific policies requiring mitigation or protective measures for western snowy plovers during nesting season. The lack of specific provisions in the PWP for the BISC project at this location should be viewed in tandem with the lack of adequate setback or buffer and other protective policies."

Additional information has come to light since the Commission adopted the Revised Findings indicating that snowy plover and least tern nesting at Hollywood Beach is more prevalent than previously believed. The snowy plover is a federally-listed threatened species and Hollywood Beach is designated as critical habitat. The least tern is a federally-listed endangered species and is considered a "fully protected species" under



state law, which prohibits any "take" of least terns. The area qualifies as environmentally sensitive habitat under the Coastal Act, and plover and tern habitat should be so designated in connection with the County's application and the Commission's review of the BISC PWP amendment. We will provide a map of snowy plover and least tern nesting areas based on the most recent information to guide ESHA designation. In addition, the PWP amendment should adopt policies requiring avoidance, setbacks, and mitigation measures for snowy plovers and least terns.

### Harbor Development

The Commission's Revised Findings note that the current PWP includes statements that the Harbor is completely built out. The Findings further state that "the Commission does not agree that the BISC is a project that is specifically contained in or provided for pursuant to the certified PWP because there is no reference to the specific project, including the type, size, or location of the project, contained in the PWP." Accordingly, any PWP amendment for the BISC must address both the "Harbor is built out" and the "BISC is not contained in the PWP" aspects of the current PWP. If the County proposes to carve out an exception to the "Harbor is built out" limitation, it must evaluate pursuant to CEQA the effect of removing this limitation on Harbor growth recognized by the Commission.

The Findings further state that the current PWP "contains ambiguous or contradictory statements and policies relative to allowance of future development." The County has also stated on numerous occasions that the PWP is ambiguous and internally inconsistent. Any PWP amendment must resolve these ambiguities and inconsistencies in order to provide the clearest possible guide for future Harbor development. Because the current PWP allows only very limited new development in the Harbor (essentially limited to new construction on one designated parcel other than the BISC site and/or minor expansion of no more than 10% of the floor space in existing structures), additional environmental review is necessary to evaluate the growth-inducing and cumulative impacts of any relaxation of this limitation.

### Parks

As approved by Ventura County, the BISC would occupy a portion of a public park. The Commission's Revised Findings concluded that the current PWP does not contain authorization to convert 800 square feet of parkland that would be occupied by the BISC. The Beacon Foundation has measured the parkland affected by the Project and concluded that the area occupied by the BISC and attendant enclosures is actually in excess of 4000 square feet. In any case, a PWP amendment must address any encroachment on parkland inconsistent with current PWP Policies 19 and 20. If the County proposes to carve out an exception to these policies for the BISC, it must evaluate the direct and cumulative loss of parkland, as well as the adverse precedent associated with piecemeal exceptions to the current policies protecting public parks.



During the history of the BISC project, the County has adopted a variety of contradictory positions regarding the parkland at the BISC location and elsewhere in the Harbor. At various times, the County has denied that the BISC will affect parkland at all. More recently, the County has acknowledged the impact, but argued that the loss is mitigated by providing replacement "green areas" despite the fact that PWP Policy 20 absolutely prohibits development of parkland without a PWP amendment. In general, the County has tended to minimize the extent and value of parkland at the BISC site and throughout the Harbor. Accordingly, it is essential that the County provide a full inventory of parkland throughout the Harbor in connection with the BISC PWP amendment in order to evaluate the project's direct and cumulative parkland impacts and to avoid future parkland conversion controversies.

Finally, any PWP amendment must be consistent with the Coastal Act's policy regarding lower cost recreational facilities, which states that "[l]ower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred." Pub. Res. Code § 30213. The parkland that would be occupied and enclosed by the BISC is a low-cost recreational amenity that provides coastal access and recreational opportunities to the public. The BISC, in contrast, would provide only limited public access for paying visitors.

#### Boating and Coastal Access

The Commission's Revised Findings concluded that "the elimination of 22 recreational boating spaces caused by the construction of the BISC is neither consistent with Policy 3 [of the PWP] nor is authorization for this specifically contained in the PWP." The loss of recreational boating spaces must be addressed in the PWP amendment either through modification of the existing recreational boating policies consistent with the Coastal Act or through actual establishment of replacement slips in the Harbor.

In an earlier comment on the County's Mitigated Negative Declaration for the BISC, Commission staff noted that the BISC project does not appear consistent with the intent of PWP Policy 5 regarding the maximization of pedestrian waterfront access (Bonnie Luke June 17, 2002 letter). Although the County subsequently prepared an EIR and revised the project, this concern still has not been adequately addressed. In particular, BISC site plans indicate that the BISC and its enclosures will obstruct existing pedestrian walkways that currently provide direct waterfront access. PWP Policy 5 requires that "[a] promenade walkway shall be provided along the Harbor frontage for all new development." The County must provide such access as part of the BISC or amend the PWP consistent with the public access requirements of the Coastal Act.

#### View Corridors

Although the Commission's Revised Findings did not specifically address the BISC's consistency with the PWP policy protecting Harbor view corridors, this issue has been

raised previously by Commission staff. In particular, the June 17, 2002 letter from Bonnie Luke commenting on the County's Mitigated Negative Declaration for the BISC stated that it is the Commission staff's opinion that the BISC obstructs a mapped view corridor that is afforded "special protection" under the PWP, and that this obstruction is inconsistent with the PWP.

The narrative portion of the PWP (p. 42) states that areas designated on the PWP Access Map as view corridors "will receive special protection." PWP Policy 22(a) defines a view corridor in the Harbor "as that area between the roadway and the roadway [sic] and the water which is not occupied by buildings, solid walls or fences, or landscaping which might interfere with the view of the water or water surface activity from the roadway." The purpose of Policy 22 is to "ensure that new development and redevelopment activity does not impede views to the water area from the roadway to and from the waterfront and inland Harbor area . . ." Based on these criteria, the BISC would occupy and obstruct a protected view corridor that is afforded special protection. Any PWP amendment must address this inconsistency with the current PWP.

#### Water Quality

The Revised Findings provide guidance as to the water quality measures and management practices necessary to meet the PWP's marine resource policies. The amendment should incorporate, at a minimum, these measures and management practices.

#### Alternatives

According to Coastal Commission regulations, an application for a PWP amendment "shall contain information which meets the requirements for submittal of public works plans in Sections 13353 and 13354." Cal. Code Reg. § 13365. Section 13353(6) provides that the PWP shall contain information regarding "the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plans." Thus, the PWP amendment for the BISC must include information and a comprehensive analysis regarding alternative locations considered for the BISC. The Commission should be aware that the adequacy of the alternatives analysis previously undertaken by the County for the BISC is at issue in The Beacon Foundation's pending lawsuit against the County. Any analysis of alternatives must be sufficient to allow the Commission to make an independent finding that no less environmentally damaging feasible alternative exists (Revised Findings, p. 14).

#### Cumulative Impacts

Section 13353(3) of the Commission's regulations provides that the PWP amendment must contain "the proposed timetable for precise definition of all projects included in the plan and any phasing of development activity contemplated." This requirement should

be viewed in conjunction with the County's obligation to evaluate the BISC's cumulative impacts under CEQA. In The Beacon Foundation's view, the County's environmental review process did not adequately evaluate the project's cumulative impacts. In any case, the PWP amendment should disclose other pending and proposed development activity in the Harbor, including:

- A new lease approved by the County with Vintage Marina partners, which calls for renovation and expansion of existing boating slips proximate to the BISC location.
- A fitness center originally conceived as part of the Vintage Marina lease and proposed for parkland near the BISC site.
- Proposed redevelopment of Fisherman's Wharf, the subject of an August 2004 Request for Qualifications from the County.
- Development proposed in the 1998 Draft Harbor Master Plan, which the County contends has been approved "in concept."
- Approved development projects in the Harbor, including Westport and Seabridge, that will add boating traffic to the Harbor, creating additional cumulative boating congestion impacts in the Harbor's main channel. The PWP requires the County to implement a monitoring plan that identifies areas of boating congestion and establishes actual traffic capacities of Harbor channels (PWP p. 65). To our knowledge, the County has not implemented this plan, which is necessary to evaluate the direct and cumulative impacts of the BISC project on boating traffic.

#### Consistency With City of Oxnard LCP

The current PWP provides (p. 2) that if amendments to the PWP are submitted after certification of the City of Oxnard's Local Coastal Program, the plan shall be approved by the Commission only if it finds, "after full consultation with the affected local governments, that the proposed public works plan is in conformity with the local coastal programs for the affected jurisdiction."

In addition, the Commission's regulations provide that where, as here, a PWP amendment is submitted for a PWP that was approved prior to the certification of a local coastal program, the Commission staff shall consult with affected local government with respect to the impact of the amendment on the coastal zone and on the certified local coastal program. Cal. Code Reg. § 13371(1). Approval of a public works plan amendment by the Commission must be accompanied by specific factual findings that the amendment is in conformity with the certified local coastal program in affected jurisdictions. Cal. Code Reg. § 13371(4).

Thus, the Commission must ensure both that the City of Oxnard is consulted regarding the BISC and that the proposed PWP amendment *is consistent* with Oxnard's certified LCP. The BISC project approved by the County, however, appears to be inconsistent with several policies in the Oxnard LCP for the Harbor, including the following:

Policy M, which states that "the harbor public park areas, which provide a lower cost recreational activity, shall be preserved for general public recreational use." Thus, even if the PWP is amended to allow occupation of public parkland by the BISC, the project would still be inconsistent with Oxnard's LCP.

Policy N, which provides that "[p]arking required to serve recreational boating, sport fishing or commercial fishing shall not be eliminated or reduced by new development." The BISC as approved would require the net loss of approximately 100 parking spaces that are currently available to serve recreational boating, sport fishing, and commercial fishing uses. In addition, over 100 other spaces currently available to serve recreational boating, sport fishing, and commercial fishing uses would be converted to exclusive BISC use.

Policy V, which provides that "[t]he visual quality of the harbor shall be maintained by protecting unimpeded views to the water area from the [sic] Victoria Avenue and Channel Islands and Harbor Boulevards by retaining view corridors between the first main road and the water line." Thus, even if the PWP is amended to eliminate the protected view corridor defined in the PWP, the BISC would still be inconsistent with Oxnard's LCP if it blocked a view of the water from Harbor Boulevard.

Based on these inconsistencies, it appears that the Oxnard LCP must be amended concurrently with the PWP to accommodate the BISC as approved by the County.

Thank you for your consideration of these comments. Obviously, I am writing without actual knowledge of the content of the anticipated PWP amendment, and we will provide additional comments when the amendment is available for public review. Please keep me apprised of any developments relating to the amendment.

Sincerely,



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John T. Buse  
Senior Staff Attorney  
Environmental Defense Center



September 29, 2004

Gary Timm  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

Dear Mr. Timm,

To follow up on your recent conversations with Dr. Jon Ziv, Habitat for Hollywood Beach, of which Dr. Ziv is a member, would like to present you with the attached list of management recommendations for Hollywood Beach. These recommendations are designed to protect and enhance habitat specifically for the threatened western snowy plover and the endangered California least tern, as well as for the entire suite of species that utilize this valuable, yet threatened coastal habitat. Please consider the attached recommendations when meeting with the Ventura County Harbor Department, the Fish and Wildlife Service, the Army Corps of Engineers, and any other individual or group involved in the management of Hollywood Beach.

Our primary recommendation is that you consider an "environmentally sensitive habitat area" (ESHA) designation for the plover and tern habitat at Hollywood Beach. This designation would align with the purpose of ESHA, which is to ensure that environmentally sensitive habitat are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations. We also recommend ESHA cover the heron and egret rookery in the cypress trees on the Channel Islands Harbor.

There are currently many threats to the plovers and terns while they are nesting, roosting, and foraging on Hollywood Beach. Some of these threats, such as unleashed dogs, uncontrolled beach driving, low-level flybys and harbor dredging carry the potential for "take" as defined by the Endangered Species Act. Other suggestions we offer, such as restricting beach grooming and expanding the exclusion area, could lead to an increase in habitat for the plover and tern, which would benefit the ultimate recovery of these species. It is the goal of Habitat for Hollywood Beach to provide areas for the birds to nest, roost, and forage, while still maintaining the current level of responsible recreation and enjoyment.

Please review the attached recommendations and take them into consideration. If you should have any questions, comments, or require further information, please contact me.

Sincerely,

Casey Burns  
Habitat for Hollywood Beach

1028 Bath Lane  
Ventura, CA 93001  
(805) 258-3798

Attachments:

- Management Recommendations
- HHB Background Information
- Map of Snowy Plover Management Area (2003)



## **Habitat for Hollywood Beach**

### **Western Snowy Plover and California Least Tern Management Recommendations**

**September 29, 2004**

Habitat for Hollywood Beach (HHB) recommends the following actions:

- **Designation of environmentally sensitive habitat area (ESHA)**

Currently, there is no designation of ESHA anywhere on the Hollywood Beach Peninsula. While other areas of similar habitat enjoy the safety of the ESHA designation, Hollywood Beach, with inhabitants such as the threatened plover western snowy plover and the endangered California least tern, does not. Therefore, Hollywood Beach may be subject to developmental pressures which could result in habitat loss or disruption of sensitive species.

*HHB believes that an ESHA designation is warranted due to the prolific nesting, foraging, and roosting habitat of the plover and tern, as well as a variety of other native species. HHB also recommends the inclusion of the cypress trees on the Channel Islands Harbor side of the Peninsula which support a productive heron and egret rookery.*

- **Enforce existing dog leash laws**

The existing law prohibits unleashed dogs on Hollywood Beach at all times. Leashed dogs are permitted between the hours of 5 PM to 9 AM. All other hours, dogs are not permitted on the beach. Currently most dogs on Hollywood Beach are not leashed and roam freely. Canine disturbance is a significant cause of stress to plovers and terns, and may lead to nest abandonment/failure and/or site abandonment.

*HHB recommends the enforcement of the exiting laws to prohibit the prevalence of unleashed dogs on Hollywood Beach.*

- **Review and reevaluate current beach grooming practices**

In the recent past, beach grooming activities at Hollywood Beach have been adjusted to accommodate the nesting plovers and terns by avoiding the signed exclusion area boundary (defined by the attached management area map as identified by US Fish and Wildlife Service in 2003). However, beach grooming continues to remove nearby washed-up vegetation, which is vital to foraging plovers.

Beyond the need for foraging habitat, nests are often laid near driftwood. Reducing driftwood may reduce suitable nest sites. Driftwood contributes to the formation of new dunes. Vegetation provides for year-round protection from wind and provides shelter for chicks hiding from predators. In addition, the numbers of plovers and terns attracted to this beach has lead to the need for additional nesting habitat. Discontinuing of beach grooming activities is good for all shorebirds and the ecosystem as a whole.

*HHB recommends reduced and redirected beach grooming, which will provide additional sites for the birds to nest and forage, and would enhance the recovery, and ultimately, the delisting prospects for the plover and tern.*

- **Review and redirect official vehicle disturbance**

In the recent past, official vehicle use (law enforcement, life guard, maintenance, etc.) on Hollywood Beach has been adjusted to accommodate the nesting plovers and terns by avoiding the delineated exclusion area, which is the actual on-the-ground limit of the majority of recent nesting habitat. The potential, and in some cases documented, nesting and roosting of the plover and tern outside of the delineated exclusion area has raised HHB's concern that direct mortality and severe disturbance may occur from official vehicle use.

*Further review of current official vehicle activities may be warranted based on the increasing residency of the plover and tern. HHB suggests that official vehicles voluntarily restrict their movement to a single route, as far inland as possible to avoid damage to the nesting, roosting and foraging habitat of these species.*

- **Eliminate illegal vehicle disturbance**

Due to the lack of barriers at beach access points throughout Hollywood Beach, illegal vehicle entry is occurring on a routine basis. As mentioned above, the potential, and in some cases documented, nesting and roosting of the plover and tern outside of the delineated exclusion area has raised HHB's concern that direct mortality and severe disturbance may occur from vehicle use.

*It is HHB's recommendation that barriers be placed at all access points through which official vehicles may pass but unauthorized vehicles may not.*

- **Enlarge current recovery and exclusion area**

The management area represents the US Fish and Wildlife Service (USFWS) mapped boundary, which as of 2003 approximated the observed boundaries of plover and tern nesting (attached). Whereas, the exclusion area is the actual on-the-ground limit of the majority of recent nesting habitat, delineated by fencing and signage.

During the height of the 2004 breeding and nesting season, plover and tern activities burgeoned beyond both the management area and the exclusion area. In cooperation with USFWS and the Audubon Society, the exclusion area had to be enlarged numerous times to accommodate this growth. The exclusion area has proven successful in the recent breeding and nesting season, with noted increases in plover and tern population (particularly tern numbers).

*HHB recommends encompassing roosting areas and other potential nesting areas into an expanded management and exclusion area. With anticipated increases in plover and tern occupation at Hollywood Beach (such as that experienced this year), it is likely that the management area will need to be enlarged. HHB also recommends that this management area remain fluid and easily adjustable on a year-to-year basis. These adjustments should be orchestrated primarily by USFWS personnel in coordination with other relevant parties.*

- **Reevaluate dredging activities**

Dredging activities as currently planned within and around Channel Islands Harbor pose a

severe threat to the recovery and exclusion area of the plover and tern. Due to planned dredging, the substrate on which these birds nest and roost may be wholly or partly destroyed.

It is HHB's understanding that USFWS is currently conferring with Army Corps of Engineers (ACOE) to address this planned dredging with respect to potential threats to the nesting habitat at Hollywood Beach (refer to "dredging area" on attached management area map).

*HHB recommends that a complete analysis be done by the Harbor Department, the Army Corps of Engineers, and other relevant parties, as to the effects of this dredging on the Hollywood Beach habitat. This action needs to be taken immediately, as dredging is planned for October 2004.*

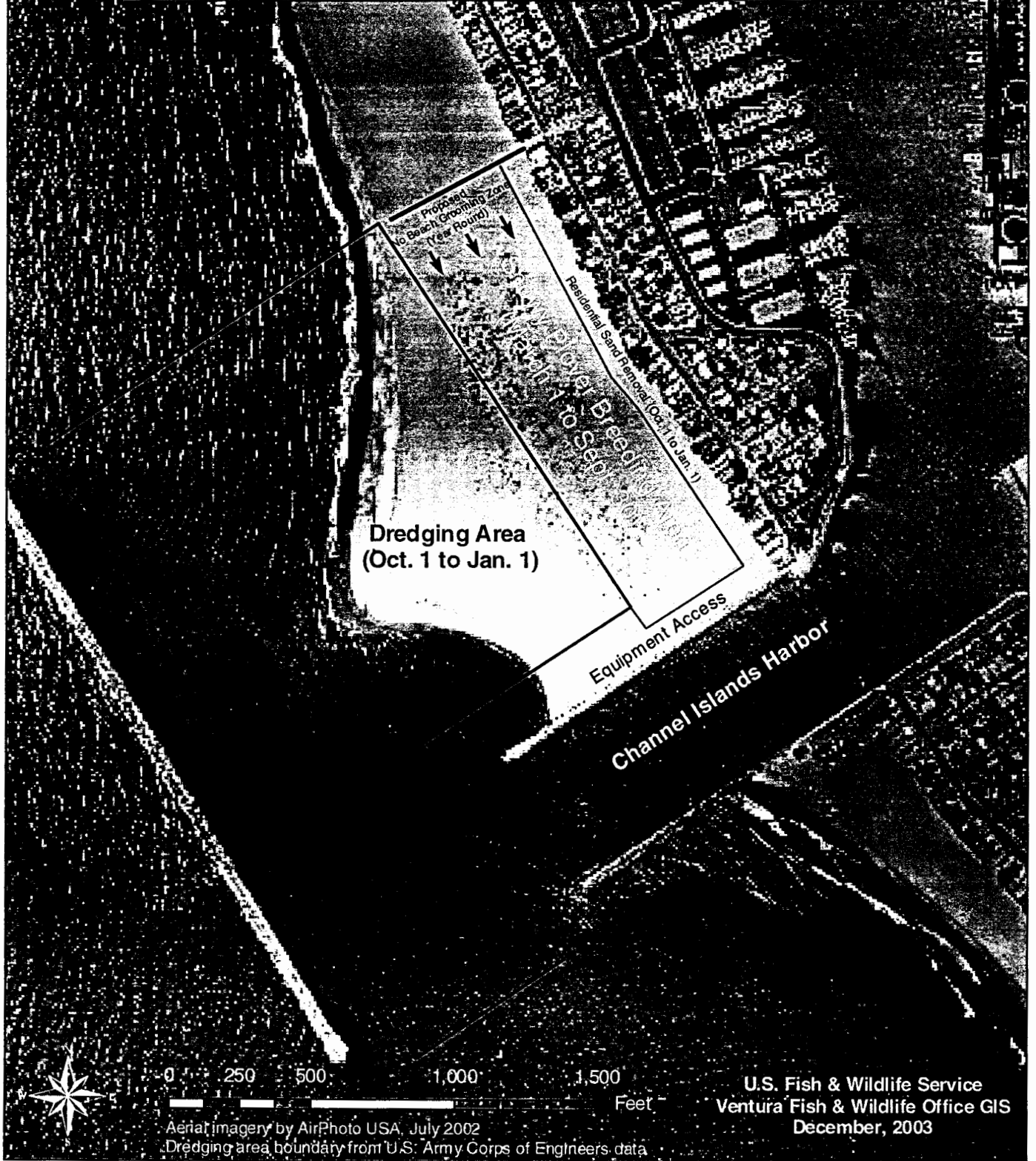
- **Eliminate and relocate low-level aircraft flyover**

Currently Hollywood Beach experiences routine low-level flyover from aircraft, such as helicopters and ultralight planes. This type of activity jeopardizes the nesting success of the plovers and terns, as well as other shorebirds. These birds see such aircraft as potential avian predators, leading them to flee the nesting area. Frequent departures may lead to nest abandonment and/or failure.

*HHB would like to see prohibition of low-level flight on Hollywood Beach.*



# Hollywood Beach Snowy Plover Management Area



Dredging Area  
(Oct. 1 to Jan. 1)

Proposed Beach Grooming Zone  
(Year Round)

Residential Sand Harbor  
(Oct. 1 to Jan. 1)

Plover Breeding Area  
to be Closed

Equipment Access

Channel Islands Harbor



0 250 500 1,000 1,500 Feet

Aerial imagery by AirPhoto USA, July 2002  
Dredging area boundary from U.S. Army Corps of Engineers data

U.S. Fish & Wildlife Service  
Ventura Fish & Wildlife Office GIS  
December, 2003



## **Habitat for Hollywood Beach**

**September 2004**

### **I. Mission**

The mission of Habitat for Hollywood Beach (HHB) is to *preserve and enhance the biotic resources of the Hollywood Beach Peninsula, with a focus on the conservation of western snowy plovers and California least terns*. This mission will be accomplished by outreach, monitoring, protection, and advocacy. HHB is comprised of local citizens from Ventura County with a variety of backgrounds and experiences in grassroots conservation and conservation biology.

### **II. Background**

Throughout California and much of the United States, migratory bird populations have declined due habitat loss from human development, pollution, and nonnative species interactions. This is true for western snowy plovers (*Charadrius alexandrinus nivosus*) and California least terns (*Sterna antillarum browni*) throughout their range. These birds are both protected by the State and Federal Endangered Species Acts. On the Oxnard lowland, which includes Hollywood Beach, breeding western snowy plovers (plover) declined over 60% from 1989 to 1995 alone. The number of active California least tern (tern) breeding sites in California is limited to between 34 and 39 sites. Most of these tern breeding sites are decreasing or not increasing significantly in the number of birds, and most do not have good breeding success. In the past at Hollywood Beach, anthropogenic disturbances (recreation, beach grooming, dogs, etc.) inadvertently lead to unsuccessful nesting, and egg and chick mortality, and the eventual abandonment of the nesting site for these and other birds.

In the past few years, many birds have returned to Hollywood Beach, including the plover and the tern. Residents of Hollywood Beach are fortunate to have the opportunity to observe and assist in the recovery of the plover and tern, as they return to the beach to once again nest and fledge their young. At Hollywood Beach there exists a unique chance to enhance and protect this habitat, while still enjoying recreational activities. Small differences in activity and human behavior can lead to large changes in local plover and tern populations.

### **III. Accomplishments to Date**

Habitat for Hollywood Beach was formed in May 2004 by Dr. Jon and Jayne Ziv, Lorie Baker, Casey Burns, and Al Sanders. In August 2004, Western Alliance for Nature ([www.wanconservancy.org](http://www.wanconservancy.org)) director Lawrence Wan agreed to bring HHB under his organization as a branch group. (Western Alliance for Nature currently has a conservation program directed at Hollywood Beach.) HHB has been holding bi-weekly meetings since its inception to organize and carry out action items. Articles regarding HHB and its activities have already been featured in the Ventura County Star three times, the local Sierra Club newsletter, and on a Santa Barbara television newscast.

On the ground, HHB has had many accomplishments thanks to countless hours of work by volunteers. Prior to the formation of HHB, the Zivs, in conjunction with the Audubon Society, and with the support of the U.S. Fish and Wildlife Service, erected signs on the southern end of Hollywood Beach when plovers were initially detected. The signs informed visitors that rare birds were nesting, and for the most part, people respected the exclusion area. With the area receiving better protection, more plovers, and eventually terns, came to nest. When more birds came, HHB volunteers expanded the area and roped the signs together to form a "mental" barrier fence. An area that had no nesting of these birds three years ago now provides habitat for over 50 nesting pairs of terns and a dozen nesting plovers pairs. Young birds are now fledging from this area and will most likely return to nest

here themselves next year.

The first organized outreach effort of HHB centered on the potential impacts from the 4<sup>th</sup> of July weekend, 2004. The fireworks for the City of Oxnard are shot from Channel Islands Harbor, which forms the inland boundary of the Hollywood Beach peninsula. Tens of thousands of spectators descend upon the peninsula to enjoy the festivities. This represents an increase of visitors over a normal weekend by roughly a hundred-fold. HHB volunteers went door-to-door to educate the local residents on the sensitivity of the nesting birds to human disturbance. A docent program was organized over the 4<sup>th</sup> of July weekend to monitor the nesting area and to educate beach users. This program proved successful, but will have to be repeated yearly to avoid disturbance to the birds during their sensitive nesting period.

#### **IV. Goals**

Current action items include:

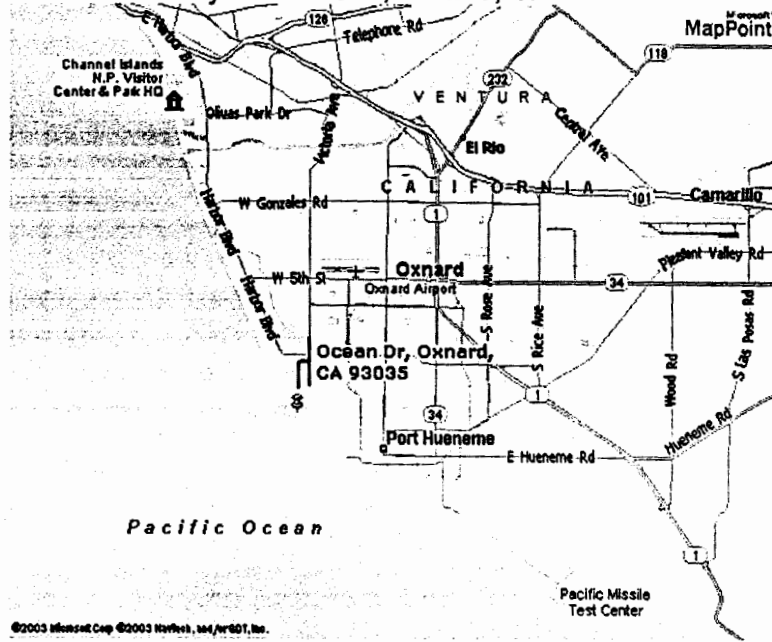
- Eliminate / relocate plane and helicopter low level flyover
- Continue with bird surveys in conjunction with Audubon Society
- Extend outreach activities to more local residents and beach users
- Educate for voluntary enforcement of existing dog leash laws
- Educate local city and county officials, and law enforcement
- Direct official and illegal on-beach vehicle disturbance and beach grooming
- Begin research projects to determine:
  - site fidelity
  - local fledge rates
  - rate of human intrusion
  - public opinion
- Determine and recommend enlarged recovery area boundary

#### **VII. Contacts**

<b>HHB:</b>	Casey Burns 1028 Bath Ln., Ventura, CA 93001 (805) 258-3798 <a href="mailto:HabitatforHollywoodBeach@yahoo.com">HabitatforHollywoodBeach@yahoo.com</a>
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**VIII. Attachments**

**Attachment 1. Pin - Location of Hollywood Beach, Oxnard, CA**



**Attachment 2. Hollywood Beach Photographs**



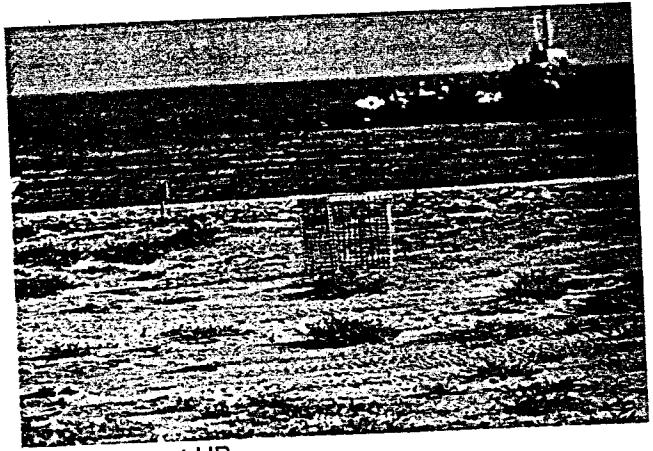
1. western snowy plover in exclusion area



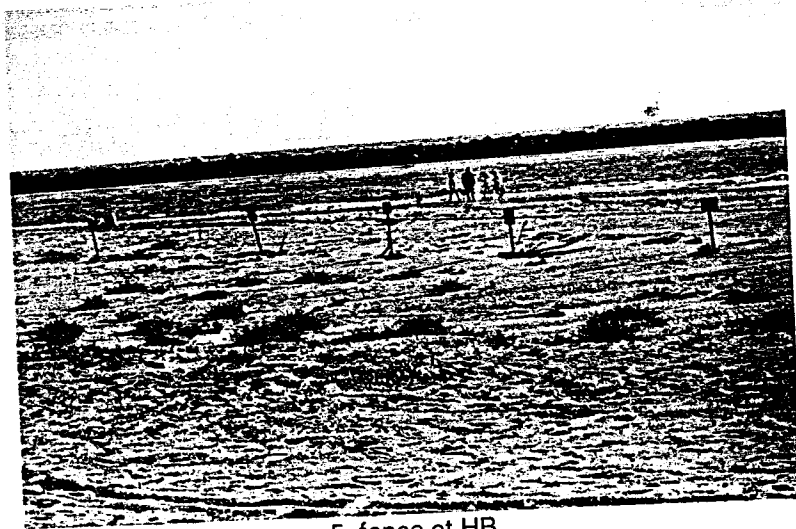
2. California least tern returning to nest



3. disturbance from low flying aircraft at HB



4. exclosure at HB



5. fence at HB

All photos by Jon Ziv

Jack  
**Matthew Schuman**  
4936 Amalfi Way  
Oxnard, CA 93035  
(805) 984-3723  
matthewschuman@hotmail.com

RECEIVED

FEB 15 2005

California Coastal Commission  
89 S. California St., Ste. 200  
Ventura, CA 93001

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RE: Amendment to Public Works Plan for Channel Islands Harbor

February 7, 2005

Dear Commissioners:

My name is Matthew Schuman. For three years, I was the Head Sailing Instructor at the Pacific Corinthian Youth Foundation in Channel Islands Harbor. I support the Ventura County Harbor Commission's proposed Boating Instruction and Safety Center at Bluefin Circle and ask that you approve the amended public works plan that would allow for its construction.


Amending the public works plan does not change the current description of use for this site -- it enhances it. Building the BISC at Bluefin Circle will allow a broader portion of the public to enjoy marine related activities. It grants direct access to the harbor and ensures on-the-water participation rather than limiting visitors to passively enjoying the view from the shore.

The proposed site also provides the safest and most accessible location for quality boating activities in Channel Islands Harbor. I have sailed and taught sailing in the harbor for over ten years. As Head Sailing Instructor at PCYF, I supervised all daily activities to ensure the safety and quality of instruction of over 150 children each summer and successfully collaborated with the Harbor Patrol and organizations throughout the harbor to avoid potential traffic problems and guarantee that the harbor remained accessible.

Having sailed at venues nationwide, I also know just how much I personally enjoy the beauty of Channel Islands Harbor. As a sailing instructor, I am proud to have seen the growth of PCYF, a non-profit foundation, whose outreach to underprivileged youth extends throughout Ventura County and provides them with this same opportunity. At PCYF, I watched children learn sportsmanship, responsibility, and values through their experiences in the harbor. The proposed BISC will allow PCYF and programs like it to continue to grow, increasing the benefits that their activities provide.

Please take advantage of this opportunity to maximize the benefits of Channel Islands Harbor while maintaining its beauty and integrity.

Sincerely,



Matthew Schuman

RECEIVED  
NOV 29 2004

COMMUNICATIONS SECTION  
SOUTH CENTRAL COAST DISTRICT

November 23, 2004  
3413 Sunset Lane  
Hollywood Beach, CA 93035

Mr. Gary Timm  
District Manager  
California Coastal Commission  
89 South California Street  
Ventura, CA 93001

Dear Mr. Timm,

I am very concerned about boating safety issues relating to the Channel Islands Harbor Public Works Plan Amendment that was approved by a 3 to 2 vote of the County Board of Supervisors on October 19, 2004. By now, this amendment has been received by your office.

I have a Master of Science Degree in Engineering and have retired from a successful thirty year career of engineering for major corporations. I am also a certified United States Coast Guard Auxiliary instructor for Boating Safety and Seamanship. (The opinions stated here are mine and not those of the USCGA.)

As I stated in earlier hearings on the EIR, the west side location of the BISC, where the west harbor channel enters the turning basin, places the young novice sailing students in the path of increasing recreational boating traffic ( the large number of new homes and docks/boats being added to the Seabridge and Westport developments) and in the path of large commercial fishing vessels, with limited clear visibility and maneuverability. This arrangement increases the probability of an accident involving BISC novice student sailors and increases the liability for recreational and commercial fishing vessels.

My testimony at the PWP Amendment hearings is attached. My testimony focuses on the inconsistency of the Amendment with the EIR. Inadequate but at least mandatory measures prescribed in the EIR to deal with the congestion are watered down and left entirely to Harbor Department discretion. This is inconsistent with and a contradiction of the EIR. The permissive language of the PWP Amendment has not been subject to an environmental review and requires a supplemental EIR for this changed circumstance.

Sincerely,



Kenneth R Grim



10/19/04

#### K. Grim Input to Ventura County Board of Supervisors on PWP Amendment

When I began to review the amendment to the PWP, I expected to find changes in line with the suggestions from the Coastal Commission and which considered the BISC in context to an overall harbor plan minimizing contradictions and inconsistencies. Instead I found an amendment to rewrite history which added contradictions and inconsistencies with the EIR. The only purpose of amending the PWP was stated to be the addition of the BISC to the PWP. This is not the case in many instances.

One example is the statement, " 14. Public Safety, No change from previous analysis." On page 12 , An Addendum to Comply with the CEQA Guidelines, Section 15164.

In the PWP Amendment on page 59, states that " during periods of significant congestion, the Harbor will restrict organized on the water operations of the Boating Instruction and Safety Center. The types of congestion contemplated in this restriction would be holidays and weekends during peak periods."

This new language is added to an existing part of the PWP that specifies steps that the Harbor Department is only require to " consider" when congestion occurs .

This contradicts the mitigation on congestion in the Recirculated, EIR, page 281, Project Modification 29 which states, "The Harbor Department will, in coordination with the user groups of the BISC, allow operation of sailing classes on Monday through Friday. On holidays, Saturdays and Sundays, the Harbor Department will regulate the conduct of classes from the BISC in a manner that ensures maximum safety to non-powered sailboats and powered boats alike. The Harbor Department will coordinate with the Harbor Patrol office in making determinations concerning sailing classes."

The new PWP Amendment language gives total discretion to the Harbor Department to determine whether congestion exists and whether or not to do anything about it. The EIR mitigation required restrictions for safety on all "holidays, Saturdays and Sundays" The new language of the PWP Amendment only requires considerations of such restrictions in "peak periods" as determined by the Harbor Department. The PWP Amendment contains no mandatory restrictions and grants broad Harbor Department discretion. This is **INCONSISTENT WITH** and a **CONTRADICTION** of the EIR The permissive language of the PWP Amendment has not been subject to an environmental review and requires a **Supplemental EIR** for this changed circumstance.





# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd  
Oxnard, CA 93035

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February 25, 2005

✓ Gary Timm, District Director  
Barbara Carey, Coastal Program Analyst  
California Coastal Commission  
89 South California Street  
Ventura, CA 93001

Re: Permit Application 4-04-097  
Vintage Marina, Channel Islands Harbor  
**The File is Substantially Complete**

Dear Mr. Timm and Ms. Carey,

To avoid a piecemeal approval process, the Commission needs to consider this project in its consideration of the proposed Amendment, PWP Maj-I-04. In a separate letter to the Commission of today's date we detail how these two projects are conjoined.

In reviewing the file for Permit 4-04-097 on February 25, 2005 we see the last activity is Ms. Carey's letter of January 6, 2005 to the applicant's consultant, David B. Neish. The letter contains just six requests for additional information.

We suggest that, with the addition of the public records provided with this letter, the permit application is **substantially complete**. The January 6<sup>th</sup> letter makes six requests:

1. Documentation of the applicant's legal interest in the property.
2. Evidence of any preliminary approvals by County departments in addition to the Harbor Department.
3. Verification of other permits, permissions or approvals applied for and a copy of an application made to US Army Corp of Engineers.
4. Request for comment on plans, if any, for replacement slips.
5. Request for comment on any operating plan to minimize ongoing water quality impacts.
6. Request for comment on any biological resources found within the project area.

The documentation required by Item 1 is a matter of public record. On January 25, 2005 the Board of Supervisors approved a lease amendment to the lease specifically approving the extension into the waterway of approximately 20 feet. Enclosed is the County staff report for this item, and a January 26, 2005 article from the Ventura Star reporting the Board approval.

Item 2 is fulfilled by the representation in the 9/20/04 application on file, Appendix B, that the "proposed development meets all zoning requirements and needs no local permits other than building permits." Also, the January 25, 2005 Board of Supervisors action is approval of the project at the highest level of County government.

Item 3 is fulfilled by the representation quoted in Item 2 above. The delay in adding to the file a copy of the Corp of Engineers application is not substantive. Before a permit is granted it will be necessary for the applicant to actually obtain a permit.

Item 4. The file should not be deficient merely because a relocation plan is not on file yet. The applicant is in effect responding that, at this point in time, it has no detailed plan. Exhibit "E" page 2 to the enclosed January 25, 2005 staff report contains language approved by the Board of Supervisors on January 25<sup>th</sup> that binds Vintage to "assist displaced Boat Slip Renters to secure other mooring arrangements at local marinas." The applicant has accepted this obligation and delivery to CCC staff of a full blown plan should not be a precondition to deeming the application substantially complete.

Item 5. Specific details on water quality maintenance in addition to information already provided on sewer pump out is an issue in the review process but a specific plan should not be a precondition to substantial completion of the application. As noted regarding Item 2, the applicant acknowledges its need to obtain a building permit. That will include necessary compliance with requirements regarding storm water run off and other water quality.

Item 6 is fulfilled by information already in the application. In addition to the eel grass survey noted in the January 6<sup>th</sup> letter, the applicant has provide a biological assessment by Rincon Consultants Inc under cover of a letter provided with the application and dated September 8, 2004.

**It appears to us the application elements necessary pursuant to Administrative Regulation 13053.5 are substantially complete. We do not regard many of the applicant's responses as suitable for Permit approval but that is a separate matter from the sufficiency of the file to allow this to be recognized as a "project" before the Commission.**

We are concerned that the applicant's withholding of a direct response to your letter of January 6<sup>th</sup> is a strategy designed to prevent the project from being considered in conjunction with the BISC Amendment. The Board of Supervisors and the Applicant formally recognized in the enclosed Exhibit E, page 1 of the approved January 25, 2005 action that the projects are interrelated:

"The design of the work and its course of construction is to be coordinated with the design and construction of the proposed Boating and Education Center that may be built on an immediately adjacent site ...."

We request your confirmation that the permit application is now deemed to substantially satisfy minimum completion requirements. The pending staff report for the BISC project, PWP Maj-4-04 should present to the Commission this pending interrelated Permit Application so that the Commission may discharge its obligation to consider cumulative impacts of these two interrelated projects.

Sincerely,

---

Lee Quaintance, Secretary

# Plan for bigger, but fewer, boat slips OK'd

**By Sylvia Moore**  
*smoore@VenturaCountyStar.com*

The county Board of Supervisors on Tuesday approved a plan to enlarge some boat slips at the Channel Islands Harbor Marina and make the docks comply with new federal construction and state boating safety standards.

Under the plan, the marina's operator, Vintage Marina Partners of Bakersfield, will renovate the docks and make some midsize slips a few feet longer.

The renovation will reduce the number of slips from 540 to 403.

The plan was approved on a 4-0 vote. Supervisor John Flynn, who represents the harbor area, was absent because of illness.

The project now goes to the California Coastal Commission, which has final approval.

The Beacon Foundation, an Oxnard environmental group, and 23 boaters oppose the project, complaining the renovation would displace boaters. They submitted a petition urging the board to require Vintage Marina to develop a plan that would not eliminate so many slips and would provide a relocation plan for displaced boaters.

Beacon also argues that the harbor's public works plan needs to be amended to reflect the expansion, and that the project needs to be evaluated under state environmen-

tal laws. But the county Harbor Department says the project is exempt from review because it involves only maintenance and alteration of the marina, not a fundamental change in how it's used.

Beacon members said they will take their concerns to the Coastal Commission when the agency considers the project in March.

Harbor Director Lyn Krieger said Vintage Marina will eventually have to come up with a relocation plan for displaced boaters. Brian Dunn, general manager of Vintage Marina, said there is a small number of slips available at other locations in the harbor. He said arranging for boats to be placed in dry storage is another option.

The Board of Supervisors awarded Vintage Marina the lease to the Channel Islands Harbor Marina in 2003. The marina's previous operator was the Farrell family, which built the docks in 1963. Lease negotiations between the county and the Farrells broke down in 2002.

If the Coastal Commission approves the project, Vintage Marina hopes to start construction by the end of this year and complete the renovation by 2008.

The renovation is designed to meet federal Americans with Disabilities Act requirements for accessibility and state Department of Boating and Waterways guidelines for boating facilities.



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](http://www.channelislandsharbor.org)

January 25, 2005

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

**SUBJECT: APPROVAL OF LEASE AMENDMENT NUMBER 1 FOR CHANNEL ISLANDS HARBOR MARINA (Requires 4/5 vote)**

**Recommendation:**

The Harbor Department recommends that your Board of Supervisors:

1. Take action to reconsider agenda item number 27 on the December 7, 2004, Board of Supervisors agenda; and if recommendation is approved then, after discussion:
2. Approve and authorize the Director, after concurrence of County Counsel and the County Executive Officer, to execute Lease Amendment Number 1, as described herein and attached, for the leasehold known as Channel Islands Harbor Marina – Parcels D-1, D-2, E-1, E-2 and E-3;
3. Approve and authorize the Director, to replace the attached, revised, Exhibit E to the lease as an additional amendment; and
4. Find these actions to be categorically exempt under the California Environmental Quality Act, as described herein, and direct the posting of a Notice of Exemption.

**Fiscal/Mandates Impact:**

Mandatory:	No
Source of Funding:	N/A
Funding Match Required:	No
Impact on other Departments:	Minimal

All costs will be paid by lessee. No fiscal impact to Harbor.

**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

**Background:**

On December 7 and 14, 2004, the Board of Supervisors discussed item number 27, regarding lease amendments for Vintage Marina Partners, L.P., for Parcels D-1, D-2, E-1, E-2 and E-3, known as Channel Islands Harbor Marina (CIHM). The lease amendments include, first, a 20-foot addition to the leasehold waterside, to revert to the county if permits for the Marina are not issued by the end of the term of the initial lease. Other amendments include allowing alcohol service in the leasehold, and corrections to the lease parcel. The December 7, 2004 Board letter is attached for your information.

At the December Board meetings, members of the Board raised questions regarding the configuration of slips. Mr. Dunn, manager for Vintage, was asked whether he could agree to reconfigure slips during the course of the day. His response was that he could not, both due to the complexity of marina design processes and the need to consider the financial impact of changes. He also expressed concern that the California Coastal Commission (Commission), which has final jurisdiction over the matter of slip configuration, is likely to request further changes. Vintage has since expressed concern that these changes could result in an inefficient and expensive shuttling between the Commission and your Board to finalize design and receive permits. Since the December Board of Supervisors meetings, Mr. Giumarra, managing partner of Vintage Marina Partners, and Mr. Dunn have considered the requests of Board members, the requirements of a Coastal Commission permit, and the effects of redesign. At this time, Vintage has elected to return to your Board with this illustrative plan. This modified plan is substantially the same as the plan submitted on December 7, 2004. The changes include enlarging the ten 20-foot slips to six 28-foot and two 30-foot slips. Through these changes, the total number of slips goes from 405 to 403, but all slips are 24 feet or longer in length. This plan, if approved by your Board, will be submitted to the Coastal Commission where additional changes are likely to occur. They believe this modified plan is in substantial conformance with their proposal, the requirements of the lease, and the requests to date of the Commission.

The Harbor Department has reviewed this action and consulted with County Counsel, and has found that it is categorically exempt under California Environmental Quality Act, Guidelines Section 15301 and 15302 as Class 1 (operation, repair, maintenance, or

Board of Supervisors

January 25, 2005

Page 3

minor alteration of existing structures or facilities, not expanding existing uses) and Class 2 (replacement or reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity) exemptions. It is also exempt under Guideline Sections 15060 (c) (notice project), 15061(b)(3) (no potential physical change) and 15251(c) (California Coastal Commission certified regulatory program for Coastal Development Permits.)

This letter has been reviewed by the County Executive Office and County Counsel, and recommended by the Harbor Commission at their meeting of July 21, 2004. If you have any questions about this item, please call me at 382-3002.

  
LYN KRIEGER  
Director

Attachment

FIRST AMENDMENT TO LEASE  
CHANNEL ISLANDS HARBOR MARINA  
CHANNEL ISLANDS HARBOR PARCELS D, D-2 AND E

THIS FIRST AMENDMENT is made and entered into by and between

COUNTY OF VENTURA ("County")

and

VINTAGE MARINA PARTNERS L.P. ("Lessee")

WHEREAS, County and Lessee entered into that certain Lease dated January 1, 2004, which sets forth the terms and conditions under which County leased an interest in the real property commonly referred to as Parcels D, D-2 and E at Channel Islands Harbor and described in said Lease; and

WHEREAS, the Lessee is required, in order to exercise an option to extend this lease, to construct new boat slips as specified in the Lease; and

WHEREAS, new requirements for ADA compliance and current boating safety standards will result in a reduction in the total number new slips to be constructed in Channel Islands Harbor Marina when compared to present slip count, and

WHEREAS, it is in the best interests of the County, the Lessee and boating public that the Lessee maximize the number of new slips to be constructed; and

WHEREAS, the waterside leasehold can be extended into the existing open waterway without creating a navigation hazard or impeding boat traffic; and

WHEREAS, there are some errors on the current legal description which need correction; and

WHEREAS, the parties now desire correct current inaccuracies in the legal description and to extend the existing waterside portion of the leasehold approximately 20 feet into the harbor open waterway contingent upon the Lessee being able to construct slips in the additional area.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, County and Lessee agree as follows:

1. Exhibit B (attached) of the Lease is amended to describe the leasehold. This new legal description corrects errors in the current legal description and adds approximately 20 feet to the waterside area of the leasehold (the Extended Waterway)

2. If the Lessee has not secured a Coastal Development Permit issued by the California Coastal Commission to construct new slips in the Extended Waterway by December 31, 2008, the legal description shall be modified as set forth in Exhibit C (attached) to delete the 20 feet of Extended Waterway authorized by paragraph 1 of this Amendment No. 1.
  
3. Following the issuance of a Coastal Development Permit which allows new slip construction in the Extended Waterway and the completion of construction of permitted docks as determined by the County, the minimum rent adjustment required upon construction of the permitted docks as described in Section 6.1.2 and related sections of the Lease shall be increased by 5.8%. Such minimum rent shall be subject to further adjustment as described in the Lease.

THE EFFECTIVE DATE of this First Amendment shall be the date it is approved by the Board of Supervisors.

Except as expressly set forth herein, all other terms and conditions of the Lease as amended shall remain unchanged and in full force and effect.

"LESSEE"

"COUNTY"

VINTAGE MARINA PARTNERS, L.P.

COUNTY OF VENTURA

By: \_\_\_\_\_

By: \_\_\_\_\_

Chair, Board of Supervisors

ATTEST:

John F. Johnston, Clerk of the Board of  
Supervisors, County of Ventura,  
State of California

By: \_\_\_\_\_

Deputy Clerk



**Exhibit B**

**This Exhibit B to be drafted incorporating corrections of errors on current legal description and including the 20-foot extension of the waterside parcel.**

**Exhibit C**

**This Exhibit C to be drafted incorporating corrections of errors on current legal description but not including the 20-foot extension of the waterside parcel.**

## EXHIBIT E

### PARCELS D AND E SCOPE OF DEVELOPMENT AND SCHEDULE OF PERFORMANCE

#### LESSEE'S WATERSIDE WORK

The Waterside Portion of Parcels D and E as presently improved consists of approximately 540 boat slips and is to be redeveloped with a goal of approximately 408 boat slips of various lengths depending on perceived market demand and the maximum number of Boat Slips that can be achieved under the conditions and limitations imposed on such redevelopment by the Coastal Development Permit to be obtained for such redevelopment. The Lessee and County agree that Lessee shall, in its application for a Coastal Development Permit, request that 25% of new slips be ~~30 feet or less~~ between 24' and 32' in length. The redevelopment includes several tasks: the removal of the "Old Boat Slips", the relocation of the Boat Slip Renters who are using the Old Boat Slips when they are to be replaced, and the replacement of the Old Boat Slips with "New Boat Slips" together with replacement of ancillary facilities such as racks and security systems.

The dock layout for the New Boat Slips will be substantially as depicted in Lessee's Concept Plan, attached as Attachment 1 hereto, showing existing marina, revetment and adjacent facility conditions, and will be based on the State of California Department of Boating and Waterways (DBAW) guidelines in effect. Alterations may occur based on accurate horizontal control and hydrographic surveying to be provided in the future, and may provide more or less waterspace, thus affecting the final boat slip count. The quantity and sizing of piles will be based on accepted engineering practice for designing piles for marinas based on local wind, current and wave loading conditions. All piles will be reinforced prestressed concrete piles with a recognized useful life of over 70 years. It is expected that the piles will be 14" to 16" diameter, octagonal or square in shape depending on design and availability. The precise nature of abutments and/or pile-supported platforms supporting the pedestrian gangways will be fully determined later when more geotechnical information is obtained regarding slope stability and the impacts of placing foundations within the existing slopes. All dock access systems will be fully compliant with Federal ADA-1990, as amended. ADA gangways will be 80 feet in length with handrails, midrails and guard rails meeting State of California Title 24 requirements. Dock power will meet DWAB and National Electric Code requirements and guidelines, with minimum 30 amp receptacles and boat power meeting current and future capacity requirements. "Step down transformers" may be used if such reduces line sizing and enhances power distribution to the slips. Boat power will be metered and billed to each boat owner based on actual slip usage.

The design of the work and its course of construction is to be coordinated with the design and construction of the proposed Boating and Education Center that may be built on an immediately adjacent site, and with the work to be performed by County pursuant to the Channel Islands Harbor Stabilization Project described in that certain letter dated April 3, 2003 addressed to Valerie Carrillo, California Regional Water Quality Control Board, Los Angeles Region, 320 West Fourth Street, Suite 200, Los Angeles, California (the Application) and those certain plans entitled "Channel Islands Harbor", Shoreline Stabilization, Revision 1 prepared by Moffatt and Nichol, Engineers, consisting of 9 sheets "Plotted 8/15/03" (the Stabilization Plans"). Sounding

of the bay bottom will be taken after the demolition effort to assure that anticipated bottom contours have been maintained, and any foreign debris encountered will be removed to assure unobstructed navigability. Embankment stability and possible dredging requirements are not assumed by Lessee. All design work shall be the product of licensed architects and engineers and all work of removal and replacement shall be performed by licensed contractors. All replacements shall be with new materials. All dock flotation elements will be pre-manufactured off site in controlled environments of a manufacturing shop, lifted from flatbed trucks by crane and assembled in-place in the basin. The dock system to be installed will be a Bellingham Marine Industries concrete module system or substantial equivalent. Unless the dock manufacturer can demonstrate otherwise, all slip fingers 40 feet or longer will have at least one guidepile at the finger end.

The removal and replacement of boat slips shall be performed in continuing coordinated efforts, and in phases, to keep at least 75% of the New Boat Slip Minimum Number of Boat Slips in service for use and not more than 4 docks out of service during the redevelopment process. To the extent possible, Lessee will assist displaced Boat Slip Renters to secure other mooring arrangements at local marinas. Lessee will employ acceptable State of California standards to limit turbidity in the Harbor caused by pile removals, such as, if necessary, the use of floating siltation curtains.

#### LESSEE'S LANDSIDE WORK

**Site Utility Upgrades:** Upgrade all existing utilities to support waterside improvements including upgrade of existing electrical service, replacement of existing transformer(s) as required, augmentation and/or resizing of existing potable water and fire protection water, etc. to provide state-of-the-art services to renovated marina slips. Existing utilities will also be upgraded and distribution redirected to support landside improvements including renovated restroom and laundry facilities, renovated offices, brokerage, and yacht club. Existing water district pumphouse will be renovated to conform with architectural theme of marina.

**Abutment and Marina Facility Upgrades:** Renovate or replace all dinghy and kayak racks to include including modern lockable steel storage for marina members. Relocate and replace dock entries and abutments to provide ADA accessibility as required by code and to improve appearance and security, including computer monitored keyless entry and new security fencing for marina facilities and docks. Completely renovate marina service facilities, including office and all marina rest rooms, showers and laundries including new custom logo feature tile in wet areas, new tile floors, new roofs throughout, new toilet partitions, new bathroom fixtures and lighting fixtures, new paving and landscape planting, new hardware and signage, etc. all in support of "California Coastal" themed architecture.

**Renovate Existing Channel Islands Yacht Club:** In cooperation with the existing yacht club tenant, initially develop a renovation strategy that resolves multiple deferred maintenance issues and brings the facility closer to full compliance with existing codes. Develop a strategy to resolve ongoing accessibility issues over time and as cash flow allows, including provisions for accessible restrooms at the first level and equal facilitation or an accessible conveyance to upper levels including decks and outdoor spaces. Completely replace existing roofing, siding, deck

railings, awnings, etc. and explore feasibility of adding window openings to the west. Completely re-landscape; provide new hardscape (paving) from renovated entrances to parking area and to marina boardwalk, etc. Provide new exterior lighting, both to accent new landscaping and to provide security and ease of entry in the evening. Work with the existing Yacht Club Board of Directors and membership to revitalize the club's graphic identity, signage, awnings, flags and other "trade dress elements for an improved public appearance and appeal. Remove existing electrical switchgear and/or transformers not associated with club operation and relocate to other protected areas of the marina.

**Identity Package:** Install complete marina-wide identity package related to the new themed architecture, including new street signage, building signage, way-finding graphics, permanent and temporary (event-driven) banners on new appropriately scaled lightpoles and standards in parking lots, along boardwalk, and along internal circulation paths. Renovate existing parking lots including re-paving as necessary but minimally slurry and re-striping, cutting in of new landscape islands, installation of appropriate feature paving (concrete and brick) and installation of code compliant yet human-scaled parking lot lighting. Completely renovate public parkland at water's edge including deferred maintenance of existing palms, replacement of all foundation planting, lacing of existing large feature trees, etc. At the request and scheduling priorities of the County and at the County's sole discretion, install new picnic and playground equipment, including small public shade structure(s), new picnic tables and benches, new bar-b-que grills, and new children's play area – all accessible to both marina members and the general public and located adjacent to existing public restrooms and public parking.

Vintage Marina Partners, LP is willing, at the County's request, to serve as financial sponsor of an Annual Public Boat Show at the marina site, similar in size and scope to the boat show it currently sponsors at Dana Point in Orange County, to replace the existing Boat Show at Channel Islands Harbor. The show will bring thousands of boating enthusiasts to the site on an annual basis. The show will be promoted throughout Ventura County. Any event will be permitted through the Ventura County Harbor Department Special Activity Permit process, and through any other public agency as required.

Vintage Marina Partners, LP also plans to sponsor an Annual on-site Public Seafood Festival, inviting local restaurants to compete with their best recipes and providing a venue for promotion of local nightlife, local entertainment venues, local restaurants, the local fishing industry, as well as local and national tourism including visits to the Channel Islands themselves. Any event will be permitted through the Ventura County Harbor Department Special Activity Permit process, and through any other public agency as required.

## SCHEDULE OF PERFORMANCE

2003

Predicated on a new lease being effective in late December 2003, the remainder of the year will be spent in planning meetings and existing conditions research / due diligence with the design team and the marina operators.

2004

The first quarter of the year will be devoted initially to conceptual design and planning for both waterside and landside improvements including preliminary engineering. Initial plans will be submitted to permitting agencies by the end of the first quarter. The team anticipates an 18-month review period from Coastal Commission. Approximately four months after the initial package is submitted, the design should be finalized and updated drawings will be issued. The balance of the year (project months 9 through 15) will be devoted to tracking the permitting process and responding to any issues from the Coastal Commission. Updated drawings will be issued as comments necessitate.

2005

The first half of the year will mark the end of the California Coastal Commission review process and the team anticipates approvals by mid year, or in about project month 21. Beginning about three months earlier, final plans will be submitted to the municipal agencies for issuance of building permits. Following the issuance of permits the contractor selection process will be finalized and we currently anticipate that landside and waterside construction can begin in project month 25, currently scheduled as December of 2005.

2006 to 2008

The initial third (33%) of waterside improvements will be completed by the end of November 2006. Immediately following, the second phase of waterside improvements will begin at the end of 2006. Each third of the waterside improvements will require approximately 12 months to complete allowing for noise moratorium periods. Landside improvements are scheduled to be completed by the end of the year 2006. The project will reach final completion in 2008. The waterside improvements redevelopment timeline will be accelerated within the restrictions provided for in the final Coastal Development Permit.

A graphic of the above timeline is attached as Attachment 2

The Ventura County Public Works Plan (PWP) and the City of Oxnard Local Coastal Plan (LCP) were certified in 1986. As Commission staff noted in an April 15, 1996 letter to the County:

*"The policies of the PWP and LCP as presently written represents years of cooperative efforts to develop the environmentally conscious framework feasible for future development of Channel Islands Harbor."*

Ventura County now seeks to undermine and negate the PWP by separate serial presentation to the Commission of conjoined harbor projects.

**The County is obligated to disclose and consider the impacts of a major marina project in its proposed PWP Amendment. Until it does so, no action should be taken on the Amendment.**

PWP Maj-1-04 Boating Center

Permit 4-04-097 Marina Project

• 1. Project Description

A PWP Amendment filed October 28, 2004 adds a Boating Instruction and Safety Center (BISC). It overrides protection for public parks, view corridors, open space, and public parking. It also decreases slips available for recreational boating and encroaches on a heron rookery. The Amendment is the County response to Commission rejection on February 9, 2004 of a Notice of Impending Development for the project. In its June 9, 2004 findings, the Commission determined the BISC is not in the PWP and raised issues of conformity with PWP and Coastal Act protections.

A Development Permit filed September 20, 2004 to demolish 500+ slips and all buildings and replace them with a marina extending 20 feet farther into the waterway. More than 100 existing small boat slips would be eliminated to accommodate bigger boats. The application states all existing docks and piles will be demolished and lifted by crane over the adjacent park to debris staging areas in the parking lot. New pilings and dock elements will be lifted back over the park to the construction site.

• 2. Interrelationship (see page one diagram of these two adjacent projects)

The proposed Boating Center docks are **within** the marina leasehold.

The marina buildings to be reconstructed are **within** the park where the proposed Boating Center would be built. One of the marina buildings abuts the heron rookery.

• 3. County Interest

The project is on County land and will be develop pursuant to a lease.

The project is on County land and will be redeveloped pursuant to a lease.



# The Beacon Foundation

PMB 352  
3844 W Channel Islands Blvd.  
Oxnard, CA 93035

## WED 14d

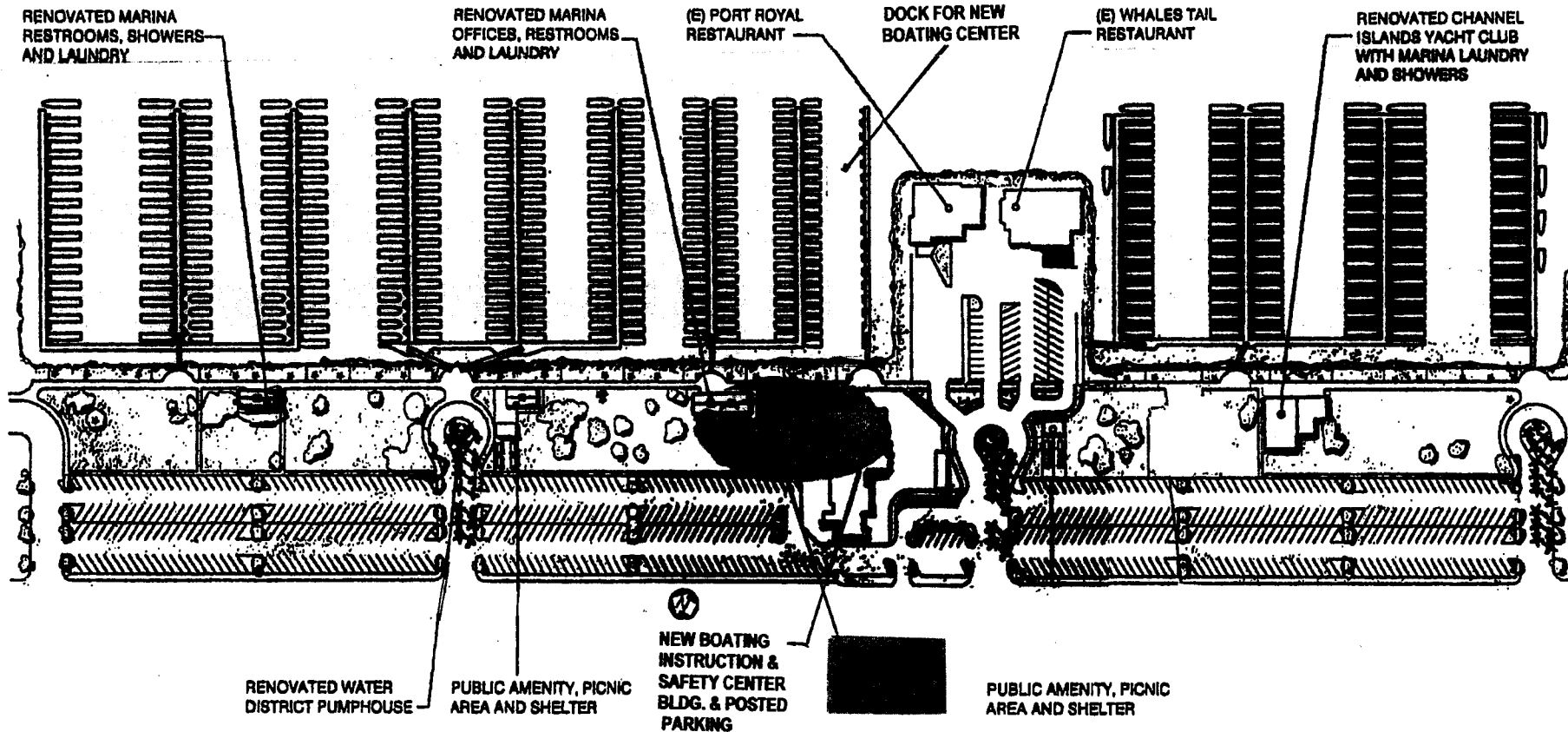
February 25, 2005

Re: PWP Maj-1-04 -Boating Center

Dear Director Douglas and Members of the Commission:

Ventura County is blindsiding the Commission. It proposes to amend its Public Works Plan (PWP) to add a Boating Center without any mention or review of a major and conjoined marina project (Permit Application 4-04-097).

The Board of Supervisors approved the marina project December 9, 2003. However, the County failed to include this project in the proposed PWP Amendment filed eleven months later on October 28, 2004. This piecemeal presentation of interrelated projects makes it impossible for the Commission to make an informed evaluation of the proposed Amendment. Shown in yellow on the diagram below is the Boating Instruction and Safety Center project. The conjoined marina project is shown in orange.





The Ventura County Public Works Plan (PWP) and the City of Oxnard Local Coastal Plan (LCP) were certified in 1986. As Commission staff noted in an April 15, 1996 letter to the County:

*"The policies of the PWP and LCP as presently written represents years of cooperative efforts to develop the environmentally conscious framework feasible for future development of Channel Islands Harbor."*

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The project is on County land and will be develop pursuant to a lease.

The project is on County land and will be redeveloped pursuant to a lease.

• 4. Common Project Management

The consultant for the Amendment is Culbertson, Adams & Associates.

The consultant for the marina permit is D.B. Neish, Inc. Mr. Neish is a Principal of the Culbertson firm and occupies the same office address.

• 5. Cumulative Impacts

The EIR does not consider the marina project and denies that cumulative impacts exist from any other projects. It states (page 340): "...the County *continues ongoing operations of small scale relative to the Master Plan such as dock reconstruction, revetment reconstruction, dock establishment, and other activities pursuant to the PWP. None of these activities is significant taken cumulatively with the BISC, as these actions are geographically removed from the BISC site*" [emphasis added].

On a January 25, 2005 the Board of Supervisors amended the marina lease to extent the parcel 20 feet into the main channel of the Harbor. It approved inclusion of the following statement in the lease:  
*"The design of the work and its course of construction is to be coordinated with the design and construction of the proposed Boating Instruction and Education Center that may be built on an immediately adjacent site...."* [emphasis added].

The EIR Addendum given to the Commission as part of the Amendment filling makes no mention of the marina lease. It falsely denies any changed circumstances requiring revision to the environmental document.

Upon approving the marina lease on December 16, 2003, and again on January 25, 2005 the County erroneously resolved that no CEQA review of the project is required.

Obviously there are many cumulative impacts of these conjoined projects that cannot properly be considered independent from one another. To note but one example, the fate of the existing heron rookery at the proposed BISC site (circled in green on the diagram) has been a subject of concern to the Commission. Various palliative measures, all lacking a proper buffer, have been proposed by the County to mitigate destruction of this biological resource. No where in the Amendment, and no where in the marina Permit Application, is there any consideration of the effects of the latter project on the heron. Not only are the docks to be destroyed and rebuilt "immediately adjacent" to the BISC site but one of the Marina outbuildings is within a few feet of nesting trees. No measures to mitigate BISC impacts can possibly be effective if they are considered in isolation from impacts of the conjoined marina project.

- 6. Responsibility for Joint Consideration of the Two Projects?

It is a County responsibility to join the consideration of both projects in its proposed Amendment. Eleven months prior to filing its Amendment, the County gave final approval to the adjacent marina project. In its Amendment filing the County had a duty to disclose the cumulative impacts of the interrelated projects. By failing to do so, the County has withheld vital information necessary for an informed Commission decision.

The Commission has an independent responsibility, pursuant to CEQA and to the Coastal Act, to require joint consideration of the two interrelated projects on file with the Commission. This situation is analogous to one where two permit applications with overlapping subject matter come to the Commission. The Coastal Commission Administrative Regulations, Section 13058 provides:

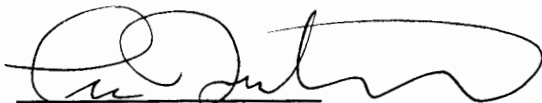
*"Where two or more applications are legally or factually related, the executive director may prepare a consolidated staff report. Either the commission or the executive director may consolidate a public hearing where such consolidation would facilitate or enhance the commission's ability to review the developments for consistency with the requirements of the Coastal Act. A separate vote shall be taken for each application."*

Our review of the Commission file for the marina permit application show it to be substantially complete. Some details requested by Commission staff have not yet been provided. The Commission must not allow withholding by the applicant of minor information to be used to block Commission consideration of the two interrelated and conjoined projects.

**The Commission should defer review of the Amendment until it is revised by the County to include review and consideration of the adjacent marina project.**

The Beacon Foundation is a non-profit environmental organization. We have appeared before the Commission many times during the past ten years to advocate protection and free public access to coastal zone resources of Ventura County.

Sincerely,



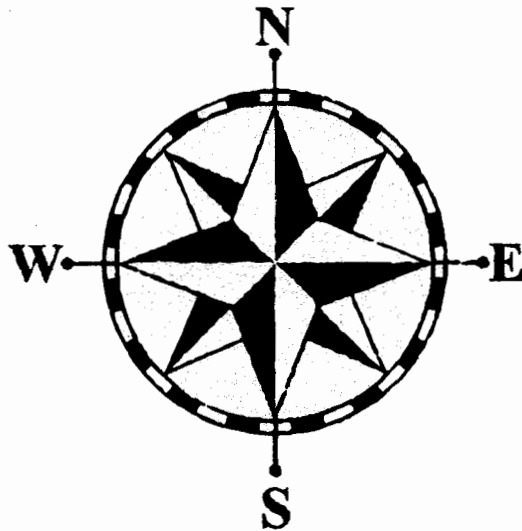
Lee Quaintance  
Secretary

**PWP AMENDMENT  
REDLINED PAGES**

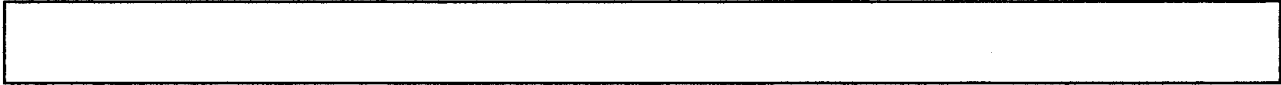
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# COUNTY OF VENTURA

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



## Channel Islands Harbor Public Works Plan



# **Channel Islands Harbor Public Works Plan**

**Certified by the California Coastal Commission  
September 19, 1986**

**Amended by County of Ventura, Board of Supervisors    \*\***

**Prepared For:**

**~~General Services Agency~~  
~~County of Ventura~~  
County of Ventura  
Harbor Department  
3900 Pelican Way  
Oxnard, CA 93035-4367  
(805) 382-3001**

**By:**

**~~Spectra Information & Communication Inc.~~  
~~343 Plateau Avenue~~  
~~Santa Cruz, CA 95060~~  
~~(408) 429-1974~~  
Culbertson, Adams & Assoc. Inc.  
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**Aliso Viejo, CA 92656**  
**(949) 581-2888**

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## 1.0 INTRODUCTION

### 1.1. Purpose

The County of Ventura has developed a Public Works Plan as provided for under Section 30605 of the Coastal Act. This section states:

“To promote greater efficiency of the planning of any public works or state college or private university development projects, and as an alternative to project by project review, plans for public works or state college or private university long-range land use development plans may be submitted to the Coastal Commission in the same manner prescribed for the review of local Coastal Programs as set forth in Chapter 6 (commencing with Section 30500).”

Coastal Act Section 30114 includes harbors and publicly financed recreation facilities within the definition of public works facilities.

The purpose of this Public Works Plan is to provide Channel Islands Harbor with a detailed and specific planning document to guide future Harbor development. This document will also expedite the Harbor planning and permit process.

#### Jurisdictional History

Jurisdiction within Channel Islands Harbor is shared by both the City of Oxnard and the County of Ventura. Oxnard's City limits extend to all Harbor land areas. An annexation agreement signed in 1963 by these two governmental authorities assigned the planning control within the Harbor to the County of Ventura (see section entitled "Jurisdictional Authorities" below for specifics on City and County authority within the Harbor).

Based on the annexation agreement, the Coastal Commission developed Local Coastal Work Programs for Oxnard and Ventura governments which identified the County of Ventura as lead planning agency. The Work Program approved for the City of Oxnard's Land Use Plan specifically limited their planning involvement to an advisory role only.

By July of 1984 a certified County Local Coastal Plan (LCP)CP for the Harbor was not in place. At this time the City of Oxnard requested, through the Coastal Commission, an Attorney General's advisory letter on jurisdiction in the Harbor. The advisory letter stated that the City has primary Local Coastal Plan jurisdiction in the Harbor. Nevertheless, in a subsequent letter, the Coastal Commission legal staff ruled that the County of Ventura was eligible to prepare and submit a Public Works Program Plan to the Coastal Commission for the Harbor under Section 30605 of the Coastal Act. The City has recently received approval from the Coastal Commission for their Harbor LCP.<sup>1</sup>

---

<sup>1</sup>The City Of Oxnard Harbor LCP certification was received after the approval of the County's Public Works Plan for the Harbor.

## Process

This public works plan was reviewed and approved by the Coastal Commission prior to approval of the City of Oxnard's Harbor LCP. Under these circumstances the Coastal Act required the Coastal Commission to review the Public Works Plan for consistency with the Chapter 3 coastal management policies of the Act.

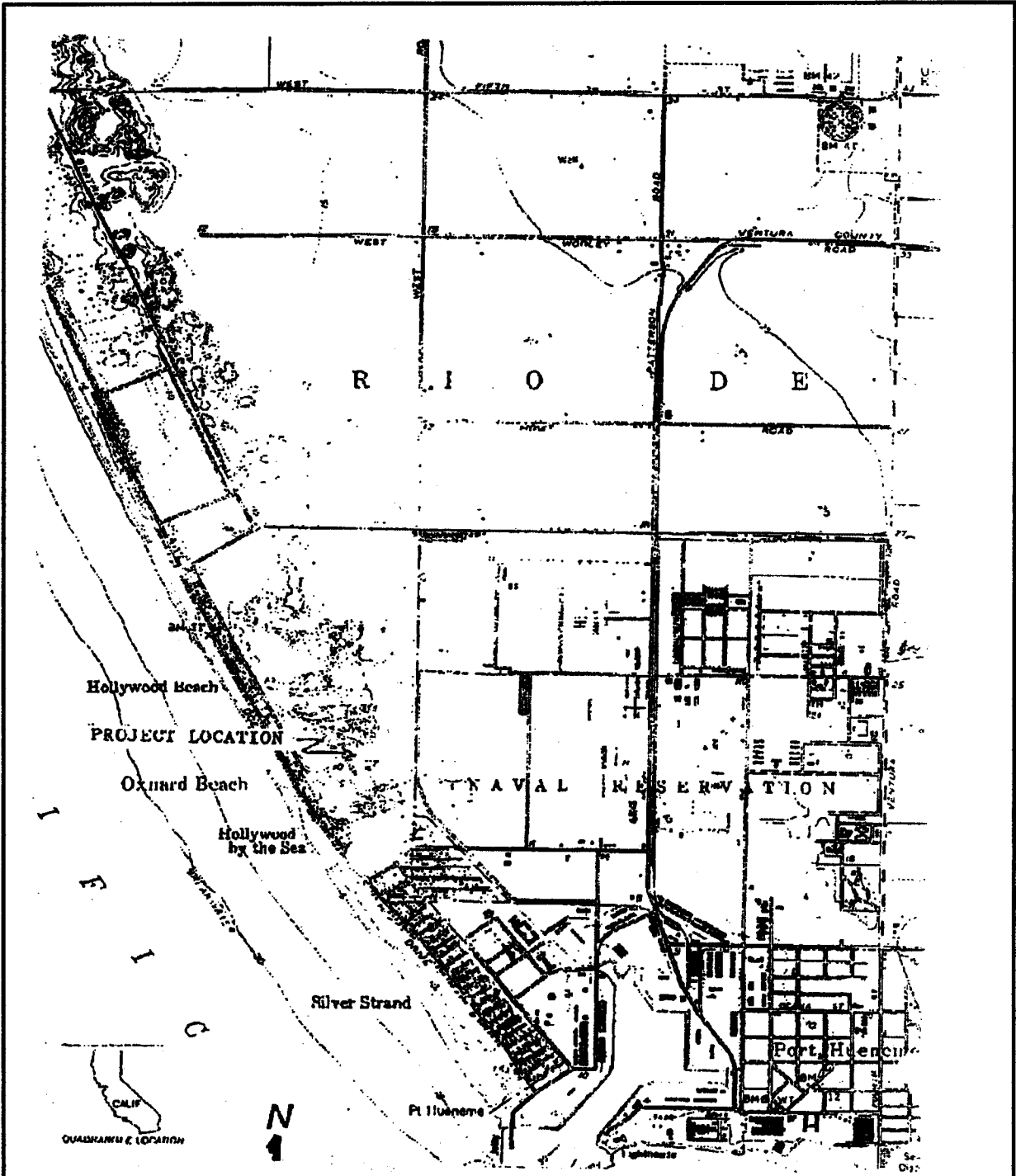
If amendments to this public works plan are submitted after the certification of the City's Harbor Local Coastal Program, the plan shall be approved by the Coastal Commission only if it finds, after full consultation with the affected local governments, that the proposed public works plan amendment is in conformity with the local coastal programs for the attached jurisdictions.

Under the approved Public Works Plan the County will issue all permits or other approvals for the Channel Islands Harbor development authorized under the Plan. Prior to the commencement of development proposed in the Plan, the County will notify the Coastal Commission, the affected local government, and other interested persons, organizations, and governmental agencies of the development and provide data to show that it is consistent with the Public Works Plan (i.e. per Coastal Act Section 30606). Review of a specific development by the Coastal Commission shall be limited to imposing reasonable terms and conditions to ensure that the development conforms with the plan and with the Coastal Act.

### 1.2 Area Description

Channel Islands Harbor is situated within the City of Oxnard on the Oxnard Coastal Plain and between Ventura Harbor and Port Hueneme, approximately five miles southeast of the mouth of the Santa Clara River (Figure I and II). The area of the Harbor covers 310 acres, of which approximately 200 acres are water. Immediately to the east of the Harbor (See Figure I) is the Port Hueneme Naval Base; to the southeast is the residential area of Silver Strand and the Port of Hueneme; and to the northwest are the residential communities of Oxnard Shores, McGrath State Beach Park and the Santa Clara River.

The Oxnard Plain, upon which the Harbor lies, is the result of thousands of years of alluvial deposits from the Santa Clara and Calleguas Creek. The Plain in the vicinity of the Harbor is underlaid by more than 400 feet of poorly consolidated alluvium consisting primarily of silts, sands and gravels. These in turn, are underlaid by the San Pedro Formations and Pleistocene Age.

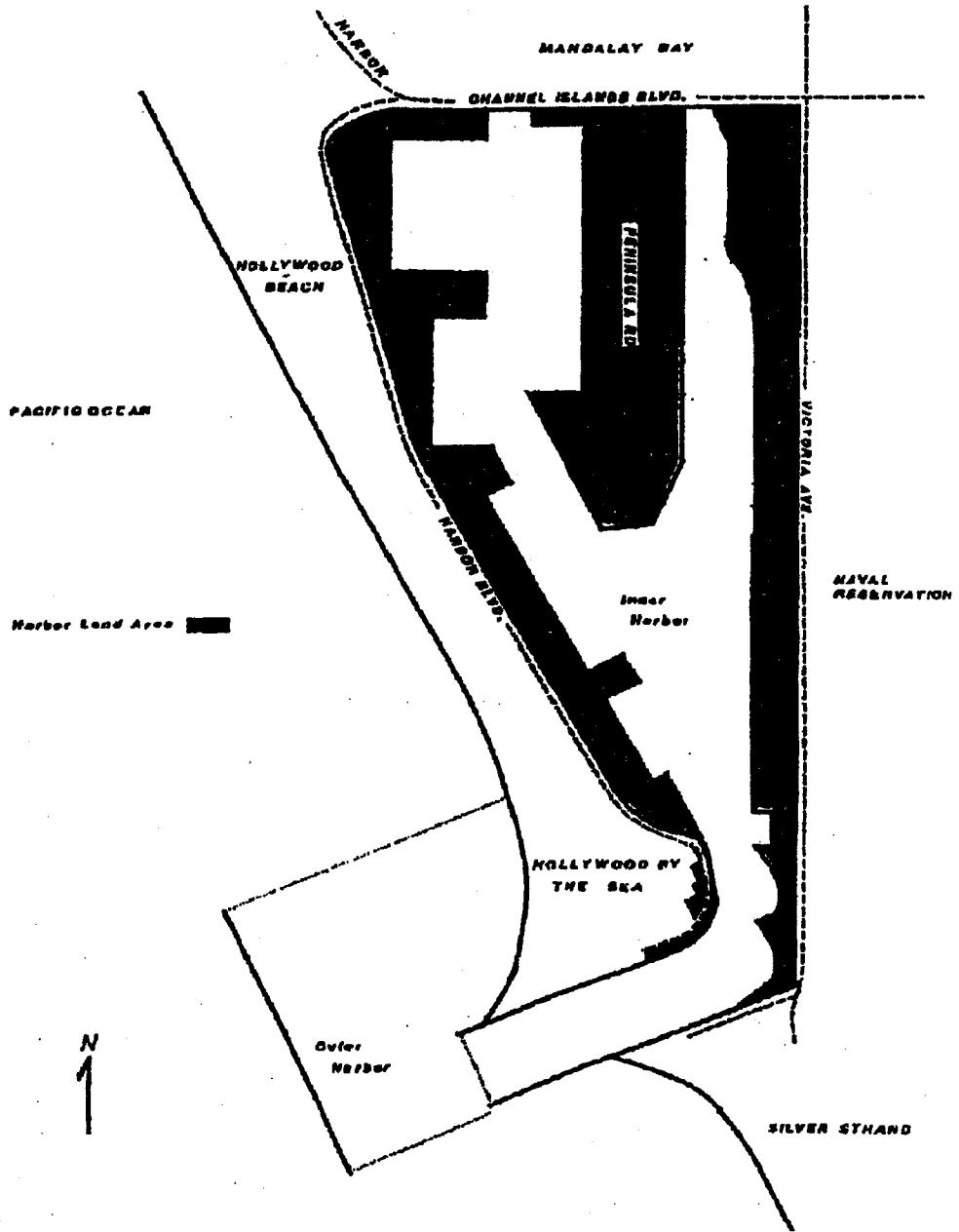


  
**CULBERTSON, ADAMS & ASSOCIATES**  
 PLANNING CONSULTANTS

Location Map

Figure I

# CHANNEL ISLANDS HARBOR



  
CULBERTSON, ADAMS & ASSOCIATES  
PLANNING CONSULTANTS

Channel Islands Harbor Base Map

Figure II

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-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~~ 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.



# L ISLANDS HARBOR MASTER PLAN

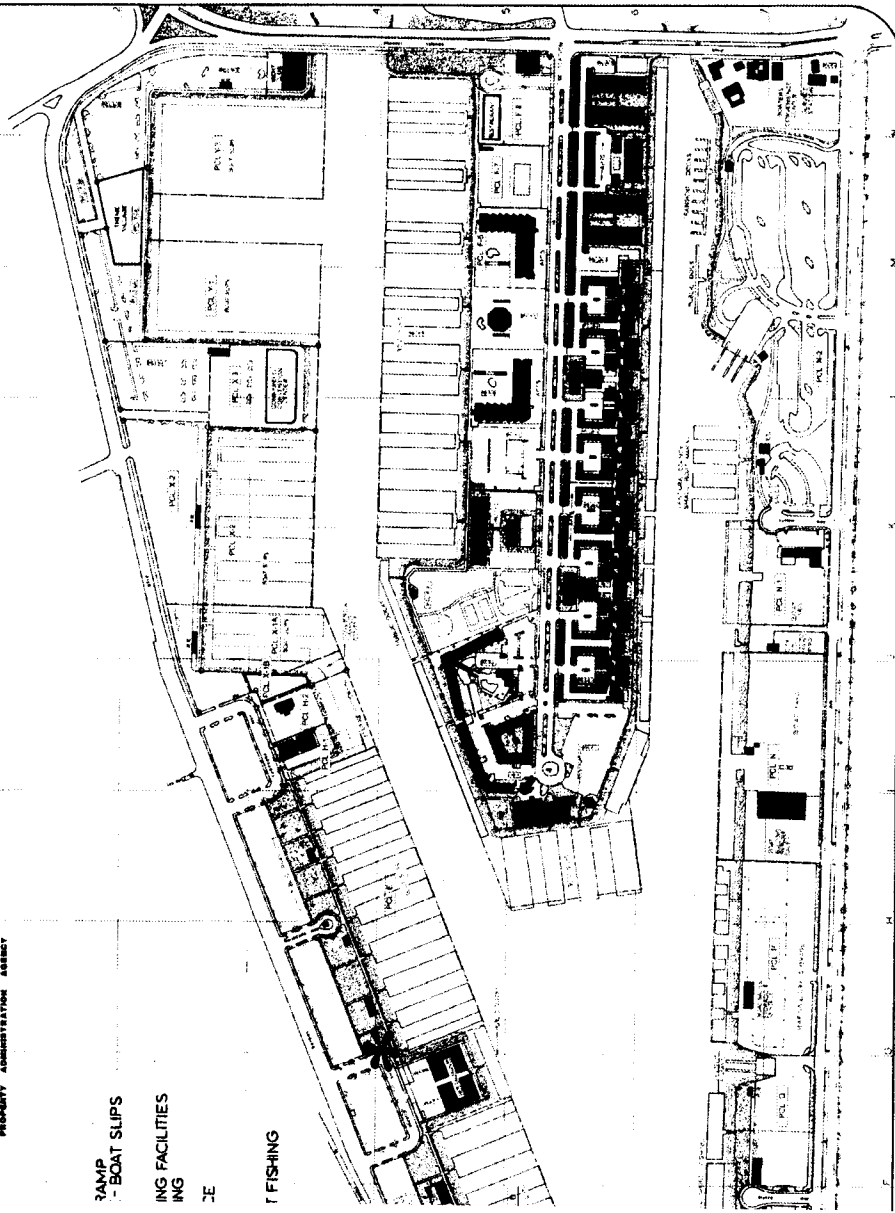
PROPERTY ADMINISTRATION AGENCY

RAMP  
- BOAT SLIPS

ING FACILITIES  
ING

-E

T FISHING



Master Plan Map

Figure III

### 1.3 Potential Long Term Planning Options for the Harbor

In 1984 the "Ventura County Coastal Recreational Boating Feasibility Study" was prepared by McClelland Engineers, Inc. for Ventura County to:

- Analyze the supply and demand for boating facilities in the coastal areas of Ventura County; and
- Identify potential siting opportunities for needed facilities; and
- Develop an implementation program for feasible boating facilities in selected areas.

The study noted that the recreational slip shortfall for Ventura County will not be significant for the balance of this decade; it was estimated that approximately 100 slips will be required by 1990. However, this shortfall will increase to 640 slips by the year 2000. This relatively low recreational slip shortfall is due to the large number of existing slips and the construction of 800 slips in the proposed Mandalay Bay Phase IV marina north of Channel Islands Harbor in the City of Oxnard. If these Mandalay slips are not constructed in a timely manner, however, the expansion of marina areas in Channel Islands Harbor will be more closely examined.

The McClelland Study identified three potential areas of expansion in the Channel Islands Harbor:

- Use of a portion of Parking Lot E-5 (see Figure IV or Parcel N-2 on Master Plan Map – Figure III) in the northeastern corner of the Harbor for wet slip space. This parking lot presently serves the public launch ramp adjoining it.
- Use of the open water area immediately along the eastern edge of the Harbor's slip space for additional slips; extension of the slip space 150 feet into the eastern channel would create approximately 135 slips.
- Use of the Naval Reservation Property immediately to the east of the Harbor.

The County is not considering any of these "potential areas" due to significant problems with each. The first area in Parking Lot E-5 (Figure IV) will eventually be used to a greater degree by the public and provides public boating access for those individuals that cannot afford a boat slip.

Extension of boating slips into the eastern channel would reduce the width of the navigable channel to only 125 feet, a width which would lead to congestion and navigation problems.

Use of the Naval Reservation Property is not feasible since the Navy has indicated that they will not be willing to consider release of the property for Marina use for a considerable period of time. The Navy may consider dry boat storage on the Naval Reservation Property.

Since the McClelland study was released, the County has been investigating other options for expanding recreational slip space for Channel Islands Harbor. The area between Murre Way and

the boat construction yard on the eastern side of the Harbor is under consideration for additional slip space (Parcels P and Q – see Figure III, Master Plan Map); this area is presently used for boat sales and a public parking lot (which is underutilized). To prevent the expansion of slip space into the eastern channel, the County would dredge the adjoining land area of boat sales and public parking lot; approximately 300 boat slips would be created under this proposal.

The County's planning process for potential major development (i.e., which requires an amendment to the Public Works Plan) within the Harbor consists of:

- Staff analysis of the engineering and financial feasibility of the project and its consistency with the Harbor's Public Works Plan.
- Review of and recommendation on the proposed project and supporting staff analysis by the Ventura County Regional Recreational Advisory Commission. Public input is encouraged and accepted by this Commission at publicly noticed hearings. The final recommendation of the Commission is forwarded to the Board of Supervisors. Members of this Commission consist of public members appointed by the Board of Supervisors.
- Review and action by the County Board of Supervisors at a public hearing on the proposed Harbor project. The Board determines, after public input, whether the County should terminate or proceed with the project.
- If the Board recommends that the County proceed with the project, then the CEQA process is implemented (takes 6 to 8 months):
  - Environmental checklist and assessment. County determines if a Negative Declaration or Environmental Impact Report is required. At this time application is made for other applicable state and federal permits, such as the Army Corps dredging permit (this permit is processed by the Corps independent of the County CEQA review and permitting process).
  - If EIR is to be prepared, a Response for Proposal is sent out to a list of qualified consultants.
  - Upon selection of the consultant the Notice of Preparation is sent out to Lead and Responsible agencies.
  - Draft Administrative EIR is completed and a 30-day review period begins. Notice of completed EIR and review period is sent to the State Clearinghouse and all lead, responsible agencies and interested members of the public, including the City of Oxnard, Port Hueneme and Channel Islands Beach Community Services District.
  - All comments received during the review period are responded to in writing and incorporated into the DEIR. A reasonable period of time prior to the Board's

public hearing on the DEIR, the County places a public hearing notice in newspapers of general circulation.

- Upon completion of all agency and public testimony on the DEIR the Board determines if the Report is certifiable.
- Upon certification of the Final EIR, the Property Administration Agency initiates final working drawings and necessary permits for construction. These permits include Army Corps Permits for the dredging operation and any construction of permanent structures in the water (See Army Corps permit process below).
- Initiation of procedure to amend the Channel Islands Public Works Plan to allow for the development reviewed in the FEIR (this takes 4 to 6 months). This requires completion of the following steps:
  - Drafting of land use text, maps and any necessary graphics.
  - Circulation of Public Works Plan amendment for public review and comment – County consults with City of Oxnard to determine consistency of amendment with its certified LCP.
  - Placement of a public notice placed in local paper of general circulation for public hearing on proposed amendment.
  - Holding a public hearing and after all public/agency comment is received, the Board votes to approve or disapprove the amendment.
  - Submittal of approved amendment to the Coastal Commission, with supporting environmental documentation, public hearing notice/comments and any other requested material.
  - Holding of public hearing by Coast Commission on proposed amendment – approves with or without modifications.

The potential eastern marina basin project is under consideration at this time by the Property Administration Agency but has not entered the review process outlined above.

#### Widening of Harbor Mouth

The Army Corps of Engineers is presently in the process of investigating the widening of the entrance of Channel Islands Harbor. The widening may be necessary to accommodate the additional boat traffic that will be generated by the Mandalay Bay Phase IV marina development to the north of Channel Islands Harbor. This widening is being processed under the “Small Project-Project” program by the Army Corps; the processing steps consist of:

- Request by the local sponsor (i.e., County of Ventura) under Section 107 of the Small Navigation Project Program of the Flood Control Act of 1960 as amended, to study the need for widening the Harbor entrance. The Army Corps responds by preparing an initial Appraisal of the proposed project to determine if there is a need for the project and if it is feasible (takes 7 to 8 months).
- Detailed Project Study. This includes the Environmental Assessment and Environmental Impact Statement and associated public and agency review periods, public hearings and certification of the EIS by the Army Corps (takes 18 to 24 months).
- Funds and specifications for the project (takes 6 months).
- Actual construction.

Under this process, the County acts as the Corps' local sponsor for the project. The Army Corps contributes funds to the construction of the project but is generally limited to a total of 2 million dollars.

For the Harbor widening proposal, the Initial Appraisal has been completed (August 1985). The Appraisal concluded that there was a need to further study the congestion problem and that the proposed widening was economically feasible.

#### 1.4 History of Channel Islands Harbor

The construction of the Harbor was approved by Congress on September 3, 1954 (Public Law 780). The purpose of the Harbor was to meet the needs of Ventura County residents for a small craft harbor.

In 1960, the Harbor was first excavated by the Army Corps of Engineers which deposited removed sand downcoast in Port Hueneme in order to slow beach erosion.

In 1963, the Board of Supervisors approved a Harbor Improvement program, which allowed for private business development of public lands. This program was arranged such that:

- The County developed the boat basins and Harbor revetments and created the individual lease parcels;
- The businesses provided for the land and water structure improvements on each lease parcel;
- The County collected rents and percentages of business revenues from each parcel. These monies were used for Harbor maintenance, enforcement and public improvements.

In essence, this plan made possible the use of private enterprise to finance public facility portions of the Harbor.

The first phase of the Harbor opened in 1965 with 500 boat slips. Today there are approximately 2,500 slips with many boating related businesses, three yacht clubs, several popular restaurants and over 727 residential units.

The County has established the following goals for the operation of the Harbor:

- To meet the coastal recreational boating needs of the people of Ventura County within reasonable environmental limits by coordinating the development and operation of boating harbors, boat launch facilities and ocean fisheries in the coastal areas of Ventura County.
- To optimize the development and operation of the Channel Islands Harbor and County beach parks in view of the service, health, and safety of those persons using these facilities.

#### Jurisdictional Authorities

In 1963, the County and the City of Oxnard agreed to annex the Harbor to the City of Oxnard. Both jurisdictions recognized that the location of the Harbor in the growth area of the city would allow the City to readily extend and provide public services to the Harbor such as water, sewer, fire and police.

The annexation to the City included all of the Harbor except the water areas. A Joint Powers agreement (i.e. amended five times through 1976) described the annexation jurisdictional responsibilities and authorities of the two entities within the Harbor. It also set forth the mechanisms of funding and contracting for the wide array of public improvements which have been completed as the Harbor has developed. Typically, Harbor public improvements have been jointly funded according to varying formulas which consider jurisdiction, the primary use of improvement and degree of benefit.

The Joint Powers agreement provides the County with the authority over the planning for, and leasing of, lands and water areas within the Harbor. With the exception of the public parks, docks and some public parking areas within the Harbor, all the land and waterside facilities have been constructed by private enterprises under the terms of lease agreements with the County's Property Administration Agency.

Since the water areas of the Harbor remain in County jurisdiction, their use is regulated by County Ordinance 2829 which sets forth both the powers and duties of the Harbor Director, and the regulations governing the uses and activities on the waters within the Harbor.

The waters of the Harbor include those within the Inner and Outer Harbors. The Outer Harbor waters are those which lie between the outer breakwater, which runs parallel to the coast, and the beach or seaward ends of the jetties which form the Harbor Channel. The Inner Harbor waters are all those waters inland of the jetty ends and extending to Channel Islands Boulevard (for a description of Harbor waters see Figure II and/or Exhibit 4 of the Ordinance, Appendix A. attached).

The provisions of Ordinance 2829 are enforced on a daily basis by the County, through its lease agreements, and the Harbor Master's Office through its enforcement and patrol activities. The County is also responsible for security on the waters of the Harbor and for water safety (lifeguards) on the beaches of the Harbor.

Within the Harbor, the City of Oxnard provides the public services of fire, police, traffic control, and refuse collection of all public parking lots, parks and the southernmost surge beach. The County provides all necessary public services to water areas within the Harbor and certain public services to various Harbor parking lots and park areas. A listing of the various City and County public service responsibilities for public areas within and adjacent to the Harbor are listed below (refer to Figure IV):

- Parking Lots B-1 and B-2 and adjacent beach areas (outside of Harbor) – County provides all public services including police, fire and refuse collection.
- Southernmost swim beach and adjacent Parking Lots B-3 – City cleans and maintains and County provides parking enforcement.
- Swim beach to the north of Parking Lot B-3 and southernmost swim beach – County cleans and maintains and provides parking enforcement.

- Parking Lot E-2 - City cleans and maintains and County provides parking enforcement.
- Parking Lot E-4 and E-5 - City cleans and maintains and County provides parking enforcement.
- Parking Lot P-1 and adjacent park area - City cleans and maintains and County provides parking enforcement.
- Parking Lot W-1 and adjacent park area - City provides all public services.
- Parking Lots W-2 through W-6 and adjacent park areas - City cleans and maintains and County provides parking enforcement.
- Parking Lot W-7 through 13 - County cleans, maintains and provides parking enforcement.

The Channel Islands Beach Community Services District provides water and sewer service to the Harbor.



## 2.0 EXISTING FACILITIES AND USES

### 2.1 General Description of the County Lease Program

The Channel Islands Harbor water and landside areas are primarily committed to recreational boating and marine related uses. With few exceptions, the landside and waterside facilities within the Harbor have been developed and are operated by private enterprise under the terms of leases with Ventura County which is the lessor.

In building out the Harbor, the County typically required the lessee to construct and maintain all facilities and required parking, according to specific requirements of the lease. The County collects a basis monthly rent and percentages of gross revenues for each individual enterprise carried out on the leased parcel.

Each lease agreement identifies the uses and intensities permitted on the leased parcel. In certain instances the County requires minimum intensities and hours of operation. In other instances ranges of intensities are specified. All uses not specified are prohibited. Lease holders may seek amendments to the leases in order to add uses or change intensities. However, the County has specific load use designations for each parcel and does not permit amendments to leases which would allow additional uses which are not consistent with the underlying designation.

Leases are usually long term, some extending to 50 years. In some instances the facilities revert intact to the County if the lease is not renewed; in other cases the original leaseholder has the right to dismantle the facilities at the termination of the lease. Each lease of boat slips contains a provision providing for the availability of the slips to the general public on a first come first serve basis. Leases to yacht clubs for the operation of slips specify a maximum number of the total slips which can be reserved exclusively for rent by members of the club; the remainder must be available to the general public.

Table I below is an inventory of existing facilities and uses by leased parcels.

**TABLE I**  
**INVENTORY OF EXISTING USES/INTENSITIES BY PARCEL**  
(See Land Use Map at Back of Plan Figure III - Master Plan - for Parcel Location)

Use of Parcel	Parcel Size (acres) Land & Water	No. of Slips or Dry Storage	Intensity (units or floor area)
<b><u>RESIDENTIAL</u></b>			
PCL C <sup>a</sup>	7.14 acres		90 apts
PCL F-4, 5	8.75 acres		118 apts
PCL LM-1			243 apts
PCL LM-2			123 apts
PCL LM-3	<u>19.65 (total for 1,2 &amp; 3)</u>		<u>153 apts</u>
Subtotal	35.54 acres		727 apts
<b><u>LODGING</u></b>			
PCL F <sup>a</sup>	10.69 acres		
PCL F-1	2.90 acres		
PCL F-3	<u>1.89 acres</u>		<u>274 rooms</u>
Subtotal	15.48 acres		274 rooms
<b><u>RESTAURANTS</u></b>			
PCL F <sup>a</sup>			12810 sq. ft.
PCL F-6	1.20 acres		10075 sq. ft.
PCL H <sup>o</sup>			3000 sq. ft.
PCL K-1	.79 acres	PL <sup>b</sup>	10924 sq. ft.
PCL K-2	.79 acres		11100 sq. ft.
PCL RS	3.57 acres		12100 sq. ft.
PCL V & V2 <sup>a</sup>			6266 sq. ft.
PCL X-3	3.03 acres		12000 sq. ft.
PCL Y-2 <sup>a</sup>	<u>-----</u>		<u>10000 sq. ft.</u>
Subtotal	9.78 acres		88275 sq. ft.
<b><u>RETAIL &amp; MARINE SALES/SERVICE</u></b>			
PCL II- 1, 2 <sup>a</sup>	2.51 acres		
Boutique			1000 sq. ft.
Chandlery			4000 sq. ft.
Office for Boat Rent/Sales			1000 sq. ft.
Bait & Tackle/Dive Shop			3950 sq. ft.
Office & Space for:			4600 sq. ft.
- Marine Services			
- Yacht Sales			
- Boat Rentals			

TABLE I (CONTINUED)

Use of Parcel	Parcel Size (acres) Land & Water	No. of Slips or Dry Storage	Intensity (units or floor area)
PCL N-1 <sup>a</sup> Chandlery w/Office for: - Boat Sales/Storage - Insurance Brokerage	3.4 acres		5250 sq. ft
PCL T Office for: - Fuel Dock	0.44 acres		540 sq. ft
PCL V-1 - Auto/gas Station	0.56 acres		1860 sq. ft
PCL V, V-2, V-3 <sup>a</sup> F. Mkt/Bait & Tackle Fish & Chips Splty Shops (8) & Laundromat Grocery	2.44 acres		2000 sq. ft 800 sq. ft 5000 sq. ft
PCL Y-2 <sup>a</sup> Gift Shops & Conv. & Marine oriented & Vis. Serv. Rec.	1.44 acres		15000 sq. ft
Subtotal	<hr/> 10.79 acres		<hr/> 47200 sq. ft
<b><u>BOAT SLIPS, STORAGE, CONSTRUCTION &amp; REPAIR</u></b>			
PCL C <sup>a</sup> Yacht Club Rec. Bldg.		84 slips	4500 sq. ft.
PCL D & E Office for: - Slip Rental - Yacht Club	13.27 acres	488 slips	7570 sq. ft.
PCL F-2 <sup>a</sup> Transient Dock		27 slips	
PCL F-3 <sup>a</sup>		196 slips	
PCL F-7 Rec. Bldg. w/office For Slip Rental	18.76 acres	504 slips	8800 sq. ft.
PCL H1, 2 <sup>a</sup>		17 slips	
PCL LM-1, 2, 3 <sup>a</sup>		154 slips	

TABLE I --(CONTINUED)

Use of Parcel	Parcel Size (acres) Land & Water	No. of Slips or Dry Storage	Intensity (units or floor area)
PCL N Bldg. for Boat: - Sales & Brkrge. - Whsle. Marine - Repair & Constr.	6.75 acres	30 slips	25410 sq. ft
PCL N-1 <sup>a</sup>		22 slips	
PCL N-2 <sup>a</sup> - Office - Transient Dock - Launch Ramp	17.50 acres	120 slips	1330 sq. ft
PCL P Dry Storage Office for Boat - Sales & Rental - Minor Repair - Storage	6.49 acres	40 slips (i.e. boats) 7 lanes 50 slips 350 boats	3056 sq. ft.
PCL RS <sup>a</sup> Commercial Sport Fishing		31 slips	
PCL X1A Commercial Fish	4.02 acres	67 slips	
PCL X1B Office & Bldg. for -Admin/Mngmt of Comm Fishing support facility	0.78 acres		8000 sq. ft (in concept)
PCL X-2 Office for: - Minor Motor/Repair - Boat Sales/Brkrge - Boat Insurance	7.58 acres	197 slips	2674 sq. ft.
PCL Y-1 Office for: - Slip Rentals - Minor Motor/Repair - Boat Sales/Brkrge - Boat Insurance	6.96 acres	174 slips	2674 sq. ft.
PCL Y-3 Office for: - Slip Rentals	5.95 acres	153 slips	1300 sq. ft.
PCL Y-4 Yacht Club Bldg.	11.49 acres		9270 sq. ft.
<u>Subtotal</u>	<u>88.54 acres</u>		<u>66584 sq. ft.</u>

TABLE I (CONTINUED)

Use of Parcel	Parcel Size (acres) Land & Water	No. of Slips or Dry Storage	Intensity (units or floor area)
<b><u>PUBLIC SERVICES</u></b>			
PCL F-6 <sup>a</sup> Bldg. for Fire Station			4143 sq. ft
PCL F-2 Pub. Park	0.90 acres	PL <sup>a</sup>	
PCL (no. #) P. Park (W. Side) (.20 underdeveloped)	3.10 acres		
PCL (no. #) P. Park (E. Side)	0.60 acres		
PCL (no. #) Harbor Maint. yard Maintenance Bldg.	0.87 acres		1269 sq. ft
PCL (no. #) U.S.C.G. - Admin Bldg. - Barracks	1.40 acres	dock	5342 sq. ft. 3700 sq. ft.
PCL (no. #) Harbor Admin Bldg.	1.38 acres		5500 sq. ft.
PCL (no. #) <sup>f</sup> <u>Boating Instruction and Safety Center (BISC) designated by * as shown on Figures III, IV, V, &amp; VII</u>	**		<u>net 19,000 sq. ft.</u>
Subtotal	8.25 acres		19954 sq. ft
<b>TOTALS</b>	<b>167.98 acres</b>	<b>2354 slips</b>	<b>222013 sq. ft.</b>

<sup>a</sup> Parcel appears more than once in the Table.

<sup>b</sup> Public Landing

<sup>c</sup> Bldgs. not constructed/not shown in Total sq. ft.

<sup>d</sup> Designated slips, excludes approx. 150 partial finger ties and 350 dry boat storage slips.

<sup>e</sup> Does not include 8000 sq. ft. planned for parcel XLB

<sup>f</sup> BISC includes boating and marine education, and a gathering facility

## 2.2 Landside Facilities and Uses

### Vehicular Circulation System

The Channel Islands Harbor is well served by a circulation network which connects it to US 101 to the north and US Highway 1 to the east. There are three main arterials which provide this connection, as well as providing direct access into the Harbor. Each of the three ~~parallel~~parallels a portion of the Harbor's perimeter. Harbor Boulevard parallels the Harbor's western perimeter, Channel Islands Boulevard, the north and Victoria Avenue, the east (see Figure 1). Each of these roads is a primary element of the Oxnard/Harbor area circulation network.

Harbor Boulevard is the primary coastal route extending northward 7 miles from the Harbor's upcoast jetty to US 101 at Seaward Avenue just south of the City of San Buenaventura. Where it parallels the Harbor's west side, the Boulevard provides direct access at numerous points to all Harbor parking areas and other facilities.

Channel Islands Boulevard is aligned east-west across the northern perimeter of the Harbor. The Boulevard connects to Harbor Boulevard in the west and U.S. Highway 1 to the east where the latter passes through the City of Oxnard. Channel Islands Boulevard bridges both channels of the Harbor and provides the only vehicular access to the uses and facilities on the Harbor peninsula (via its intersection with Peninsular Road).

Victoria Avenue parallels and serves the eastern side of the Harbor. It extends northward approximately 9 miles from the Harbor's down-coast jetty to U.S. 101 at Montalvo. It intersects the primary east-west arterials of Channel Islands Boulevard, Wooley Road, Fifth Street and Gonzales Road, all of which connect the coastal route, Harbor Boulevard with U.S. Highway 1 and then to U.S. 101. Where it parallels the Harbor perimeter, Victoria Avenue provides direct access to the swimming beach at the jetty, the Coast Guard and Harbor Master's operations, commercial sport fishing docks, wet and dry boat storage facilities and a boat launching ramp.

### Parking Resources

Within and adjacent to Channel Island Harbor there are 22 individual parking lots containing approximately 2,845 parking spaces. These lots are located in an almost continuous linear progression around the Inner Harbor (Figure IV). Three of these lots, B-1, B-2 and W-1, are outside the Harbor proper. Lots B-1 and B-2 serve the Silver Strand Beach, which is south of the Harbor entrance channel; the County provides all public services to these two lots. Lot W-1 is adjacent to the northern entrance mouth rock revetment and is provided all services by the City of Oxnard. The responsibility for various public services to the remaining Harbor parking lots are listed on page 16 of the Plan.

Of the 2,845 parking spaces, 290 are double length to accommodate vehicles with boat trailers attached. These spaces are provided for boaters who trailer their vessels to the Harbor, launch them at one of the 9-nine launching ramps on the east side of the Harbor channel and then park their vehicle with trailer while they are boating. These spaces are in lots E-2, E-4 and E-5.

A parking survey conducted on Labor Day weekend 1985 indicates that, with the exception of the lots serving non-boating uses (beach lots B-1, B-2, B-3 and W-1), the parking resources within the Harbor are appropriately located and of more than sufficient number to meet peak demands (see Parking Policy discussion, Section 4.1 for survey results).

Beach lots B-1, B-2 and B-3 are located at the southern end of the Harbor in the community of Silver Strand. Lot W-1 is located on the southwest side of the Harbor in the community of Hollywood by the Sea. It serves a variety of passive recreational activities which generally occur along a narrow strip of earth atop the Harbor's northern jetty and revetment lining the entrance channel. Fishing, picnicking, boat watching are popular activities here. Some of the spaces serve individuals using the adjacent beach to the west.

With the exceptions of the beach lots, the Harbor's parking resources appear adequate to meet the demands of average summer weekends. Lots serving non-boating activities may require capacity increases or parking management programs on peak use days such as Labor Day, the Fourth of July or during major local events.

#### Visitor Serving Uses

There are numerous visitor service uses within the Harbor. In general, all are ancillary to the Harbor's primary function of serving the needs of small craft recreation, though some of the uses, such as boat rental and chandlery item sales, are more directly related to boating activities than such enterprises as lodging, restaurants and gift shops. Even these latter uses, however, are patronized by transient recreational boaters. Table I above identifies the restaurants, motels and retail uses within the Harbor which serves visitors.

#### Recreational Uses

With the exception of the existing residential uses and the industrial, commercial fishing facilities, the Inner Harbor is fully committed to recreational uses. The primary recreational use is boating which occupies the majority of the waterside space; this space is utilized for boat storage (slips) and navigation (open channels for boat traffic). A recreational swimming and wind-surfing area is located in a buoyed-off area of water adjacent to the surge beach just inside the southern jetty. The line of buoys demarking the limits of this area prevent swimmers and windsurfers from conflicting with boat traffic in the Harbor.

The landside recreational uses include: the swimming beach just inside the south jetty; linear bike and walkways adjacent to the boat basins and channels; public parks and overlooks on the peninsula, the east and west channels and the fishing, the picnic area atop the entrance mouth revetment (i.e. near Parking Lot W-1) and the Boating Instruction and Safety Center (near parking lot W-4), and on Figures III, IV, V and VII). In addition, visitor serving commercial and retail uses<sup>2</sup> also provide recreation for those who come to the Harbor to eat or shop in conjunction with boating or non-boating recreational activities. These uses compliment rather than conflict with the Harbor's primary function as a small craft Harbor for recreational boating.

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<sup>2</sup> Visitor serving commercial such as lodging, the Theme Village on the west channel and the small retail area with its gift shops and fast food on the each channel at the intersection of Victoria Ave. and Channel Islands Boulevard

Figure IV indicates the locations of the landside recreational and visitor-serving areas and uses within the Inner Harbor.

#### Boating Dependent Industrial

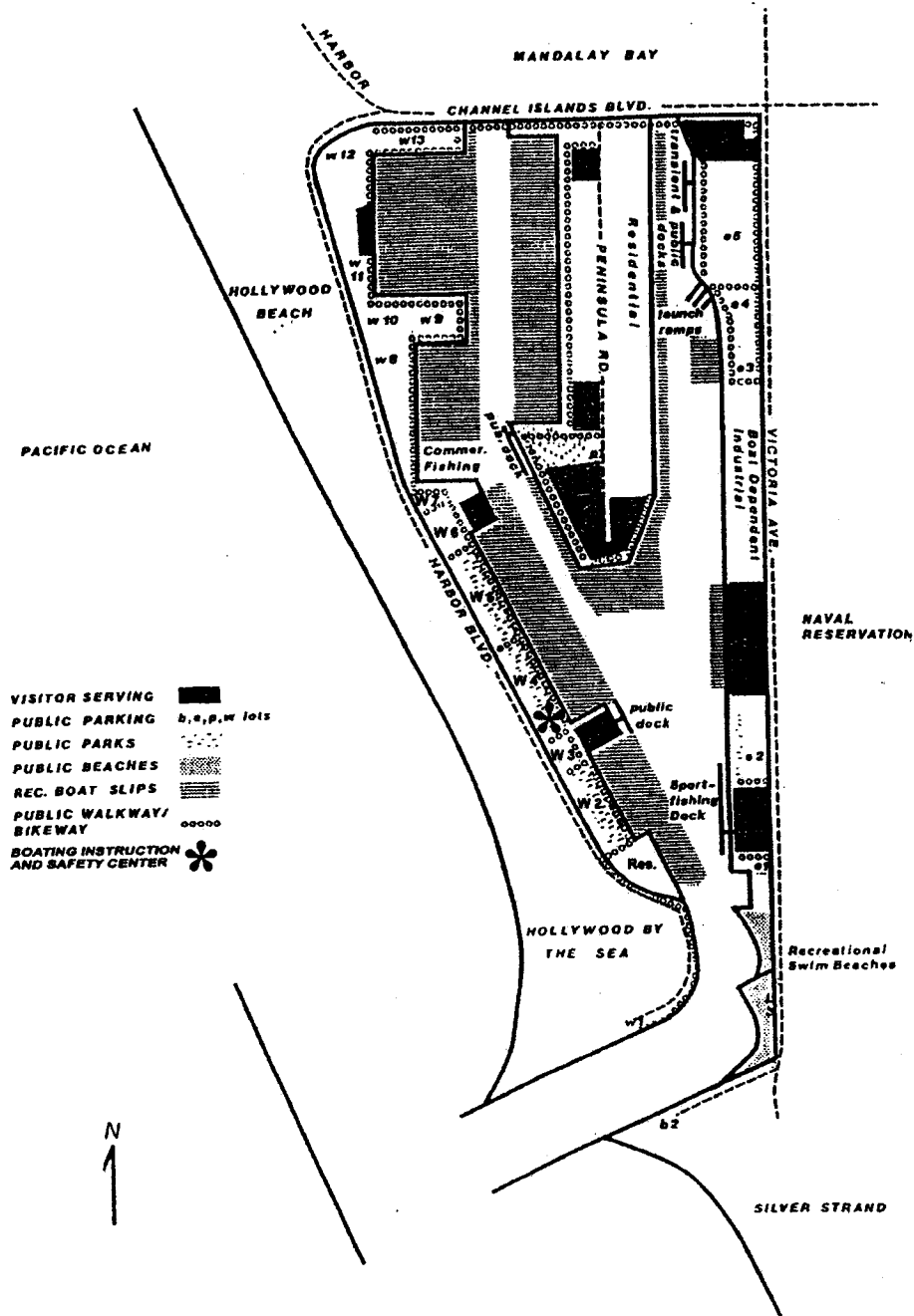
Within the Harbor the repair and building of boats occurs on two large leases which are adjacent to the east channel (PCL N and N-1 – see Figure III, Master Plan). Operations on these leases include the construction, repair, sales and storage of boats. The location is appropriate to these activities because the uses on adjacent leases and properties is such (open dry boat storage and military area) that no land use conflicts occur. Figure IV indicates the location of the Boating Dependent Industrial Uses.


#### Residential Use

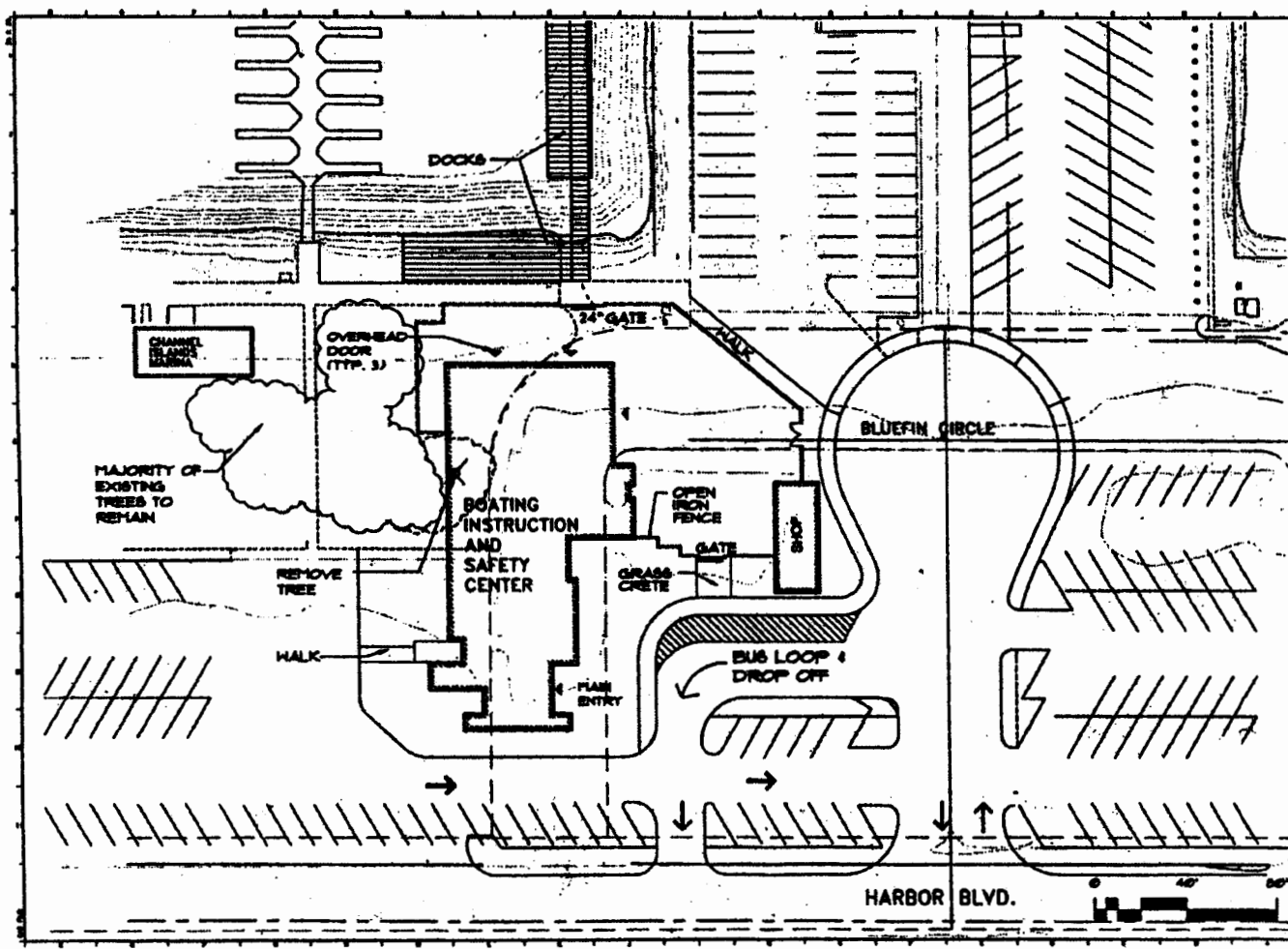
There are a total of 727 residential apartments located in two separate areas within the Inner Harbor. The larger area, with 637 units, is located along the water on the west side of the peninsular. The other, with 90 units, is on the west side of the main channel just inside the base of the jetty. There are boat slips along the water areas immediately adjacent to the apartments. The slips are available to the public on a first come, first serve basis, with no special consideration given to the residents of the apartments.



# CHANNEL ISLANDS HARBOR EXISTING RECREATION/ACCESS/VISITOR-SERVING FACILITIES




**Existing Recreation/Access/Visitor Serving Facilities**  
 CULBERTSON, ADAMS & ASSOCIATES  
 PLANNING CONSULTANTS Figure IV



State of California  
Department of Social Services  
Public Health Services Division

**DGS**

Professional Services Branch  
Design Services Division  
201 Industrial Way  
West Sacramento, California 95691

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Division of the State Architect  
ACCESS COMPLIANCE  
Act No. 18-10001  
Date: 01/11/01  
Site: Channel Island Boating Instruction and Safety Center  
Project: Channel Island Boating Instruction and Safety Center  
Address: Channel Island Boating Instruction and Safety Center  
City: Channel Island  
County: Channel Island  
State: Channel Island

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Channel Island Boating Instruction and Safety Center  
Channel Island, CA

Rev.	By	Date	Description
1	...	...	...
2	...	...	...
3	...	...	...

**SITE PLAN ALTERNATIVE (VARIATION)**  
ALL EXISTING CONDITIONS SHALL BE MAINTAINED UNLESS OTHERWISE SHOWN.

Scale: 1" = 40'

North Arrow

AL10

### 2.3. Waterside Facilities and Uses for Boating

#### General Description

Within the Inner Harbor the water area is approximately 200 acres in size. It is primarily dedicated to uses and facilities which support small craft activities. Secondary uses are commercial fishing support and non-boating dependent recreation.

The configuration of the water area within the Inner Harbor is shown in Figure II. The Harbor is in the shape of a "Y". There are east and west channels separated by a peninsula; south of the peninsula the two channels merge into a main channel which exits to the sea behind an outer breakwater. As the main channel exits to the sea, it is confined by rock jetties on each side.

The waterside facilities and uses within the Inner Harbor are described by category below. Unless a permit has been granted by the County for a special event on the water within the Harbor, the open channels within the Inner Harbor are utilized strictly for the navigation of boat traffic into and out of the Harbor. Therefore, all water areas not occupied by floating support facilities are for navigation only.

#### Boating Support Facilities

Waterside boating support facilities within the Harbor serve both private recreational and commercial boating activity. Table II lists the existing support facilities within the Inner Harbor.

A Boating Instruction and Safety Center is to be located in the public area to the immediate south of the existing Channel Islands Harbor Marina office as shown on Figures III, IV, V, and VII. This area consists of turf and trees, with a concrete path to pass boaters through this area to and from the parking lot. Approximately 1500 to 1700 square feet of turf is to be removed to establish the BISC building, as well as one tree. The turf is restored on the opposite side of Bluefin Way Loop with the addition of .25 acres to the turf area adjacent to parking lot W-2 (Figure V).

TABLE II  
EXISTING WATERSIDE BOATING SUPPORT FACILITIES <sup>a</sup>

<u>USE- / FACILITY</u>	<u>NUMBER OF</u>	<u>LOCATION</u>
<u>TOTAL SLIPS</u>	2504	
Recreational (Public)	2323 <sup>b</sup>	All Channels
Commercial Fishing	150	West Channel boat basin <sup>c</sup>
Commercial Sport Fishing	31	East Channel
<u>TOTAL DOCKS</u>	8	
Commercial Sport Fishing	1 (31 slips) <sup>d</sup>	East side of Main Channel
Transient Vessels	2 (67 slips) <sup>d</sup>	East Channel (at Fisherman's Wharf/Launch Ramp) & West Basin (at Peninsula Park)
Fuel Docks	1	East Side of Channel
U.S. Coast Guard Dock	1	East Side of Main Channel
Public Docks <sup>e</sup>	3	<u>One on West side at Bluefin Circle (near parking lot W-4). <del>Pen.</del> One on West side main channel at Harbor Landing (never publicly owned). One in East Channel connecting to Fisherman's Wharf dock.</u>

FUTURE WATERSIDE BOATING SUPPORT FACILITIES

<u>Boating Instruction and Safety Center <sup>f</sup></u>	<u>**</u>	<u>West side at Bluefin Circle near parking lot W-4</u>
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- a. Includes facilities approved for construction (but not yet fully constructed) on X and Y parcels per Coastal Permit 178-15.
- b. Includes 150 finger ties (mooring of boats outside of designated slips, but using the dock or slip structure to tie onto.)
- c. Permit 17-15 locates commercial fishing slip opportunities within this basin but recognizes that fishermen may choose to berth elsewhere in the Harbor.
- d. The number of berths available at any given time varies with the size of vessels tied up. The maximum number of slips for these docks was included in the "total slips" figure of the table.
- e. Public docks are those which are available for short-term berthing at points of interest within the Harbor.

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.

|

## 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~~600 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.

During the migration season for the Grey Whale, whale watching excursions are also operated from this dock.

## 2.4 Waterside Facilities and Uses for Non-Boating

### Recreational Beach Use and Swimming

Non-boating recreation on the waters of the Inner Harbor is limited to recreational swimming and wind surfing in a buoyed-off water area adjacent to the small sand beach on the east side of the main channel near the entrance. This sandy area is a surge beach designed into the Harbor entry by the Corps of Engineers. The beach is heavily used by local families as a swim and play beach; it is a safe surfless beach for children due to its location within the harbor, but out of the way of the main boat channels, its shallow gradient and its demarcation by the buoy-line. Its location at a narrow portion of the Harbor entrance provides its users with an excellent view of Harbor boat traffic.

Under a joint agreement with the City of Oxnard, the ~~day-to-day~~day-to-day enforcement and patrolling of the beach is the responsibility of the County which the maintenance is the responsibility of the City.

The northern portion of this beach is often completely occupied by the trucks and boat trailers; this beach area is used as a loading ramp for Hobie Cats and other smaller sailing vessels. Once the boats are launched, the vehicles are left on the beach, thereby preventing the use of the sand area for swimming and sunbathing. This is an inappropriate use of the sand beach area during the summer season when the demands of swimmers and sunbathers require the maximum beach area. It is the policy of the County that the priority use for this beach area is swimming/sunbathing and not parking for vehicles and boat trailers.

### Recreational Fishing

Fishing is allowed in the Inner Harbor south of the tip of the peninsula. Most of the fishing activity occurs along the jetties at the entrance to the main channel since lower dissolved oxygen levels further into the channel limit the number of fish present.

### Open Water Recreation: Use of the Outer Harbor Waters

The Outer Harbor area inside the breakwater is used for open water recreation. Restrictions on its use are listed in County Ordinance 2829 (See Appendix A). Swimming, wind surfing, sailing and fishing are discouraged due to the high probability of collisions with boats navigating in and out of the Harbor.

### Waterways Circulation

The main channel within the Harbor provides for boat circulation within the Harbor through the entrance channel between the two jetties which leads to the Outer Harbor waters. Access to the waters of the Mandalay residential community northwest of the Harbor is provided by the Harbor's westerly channel as it goes under the Channel Islands Boulevard bridge.



Generally, the Harbor Channel is of adequate capacity for the existing level of boat traffic which occurs within it. According to the Harbor Master's office, which patrols traffic within the channel, flow capacity problems do occur on weekends and holidays. To alleviate this congestion problem, the Harbor District and the U.S. Army Corps of Engineers have discussed widening the entrance channel between the jetties. These discussions, however, have recognized the high costs of such a project and the fact that the existing design/configuration of the Harbor jetties and outer breakwater have proven extremely effective, unlike other Southern California harbor entrances, in preventing shoaling and providing a safe entrance.

Since marina development in Mandalay Bay will increase the Harbor mouth congestion, the City and County have agreed to work on this congestion problem jointly in order to minimize the congestion impacts.

## 2.5 Utilities Systems

### Water and Sewer Service

Channel Islands Harbor is provided water and sewer services by the Channel Islands Beach Community Services District (CIBCS D). The District serves the adjacent communities of Hollywood Beach and Silver Strand (Figure VI).

The CIBCS District draws its water from the Fox Canyon and Hueneme aquifers through three wells: the wells range in depth from 600 to 1,000 feet. These aquifers are not affected by salt water intrusion like the upper aquifers; however, the County of Ventura is in the process of implementing a groundwater management program for the deeper aquifers which will be implemented sometime next year. The management program will probably restrict new drilling in the lower aquifer, but will not restrict existing well pumpage.

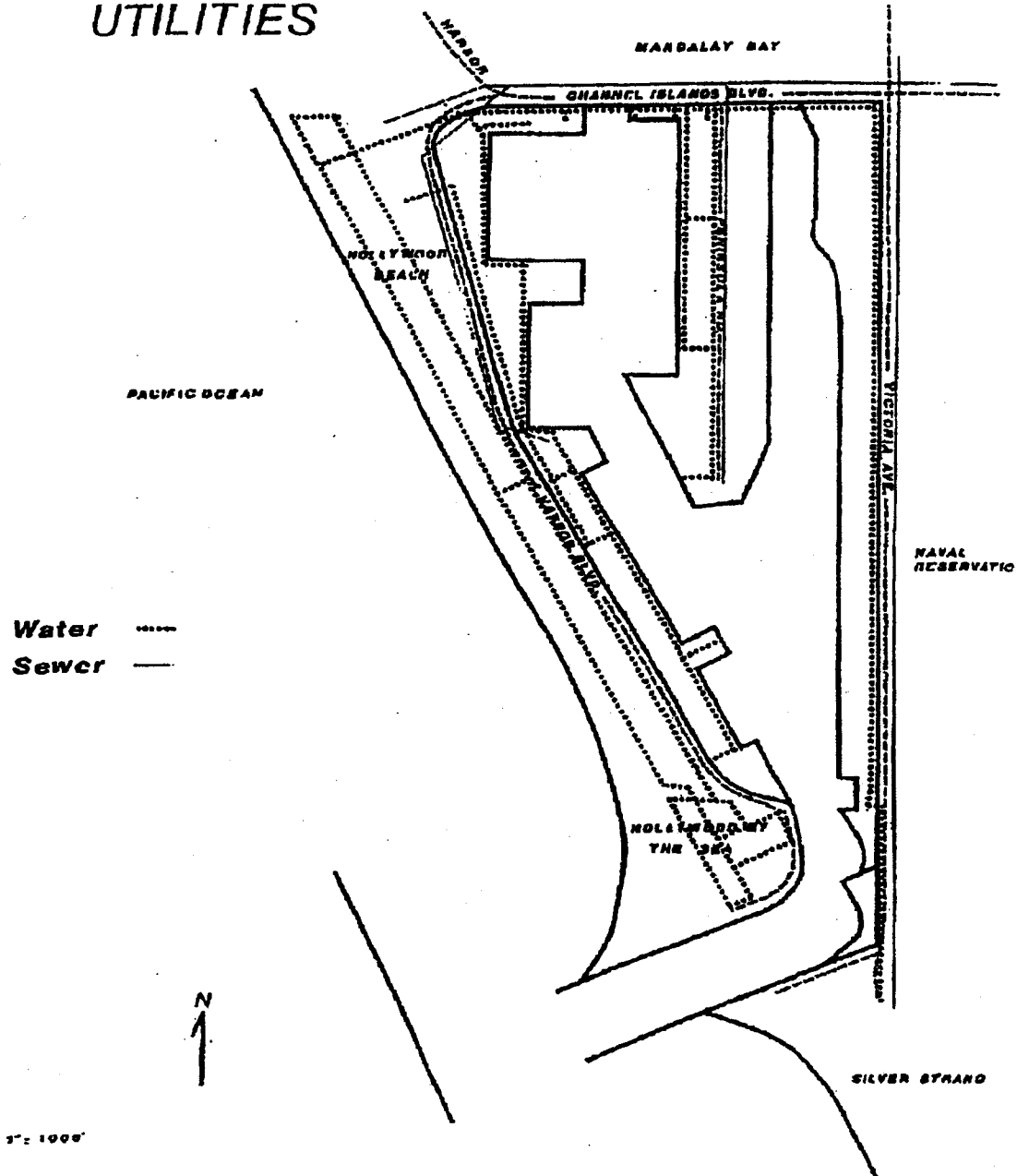
The Harbor uses approximately 121.6 million gallons per year of water (1984 water year) or 371 acre feet. Because of rapid growth in the Harbor over the last five years, the District has adequate water supplies to meet this demand. Existing storage and pumping equipment, however, is almost at capacity in serving the Harbor and surrounding neighborhood uses. The present peak pumping and storage capacity of the District is 66 million gallons per day; only half or 33 million gallons is available for actual water since the remaining pumping capacity and storage is used at night (lowest demand period) to backflush lines to prevent contamination and siltation. At peak demand during the summer, the water demand from users is slightly less than 33 million gallons.

During the next five years, the District plans to install additional storage tanks and a pump in Hollywood Beach to meet the summer peak demand. Until this equipment is installed, water conservation measures implemented at the Harbor will be necessary to prevent water shortages in the District during the summer. Certain uses at the Harbor use considerable quantities of water. For example, the washing of boats at the public boat ramps accounts for approximately 4.8 acre feet per month (peak use); restaurants are also one of the highest water users in the Harbor.

The delivery system for water to the Harbor consists of a network of 10-, 8-, 6- and 4-inch lines extending into the Harbor from 12-inch mains under Harbor Boulevard, Channel Islands Boulevard and Victoria Avenue. Generally, each of the major lease parcels within the Harbor is traversed by an 8- or 10-inch main. Figure V indicates the water and sewer line infrastructure to and within the Harbor.

Effluent produced in the District is processed at the Oxnard Sewer Plant on Perkins Road in Oxnard. There is adequate line and plant capacity to meet all existing and permitted uses within the District. The sewer collection system within the Harbor consists of 8-inch mains on both sides of the Harbor Channel with smaller collectors to each use. See Figure V for location of the sewer collection system.

# CHANNEL ISLANDS HARBOR UTILITIES



  
CULBERTSON, ADAMS & ASSOCIATES  
PLANNING CONSULTANTS

Utilities  
Figure VI

## 2.6 Maintenance Dredging

Channel Islands Harbor entrance is protected on the north and south by two rock rubble mound revetment walls and a third rock revetment approximately 1,600 feet offshore (See Figure II).

The offshore detached breakwater parallels the shoreline and Harbor mouth and prevents potentially damaging sea waves from entering the Harbor mouth. The southward flowing coastal sand supply is interrupted by the Harbor revetment complex. The result is that the Harbor mouth slowly fills in with sand and the downcoast areas begin to erode due to the lack of a sand supply.

To correct this situation, the Army Corps of Engineers dredges the Harbor mouth every two years and deposits the accumulated material on the City of Port Hueneme's beaches.<sup>3</sup> Because the Harbor entrance is an existing navigation channel, a permit from the Coastal Commission is not required per Section 30610 (c) of the Coastal Act. If the dredged sand is deposited in the coastal zone, however, a Coastal Development permit is required.

Maintenance dredging within the Harbor's channels is very infrequent due to the relatively low input of sediment into the Harbor. Only one minor maintenance dredging (i.e., 1973) has been required since the Harbor has been in operation. When dredging is necessary, the County contracts with an independent firm and trucks the material to appropriate disposal sites (Coastal Commission Permits are applied for sites with the Coastal Zone) or barges the material to an approved disposal area at sea.

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<sup>3</sup> Visitor serving commercial such as lodging, ~~the Theme~~ the Theme Village on the West Cehannel and the small retail area with its gift shops and fast food on the East Cehannel at the intersection of Victoria Ave. with Channel Islands Boulevard.

### 3. PUBLIC WORKS PLAN MAP: LAND USE AND ACCESS DESIGNATIONS

#### 3.1 General Description of Land Use Plan Map

The Land Use/Access Map of the Public Works Plan is presented as Figure VII and uses two distinct types of designations. These are:

- Land Use Designations which describe the uses permitted in specific areas of the Harbor; and
- Designation and symbols which show the various location and kinds of public access (visual, water, vehicle or pedestrian) which exist, or are planned within the Harbor.

The text below describes each of these separately; the Land Use Designations are described first.

#### 3.2 Land Use Designations and Permitted Uses

The Land Use Map is attached to the back of this document. The Map displays the Land Use Designations for the water and landside areas of the Harbor.

Most of the Designations overlay numerous individual County Lease Parcels. Not all of the uses listed as permitted under each of the Land Use Designations are allowed under the existing lease document on each Lease Parcel.<sup>4</sup>

Lease documents are subject to modification through negotiations between the County and leaseholder. Accordingly, any leaseholder whose lease does not entitle him/her to a use permitted under the Land Use Designation covering the Lease Parcel, may request an amendment to the lease to allow the use. At its discretion, and subject to terms and conditions, the County may modify any lease document to add a use requested by the leaseholder and permitted under the Land Use Designation covering the Lease Parcel.

The Land Use Map displays seven primary land use designations; their specific locations, names, and the uses permitted within them are described below.

**WATERWAYS (W)**, for ~~open-main~~ basin and channel navigation areas in the Inner Harbor. This designation extends from the outer jetties to Channel Islands Boulevard.

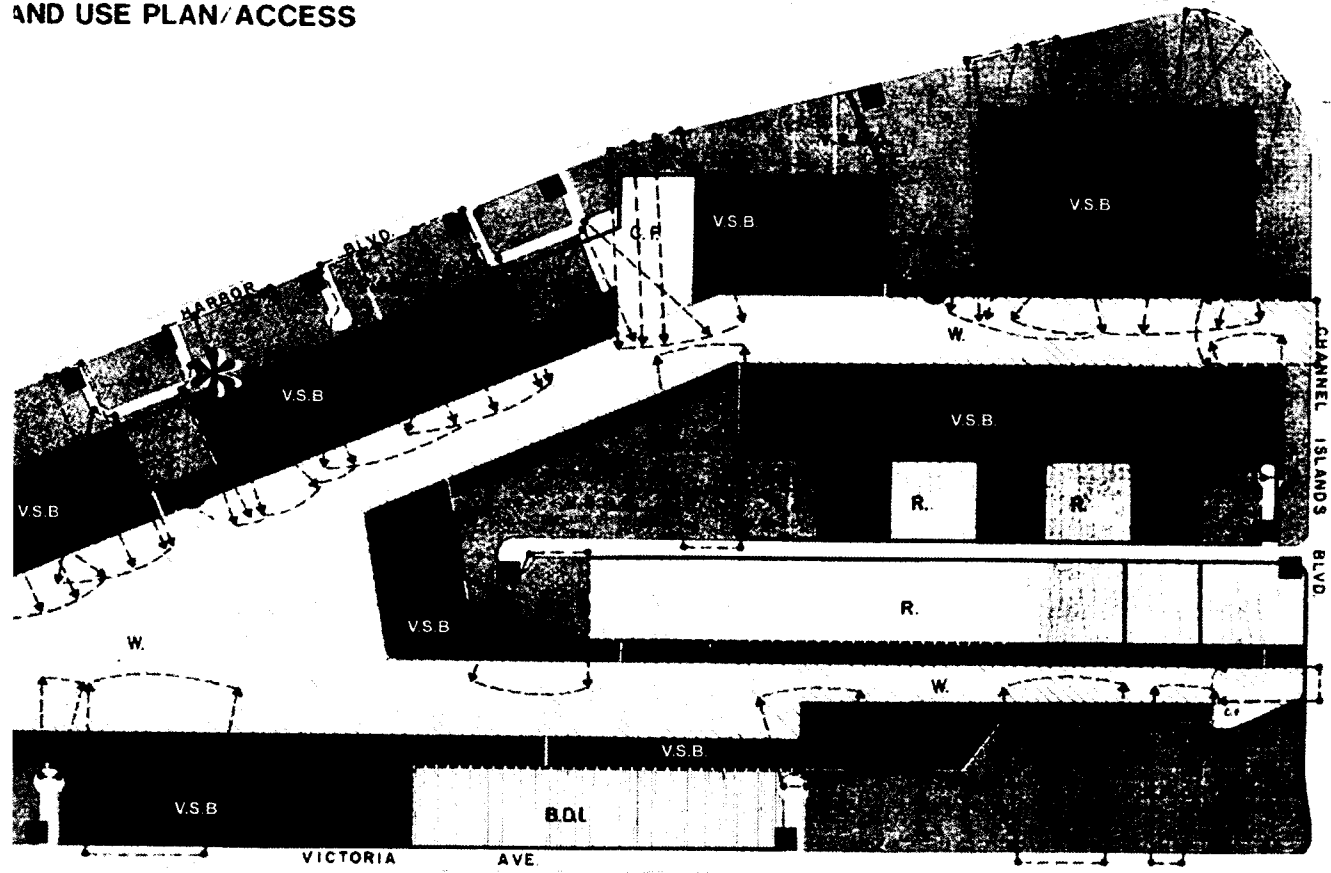
**Purpose:** The purpose of the designation is to protect and preserve the open water area within the Inner Harbor for the safe navigation and recreational use by vessels.

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<sup>4</sup> For example, Charter Boat operations are listed as a permitted use under the V.S. H.O. and V.S.B. designations but, at present, PCL-RS is the only Parcel where the lease signed by the County and the leaseholder allows such a use. Similarly, boat sales and rentals are a permitted use under the V.V.S.B. designation, but sales and rentals are not a use permitted by lease on all the lease Parcels under the Designation.

**Permitted Uses** are: navigation for recreational or commercial boating purposes and, under the terms and conditions of permits issued by the County, some special boating events.

COUNTY OF VENTURA  
PORTY ADMINISTRATION AGENCY  
CHANNEL ISLANDS HARBOR  
PUBLIC WORKS PLAN  
LAND USE PLAN/ACCESS



PWP -Land Use/Access

Figure VII

COMMERCIAL FISHING (C.F.), for the water and landside support areas which serve the commercial fishing fleet along the West Channel and in a small area of the East Channel.

**Purpose:** The purpose of the designation is to provide for the operation of commercial fishing support operations and facilities (except seafood processing) necessary to serve the needs of the offshore commercial fishing and diving industry for landside loading/unloading and berthing facilities.

**Permitted Uses** are: Ffish receiving and transferring facilities including storage, packaging, wholesale and retail fish sales and related offices, hoist facilities, net drying and repair areas, commercial fishing boat slips, icing facilities and other support facilities such as restrooms, showers and meeting rooms which are subordinate to, but necessary or helpful to the maintenance of the commercial fishing industry.

VISITOR SERVING BOATING (V.S.B.), for the water and landside areas of the Inner Harbor.

**Purpose:** On water, the purpose of the designation is to provide access to, and the storage of, boats, and where launching facilities exist, to provide for the entry or removal of boats from (or to) the waters of the Inner Harbor.

**Permitted Uses** on water are: boat storage, boat and boating equipment rental, sales, display, brokerage and minor repair services.

**Permitted Uses** on land are: dry storage of boats, the parking of vehicles and boat trailers and, where launching facilities exist, the washing of boats and flushing of saltwater engine cooling systems, boat and boat equipment sales, rentals, display, brokerage, storage and minor repair and packaged (carry-out) food or beverage sales.

VISITOR SERVING HARBOR ORIENTED (V.S.H.O.), for the landside areas which abut and provide physical or visual access to the water areas.

**Purpose:** The purpose of this designation is to provide for visitor serving uses and amenities which are either directly related to the boating activity within the Harbor, or ancillary to it. On a daily basis many visitors to the Harbor may, or may not, engage directly in boating activity, but do not come to recreate in the Harbor's marine environment with its developed landside facilities around open water and boating activity.

**Permitted Uses** are picnicking and other passive recreation, lodging, dining, fast food and shopping in chandleries, gift shops and boutiques, motels, restaurants, convenience stores, gas stations, fire stations, community centers/meeting places, yacht clubs, park areas, marine museums, ~~and~~ marine oriented research facilities including a Boating Instruction and Safety Center as shown on Figures III, IV, V, and VII. All uses shall have parking facilities adequate to meet average weekend peak demands.



**BOATING DEPENDENT INDUSTRIAL (B.D.I.),** for the land area beside the East Channel where major boat repair and construction activity occurs.

Purpose: The purpose of this designation is to provide for uses which are necessary for the repair and construction of vessels and the movement of vessels and Harbor maintenance operational equipment to and from the water.

Permitted Uses are:- boat haul-out, building, maintenance, repair, inspection, and storage and Harbor maintenance operations.

**VISITOR SERVING NON BOATING (V.S.N.B.),** for the swimming beach located in the southwestern corner of the Harbor with the water area marked by a floating buoy line or device.

Purpose: The purpose of this designation is to provide for non-boating, beach related recreational activities.

Permitted Uses are:- swimming, sunbathing, beach play, picnicking, windsurfing and floating of non-motorized vessels within the swimming area marked by the floating buoy line or device.

**RESIDENTIAL (R.),** for the land areas on the peninsula and adjacent to the West Channel near the jetty which are developed with residential apartment complexes.

Purpose: The purpose of this designation is to provide for residential uses within the scenic Harbor environment.

Permitted Uses are:- multiple apartment or condominium dwellings consistent with the provision and protection of public access and recreational use of the Harbor by boaters and other visitors.

The individual parcels within the Land Use Designations have been developed and are presently operated by private enterprise, subject to the terms of County leases. Table I lists the uses permitted on each parcel per the relevant lease agreement. The uses permitted under the terms of the individual leases are consistent with those permitted under the Land Use Designations described above.

#### Access

**VEHICULAR ACCESS:** A square symbol is placed on the Land Use/Access Map (Figure VII) at every point along the Harbor perimeter where vehicle access into the Harbor is available. The Access Map shows the entirety of the existing and proposed vehicle circulation system within the Harbor. Some major points of public access are also coincident with the vehicular access points.

**PEDESTRIAN/BICYCLE ACCESSWAYS:** An unbroken line on the Land Use/Access Map (Figure VII) indicates existing pedestrian/bicycle routes. Generally these are located laterally

along the waterfront with points of access at streets or parking lots. These walkways are protected under the Plan to provide maximum public access within the Harbor.

**PROPOSED PEDESTRIAN ACCESSWAYS:** A broken line on the Land Use/Access Map (Figure VII) indicates the locations of planned accessways along the Harbor waterfront. These accesses will be provided over time in conjunction with new development projects or public funding programs for coastal access.

**WATER ACCESS:** A circle on the Land Use/Access Map (Figure VII) indicates points along the waterfront which provide the public with the opportunity to physically enter the water or launch or hoist a vessel (i.e. this should not be confused with simple pedestrian accessways adjacent to the water, though most entry points are served by pedestrian accessways).

**VIEW CORRIDORS:** Broken lines with arrows on the Land Use/Access Map (Figure VI) indicate areas where visual access to the water areas of the Harbor will receive special protection. These are primary points along public roadways which afford the opportunity to watch the activities occurring on the waters within the Harbor.

### 3.3 Consistency of Lease with Listed Uses

The following policy shall apply to all leases within Channel Islands Harbor:

1. All amendments to existing leases or new lease documents created for leases within the Harbor shall be consistent with all development policies of the Channel Islands Public Works Plan.

## 4.0 COASTAL ISSUES AND DEVELOPMENT POLICIES

All development in the Harbor shall be subject to the following policy:

- 1) Any expansion of the existing and permitted structures described in Table I shall be prohibited except for minor alterations which result in an increase of less than 10% percent of the internal floor area or an increase of 10% in height of the structure.

### 4.1 Public Access and Recreation

Section 30211 of the Coastal Act requires that new development not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30252(4) of the Coastal Act states that new development provide adequate parking facilities. To prevent overcrowding of public recreational facilities Section 30212.5 states that these public facilities be distributed equally throughout an area.

Section 30251 identifies the visual and scenic qualities of coastal areas to be a resource importance that must be protected.

The protection of these ocean oriented recreational lands and lower cost visitor and recreation facilities is stipulated by Sections 30220, 30221 and 30213 of the Coastal Act.

The Channel Islands Public Works Plan provides for full and adequate public access to all areas of the Harbor, its waterways and the adjacent shoreline area. Additionally, the Harbor provides for numerous public beach and water-oriented park areas and lower cost visitor serving facilities. These facilities provide for public enjoyment of scenic and visual qualities of the Harbor; development policies in the Plan provide for the protection of these scenic and visual qualities. The Harbor's Public Works Plan will continue to protect and maintain these areas consistent with all of the above Coastal Act policies.

#### Public Recreation

Channel Islands Harbor offers a variety of public opportunities to and use of its water areas (see Figure IV). At the southern end of the Harbor an attractive recreational swimming beach is open to the public. This beach was constructed to absorb energy from incoming waves from entering the Harbor mouth. Free public parking for approximately 92 paved spaces and 28 spaces in an adjacent dirt lot are available. A public restroom is located next to the northern end of Lot B-3. The recreational beach is made up of two beaches which are separated by a concrete groin: the southern most beach is primarily for swimming, sunbathing, picnicking, with the northern beach used for the launching of Hobie Cats, sunbathing and picnicking. Windsurfers and small inflatable boats also use this water area. These beaches are easily reached by the major access road of Victoria Avenue which links communities both north and south of this recreational area.

The southern sandy beach varies from 75 to 150 feet wide and is easily accessible from the B-3 parking lot; its water area ranges from 50 to 150 feet in width and is separated from the rest of

the Harbor by a floating line of buoys. This swim area is very popular with families since its waters are clean, clear and normally without any noticeable wave surge. These conditions allow children of all ages to swim safely. Further, this beach is conveniently located next to the residential area of Silver Strand.

The adjacent northern beach during summer holiday weekends is monopolized by Hobie Cat owners who park their boats on the beach for most of the day, thereby, preventing beach activities which benefit a greater number of people. As a result, swimming at this beach is not as heavy as at the southern beach.

The major beaches of Silver Strand and Hollywood Beach immediately south and north respectively of the Channel Islands Harbor mouth entrance are both valuable public coastal recreation resources. Two parking lots (B-1 and B-2) provide beach access to the Silver Strand Beach. The southerly 32-space Lot B-1 is outside the jurisdiction of the Harbor and is maintained by the City of Oxnard. The 100-space B-2 lot is immediately adjacent to the Harbor mouth; the lot charges a 75 cent fee for all day parking. Though the 100-yard-wide Silver Strand beach is substantially greater in size than the nearby inner Harbor recreational swim beach, public demand does not appear as great. The number of vacant spaces in Lot A-2 was approximately the same as Lot B-3 on the Labor Day weekend.

Hollywood Beach is served by Lot W-1 (within the jurisdiction of the City of Oxnard) and adjoining on-street parking. Public demand exceeds the capacity of these existing parking facilities (i.e., onstreet - 40 spaces, Lot - 34 spaces). Public recreational activities adjacent to Lot W-1 include picnicking, fishing from the rock rip-rap wall, boating from the breakwater (i.e., small rubber boats), walking along the breakwater and volleyball, sunbathing, picnicking on the adjacent Hollywood Beach.

The popularity of this area is due in part to the good fishing, and the open view of both the Harbor and its entrance and the passing boats. The area has a sense of motion and openness that other parks within the Harbor do not offer. The land areas used for recreation are very narrow and linear, approximately 6 to 8 feet wide and 500 feet long. A small portion of this area is in grass with the rest in dirt. Reconfiguration of the parking lot W-1 could add the presently unused central green area in this lot to the existing heavily used narrow beach area. Further, the park could be expanded either along the breakwater or the undeveloped County land (i.e. next to existing residences) west of Harbor Boulevard to accommodate either additional parking or recreational area.

A publicly owned and operated facility is also permitted, the Boating Instruction and Safety Center. This facility is located on public land and provides marine education including but not limited to sailing, rowing, swimming, beach activities, marine biology, and other water-oriented activities and topics. The Boating Instruction and Safety Center also has a Gathering Facility, which is provided for community gatherings, classes, and fee-paying private events as approved by the Harbor Department.

## Public Parks

Four public parks exist within the Harbor itself. The 2.6 acre Channel Islands Harbor Park is located on the western Harbor side, consisting of open turf area with picnic tables, walkways and restroom facilities. The public walkway which encircles the Harbor is directly adjacent to this park. Two parking lots (W-4 and W-5) serve this park and adjacent boat slips with 352 spaces. The view from the park is primarily of a 300-foot wide boat slip complex. The sense of openness and motion fully apparent at the Harbor recreational area W-1 is not present at this park area. Further, there is the lack of direct water access for fishing. As a result this attractive park area is only lightly used.

The small .5-acre northern jetty park, adjacent to Parking Lot W-1 (City of Oxnard jurisdiction), consists of .2 acres of developed and .3 acres of undeveloped park land. As described in the parking section above, this park is very heavily used despite its limited land area.

Peninsula Park is located on the southwestern portion of Peninsula Road. This .9-acre park is serviced by a 31-space parking lot. The park consists of open turf areas, a children's play area with playground equipment, walkways and a public restroom. The public walkway encircling the Harbor is also accessible from this park. A 1,150-foot-long public dock is connected via park walkway system and a ramp. Views from Peninsula Park are considerably more open than that from the Channel Islands Harbor Park; the open water of the main channel, passing boats and adjacent marinas are fully visible from the park.

A fourth inner Harbor park is located on the southeastern side of the Harbor off of Victoria Avenue and the side street of Murre Way. This .6-acre park is adjacent to public launch ramps (two ramps) and commercial sport fishing docks. The park consists of open turf area with picnic table and a restroom. The park affords an unobstructed view of the wide open water area (i.e., 700 feet) and boat traffic. This park experiences moderate public use.

## Public Boat-Boating Access

The public can launch boats from trailers at two areas in the Harbor; both of these areas are along the eastern side of the Harbor off of Victoria Avenue.

The largest is known as the Channel Islands Harbor Launching Facility (7 lanes) and is located adjacent to Parking Lots E-4 and E-5 in the northeast corner of the Harbor. This facility will accommodate seven vehicles with boat trailers. The adjacent parking includes 169 oversized spaces for vehicles and trailers. Within this same complex is a public and transient docks (18 berths); these docks are served by a 39-space parking lot.

The final boat launching area (undesignated) is located at the wave deflection beach immediately north of Lot B-3. This area is an informal launching area that is neither paved nor regulated. Hobie Cats are typically launched from this area by trucks with 4-wheel drive capabilities. Parking is limited in this area to approximately 15 cars. The trucks launching the Hobie Cats usually remain in place throughout the day at the water's edge blocking other vehicles from launching boats; this situation, however, occurs only on summer holiday weekends.

The Harbor also provides approximately 925 linear feet of public dock area: in the Western Harbor off of the small peninsula by Bluefin Circle is 280 linear feet of public dock; directly off of Peninsula Park is 380 linear feet of public dock, and in the Western Harbor is 260 feet of public dock. These facilities appear adequate to meet existing public demand.

### Visitor Serving Facilities

Channel Islands Harbor provides for a wide variety of lower-cost visitor serving facilities, which allows people from all walks of life to enjoy a full ocean experience within the Harbor environs (see Figure IV). Lodging is provided within the Harbor at one moderately priced hotel (Casa Serena). In the City of Oxnard there are several low to moderate cost lodging facilities, all within a few minutes of the Harbor. The County is planning to provide overnight camping facilities for tent campers at the County's Mandalay Beach Park, 1.5 miles north of the Harbor.

On the southwest corner of Victoria Avenue and Channel Islands Boulevard is 15,000 square feet of low to moderate cost visitor serving commercial complex, including a take out or sit down outdoor fish restaurant (seats 54), an outdoor and indoor sit down sandwich eatery (seats 30), a formal indoor sit down restaurant, a fish market, ice cream store, small grocery, post office and various novelty shops. This visitor serving complex is immediately next to the Harbor waters, public walkways leading along Harbor channels, and the extensive public launch ramps and docks; its location allows boaters launching at the adjacent ramp to easily purchase groceries and sundries for sailing trips.

In West Harbor off of Cabezone Way, a second low and moderate visitor serving complex is available for public use. It consists of a sandwich shop (24 outdoor seats), bait and tackle shop, dive shop, boat rentals, post office and chandlery. Yacht sales and marine services are also located in the complex.

The "Theme Village" in the northwest corner of the Harbor (completed in December 1986) will contain (i.e., per Coastal Permit 178-15, Appendix B) two low to moderate eating establishments with all other uses being of a marine oriented or visitor serving.

There are also over 18,000 square feet of moderate to higher priced sit down restaurants (i.e., total of four) within the balance of the Harbor for the tourist to select from.

A 2,000 square foot sportfishing development in the Eastern Harbor provides yet another opportunity for the tourist to experience the ocean environment. The sportfishing dock has room for 18 boats. An adjacent northern dock (i.e., approximately eight spaces) is currently closed. This sportfishing facility is extremely popular and on summer weekends up to 400 people are turned away; it primarily serves the public in Ventura and Los Angeles Counties in addition to other areas of the state.

The Harbor also provides free recreational facilities for tourists including two recreational swim beaches and three parks with picnic tables and restrooms. The public launch ramps are free and the abundant parking only \$1.00 per day for boat trailers.

The Harbor also provides recreational facilities and instruction for the fee-paying public. The Boating Instruction and Safety Center provides recreational activities as well as marine education on a wide variety of topics and activities. Some of these activities will be free, and for others a small fee, in keeping with the types of fees charged by other such facilities, is charged.

The Harbor's visitor serving facilities have been carefully planned to provide the public with balanced yet diverse recreational opportunities, thereby allowing all members of the public a chance to experience the Harbor and ocean environment.

### Parking

Channel Islands Harbor has 2,845 off-street public parking spaces. A parking lot demand survey was conducted on Labor Day weekend (8-31-85) in order to determine the adequacy of this public resource. The results are tabulated on Table III and IV. Labor Day weekend is one of the heaviest recreation weekend use periods by the public and represents a peak demand of recreational facilities in the Harbor. The survey was also taken during the mid-afternoon hours when beach and water recreational use is at its peak.

The survey results indicate that only 43% of the 2,845 parking spaces were in use during peak hour demand. A further examination of the parking demand figures shows the following public parking demand:

- I. The Eastern side of the Harbor is the most heavily used Harbor area (61% public use during survey) with Lots B-3 (Recreational Swim Beach) and E-2 being the most popular (Launch Ramp and Sport Fishing);
- II. The Western side of the Harbor including Lots W-2 through W-13 has ample public parking capacity remaining (33% public use during survey);
- III. Lots W-1 and adjacent on-street parking on the southwestern end of the Harbor is at capacity.

Lot B-3 adjoins a popular swimming beach in the Harbor and was at 87% capacity during the survey. The smaller adjacent unpaved dirt area fronting the wave deflection beach was at capacity. This unpaved dirt area was being used informally for boat launching since it is free and the closest of all three launch areas to the Harbor mouth; this launching conflicts with public use of the beach for swimming and picnicking.

The other free launch ramp area (Lot C-2) was almost at capacity, whereas Lots C-4 and 5 serving the largest ramp facility were at only 48% capacity.

The fee for trailer boat launching at Lot E-4 and E-5 is only \$1.00 for daylong use; the surplus parking at these lots indicate that adequate public parking for boat launching capacity remains at the Harbor. The use of the sandy beach adjacent to Lot B-3 is of a higher demand than boat launching. The parking area should, therefore, be expanded to the north from Lot B-3 to provide more public parking and prevent boat launching. The boat launching in this area presently occupies valuable public parking and sandy beach area.

The Harbor on-street parking is located on Harbor streets and does not conflict, generally, with residential uses. There are two areas, however, where residential parking conflicts are occurring.

The on-street parking on the south end of Harbor Boulevard and San Miguel Avenue (i.e., community of Hollywood by the Sea) may conflict with the parking demand of the adjacent residences. The majority of this parking was for the public using the popular narrow linear recreational area next to Lot W-1. Land area is limited in this area but there is a possibility that the W-1 parking lot can be reconfigured and expanded to the southeast to provide for more parking and recreational area (note - this parking lot is within the jurisdiction of the City of Oxnard.)

On-street public parking in the community of Silver Strand occurs to a considerable degree during summer weekends, which creates parking and safety problems for local residents. It is estimated that up to 1,000 beach users come into the community during a summer weekend. Some people launching boats illegally at the recreational swim beach, park their boat trailers on-street in Silver Strand. A possible resolution is to use the unpaved right of way along the southern end of Victoria Avenue as a public parking area for beach users.

Though the Harbor's public parking facilities are adequate, parking enforcement in the communities of Silver Strand and Hollywood by the Sea is necessary to prevent the public from parking in these residential areas. Shuttle buses from under-capacity Harbor parking lots to popular public recreational areas may be necessary.

#### Public Walkways

The Harbor contains an extensive system of walkways and bikeways which provide the public with full physical and visual access to the majority of points within the Harbor. The Access Map attached at the back of this plan depicts the existing visual and physical access within the Harbor.

Over 2.6 miles of public walkways, which directly parallel the Harbor's water and boat slip areas, exists within the Harbor. On the western side of the Harbor there are approximately 1.43 miles of this walkway/bikeway; on the Peninsula there is approximately .86 miles, and in the Eastern Harbor approximately .37 miles of public walkway/bikeway is present.

In addition, there are another 3.8 miles of public sidewalk providing both vertical and lateral access to the Harbor's waterfront walkway/bikeway. In West Hollywood this amounts to 1.9 miles; 1.28 miles in the Peninsula, and .62 miles in the Eastern Harbor.



The Eastern and Western Harbor arms are of relatively the same length, however, there is less than one-third the public walkways/bikeways in the Eastern Harbor. This is due in part to the .5-mile break in the public walkway system by two boat yards and a boat sales storage and rental facility. Future Harbor access improvements will include extension of public access along this stretch of the Eastern Harbor to connect with the popular recreational beach (Lot B-3) and sport fishing boat launch facilities (Lot E-2) to the south.

Other future access improvements include extension of public access along the eastern residential side of the Peninsula and on the Western Harbor along the far southern end and around the marina emporium. These improvements will add approximately .76 miles of public lateral walkway/bikeway and result in complete public access to all points of the Harbor.

## POLICIES

To protect, maintain and improve public access to the water areas within the Harbor, the following policies will be implemented by the County of Ventura:

### WATER ACCESS

1. Within one year of approval of the PWP by the California Coast Commission the County will initiate an access program, subject to the review and approval of the Coastal Commission's Executive Director which:
  - a. requires the County to actively seek funding from appropriate sources such as the Coastal Conservancy, California Department of Boating, Waterways, and Wildlife Conservation Board for construction of the following projects (i.e., listed in order of decreasing priority):
    - i. improvements to and expansion of the northwestern entrance jetty park and adjacent W-1 parking lot (parking lot is in the jurisdiction of the City of Oxnard so policy is advisory only relative to this area);
    - ii. northward expansion of the southeastern recreational swim beach parking Lot B-3; and
    - iii. proposed public access walkways/bikeways depicted on the Land Use Plan/-Access Map (~~Back Pocket of Plan~~ Figure VII) along the Harbor's residential development on the Peninsula and southwestern side and the southern jetty.
  - b. requires construction of the accessways by the County if redevelopment occurs on any of the leases presently without public access;
  - c. provides for a signing program to clearly identify the public accessways and recreational opportunities within the Harbor, including:
    - i. Several permanent "location maps" in areas of the Harbor with heavy visitor use which provides a clear directory to access opportunities in the Harbor, and
    - ii. Location of signs on major streets adjacent to the Harbor directing the public to beaches in Silver Strand, Hollywood by the Sea, and the southern end of the Harbor.
2. Public access from the closest public roadway to the shorelines or along the waterfront shall be provided in new development or redevelopment projects, unless:

- a. to do so would jeopardize the public safety, military security needs, or the adequate protection of fragile coastal resources;
  - b. sufficient access exists nearby.
3. The County will designate a public or private agency which shall be responsible for the operation, maintenance and liability of dedicated accessways prior to approval of any new development or redevelopment projects. Actual improvements to accessways shall be completed and operational prior to the completion of new development or redevelopment.
  4. To minimize the potential adverse impacts of overcrowding or overuse, the County shall distribute all public facilities equally throughout the Harbor.
  5. Maximum pedestrian waterfront access shall be provided by incorporating waterfront pedestrian walkways into all redevelopment projects. Where existing structures are found to interfere with lateral shoreline access, walkways shall be located as close as possible to the water. All walkways shall be linked with adjacent walkways in order to insure uninterrupted pedestrian movement. A promenade walkway shall be provided along the Harbor frontage for all new development.
  6. Adequate vehicular access and circulation shall be provided throughout the Harbor without impacting the Harbor's public resources.
  7. Development shall encourage pedestrian, bicycle, bus and other non-automotive means of transportation over automobile circulation wherever possible.
  8. Harbor bicycle accessways shall be clearly marked and connected to on-street bikeways.
  9. There shall be no less than a 15-foot setback for all structures adjacent to Victoria Avenue or from the top of the revetment slopes. The following setbacks from the public right-of-way are required on all other streets:
    - a. Chain barrier: zero foot minimum.
    - b. Freestanding screen walls: six foot minimum
    - c. Walls of parking structures without street access: six foot minimum.
    - d. Walls, including perimeter walls, except as previously constructed: fifteen feet.

## **PARKING**

10. Parking areas and facilities shall be distributed throughout the Harbor to mitigate the impact of overuse and overcrowding of any single area.

11. Adequate parking for new development and redevelopment projects shall be consistent with County parking requirements as specified in the Harbor's Design Criteria. Parking for tour buses shall be provided wherever possible and appropriate.
12. Public parking shall be free, unless the County determines that moderate fees are necessary to recoup maintenance costs. Parking resources at swim beaches may be managed to maximize turn over, if necessary, for increased public recreational use.

#### LAND AND WATER RECREATION

13. The Harbor will improve Parking Lot W-1 and the adjacent recreational area running along Harbor Boulevard in the following manner (this policy is advisory only since Parking Lot W-1 and adjacent recreational area is within the jurisdiction of the City of Oxnard):
  - a) a. The parking lot will be reconfigured to transfer the present island area to the seaward grass area and provide for a more efficient use of the parking spaces;
  - b. b. Consideration will be given to expanding both parking and park area westward along the breakwater and the undeveloped County land west of Harbor Boulevard;
  - c. c. The recreational area along Harbor Boulevard will be planted in turf and maintained as a park entrance. Picnic table and restroom facilities will be installed.
14. The County will protect the northern recreational swim beach by paving the existing dirt parking area for public parking and providing a physical barrier to prevent illegal boat launching. A maximum of 20 parking spaces will be constructed in this area. No part of the existing sandy beach will be paved.
15. One year after approval of the Public Work's Plan by the Coastal Commission the County will submit a parking monitoring program to the Executive Director of the Coastal Commission for review and approval to monitor the public beach parking in Silver Strand and investigate the possible need for public parking along the southern end of Victoria Avenue. The Plan will include a monitoring schedule and provisions for public, agency and local government review of and comment on the monitoring data in report form. (Please see Policy 2 (d), Section 4.6.)
16. Recreational opportunities in the Harbor area shall be maximized by protecting waterfront development for suitable recreational use and development as identified in Figure IV.
17. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

18. To ensure that lower cost, recreational and visitor serving facilities are available to all income groups, picnic tables, public restrooms, pedestrian furniture, bicycle storage racks small boat rental, berthing and sailing areas, marine education facilities, and at least two lower cost eating establishments of at least 2,000 square feet shall be provided.
19. The four existing park areas, ~~and the public swim beach~~ and the BISC facility and use as shown on Figures III, IV, V, and VII shall be protected and preserved for general public use.
20. All areas designated as public parks and beaches in Figure IV 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, except as set forth in Policy 19.
21. Harbor activities shall be clustered into locations appropriate to their use to protect and enhance public recreational activities in the Harbor. Land uses shall be compatible and consistent with the kind, location and intensity of development and resource protection and development policies prescribed by this Land Use Plan.

#### VISUAL ACCESS

22. To enhance visual quality and ensure that new development and redevelopment activity does not impede views to the water area from the roadway to and from the waterfront and inland Harbor area, the following measures shall be implemented by the County:
  - a. A view corridor shall be defined as that area between the roadway and the roadway and the water which is not occupied by buildings, solid walls or fences, or landscaping which might interfere with the view of the water or water surface activity from the roadway.
  - b. A view corridor shall be measured from the linear distance paralleling the nearest public road.
  - c. At least 25% of the Harbor shall provide a view corridor that is to be measured from the first main road inland from the water line, which shall be at least 25 feet in width. View corridors shall be landscaped in a manner that screens and softens the view across any parking and pavement areas in the corridor. This landscaping, however, shall be designed to frame and accentuate the view, and shall not significantly block the view corridor. All redevelopment shall provide maximum views in keeping with this policy.
  - d. Future building or redevelopment in the Harbor shall not exceed two stories or 25 feet in height or 35 feet on Parcel V-1 at the corridor of Victoria Avenue and Channel Islands Boulevard. Height shall be measured from the centerline of the frontage road.

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) 38 (Boat Trailer)	125	99%
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%
<b>TOTAL</b>	<b>2845</b>	<b>1232</b>	<b>43%</b>
<b>Breakdown</b>	<b>395 BOAT TRAILERS</b>	<b>192</b>	<b>49%</b>

TABLE IV  
 ON-STREET HARBOR PARKING DEMAND  
 LABOR DAY WEEKEND (8-31-85)  
 (1:30 TO 3:30 P.M.)

<u>STREET</u>	<u>ADJACENT HARLOR LOT</u>	<u>DEMAND</u>
Pelican Way	E-1	8
Murre Way	E-2	18
Curlew Way	E-3	11
Harbor Parking Circulation Road	W-13	9
Cabezone Way	W-6	29
Bluefin Way	W-3	29
Albacore Way	W-2	8
Harbor Blvd./San Miguel Ave.	W-1	40*
Victoria Ave. Dirt Shoulder	B-3	<u>15</u>
TOTAL		167

\* Residential Area

## 4.2 Recreational Boating

Section 30224 of the 1976 Coastal Act encourages increased recreational boating use of coastal waters by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors and areas dredged from dry land and limiting non-water-depending land uses that congest access corridors and preclude boating support facilities. Protection of existing recreational boating facilities is required by Section 30234 of the Coastal Act. Finally, Section 30220 states that coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The Harbor's Public Works Plan is consistent with all of the above Sections of the Coastal Act. The Harbor has continually provided new recreational boating slips, support facilities, dry storage and maintained uncongested waterways through proper land use planning. Further, the Harbor under the Plan will continue to protect its existing recreational boating facilities as well as improving public access to and recreational opportunities within the Harbor. Since the Harbor is built out and provides for adequate recreational boating facilities, the major issue will be to maintain the uncongested nature of the Harbor waterways so that all boaters will continue to have full access to the ocean.

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

### Existing Conditions

Currently there are approximately 2,500 wet slips in Channel Islands Harbor open to general public and commercial use and the commercial fishing industry (Figure IV and Table I). Another 575 slips for privately berthed boats are located at the Mandalay Bay development north of Channel Islands Boulevard. An approximate total of 3,075 boating slips are available, therefore, at public and private docks.

A public launch ramp is available at the Harbor at the upper corner east channel (i.e., near the corner of Victoria Avenue and Channel Islands Boulevard); it consists of a seven-lane launch ramp with parking for approximately 340 cars and trailers. This area is presently underutilized.

Two Harbor boat hoists capable of launching recreational boats are in operation.

There is dry storage space within the Harbor for approximately 300 trailerable boats. These boats can be launched at both of the existing Harbor boat ramps and hoists.

There will be no expansion of wet or dry slip capacity at Channel Islands Harbor under the proposed Public Works Plan.

The proposed Mandalay Bay marina development north of the Harbor would result, at full build out, in an additional 800 boat slips.



## Harbor Waterway Congestion

Uncongested Harbor use and access to the ocean through Channel Islands Harbor waterways is the primary objective of the Public Works Plan. For reasons of navigation and public safety congestion in the Channel Islands Harbor entrance channel is and will continue to be critical.

EIR 81-2 concluded that upon construction of the Mandalay Bay development, Harbor mouth congestion would increase 70% over present levels; however, adequate maneuvering room would be available for boats using the channel. With 4,500 boats berthed in the Harbor EIR 81-2 estimated that at the peak hour of boat traffic a maximum of 9 to 16 boats would be present in the entrance channel at one time. This projection was developed from existing traffic patterns in the Harbor. The existing hourly traffic levels were increased proportionally to the future increase in boats.

The boating traffic study in EIR 81-2 assumes that boat traffic for each projected hourly period will pass through the entrance at regularly spaced intervals. It is more probable that boat traffic under normal conditions will arrive in clumps which would significantly change the EIR's assumed maximum congestion number for the Harbor mouth.

Further, the EIR did not anticipate a worst-case condition where all of the peak hour traffic approaches the entrance at the same time. Though the EIR projects a maximum of 16 boats at any one time at peak hour, peak hour traffic from 2:00 to 3:00 p.m. was projected at a total of 310 boats. Clearly a clump of traffic within this hour could result in substantially more than 16 boats arriving at the Harbor mouth. Under both of these conditions, peak hour traffic could result in congestion.

In addition, surveys of 20 Harbor boaters in EIR 81-2 revealed that 18 of them had experienced accidents within the Harbor. Though the location of the accidents were not identified it indicates that a congestion problem may already exist.

According to the Harbor Master's Office, congestion occurs in the Harbor entrance channel when groups of sailboats tack simultaneously. Accident reports show that only a few minor collisions have occurred in the Harbor entrance channel.

Visual surveys made of the Harbor mouth on Labor Day weekend (8-31-85) from 11:30 a.m. to 1:00 p.m. showed only one boat using sail power. Most boaters observed the basic rules of the road and maintained separate outgoing and incoming traffic lanes in the Harbor mouth. Sail boaters typically start out at 11:00 a.m. when winds pick up. Winds the day of the survey were 1 to 2 knots out of the west at 11:00 a.m., increasing to 4 to 5 knots by 3:00 p.m. Though traffic was steady, no congestion or collisions were observed. Only one potential collision was witnessed at 3:00 p.m. when an incoming sailboat tacked into the outgoing traffic lane and in "coming about" fell off of the wind and stalled in front of the outgoing traffic.

These Labor Day observations, however, were not made under normal wind conditions. Typically, summer winds are 10 to 15 knots out of the west by the afternoon and up to 35 knots during the winter. Observations by the Harbor Master's Office indicate that these greater velocity winds effectively reduce the narrow entrance width to the point where boats cannot maneuver adequately; with winds at 25 knots the entrance channel width is effectively reduced to a single traffic lane. When these winds are combined with low tides the channel entrance is even further narrowed. Under these conditions entrance channel congestion can occur with only a few boats present.

The existing narrow entrance channel width and typical wind conditions make it difficult, therefore, to develop set traffic lanes that will always provide sufficient space for both tacking sailboats and motorboats. A possible solution to this problem is to require engine use only for all boats in the entrance channel. This restriction, however, would prevent smaller boaters who cannot either afford or physically place an engine on their boat from gaining access to the ocean; this would be inconsistent with County Harbor policy of maintaining maximum access to the ocean. Further, under winter wind conditions, (i.e., 25 knots) the single traffic lane conditions would result in congestion even if engine use only was required.

Based on the Labor Day and Harbor Master's Office surveys it is clear that the imposition of rules establishing Harbor mouth traffic lanes, engine use only and regular spacing of vessels could not by itself guarantee that a significantly greater number of vessels could use the Harbor mouth without congestion occurring.

Another way to prevent severe congestion in the entrance channel mouth is to limit the construction of slips in areas outside of the Harbor (i.e. Mandalay Bay Phase IV) to a level that is compatible with the capacity of the entrance channel. Since the Mandalay Bay area is outside the jurisdiction of the Harbor, this mitigation would be advisory only.

The use of both Harbor mouth congestion controls and construction limitations in Mandalay Bay will effectively reduce congestion in the Harbor to acceptable levels. [Note: underlining is original.]

In order to implement any type of Harbor congestion control program, a more reliable and accurate method of monitoring and assessing boat traffic use must be instituted. This should involve the actual observation of the Harbor mouth on a regular basis providing for a better determination of actual Harbor mouth capacity and the specific variations in traffic patterns there (i.e., degrees of clumping identified).

From this data and the known number of boats in the Harbor, a future critical number of boats in the Harbor and Mandalay Bay Harbor which will result in congestion impacts in the Harbor mouth could be projected. Identified mitigations could be implemented at this point if necessary. A continuing monitoring program would confirm whether or not congestion was occurring, and if not the critical number of boats in the Harbor could be revised upwards.

In this manner an expansion of boat traffic in the Harbor would proceed on an orderly basis preventing unacceptable congestion before additional slips are constructed. Such a program will

require the coordination with and the cooperation of the City of Oxnard. This is reasonable since both jurisdictions use the same coastal facility and it is in their joint interest to protect Harbor waterway access to the ocean.

For any proposed the navigation control programs to work, adequate financial support from boaters located outside of the Harbor, but who contribute to Harbor traffic, will be necessary. The most appropriate vehicle for this would be through funds collected by the City of Oxnard from their future Mandalay boaters.

Presently the Harbor Patrol does have adequate staff to devote full and constant attention to the entrance channel. Typically only one person during a weekday shift is available for patrol boat operation and one for office work. Because of the limited staff, the presence of a patrol person in the Harbor is intermittent. With the increased future boat traffic, an increased patrol presence will be necessary to implement appropriate navigation control programs.

The Harbor Master's Office is presently in the process of conducting a Resource Management Study to determine the level of staffing necessary to provide full service to the approximately 2,500 boaters in the Harbor (i.e., includes Mandalay Bay). When this study is completed, the exact staffing required for full waterway development in the Harbor and Mandalay Bay can be calculated.

#### Existing Restrictions on Boating

The "County Harbor Ordinance" requires any organization or agency holding any race within the Harbor or using Harbor facilities to apply for a permit. If necessary, permit restrictions are applied to maintain uncongested Harbor waterways. Further, each permit issued for special boat races is subject to cancellation with no warning if Harbor congestion occurs.

This Harbor permitting system is designed primarily to eliminate congestion problems in the Harbor mouth and waters of the inner Harbor. The County has developed the following general restriction on boating activities:

1. No organized events are allowed in the entrance channel navigation pattern.
2. Generally, no permits are issued for special aquatic activities on weekends.
3. No major aquatic events are permitted to start, finish or take place in the Harbor, except:
  - a. Summer race (i.e., such as the "Wet Wednesday" race series every Wednesday night) may finish inside the Harbor if wind speed is less than 12 knots and outside (i.e., inside the outer breakwater) if the wind speed is greater than 12 knots.
  - b. Youth Sabot winter racing (i.e., boats less than 8 feet) may be permitted in the center of the main Harbor basin from time to time by special activity permits.

4. Aquatic activities such as windsurfing are restricted to the area directly off of the recreational swim beach in the southern end of the Harbor.

## 5. POLICIES

In order to maintain the uncongested nature of the Harbor waterways so that permitted water uses do not conflict with each other, the following measures should be implemented by the County:

1. The County of Ventura shall seek assistance of the City of Oxnard in developing and implementing a "Boat Traffic Monitoring Program" of Harbor boat traffic in waterways, including the entrance channel to:
  - a. identify any areas and of congestion and times at which it occurs;
  - b. establish actual traffic capacity of Harbor channels.

The Boat Traffic Monitoring Program shall be initiated within one year of approval of the Plan by the California Coastal Commission. The results of the monitoring program will be made available in report form to the City of Oxnard, the general public and interested agencies for review and comment. After a reasonable period of review has been provided, all comments received will be incorporated into a final monitoring report which establishes the future critical number of berthed boats in the Harbor and Mandalay Bay which will result in significant congestion in the Harbor.

2. When either congestion occurs or the future critical number of berthed boats is reached, then the Harbor will consider and implement any of the following measures or other appropriate measures to eliminate the significant congestion problems:
  - a. creation of traffic lanes;
  - b. require all boats traveling through the Harbor entrance to use engine power;
  - c. increasing Harbor Patrol staff and number of patrolling boats and increasing the enforcement of and fines for infractions which contribute to congestion. This includes, but is not limited to, boating while intoxicated, exceeding the Harbor speed limit, not observing rules of the road, sailing with spinnakers in the Harbor entrance and disregarding traffic channel markers;
  - d. informing boaters of congestion problem and encouraging them to depart from and arrive at the Harbor outside of the typical peak hours at daylight, 9:00 a.m. to 10:00 a.m. and 2:00 p.m. to 3:00 p.m. Boaters should also be educated to modify departure methods so that they space themselves behind other boats at a length sufficient to prevent clumping at the Harbor;
  - e. requesting the City of Oxnard to limit construction of new boat slips in Mandalay Bay until the Harbor entrance channel is widened.

- f. during periods of significant congestion, the Harbor will restrict organized on-the-water operations of the Boating Instruction and Safety Center. The types of congestion contemplated in this restriction would be holidays and weekends during peak periods.

To implement both the monitoring and enforcement program, the County should request the City of Oxnard to contribute an amount for each Mandalay boater to that cost identified in the Resource Management Survey for regulating boat traffic within the Harbor.

If sufficient monies are not contributed by the City of Oxnard to regulate boaters within the Harbor and prevent significant congestion, the Harbor will investigate the possibility of implementing a licensing program which requires all boats using the Harbor (except for boats launched from public boat ramps) to purchase a permit from the Harbor Master's Office which will include a decal to be prominently displayed on each boat in the Harbor (i.e., boats within the Harbor would be issued stickers free of charge since Harbor slip fees would include the cost of Harbor patrol services). Fines of a level necessary to encourage purchase of the permit by non-resident Harbor boaters will be imposed by the Harbor patrol.

3. To provide for, protect and encourage increased recreational boating use of coastal waters, the following policies shall be implemented:
- a. Harbor recreational boating facilities shall be protected and where possible upgraded in order to provide further opportunity to the recreational boater;
  - b. dry boat storage spaces shall be provided at or adjacent to the Harbor to accommodate a minimum of 300 vessels;
  - c. water storage space shall be provided for at least 2,500 recreational boat slips;
  - d. no more than 30% of the Harbor land area shall be developed for visitor serving uses not directly related to boating;
  - e. a target number of 5% of the recreational boat slips shall be available as guest slips;
  - f. to protect the recreational character of the Harbor areas, no more than 5% of the boating slip supply shall be provided for live-aboard use;
  - g. the existing open water areas in the inner Harbor, as depicted on the Land Use Map as "Waterways" and as defined by existing pier head lines at the time of original approval by the California Coastal Commission of the Harbor's Public Works Plan, shall not be developed with surface structures of any kind, floating or otherwise, except in cases of emergency where temporary structures are required.

4. Any further development adjacent to or near to Channel Islands Harbor which will create significant additional demand for boating access to the Harbor or its landside facilities will have adverse effects upon the circulation and congestion, particularly at the Harbor entrance. As a condition to the consideration of any such development, the project proponent(s) shall be required to have completed a study evaluating traffic circulation and all related impacts. This shall include examination of the adequacy of the Harbor waterway and entrance to accommodate such demand and what measures are appropriate to mitigate these issues. Project developers should be required to bear the burden of making such improvement as are needed. This policy is advisory only for those areas adjacent to the Harbor which are not within the jurisdiction of the County of Ventura.
  
5. Open water recreational uses are to be permitted within the Harbor includes rowing, small vessel operation and fishing. Such uses shall be restricted to that point south of the terminus of Peninsula Road in order to minimize waterway congestion. Within the outer Harbor, other more varied recreational water uses may be considered which are not inconsistent with safe navigation patterns. Specifically, a Boating Instruction and Safety Center is to be located on the west side of the Harbor near parking lot W-4 as shown on Figures III, IV, V and VII.

#### 4.3 Waterway Hydraulics

Currents within the Channel Islands Harbor waterways have an effect upon erosion of channels, distribution of sediment in the Harbor and boat navigation. An increase in waterway currents can increase channel erosion, deposit sediment and make boat navigation difficult and dangerous.

These currents result from the complex interaction of tidal flows, cooling water withdrawal from the Mandalay steam plant, the quantity of water and width of channels in the Harbor. A narrower channel, for example, will have a greater velocity relative to a wider channel; an increase in water area within the Harbor will also increase current velocity in Harbor channels. The Public Works Plan will not result in the increase of water surface area or the reconfiguration of channel sizes. However, the proposed Mandalay Bay Phase IV Marina development north of the Harbor will add 85 acres to the surface water area which will significantly increase the quantity and quality of water that passes through the Harbor channels. The increases in channel velocity will be greatest in the Mandalay Phase IV channels and least in channels near the Harbor mouth.

EIR 81-2 for the Mandalay Bay Phase IV development developed a model for tidal and current flows in the Harbor at several nodes (Figure VI VII). Figure VII-IX demonstrates that with the Mandalay Bay project, current velocities will increase from .45 knots to .70 knots at nodes 4 to 9 in the Harbor (i.e. main channel). The Mandalay Bay EIR did not analyze the effects of the increased current velocities in the Harbor on erosion and sedimentation rates. The EIR concluded that the increased velocities "through a substantial increase, would still not result in a flow rate which would impair safe boat handling or restrict vessel maneuverability." The EIR, however, provided no additional analysis to support this conclusion of no impact from current increases to vessel navigation.

Clearly, additional analysis is necessary to address these three areas of current velocity impact. Since the impacts will be the result of development outside of the Harbor's jurisdiction a cooperative union between the City of Oxnard and County of Ventura to mitigate any potential impacts will be required. It is in the interest of both parties to keep these potential current related impacts from affecting boating access through the Harbor to the Pacific Ocean.



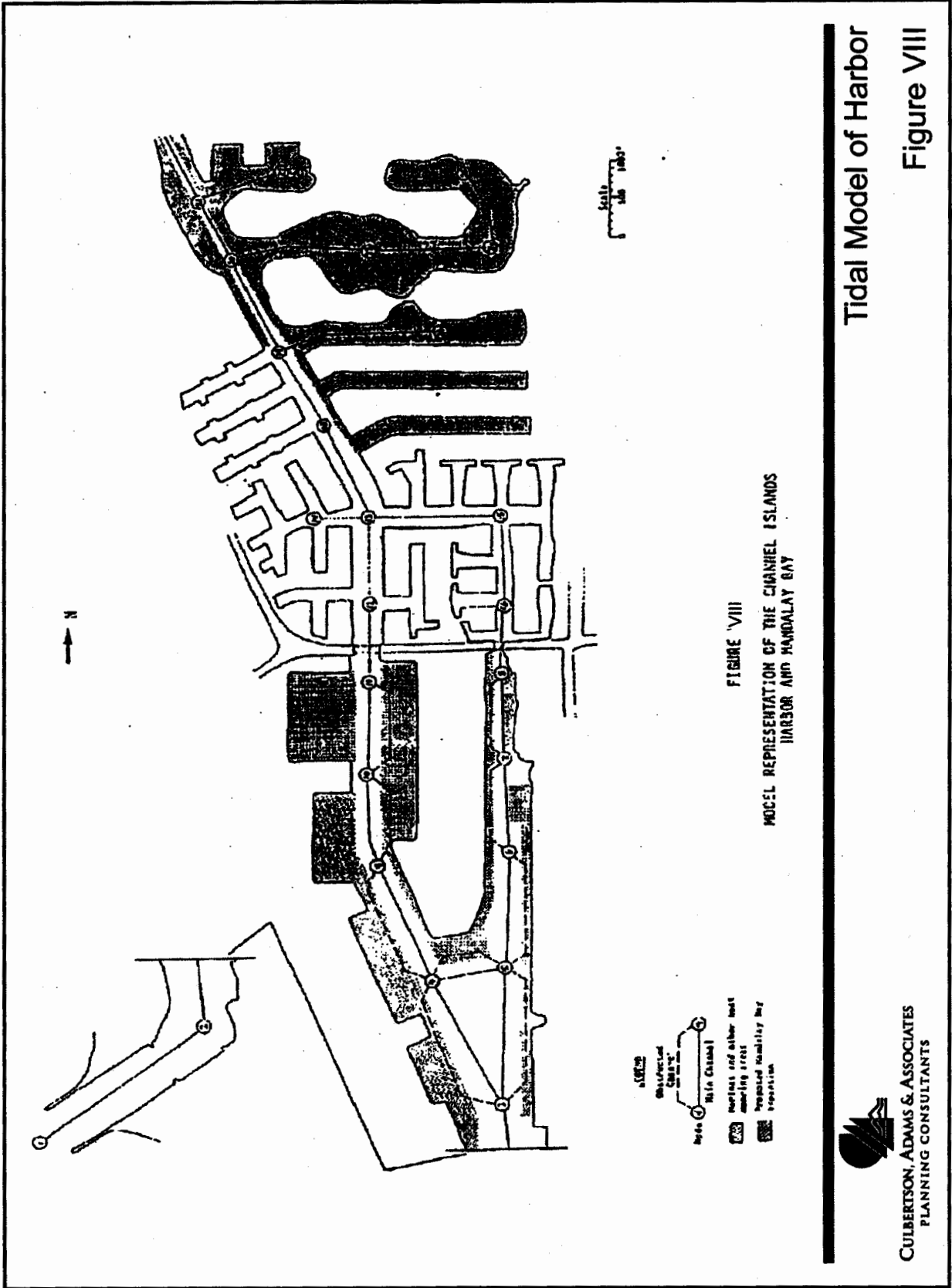


FIGURE VIII  
 MODEL REPRESENTATION OF THE CARMEL ISLANDS  
 HARBOR AND MANDALAY BAY

Tidal Model of Harbor  
 Figure VIII

CULBERTSON, ADAMS & ASSOCIATES  
 PLANNING CONSULTANTS

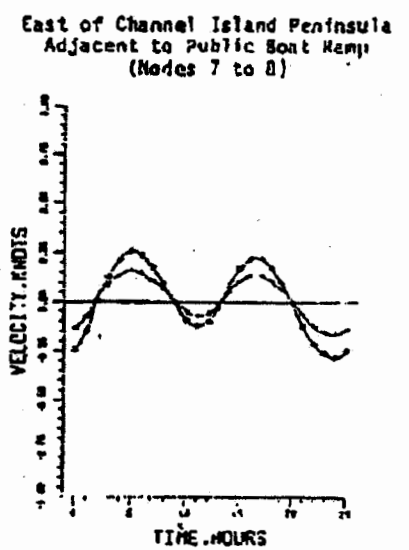
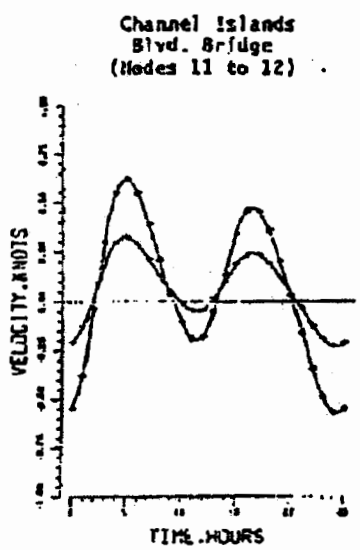
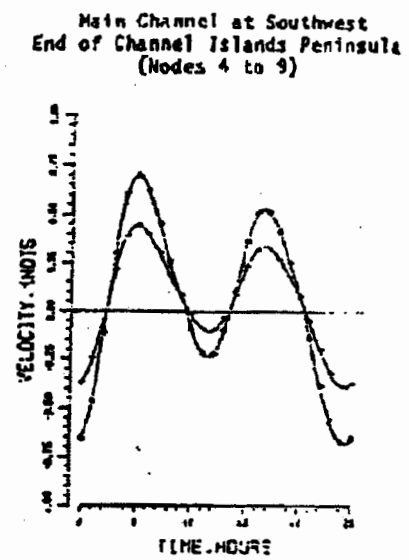
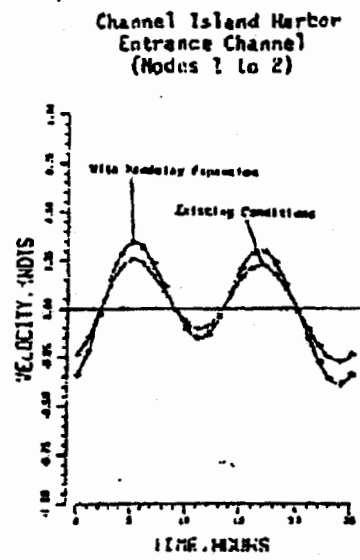


FIGURE IX  
COMPUTER VELOCITIES WITHIN CHANNEL ISLANDS HARBOR UNDER  
EXTREME TIDE CONDITIONS AND COOLING WATER WITHDRAWAL OF  
390 CFS WITH AND WITHOUT THE PROPOSED  
MANDALAY BAY EXPANSION DEVELOPMENT

## **POLICIES**

A program to monitor changes in the velocity of currents within the Harbor, the rates of erosion and sedimentation within Harbor channels and their effect upon boating in the arbor is recommended.

- 1. The County of Ventura will seek the assistance of City of Oxnard to develop a "Sediment and Erosion Rate" program for waterways within the Harbor and the Mandalay Bay development. The program shall be designed to identify rates of erosion and areas of sediment accumulation which will negatively affect the operation of the waterways for boaters. Under the program, when negative rates of erosion and sedimentation are identified, both the County and the City would immediately identify measures to correct the problems and contribute monies to implement the measures.**
- 2. The County of Ventura will seek the assistance of the City of Oxnard in developing a program to monitor the impacts of increased current velocities within the Harbor and Mandalay Bay; said program will be incorporated into the "Boat Traffic Monitoring Program" of the County's Public Works Plan. If negative impacts from increased current velocities are identified by the monitoring program then measures shall be jointly developed by the County and the City to mitigate boating impacts before subsequent development phases of Mandalay Bay are commenced.**

#### 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 utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed or endangered, their presence is considered important.

#### 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, 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.

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

## POLICIES

1. In order to protect the water quality and biological productivity of Harbor waters the County in conjunction with the City of Oxnard will develop:
  - a. A water quality monitoring program for oxygen, turbidity, coliform bacteria, heavy metals and nitrates/phosphates to be performed on a semiannual basis. The program will be designed to establish a baseline for water quality within the Harbor so that, at a minimum, the existing level of marine organisms can be maintained in the Harbor; and
  - b. A biological monitoring program to sample the Harbor waters (including benthic areas) that will be performed simultaneously with the water quality sampling monitoring program.

Both programs will be designed and undertaken by a qualified marine biologist.

If negative impacts to the Harbor's marine communities by the monitoring program, then the City and the County shall undertake mitigation measures in their respective waterways to reduce the level of pollutant input. This shall include, but not be limited to:

- an enforcement program, with monetary fines, to eliminate intentional or negligent discharge of boat effluent and engine fluids into the waterways;
  - provision of additional pump out facilities within the Harbor, particularly in areas used by live aboards;
  - reduction of fertilizer use on adjacent landscaped areas;
  - containing and moving runoff away from the waterways and into City storm drain systems; and
  - a public education program outlining the effect of Harbor generated pollutants on the marine life and measures that can be taken to prevent it.
2. Use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters.<sup>2</sup>
  3. Activities which produce, handle or transport petroleum products or hazardous substances within Harbor water areas shall be discouraged unless it can be proven beyond reasonable doubt that such activity will not result in any significant environmental impact. This policy does not apply to retail fuel sales/operations for boaters and commercial fishermen in the Harbor.
  4. Adequate cleanup procedures and containment equipment shall be provided by the Harbor for all hazardous materials stored in the Harbor.

TABLE VI

WEEKDAY TRAFFIC VOLUMES AND ROADWAY CAPACITIES

ROADWAY SEGMENT	WEEKDAY/WEEKEND EXISTING ADT	REMAINING DESIGN CAPACITY (24,500 ADT LEVEL C)
Harbor Blvd North of Channel Island Blvd	15,000	9,500
Harbor Blvd South of Channel Island Blvd	10,800	13,700
Channel Island Blvd West of Victoria Ave	25,000/26,752	-500/-1,752
Channel Island Blvd East of Victoria Ave	26,000	-1,500
Victoria Ave North of Channel Island Blvd	20,000	4,500
Victoria Ave South of Channel Island Blvd	18,000	6,500

Source: City of Oxnard Public Works Dept – counts taken in 1983

\* Count taken April 12, 1985

Table VII identifies the levels of service at Victoria Avenue and Channel Islands Boulevard in 1982 and those predicted in 1990.

**TABLE VII**  
**WEEKDAY LEVELS OF SERVICE FOR**  
**CHANNEL ISLANDS BLVD/VICTORIA AVE INTERSECTION**

Peak Hour Approach Volumes	
1982	1990 Estimated*
2996 (C/C)	3880 (D/D)

\* Ventura County Estimates  
 Source: EIR 81-2

The level of service "D" is defined in the Highway Capacity Manual as "unstable flow" with possible substantial delays and severe limits on maneuverability during short periods. Traffic contributing to this level of service "D" will be generated by developments outside of the Harbor area such as the Mandalay Beach and Voss residential commercial proposals (i.e., north of the Harbor).

The level of service for an intersection is a more accurate indicator of traffic congestion than roadway capacity; the design capacity of a road can be exceeded without congestion occurring. However, the intersection is the critical component in determining roadway capacity and traffic flow characteristics.

There are no up-to-date levels of service surveys on any of the critical intersections within the Harbor area. Yet, with the important intersection of Channel Islands Boulevard and Victoria Avenue at a level of service "C" in 1982 and Channel Islands roadway capacity presently exceeding level of service "C<sub>2</sub>"; level of service "D" could be reached in this intersection shortly.

These critical intersections are outside of the Harbor's jurisdiction and cannot, therefore, be controlled by Harbor authorities. Any mitigations to improve intersection congestion (i.e., more left turn lanes, resignalization, restricting development) can only be suggested to the City of Oxnard by the County.

Since the Harbor is built out (except Parcel X-J for which there is a certified EIR) and will not be expanding under the proposed Public Works Plan it will have no further impact upon these important intersections. The proposed plan is a permanent document with policies and standards



of review which should serve to prevent any future Harbor development from impacting these intersections negatively.

### Naval Construction Base Traffic Impacts Upon The Harbor

Early in 1984 the Naval Construction Battalion Center rerouted all of its truck traffic from its eastern gate (i.e., Pleasant Valley Road) to a new entrance/exit gate (i.e., Marina Gate) on Victoria Avenue. This new gate is located at the southern terminus of the two-lane Victoria Avenue immediately above the community of the Silver Strand and the Harbor's recreational swim beach. The truck traffic includes the base's heavy equipment, supplies, and Mazda automobile transport trucks, as well as military and civilian personnel ingress and egress.

Since the Marina gate has been open, several accidents involving trucks and automobiles have occurred. Further, the added truck traffic has created congestion problems on Victoria Avenue due to the difficulty trucks have experienced in locating the gate (i.e., they end up in the narrow streets of Silver Strand) and the fact that Victoria Avenue is only two lanes and without proper turning and onramp lanes for the new truck traffic.

The result of this traffic congestion is that access for Silver Strand residents and the public using the Harbor recreational beaches, as well as the U.S. Coast Guard, Harbor Master's/Administration and all other leases within the Harbor fronting on Victoria Avenue has become both hazardous and difficult. The Channel Islands Beach Community Service District has expressed significant concerns to the City of Oxnard regarding the effect of the Marina gate upon traffic and congestion safety in Silver Strand. Further, the Level of Service on Victoria Avenue has been significantly reduced.

Delays of 10 to 15 minutes exiting Pelican Way onto Victoria Avenue can seriously jeopardize Harbor and Coast Guard operations.

It has been suggested that the Marina gate be located northwards to the 23rd Street entrance exit where Victoria Avenue becomes a four-lane roadway. Four lanes could significantly lessen the impacts of the Base truck traffic on resident and recreational car traffic.

The County is unable to improve this traffic situation since the City of Oxnard has jurisdiction over all developments regarding Victoria Avenue.

### POLICIES

1. Within one year of approval of the Harbor Public Works Plan by the Coastal Commission, the County will submit for review and approval of the Executive Director of the Coastal Commission, the Harbor Area Allocation Traffic System (HAATS) program, including a schedule for implementation of the program.

The County of Ventura shall seek the assistance of the Cities of Oxnard, Port Hueneme and Channel Islands Beach Service District to develop the HAATS program which maintains a Level of Service of "C" at all critical intersections providing public access to

the Harbor and shoreline through a system of capacity points. The remaining Level of Service "C" capacities (if any) for the critical Harbor access intersection shall be assigned a set number of maximum points and those points distributed amongst the category of uses in the Harbor area on the basis of their priority under Section 30254 of the 1976 Coastal Act.

This policy will not be implemented without the cooperation and participation of the City of Oxnard and Port Hueneme.

2. The County shall request that the City of Oxnard and the Naval Construction Battalion Center undertake a traffic safety study in consultation with the County and Channel Islands Beach Community Service District for the CBC Marina gate which examines measures to eliminate the gate's existing traffic safety and congestion hazards, which shall include but not be limited to:
  - a. relocating the Marina gate northwards to the 23rd Street entrance/exit (i.e. where Victoria Avenue becomes four lanes); and
  - b. providing proper signing and turn and onramp lanes for the relocated Marina gate; and
  - c. provide full signalization for the relocated Marina gate intersection with Victoria Avenue; and
  - d. use of that area south of relocated gate which is east of the existing two lanes of Victoria Avenue for public parking in order to reduce traffic congestion.

Results of the study shall be incorporated into the HAATS program outlined in mitigation "I" above.

3. If the Victoria Avenue parking lot in Policy 2d above is identified by the traffic safety study as being necessary to eliminate congestion, then the County will submit to the Executive Director of the Coastal Commission for review and approval plans specifying the range in size of the parking lot and its spaces in addition to a schedule implementing this parking project.

#### 4.7 Public Services: Water and Sewer Capacities

Section 30250 of the Coastal Act requires that new development be located in areas that are able to accommodate it and where it will not have significant impacts upon coastal resources. Section 30254 states that where public services are limited priority uses such as coastal dependent (water uses) and visitor-serving uses shall not be precluded by other development.

The Public Works Plan for the Harbor contains policies which insure that new development will not have negative impacts upon the local water resources and that there is sufficient sewer capacity to serve Harbor development. The Plan is fully consistent with the above policies of the California Coastal Act.

#### Existing Conditions

Channel Islands Harbor is provided water and sewer services by the Channel Islands Beach Community Services District (CIBCS D). The District serves the adjacent communities of Hollywood Beach and Silver Strand.

The CIBCS D provides sewer and water services to Channel Islands Harbor on the basis of three formal agreements between the City of Oxnard, County of Ventura and City of Port Hueneme. These are:

1. On May 28, 1963, the Oxnard Beach County Water District, predecessor to the CIBCS D, established an agreement with the County of Ventura to provide water to Channel Islands Harbor. The County was responsible for installing all water lines and dedicating them to the District.
2. On June 21, 1966, a "Joint Powers Agreement of Disposal of Waste and Sewage" between the City of Port Hueneme and the District was signed. This agreement allowed for the use of the City of Port Hueneme sewer lines by the Oxnard Beach County Water District to transport sewage from their service areas to the Surfside Sewer Plant. This plant was phased out in 1977 and replaced by the present Oxnard Sewer Plant located on Perkins Road immediately below the City of Port Hueneme.
3. On December 18, 1973, the District established an agreement with the City of Oxnard on how services are to be provided in the Harbor:
  - a. Defined Service Areas in the Harbor; and
  - b. Provided for procedure to change existing District service areas within the Harbor either by mutual consent or by petition of the land owner; and
  - c. Provided for method to address future questions about annexations in the Harbor.

The CIBCS District draws its water from the Fox Canyon and Hueneme aquifers through three wells; the wells range in depth from 600 to 1,000 feet in depth. These aquifers are not affected

by salt-water intrusion like the upper aquifers; however, the County of Ventura is in the process of implementing a groundwater management program for the deeper aquifers which will be implemented sometime next year. The management program will probably restrict new drilling in the lower aquifer but will not restrict existing well pumpage.

The Harbor uses approximately 121.6 million gallons per year of water (1984 water year) or 374 acre feet. Even though there has been rapid growth in the Harbor over the last five years, the District still has adequate water supplies to meet this increased demand. Existing storage and pumping equipment, however, is almost at capacity in serving the Harbor and surrounding neighborhood uses. The present peak pumping and storage capacity of the District is 66 million gallons per day; only half or 33 million gallons is available for actual water supply since the remaining pumping capacity and storage used at night (lowest demand period) to backflush lines to prevent contamination and siltation. At peak demand during the summer, the water demand from users is slightly less than 33 million gallons.

The District plans to install in the next five years additional storage tanks and pumps in Hollywood Beach to meet the summer peak demand. Until this equipment is installed, water conservation measures implemented at the Harbor would prevent water shortages in the District during the summer. Certain uses at the Harbor use considerable quantities of water. For example, the washing of boats at the public boat ramps accounts for approximately 4.8 acre feet per month (peak use); restaurants are also one of the highest water users in the Harbor.

Effluent produced in the District is processed at the Oxnard Sewer Plant on Perkins Road in Oxnard. There is adequate line and plant capacity to meet all existing and permitted uses within the District.

## **POLICIES**

1. In order to prevent significant adverse impacts from existing or new development, either individually or cumulatively on coastal water resources the County shall, within one year of approval of the Harbor Public Works Plan by the Coastal Commission, implement a water conservation program within the Harbor which includes incentives for the public and private users to reduce water consumption. The program will include a list of implementation measures to reduce water demand and an annual report to the Board of Supervisors. This shall include:
  - a. use of drought resistant landscaping in all new developments;
  - b. use of water saving devices in all new development including restaurants and fish cleaning facilities; and
  - c. charging of fee for water use at public boat ramps and private slips.

#### 4.8 Dredging

Section 30235 of the Coastal Act permits structures which alter natural shoreline processes, such as Harbor channels and seawalls, for coastal dependent development.

The dredging of existing navigation channels, vessel berthing, mooring areas and boat ramps is allowed by Section 30233 of the Coastal Act, provided there is no feasible less environmentally damaging alternative and mitigation measures have been provided to minimize environmental impacts.

The County's plan is fully consistent with the above provisions of the Coastal Act. Plan policies require protection of sensitive habitat, water quality, and public recreation in the coastal zone though specific review of the time of dredging, and dredge spoils composition and siting.

The Harbor development is complete and should require no additional new redevelopment construction. Revetment repair, maintenance and redevelopment to provide for public walkways to the Harbor mouth may be necessary in the future. Since the Harbor is a coastal dependent development, the existing revetments/seawalls and their future repair, maintenance and redevelopment is consistent with the above provisions of the Coastal Act.

#### Existing Conditions

The Channel Islands Harbor mouth is protected on the north and south by two rock revetment walls and a third rock revetment approximately 1,600 feet offshore (see Figure II).

The offshore detached breakwater parallels the shoreline and Harbor mouth and prevents potentially damaging sea waves from entering the Harbor mouth. The southward flowing coastal sand supply is interrupted by the Harbor revetment complex. As a result, the Harbor mouth slowly fills in with sand and the downcoast areas begin to erode due to the lack of a sand supply.

To correct this situation the Army Corps of Engineers administers a contract to dredge the Harbor mouth every two years and deposits the accumulated material on the City of Port Hueneme beaches. The Coastal Commission has permanent permitting jurisdiction over development in State waters and on sandy beaches below the mean high tide line. Because the Harbor mouth is an existing navigation channel, a permit from the Coastal Commission is not required per Section 30610 (c) of the Coastal Act. If the dredged sand is deposited in the coastal zone, however, a Coastal Development permit is required.

The Army Corps of Engineers must, therefore, obtain a Coastal Development Permit for deposition of sand on beaches downcoast of the Harbor. Also, Federal law requires Federal agencies undertaking activities in a State's coastal zone to obtain a "consistency determination" from the State's Coastal Zone Management Department. The consistency determination is primarily to ensure compliance with State Coastal legislation and local land use plans and policies. Thus, the Army Corps is required to undergo several permit reviews simultaneously for sand deposition in the Coastal Zone.

The City of Port Hueneme beaches do not contain any significant coastal resources except for the California grunion, Leuresthes tenuis, which uses these beaches as a spawning ground from March through August.

The Coastal Commission issued a coastal development Permit #4-83-173 for dredging of Channel Islands Harbor and Port Hueneme Harbor and deposition of the spoils on Port Hueneme and Ormand beaches on August 24, 1983.

The permit required the Army Corps:

1. to terminate all spoils deposition activities from both April 15th through September 1st within 100 yards of the Least Tern nesting area on Ormand Beach and from the first grunion run after March 1st through Labor Day in September within the beach area of the project; and
2. to allow review of both dredging pipeline and spoils disposal sites in order to avoid sensitive habitats (i.e. dune vegetation and wetlands on Ormand Beach) by the Department of Fish and Game and the water quality of discharges from the spoils area by the Regional Water Quality Board.

These provisions provided for protection of the water quality, the sensitive habitat and species of Ormand Beach as well as preventing any conflicts between public beach activity and dredging operations. Since the sand dredged from Channel Islands Harbor is not deposited within the sensitive resources of Ormand Beach, but rather on the City of Port Hueneme beaches, only the condition regarding grunion spawning is applicable.

## POLICIES

1. To protect the quality of coastal waters, sensitive habitats and their species and public recreational use of coastal lands, the Harbor will request that the Army Corps:
  - a. Obtain all necessary Coastal Permits for the deposition of dredged spoils in the coastal zone including "consistency review and approval" by the Coastal Commission and, if necessary, compliance with EPA dredge spoils criteria for beach replenishment; and
  - b. Terminate dredge spoil activities (i.e., operation of equipment, spoil disposal, placement or removal of disposal pipelines or other construction, maintenance and material removal or activities involving mechanized equipment) on any part of the beach and shorefront in a disposal area from the first predicted grunion run after March 15 through Labor Day in September.

This policy shall also apply to any dredging activities undertaken by the County or their subcontractors.

2. Construction which alters natural shoreline processes shall be limited to minor alterations and maintenance of existing facilities, such as repair of existing revetments and groins, and shall be permitted if it is to serve coastal dependent uses and if it mitigates erosion which threatens existing structures or public beaches.

The design must eliminate or mitigate adverse impacts on local shoreline sand supply. Periodic dredging for Harbor maintenance purposes shall be conducted in a manner consistent with the protection of coastal resources including sand supply for beaches. Dredging operations and equipment storage in the Harbor shall minimize, to the greatest extent feasible, disturbance of coastal access and recreation. Alternative temporary facilities for launching small boats, windsurfers, etc. shall be provided where feasible.