

CALIFORNIA COASTAL COMMISSION

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



ADDENDUM

[Click here to go
to the original staff report.](#)

DATE: September 1, 2011

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 24a, Wednesday, September 7, 2011, CDP Application No. 4-10-051 (Harbour Island Condominium Owners Association)

The purpose of this addendum is to attach and respond to correspondence staff has received from the following interested parties:

- Irv Kaye, a resident of West Hemlock Street next to the subject channel, submitted a letter received by Commission staff on August 31, 2011, expressing opposition to the proposed project and indicating that the proposed project would narrow the channel and increase the possibility of boating accidents. The letter also expresses concern about whether affected residents received proper notice of the hearing.
- Howard and Debra Rosen, residents of West Hemlock Street next to the subject channel, submitted a letter received by Commission staff on August 31, 2011, expressing opposition to the proposed project and indicating that the proposed project would narrow the channel and create boat traffic congestion, increase the possibility of boating accidents, create fumes and noise, and increase crime. The letter also expresses concern about whether affected residents received proper notice of the hearing.
- Grace Hong, a resident of West Hemlock Street next to the subject channel, submitted a letter received by Commission staff on August 30, 2011, expressing opposition to the proposed project and concern that the channel is not wide enough to safely accommodate more boats.
- Winston and Joanne Young, residents of West Hemlock Street next to the subject channel, submitted a letter received by Commission staff on August 30, 2011, expressing opposition to the proposed project and concern that the channel is not wide enough to safely accommodate more boats.

These letters are attached as Exhibit 1 of this addendum.

Regarding the issue of boating safety and channel width, Commission staff would like to note that the proposed dock would not encroach any further into the channel than existing docks in this area. In addition, the proposed dock has been sited within an existing dock easement area that was contemplated for boat docks in the Mandalay Bay Specific Plan of the Oxnard Local Coastal Plan. In addition, the proposed dock has

been approved by the City of Oxnard, U.S. Army Corps of Engineers, and has been designed to meet the minimum fairway/channel width for recreational boating marinas pursuant to the California Department of Boating and Waterways' Layout and Design Guidelines for Marina Berthing Facilities (2005). In fact, the fairway/channel width at the project area exceeds the California Department of Boating and Waterways' minimum fairway/channel width recommendations. Based on the guidelines, the fairway/channel width at the proposed dock location should be a minimum of 56 feet. The proposed dock would provide for a fairway width of at least 80 feet. As such, the proposed dock does not raise any issues regarding boating navigation and safety within the channel and is a type of use that is appropriate and consistent with this harbor area. Regarding the issue of public notice, Commission staff has provided notice consistent with Sections 13054 and 13063 of the California Code of Regulations.

Received

AUG 31 2011

California Coastal Commission
South Central Coast District

Permit Number:4-10-051
Item Number: W 24a
Harbor Island Dock Extension

California Coastal Commission
South Central Coast District
89 South California St., Suite 200
Ventura, CA 93001

Irv Kaye
4107 West Hemlock St.
Oxnard, CA 93035
I OPPOSE this plan

Attn: Deanna Christensen, Coastal Program Analyst

Dear South Central District Coastal Commission:

I OPPOSE the proposed boat dock extension at Harbor Island. Had a few neighbors not mentioned the proposed plan I never would have known about it. Everyone on the Hemlock Street canal and visiting boaters will feel the impact of these docks not just the residents within 100 feet of the project.

There is no outlet at the end of our canal and when boaters realize this they usually use the proposed area to turn around and go back out to the main channel. The project will increase the possibility of accidents in the canal by the narrowing this area.

I am also puzzled as to why all of the residents on both sides of Hemlock were not notified about this project since they will be impacted as well. Had they been notified I'm sure they would have expressed their concerns as well.

Sincerely,

Irv Kaye

(805)815-3217 home
818-378-0202 cell

Received

AUG 31 2011

California Coastal Commission
South Central Coast District

Permit Number: 4-10-051
Item Number: W 24a
Harbor Island Dock Extension

California Coastal Commission
South Central Coast District
89 South California St. , Suite 200
Ventura, CA 93001

Howard & Debra Rosen
4157 West Hemlock Street
Oxnard, CA 93035
We OPPOSE this plan

Attn: Deanna Christensen, Coastal Program Analyst

Dear South Central District Coastal Commission:

We live in the Seabridge Community on the Hemlock Street canal and we are OPPOSED to the proposed boat dock extension across the way from us at Harbor Island. We first heard about the proposed extension from our neighbor who had received a letter about it. Although we learned we were on the list of addresses provided by the applicant and should have received a letter, we never did. We are wondering if we intentionally did not receive the letter so that the permit would be granted without our being able to object to the project.

The proposed area is the widest part of the Hemlock St. canal and boats frequently use this area to make a u-turn when they realize that the canal is a dead-end. The Seabridge Marina is one channel to the north of Hemlock and boaters that are not familiar with the area think that our canal connects to the Seabridge Marina/commercial area.

There is a 4 space public parking lot (with time restrictions) adjacent to the proposed dock extension area. We understand that boaters will have access to the 20 parking spots and 2 bathrooms within the Harbor Island development, however, guests of the boaters are likely to park and mingle in the small lot across from us creating noise and fumes from their vehicles.

Our other concern is that the proposed project is described as a 12 slip public boat dock. Does this mean that some of these slips are available for visiting boaters or will they all be leased out? Either way this project will be a nuisance in terms of fumes and noise during construction and afterwards. The master bedrooms of all of the Seabridge homes face the canal.

Additionally, we have had problems with theft on the Hemlock canal. Several boats including ours have been burglarized numerous times.

Please do not approve the Harbor Island Condo Association's permit request to extend their boat dock. Adding more boats to the Hemlock Street canal will lead to more boat traffic congestion, possible boating accidents, noise and crime.

Once again we would like to know why we never received a letter regarding this proposed plan.

Sincerely,

Howard and Debra Rosen (805)984-1111 home (310)780-9724 cell

Deanna Christensen

From: grace hong [ghong100@gmail.com]

Sent: Tuesday, August 30, 2011 2:58 PM

To: Deanna Christensen

Cc: hongdale@gmail.com

Subject: Harbor Island Doc Extension

Re: Permit Number 4-10-051

Item Number: W 24a

Harbor Island Doc Extension

Received

AUG 30 2011

California Coastal Commission
South Central Coast District

California Coastal Commission
South Central Coast District
89 South California St. Suite 200
Ventura, CA 93001
Attn: Deanna Christensen

To Whom It May Concern,

I am a Seabridge resident and am strongly OPPOSED to the project mentioned above. This channel is a subchannel to the main one and is not wide enough to accommodate more boats. I am concerned that there will be safety issues if more boats enter this channel as it is a dead-end channel. It is crowded already and even big commercial boats enter just to cruise.

Please consider and do not approve the Harbor Island Condo Association's permit request to their Doc Extension.

Sincerely,

Grace Hong
4047 W. Hemlock St.
Oxnard, CA 93035

8/30/2011

Received

AUG 30 2011

California Coastal Commission
South Central Coast District

Permit Number: 4-10-051
Item Number: W 24a
Harbor Island Doc Extension

Winston and Joanne Young
We are OPPOSED to this project

California Coastal Commission
South Central Coast District
89 south California St, Suite 200
Ventura, CA 93001

Attn: Deanna Christensen

email: dchristensen@coastal.ca.gov

Dear South Central District Coastal Commission:

I live in the Seabridge housing development just opposite Harbor Island Condo Association's proposed boat dock extension and am very concerned. Our channel is a subchannel to the main one so it is not very wide. The area of the proposed dock extension is used frequently for boats that enter and leave our channel to maneuver. We feel it will present a potential safety situation to have this area reduced. Because our subchannel is a dead-end, all boats must turn around to return to the main marina. There are a number of boats docked in our channel and we also have boats that enter our subchannel just to cruise.

Please do not approve the Harbor Island Condo Association's permit request to extend their boat dock.

Sincerely,

Winston and Joanne Young
4167 Hemlock St
Oxnard, CA 93035

CALIFORNIA COASTAL COMMISSION

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

W 24a

Filed: 6/20/11
180th Day: 12/17/11
Staff: D. Christensen
Staff Report: 8/18/11
Hearing Date: 9/7/11



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-10-051

APPLICANT: Harbour Island Condominium Owners Association

PROJECT LOCATION: Harbour Island Area of Channel Islands Harbor, City of Oxnard, Ventura County

PROJECT DESCRIPTION: Extension of an existing 300 linear ft., 18-slip public boat dock by an additional 185 linear feet and installation of four new piles. The proposed boat dock extension would provide for six additional slips for public use, measuring 20 feet wide by 38 feet deep each, capable of mooring two boats in each slip.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed development with conditions. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-10-051 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Construction Responsibilities and Debris Removal**

By acceptance of this permit, the applicant agrees to comply with the following construction-related requirements:

- a. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- b. Any and all debris resulting from construction activities shall be removed from the site within 24 hours of completion of construction and disposed of at an appropriate location;

- c. If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity.
- d. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- e. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- f. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a separate coastal development permit shall be required before disposal can take place.
- g. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants and applicants' contractors shall have adequate equipment available to contain any such spill immediately.
- h. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- i. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
- j. The permittee shall use the least damaging method for the construction of pilings and any other activity that will disturb benthic sediments. The applicants shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

2. Eelgrass Survey(s)

A. Pre Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month

after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

3. Pre-Construction *Caulerpa Taxifolia* Survey

- A. Not earlier than 90 days nor later than 30 days prior to commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to

preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

5. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Prior to commencement of development, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed development is located in the Harbour Island area of Channel Island Harbor, within the city limits of Oxnard. The Harbour Island area is a residential community of 129 condominiums, three single-family homes, a park, and public boat slips located north of Hemlock Street and east of the Edison Channel in the southwest section of the Mandalay Bay Specific Plan area. Since not all of the public boat docks contemplated for the Harbour Island area were constructed, the applicant proposes to extend an existing 300 linear feet, 18-slip public boat dock an additional 185 linear feet within an existing easement reserved for boat slips. The proposed boat dock extension would consist of four new piles and six new boat slips, measuring 20 feet wide by 38 feet deep each, capable of mooring two boats in each slip. The proposed pilings are 39' x 14" concrete. They will be installed from a floating barge by a mechanical drop hammer. No wood, preservatives, or chemicals will be used on the concrete pilings. Once piles are set, the contractor will float in the six new slip fingers by boat. The floating docks will be enclosed in concrete and no wood or organic material will be placed in the water.

When the Harbour Island community was approved in 1988 as part of the Mandalay Bay Specific Plan, it was required that all Harbour Island boat slips be available for use by the general public. As such, similar to that of the other Harbour Island boat docks, the proposed new slips would be available for public use. No private boat slips are proposed or authorized pursuant to this application.

B. WATER QUALITY AND MARINE RESOURCES

Section **30230** of the Coastal Act states:

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

Section **30231** of the Coastal Act states:

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

The proposed project is located in and over the waters of the Channel Islands Harbor. The Chapter 3 policies of the Coastal Act are the standard of review for development proposed in coastal waters, including the above mentioned water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

The proposed development will occur over and in the water. Construction, of any kind, adjacent to or in coastal waters has the potential to impact marine resources. The Channel Islands Harbor waterways provide an opportunity for water oriented recreational activities and also serve as habitat to marine organisms. Risks to coastal recreational activities and marine habitat are inherently linked to water quality issues.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species by interfering with their ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **Special**

Condition One (1) outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition 1 requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible. In addition, **Special Condition Four (4)** is required to ensure that the permittee complies with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Caulerpa Taxifolia

The Commission further finds that the driving of piles on the sea floor could disturb and cause the spread of non-native and invasive species, such as *Caulerpa taxifolia* and Japanese kelp (*Undaria pinnatifida*). *Caulerpa taxifolia* is a tropical green marine alga that spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. Because of toxins in its tissues, *Caulerpa taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation of *Caulerpa taxifolia* has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing in places such as the Mediterranean¹. Because of the grave risk to native habitats, in 1999 *Caulerpa taxifolia* was designated a prohibited species in the United States under the Federal Noxious

¹ References:

Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press

Chisholm, J.R.M., M. Marchionetti, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). *Marine Ecology Progress Series* 201:189-198

Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. *Marine Ecology Progress Series* 182:299-303

Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.

Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California *Caulerpa* Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several States, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *C. taxifolia* or Japanese kelp or other non-native invasive aquatic species is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. Therefore, the Commission imposes **Special Condition Three (3)**, which requires the applicant to survey the project area for the presence of *C. taxifolia* and Japanese kelp prior to construction of the proposed project. If *C. taxifolia* or Japanese kelp is present in the project area, no work may commence and the applicants shall immediately notify the Executive Director.

Eelgrass

The project has the potential to directly impact sensitive resources, including eelgrass that may be present in the project area. Installation and driving of piles can directly remove and disturb eelgrass. In addition, vessels moored above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. It is possible that eelgrass has established in portions of the project area that are not currently shaded by vessels. Therefore, **Special Condition Two (2)** requires the applicant to conduct, prior to construction, a survey of the project area for eelgrass. If the survey identifies any eelgrass within the project area which would be impacted by the proposed project, the Executive Director must be notified prior to construction. If any eelgrass is identified in the project area prior to construction, the applicant shall also conduct a second eelgrass survey one month after the conclusion of construction to determine if any eelgrass was adversely impacted. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1. Implementation of mitigation shall require a new coastal development permit.

Therefore, only as conditioned by Special Condition 1, construction responsibilities and debris removal, Special Condition 2, eelgrass surveys, and Special Condition 3, *Caulerpa* surveys, does the Commission find the proposed project consistent with Section 30230 and 30231 of the California Coastal Act regarding the protection of water

quality to promote the biological productivity of coastal waters and to protect human health.

C. DIKING, FILLING, DREDGING OPEN COASTAL WATERS

Section **30253** of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section **30233** of the Coastal Act addresses, in part, the fill of open coastal waters:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...

- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

The Coastal Act limits the fill of open coastal water to specific, enumerated uses and also requires that any project which results in fill of open coastal waters provide adequate mitigation and that the project be the least environmentally damaging alternative. The proposed project includes installation of four piles and one new dock with six fingers. The additional dock and piles required by the proposed project constitute fill of coastal waters.

a. Allowable Use

Section 30233(a)(3) of the Coastal Act allows fill of open coastal waters, other than wetlands, such as the Channel Islands Harbor waterways where the subject site is located, for new or expanded boating facilities and the placement of pilings for public recreational piers that provide public access and recreational opportunities. No wetlands are found on the project site, only open coastal waters. The proposed project, a boat dock, constitutes an expanded boating facility. Thus, the project is an allowable use under Section 30233(a)(3).

b. Least Environmentally Damaging Alternative

The applicant proposes to construct a new boat dock adjacent to the existing dock and four new pilings. The applicant asserts that this is the minimum number of piles necessary to adequately support and anchor the new dock under current engineering and safety standards. The proposed project will use the minimum number of piles

thereby minimizing the amount of fill needed to support the proposed allowable use. Thus the project as proposed is the least environmentally damaging alternative.

c. Adequate Mitigation

Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. Placement of the proposed piles in conjunction with the proposed project will displace four square feet of bottom habitat. However, the proposed project is the least environmentally damaging, feasible alternative, and includes feasible mitigation measures. Special Condition 1 requires the applicant comply with construction responsibilities, Special Condition 2 requires pre-construction eelgrass surveys, and Special Condition 3 requires pre-construction surveys for Caulerpa. These special conditions will assure that that displacing bottom habitat from placement of the pilings will result in minimal impacts to the sea floor and marine environment.

The proposed project has been designed to maximize the safety and stability of the docking system and boat slips. However, given that the docks would be constructed within a harbor channel, the project still has the potential to be subject to hazards associated with storm waves, surges, and flooding. Therefore, **Special Condition Five (5)** has been included to require that the applicant assume the risks of injury and damage associated with these potential hazards as they relate to the proposed project and indemnify and hold harmless the Commission against any claims, damages, or costs associate with damage caused by such hazards.

For the reasons discussed above, the Commission finds that the proposed project is consistent with Sections 30233 and 30253 of the Coastal Act.

D. LOCAL COASTAL PROGRAM (LCP)

The proposed project area lies within the limits of the City of Oxnard, but falls within the Commission's area of retained original permit jurisdiction along the Channel Islands Harbor waterways. The Commission certified the Local Coastal Program for the City of Oxnard (Land Use Plan and Implementation Ordinances) in 1985. The City's LCP contains policies and standards for siting and design of new development and protection of marine habitats. The application before the Commission is for development within the Commission's retained jurisdictional area, and therefore the standard of review applied by the Commission in considering the proposed project is the Coastal Act. The Commission notes that its review of the proposed project discloses no conflicts with any of the policies of the City's certified LCP, including those policies regarding marine habitat, shoreline access, and recreation.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

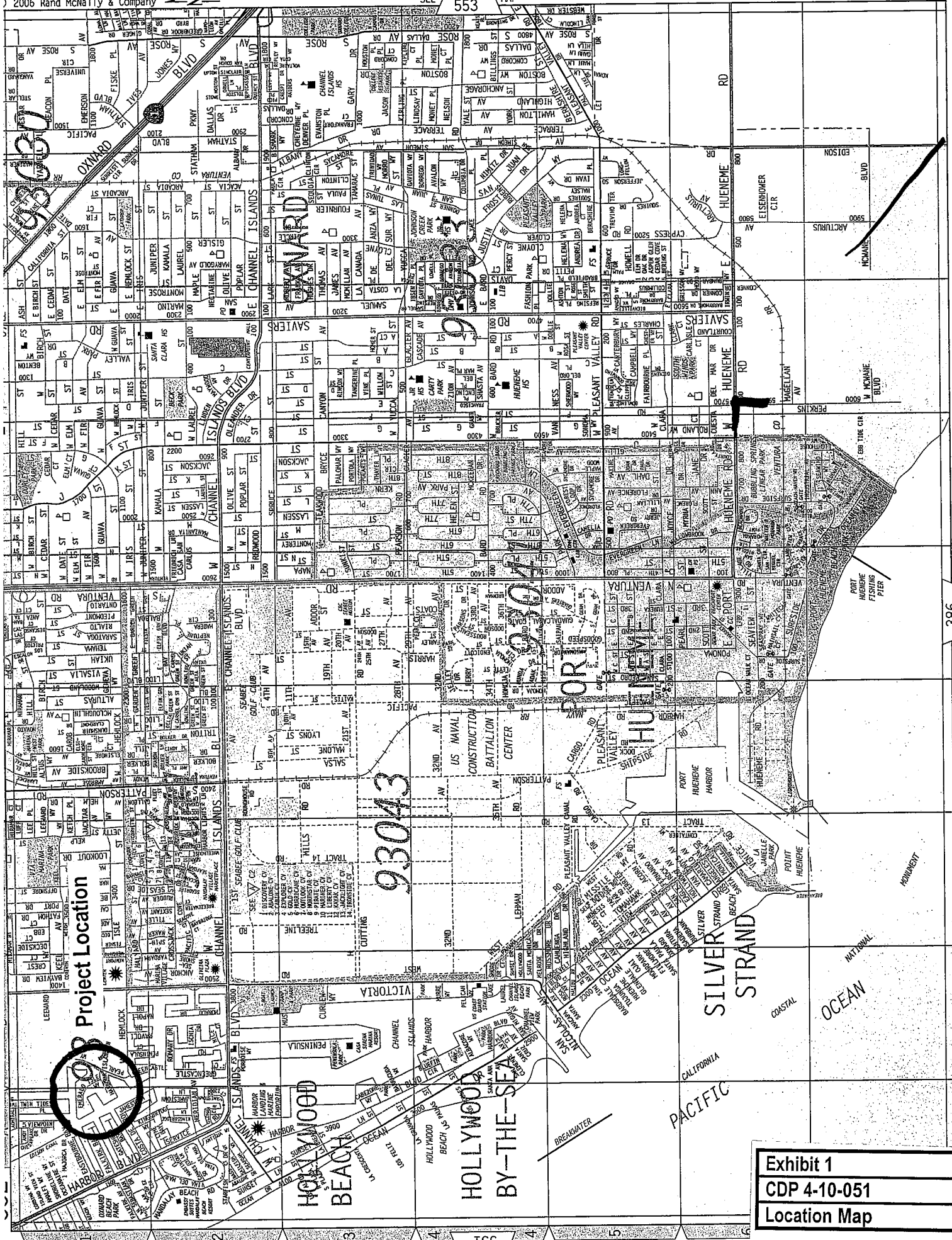
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding

showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 5

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



Project Location

93043

93044

SEE 386 MAP

Exhibit 1
CDP 4-10-051
Location Map

1.0 miles
1 in. = 2400 ft.

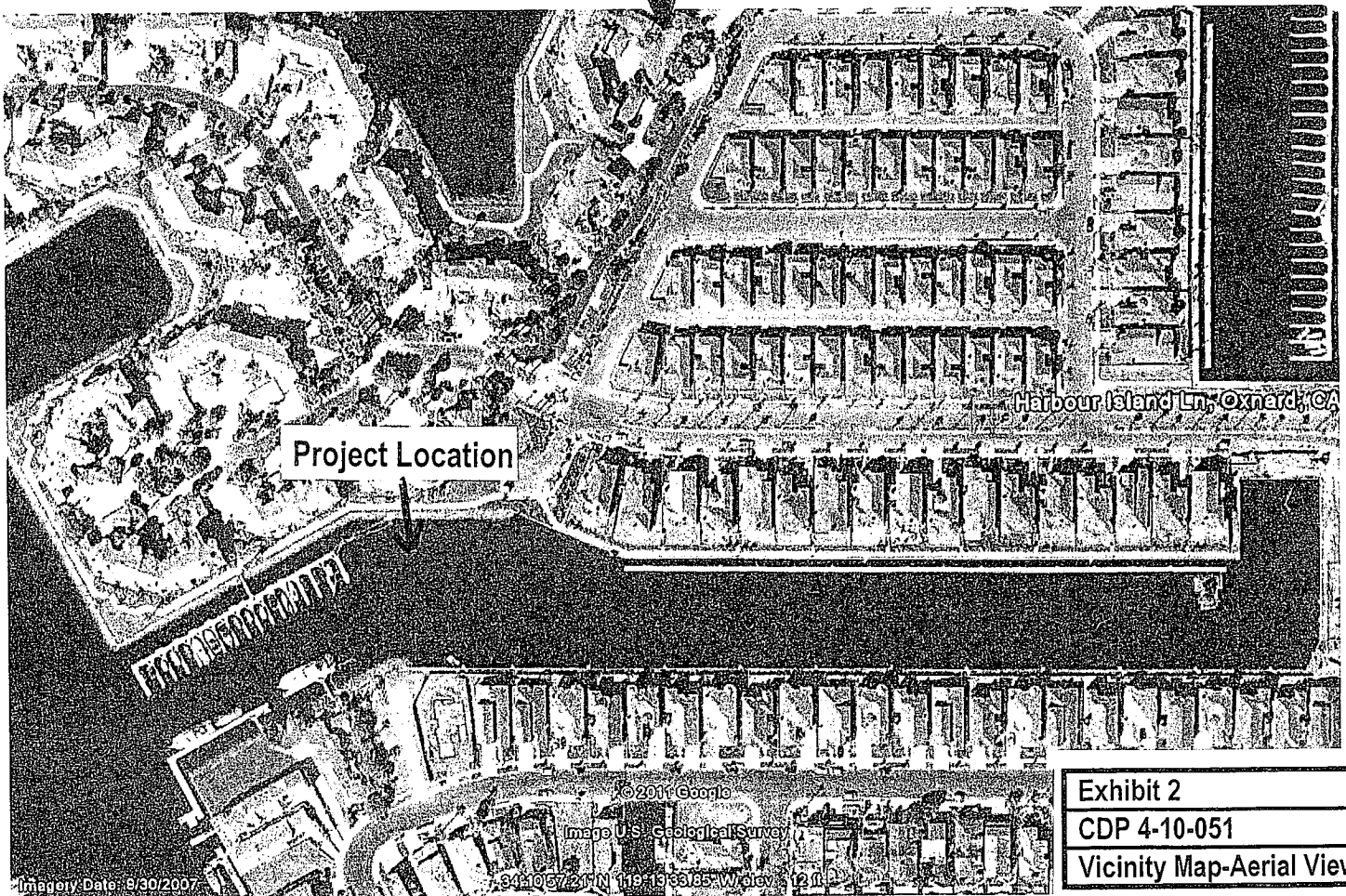
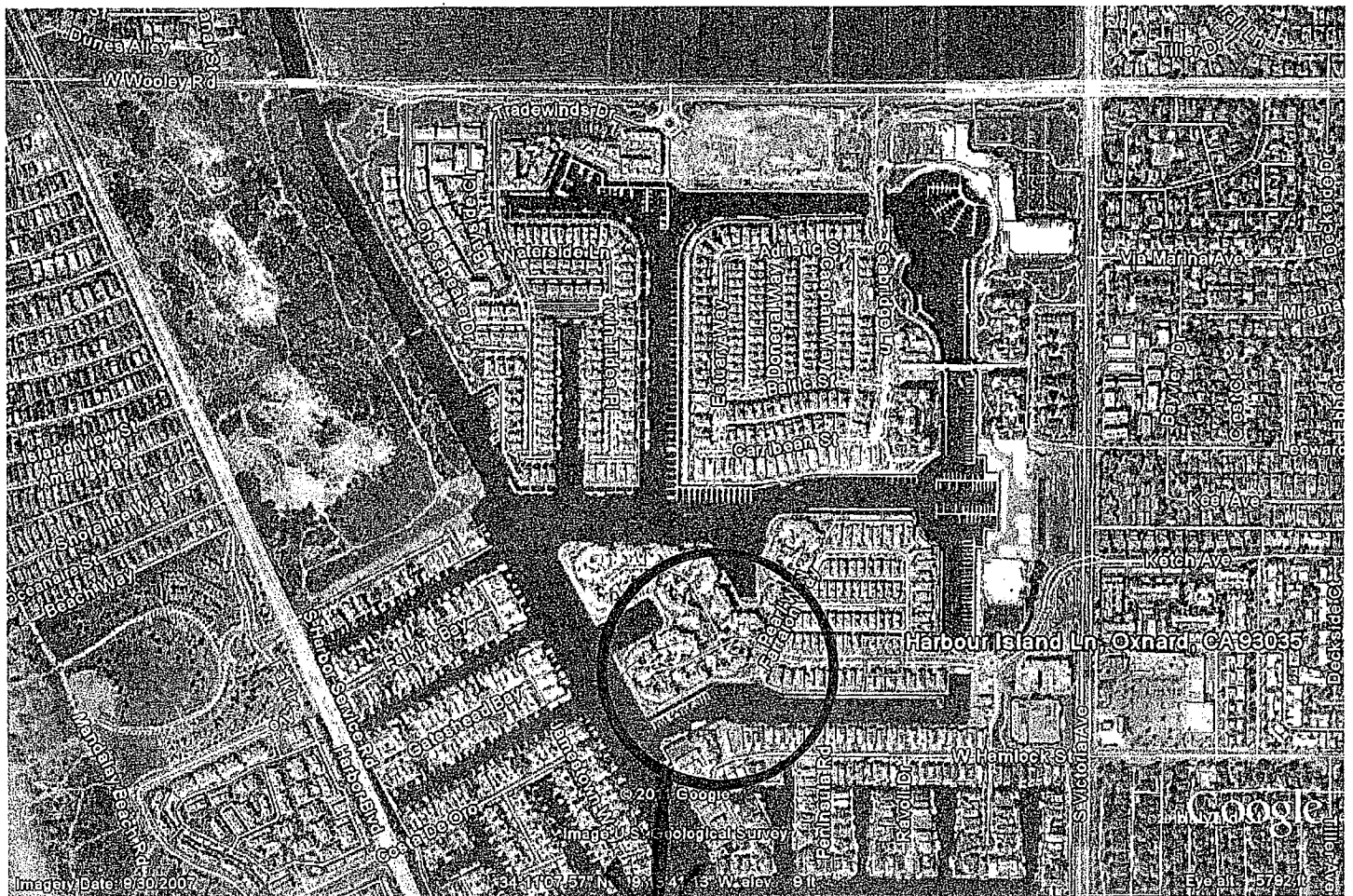
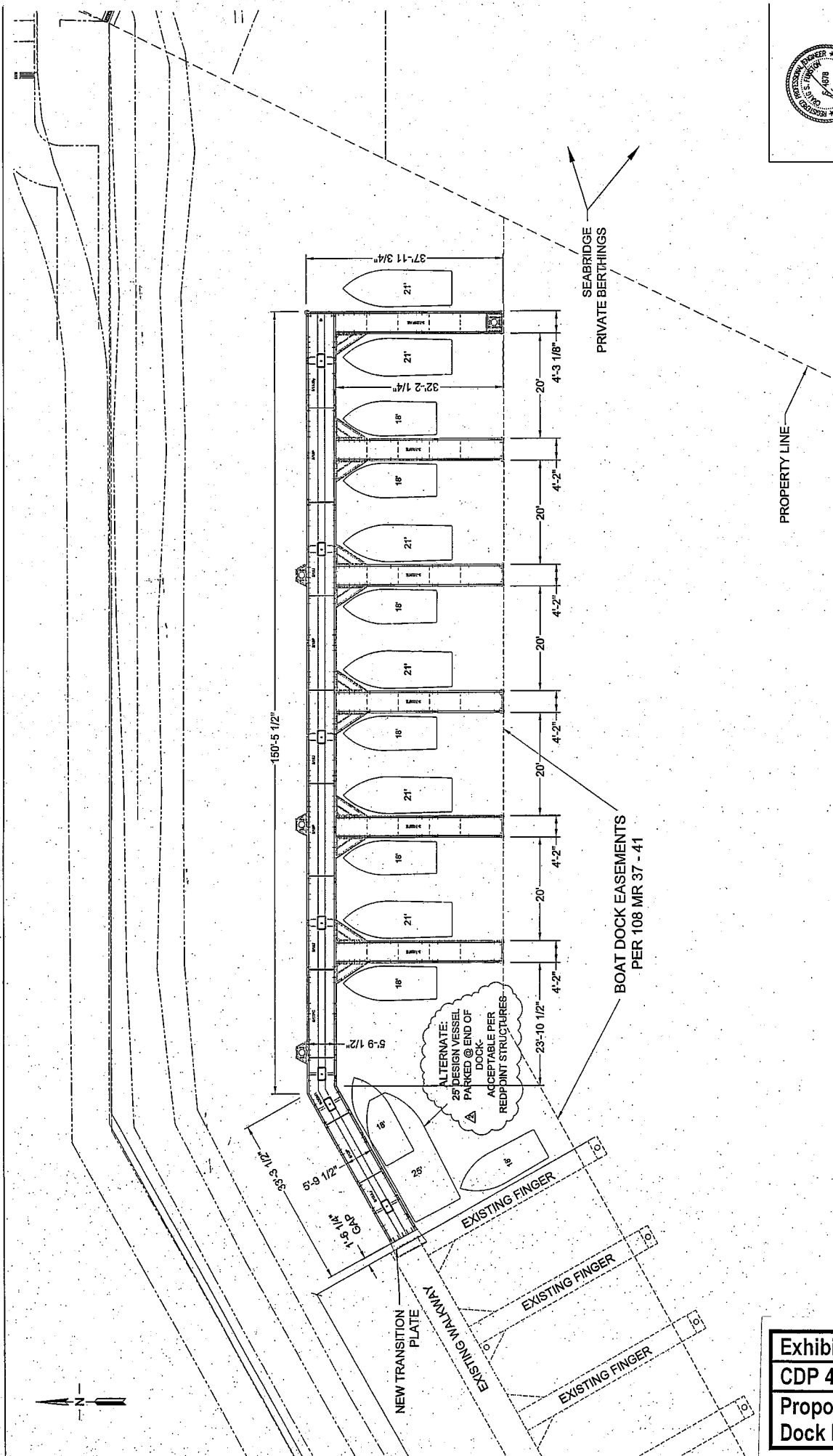


Exhibit 2
CDP 4-10-051
Vicinity Map-Aerial View



Permitted for Permite only

HARBOR ISLAND CONDO DOCKS
(FOR D.R. HORTON)

(FOR D.R. HORTON)

Oxnard, CA

OVERALL LAYOUT

SCALE:	1/10" = 4' 0"
--------	---------------

DRAWN BY: 1/8

ATP:

1000

FILE NO.:

PROJECT NUMBER:

08-3-561

ENGINEER/DESIGNER:

PROJECT MANAGER:

SITE IMPROVEMENT PLAN

ANAL. Calcd for $C_{10}H_{10}O$: C, 88.10%; H, 7.41%. Found: C, 88.1%; H, 7.4%.

1

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Piscataway, NJ 08854

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DD	Review Comments (2010)	DD
	DD	

DD	REVIEW COMMENTS (2008)
1	

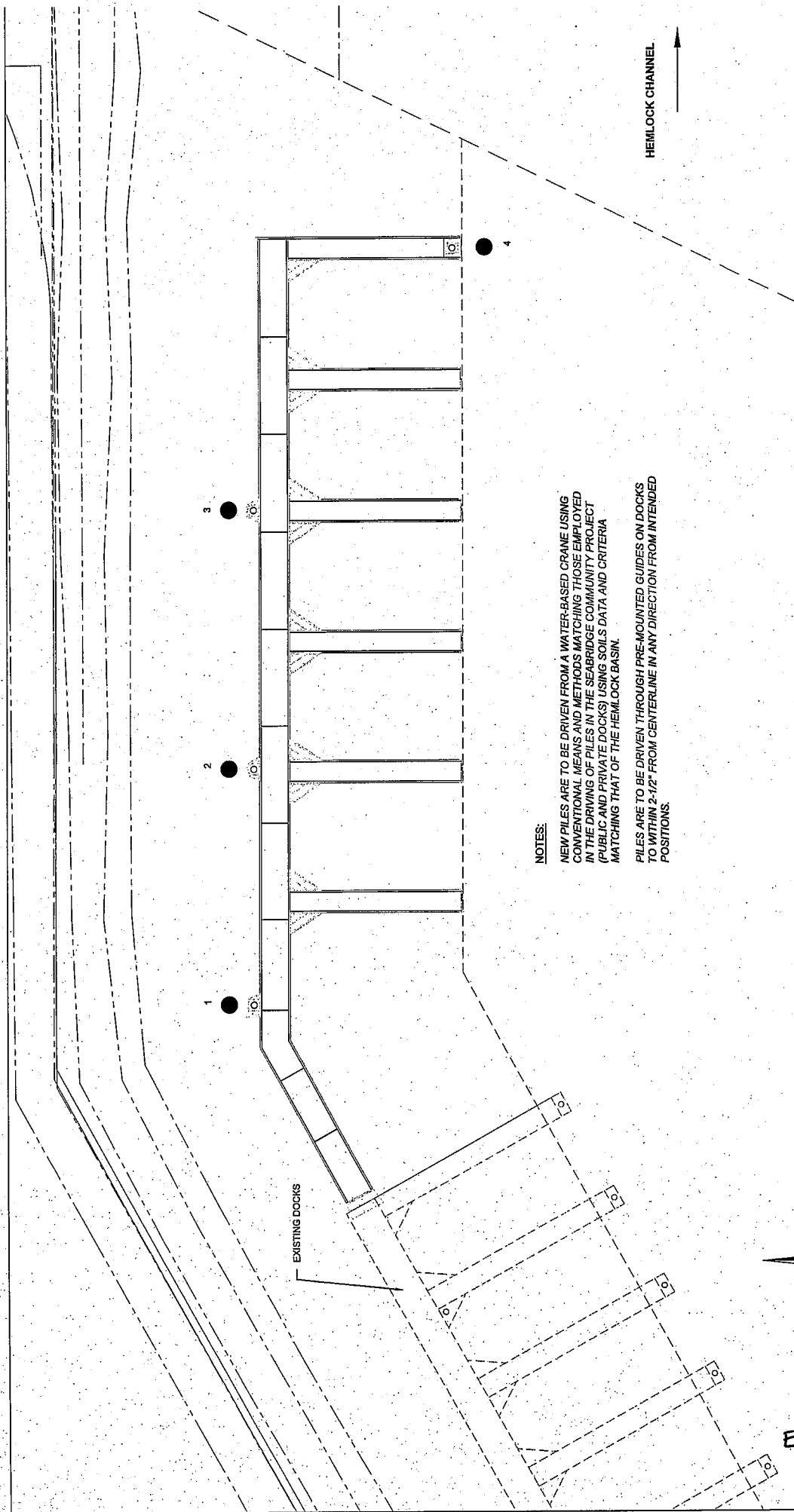
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NOTES:

NEW PILES ARE TO BE DRIVEN FROM A WATER-BASED CRANE USING CONVENTIONAL MEANS AND METHODS MATCHING THOSE EMPLOYED IN THE DRIVING OF PILES IN THE SEABRIDGE COMMUNITY PROJECT (PUBLIC AND PRIVATE DOCKS) USING SOILS DATA AND CRITERIA MATCHING THAT OF THE HEMLOCK BASIN.

PILES ARE TO BE DRIVEN THROUGH PRE-MOUNTED GUIDES ON DOCKS TO WITHIN 2'-12" FROM CENTERLINE IN ANY DIRECTION FROM INTENDED POSITIONS.

PILE LEGEND:

- = NEW 14" ROUND CONCRETE PILE (4 each)
- * SEE SHEET P2 FOR PILE ELEVATION & SCHEDULE



The Licensed Engineer shown on these drawings, including the Professional Engineer Seal, is responsible for the design, construction, and maintenance of the project shown on these drawings. The Engineer shall be responsible for the design, construction, and maintenance of the project shown on these drawings. The Engineer shall be responsible for the design, construction, and maintenance of the project shown on these drawings.

HARBOR ISLAND CONDO DOCKS (FOR D.R. HORTON) Oxnard, CA

PILE LAYOUT

SCALE: 1/8" = 1'-0"	PROJECT NUMBER: 08-3-551
DRAWN BY: KG	ENGINEER DESIGNER:
DATE: 1-12-10	PROJECT MANAGER:
SHEET NO.: 5	CHECKED BY: P1

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

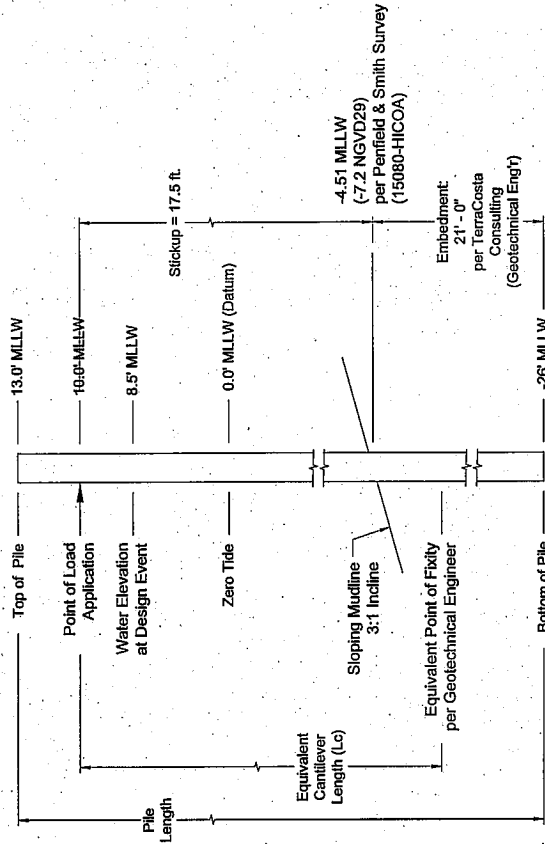
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REVISIONS	
NO.	DATE
1	1-12-10
2	1-12-10
3	1-12-10
4	1-12-10
5	1-12-10

Exhibit 3
2 of 5

PILE SCHEDULE/ LOCATIONS					
Pile No.	Round Size In.	P/S Strands	Length ft.	Top Elev. ft. (MLLW)	Northing
1	14	7-0.5	39.0	13.0	-
2	14	7-0.5	39.0	13.0	-
3	14	7-0.5	39.0	13.0	-
4	14	7-0.5	39.0	13.0	-

New Concrete Pile:
14"Ø Round with 7- 1/2" Dia. Strands
f'c = 6 ksi



PILE 1-4 ELEVATION VIEW
(N.T.S.)

SEE CALCULATIONS FOR PILE BENDING STRENGTHS AND ALLOWABLE LATERAL LOADS



The seal of the Professional Engineer for the State of California is hereby acknowledged by the undersigned as being a true and correct copy of the original seal of the Professional Engineer for the State of California. The undersigned is responsible for the accuracy of the information provided by others.

HARBOR ISLAND CONDO DOCKS
(FOR D.R. HORTON)
Oxnard, CA

PROJECT NUMBER: 08-3-551
ENGINEER/DESIGNER: [Blank]
PROJECT MANAGER: [Blank]
CHECKED BY: [Blank]
DRAWING: P2

SITE IMPROVEMENT PLAN
ACCEPTED BY: CITY ENGINEER R.C.E. DATE: [Blank]
ACCEPTED BY: CITY ENGINEER R.C.E. DATE: [Blank]

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The service and comprehensive
SOUTHWEST DIVISION
1000 Business Park Drive
TEL: (707) 839-2300
FAX: (707) 775-1700

NO.	DATE	DESCRIPTION	BY
REVISIONS			

Exhibit 3
3 of 5

