

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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**DATE:** February 14, 2013

# Th17a

**TO:** Commissioners and Interested Persons

**FROM:** Jack Ainsworth, Deputy Director  
Steve Hudson, District Manager  
Barbara Carey, Supervisor, Planning and Regulation  
Melissa Ahrens, Coastal Program Analyst

**SUBJECT:** **Notice of Impending Development (NOID) 12-1**, for Channel Islands Harbor  
“Santa Barbara Island” Public Park Public Hearing and Commission Action at the  
March 7, 2013, Commission Meeting in San Diego.

**Motions and Resolutions: Page 4.**

## **SUMMARY**

The Ventura County Harbor Department proposes to construct a new public park facility on an approximately one (1) acre narrow, undeveloped waterfronting parcel located adjacent to the Harbor’s West Channel, at the terminus of Porpoise Road, in Ventura County. The proposed project will consist of native landscaping and the construction of a terraced seating area utilizing low gardenwall/benches with decomposed granite walkways, paved sidewalks/paths, a children’s playground area, benches, picnic area, and installation of educational/interpretive panels and signage throughout the proposed public park to highlight the ecological and historical heritage of Santa Barbara Island, of the Channel Islands chain. In addition, the project includes the request for after-the-fact authorization of a 48 ft. long, public floating dock for launching small personal craft.

The purpose of the proposed project is to provide for new public park facilities within Channel Islands Harbor and increase opportunities for public access and recreation. No grading is proposed or required as part of the proposed development with the exception of minor site preparation activities which will not result in any significant landform alteration. The small park will utilize existing on-street parking along Porpoise Drive and no new parking facilities are proposed or required. The proposed public park will be designed consistent with ADA standards and incorporate ADA accessible sidewalks throughout the park area.

As part of the proposed project, three (3) non-native/invasive Acacia trees/shrubs will be removed from the subject 1-acre parcel. The applicant has submitted a biological survey/report for the subject site which indicates that no nesting has been observed in any of the three Acacia trees/shrubs proposed for removal. The biological reports assert that the invasive acacia trees are unlikely to provide suitable nesting habitat for sensitive bird species. However, due to the fact that the trees proposed for removal still have the potential to provide habitat for sensitive bird

species, it is necessary to ensure that potential impacts to nesting bird species are avoided during construction and tree removal activities. Thus, in order to avoid any potential adverse impacts to sensitive bird species, **Special Condition Two (2)** also provides that should construction activities occur between December 1<sup>st</sup> and September 30<sup>th</sup> (bird breeding season), a qualified environmental resource specialist shall conduct pre-construction bird surveys to determine whether nesting or breeding behavior is occurring and prohibit any construction activities within 500 feet of any nesting or breeding birds. If the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior, noise monitors shall be present during all construction activities to ensure that noise generated by construction shall not exceed 65 dB at any point in time, at any active nesting site. In addition, **Special Condition Two (2)**, requires that in the event that the environmental resources specialist reports finding that any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within any of the trees/shrubs to be removed, the applicant shall cease work and immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The required items necessary to provide a complete Notice of Impending Development were received in the South Central Coast Office on January 24, 2013, and the notice was deemed filed on January 31, 2013, however, the applicant has submitted a letter waiving the 30 timing requirement as stipulated in Section 13354 of the CA code of Regulations.

Staff is recommending that the Commission determine that the impending development is **consistent** with the certified Channel Islands Harbor Public Works Plan (PWP), as modified pursuant to seven (7) special conditions regarding: (1) Implementation of the proposed NOID, (2) Protection of roosting and nesting birds, (3) Construction maintenance and debris removal (4) Water quality management plan (5) Lighting plan, (6) Landscaping plan and (7) Structural appearance. As conditioned, the project is consistent with all resource protection policies and provisions of the Public Works Plan. See associated Motion and Resolution beginning on Page 2. The standard of review for the proposed NOID is conformity with the policies of the certified PWP.

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## EXHIBITS

Exhibit 1.	Location Map
Exhibit 2.	Site Plan
Exhibit 3.	Bird Nesting Map
Exhibit 4.	Site Photos
Exhibit 5.	Proposed NOID Conditions

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## **I. PROCEDURAL ISSUES**

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

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of 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.

## **II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS**

### **A. PWP AMENDMENT 1-12: APPROVAL AS CONDITIONED**

**MOTION:** *I move that the Commission determine that the development described in the Ventura County Harbor Department Notice of Impending Development 1-12 (Santa Barbara Island Public Park), as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan.*

**Staff recommends a YES vote.** Passage of this motion will result in approval of the Public Works Plan amendment 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.

### **B. RESOLUTION**

The Commission hereby determines that the development described in the Notice of Impending Development 1-12, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan for the reasons discussed in the findings herein

### **III. NOTICE OF IMPENDING DEVELOPMENT 1-12 SPECIAL CONDITIONS**

#### **1. Implementation of proposed NOID**

The project shall be subject to all conditions of approval by the Ventura County Harbor Department, included as part of the proposed NOID (attached as Exhibit 5), except as modified by the required conditions of approval for Notice of Impending Development 1-12\.. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Coastal Commission..

#### **2. Protection of Nesting and Roosting Birds**

A qualified independent biologist or environmental resource specialist shall prepare biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities), just prior to any construction activities, and once a week upon commencement of construction activities that include grading or use of other heavy equipment, and that will be carried out between December 1<sup>st</sup> and September 30<sup>th</sup>, inclusive. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species in or near the project site. All surveys conducted pursuant to this condition shall be submitted to the Executive Director of the Coastal Commission.

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

- A. Within 300 feet of any identified active nesting sites, noise monitors shall be present during all construction activities and tree/shrub removal. Noise generated by construction shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
- B. A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During construction, noise reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.
- C. In the event that the environmental resources specialist reports finding that any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within any of the trees/shrubs to be

removed, the applicant shall cease work and immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

### **3. Construction Maintenance Responsibilities and Debris Removal**

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

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

- materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- N. All BMPs shall be maintained in a functional condition throughout the duration of the project.

#### **4. Water Quality Management Plan**

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

- a. The proposed development shall reduce or maintain pre-development peak runoff rates and average volumes to the maximum extent practicable.
- b. Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters. Structural Treatment Control BMPs shall be implemented when a combination of Site Design and Source Control BMPs are not sufficient to protect water quality.
- c. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
- d. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- e. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
- f. Runoff from all paved public walkways shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.
- h. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing

ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.

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

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

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

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

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

## **5. Lighting Plan**

A. ***Prior to commencement of the development***, the Harbor Department shall submit, for the review and approval of the Executive Director, a lighting plan for the approved development and associated pathways. The lighting plan shall incorporate the following requirements:

(a) Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.

(b) The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and trees.

B. The Harbor Department shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur unless the Executive Director determines that no new Notice of Impending Development or Public Works Plan Amendment is legally required.



## **6. Landscaping Plan**

Prior to the commencement of development, the Harbor Department shall submit a landscaping plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plan shall incorporate the criteria set forth below:

- (a) All disturbed areas on the project site shall be planted and maintained for erosion control purposes within sixty (60) days after construction of the public park is completed. All landscaping shall consist primarily of native plants. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.
- (b) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (c) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- (d) The landscaping plan shall incorporate a majority of native species, endemic to the Ventura County or Channel Islands region and native coastal scrub habitat communities. All native planting shall be of local genetic stock. The landscaping plan shall emphasize drought tolerant endemic native plants on most of the proposed landscaping area.

## **7. Structural Appearance**

Prior to the commencement of development, the Harbor Department shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of this Notice of Impending Development. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the exterior surfaces, concrete sidewalks, retaining walls, and other structures authorized by this permit. With the exception of any interpretive and educational improvements requiring the use of additional colors, acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones.

## **IV. FINDINGS FOR THE APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT**

The following findings support the Commission's approval of the PWP amendment. The Commission hereby finds and declares as follows:

## **A. PROJECT DESCRIPTION AND BACKGROUND**

The Ventura County Harbor Department proposes to construct an approximately 1-acre (426 ft. long by 91 ft. wide) public park located at the terminus of Porpoise Drive, adjacent to the Channel Islands Harbor Boulevard Bridge within the Channel Islands Harbor. The proposed new park, named the 'Santa Barbara Island Park', is intended to incorporate the natural and historical elements of Santa Barbara Island within the Channel Islands chain, located off of the south central California coastline. Interpretive elements highlighting the native American history and use of the island, native island flora and fauna, kelp forests, and geographic and/or geologic components will be installed in five different locations within the park as part of the proposed project. Landscaping native to the subject island will also be incorporated into the proposed landscaping plan. In addition, the project includes the request for after-the-fact authorization of a 48 ft. long, public floating dock for launching small personal craft.

The purpose of the proposed project is to provide for new public park facilities within Channel Islands Harbor and increase opportunities for public access and recreation. The proposed park will include decomposed granite walkways, concrete sidewalks, and decorative/interpretive paving throughout the park, designed consistent with ADA standards. All pathways and park facilities will be available for public use and will also provide ADA access from Porpoise Road within the harbor to the adjacent Mandalay Bay community and to West Channel Islands Boulevard located to the north.. Lighting is proposed to be installed along the public paved walkways and seating areas within the public park and will consist of 18 ft. tall lighting fixtures focused downward and low level path lights, respectively. Two paved areas are proposed within the public park which will be designed to incorporate interpretive and recreational amenities including an interpretive plaza space with a map of the Channel Islands etched into the pavement will be constructed in the southwest area of the park and a Children's play area will be built with appropriate surfacing in the southeast area of the park.

The proposed site design also includes a terraced seating area consisting of three sets of low-lying semi-circular garden walls located on an ascending slope above the interpretive plaza space with a map of the Channel Islands and facing the water in order to provide scenic views of the Channel Islands Harbor waterways (Exhibit 3). The proposed terraced seating area will consist of low garden wall/benches which range in length from approximately 130 ft. long to 32 ft. long. These terraced benches will follow the existing contours and grades of the subject site and will not require any significant grading or landform alteration. Five foot wide public pathways with permeable decomposed granite surfaces will be located between the 3 sets of terraced benches/garden walls.

As part of the proposed public park the Harbor District is also requesting after-the-fact authorization of a floating 768 sq. ft. public dock, to allow for mooring of dinghies, electric boats, and other visiting vessels such as kayaks or paddleboards. The boat dock will allow for improved connectivity between the proposed public park and other visitor serving uses within the Harbor such as restaurants and hotels. The proposed dock includes a 16 ft. by 24 ft. landing area and an 8 ft. by 48 ft. finger for boat mooring. The total area the dock occupies 768 sq. ft. The proposed dock is anchored in place by small 4-inch galvanized pipes embedded in the harbor floor in nine different locations, as well as a steel gangway attached to a temporary

pierhead at the shoreline. The pierhead is constructed of pressure treated lumber with epoxy coating and concrete footings.

Construction storage and staging will take place adjacent to the Oxnard Fire Department Building on the adjacent parcel and will not occupy any existing public parking areas or public accessways.

#### Background

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

Requirements for the level of information contained in a Public Works Plan are contained in Section 13353 of Title 14 of the California Code of Regulations, which states that a PWP “shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan.” Such information includes: 1) the specific type of activity or activities proposed to be undertaken; 2) the maximum and minimum intensity of activity or activities proposed to be undertaken; 3) maximum size of facilities proposed to be constructed pursuant to the plan; and 4) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plan. The Coastal Act envisions that a Public Works Plan functions more as a Specific Plan or a master development permit in order for specific projects or activities described in the PWP to be approved quickly through the Notice of Impending Development Process at later dates with minimal review. Activities, projects, or facilities not specifically proposed in a Public Works Plan in the level of detail described above may require an amendment to the certified PWP that must be approved by the Coastal Commission prior to approval and issuance of a Notice of Impending Development for said activity, project, or facility.

The standard of review for the Notice of Impending Development is the certified 1986 PWP. The PWP contains policies and provisions that identify areas for harbor development while protecting coastal resources including the marine environment, scenic and visual resources, and public access and recreation.

## **B. COASTAL ACCESS AND VISUAL RESOURCES**

The subject undeveloped lot proposed to accommodate the Santa Barbara Island public park is located on the north central side of the harbor. The certified Channel Islands Harbor PWP incorporates by reference Coastal Act policies relative to the protection and provision of public access and Visual Resources including lower cost visitor and recreational facilities:

Coastal Act Section 30211 states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except where:

*(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*

*(2) adequate access exists nearby, or,*

*(3) agriculture would be adversely affected.*

*Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Section 30251 states:

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

The Public Works Plan Policies relevant to public access and visual resources include:

Policy 21 under Land and Water Recreation:

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

The Public Works Plan Policies relevant to public access and visual resources include:

Policy 5 under Public Access and Recreation :

*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 access, walkways shall be located as close as possible to the water, All walkways will be linked with adjacent walkways in order to ensure uninterrupted pedestrian movement. A promenade walkway shall be provided along the harbor frontage for all new development..*

Policy 16 under Public Access and Recreation:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Policy 21 under Land and Water Recreation:

*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.*

Policy 22 under Public Access and Recreation, Visual Access in the certified PWP states:

*To enhance visual quality and ensure that new development and redevelopment activity does not impede views to the water area from the roadway to and from the waterfront and inland Harbor area, the following measures shall be implemented by the County:*

*a. A view corridor shall be defined as that area between the roadway and the roadway and the water which is not occupied by buildings, solid walls or fences, or landscaping which might interfere with the view of the water or water surface activity from the roadway.*

*b. A view corridor shall be measured form the linear distance paralleling the nearest public road.*

*c. At least 25% of the Harbor shall provide a view corridor that is to be measured from the first main road inland from the water line, which shall be at least 25 feet in width. View corridors shall be landscaped in a manner that screens and softens the view across any parking and pavement areas in the corridor. This landscaping, however, shall be designed to frame and accentuate the view, and shall not significantly block the view corridor. All redevelopment shall provide maximum views. Other than the proposed Boating Instruction and Safety Center (BISC) identified in this plan, no new development within a designated view corridor shall occur without an amendment to the Public Works Plan.*

*d. Future building or redevelopment in the Harbor shall not exceed 2 stories or 25 feet in height or 35 feet on parcel V-1 at the corner of Victoria and Channel Islands Boulevard. Height shall be measured from the centerline of the frontage road.*

The subject site consists of an undeveloped parcel, approximately 1-acre in size, which is designated as “*Visitor Serving Harbor Oriented (V.S.H.O)*” in the certified Channel Islands Harbor Public Works Plan (PWP) Land Use Plan Map. “V.S.H.O” is described in the certified PWP as a designation for “the landside areas which abut and provide physical or visual access to the water areas”. Allowable uses under this land use designation include picnicking and other passive recreation, 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. As such, the proposed public park would be an allowable use for the subject site, consistent with policy 21 of the PWP Land Use and Recreation section.

As stated above, Policy 16 of the Channel Islands Harbor PWP states, in part, that upland areas necessary to support coastal recreational uses shall be reserved for such uses. The proposed “Santa Barbara Island” public park will contribute to the public’s use and enjoyment of the harbor and will enhance public access and recreation in this region of the Harbor. The proposed park will provide many public amenities such as a play area, public seating, benches, walkways and harbor viewing areas and an interpretive component, consistent with Policy 5 of the PWP, as stated above. The proposed public walkways will improve public access connectivity in the area. Public Parking is available along the cul-de-sac of Porpoise Road adjacent to the project site and along Peninsula road to the east of the project site. Due to the small size of the proposed public park, the existing public parking facilities are expected to adequately satisfy the public parking demand of the proposed park. Additionally, the proposed small craft boat dock will allow for increased water access and marine recreation within the subject area of the harbor. Therefore the proposed use for the subject site is consistent with the public access and recreation policies of both the Coastal Act and the certified Channel Islands Harbor PWP.

The proposed public park would consist of public park amenities such as walkways, garden walls, benches, interpretive panels and landscaping that will not block or impede existing public ocean or harbor views. However, in order to minimize the visual impacts associated with development of the project site, Special Condition Seven (7) requires that all surfaces (with the exception of any educational/interpretive improvements) be finished in a color consistent with the surrounding natural landscape. Furthermore, to ensure that all proposed lighting for the park will impact the visual resources in the surrounding area, **Special Condition Five (5)** requires the Harbor District submit a lighting plan for final review and approval prior to commencement of construction which requires that any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.

Therefore, for the reasons discussed above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with applicable public access policies of the certified Public Works Plan

## C. BIOLOGICAL RESOURCES

The certified Channel Islands Harbor PWP incorporates by reference Sections 30240 and 30230 of the Coastal Act. Section 30240 provides for the protection of Environmentally Sensitive Habitat Areas. Section 30230 of the Coastal Act mandates that marine resources and coastal water quality shall be maintained and where feasible restored.

Section 30240 of the Coastal Act States:

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

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

Section 30230 of the Coastal Act states:

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

Additionally the following PWP policies address the protection of Biological Resources:

Policy 10 of the Biological Resources Section states:

*All new marina development or redevelopment shall include biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities) prepared by a qualified independent biologist or environmental resource specialist, just prior to any construction activities, and once a week upon commencement of construction activities that include grading or use of other heavy equipment, and that will be carried out between December 1<sup>st</sup> and September 30<sup>th</sup>, inclusive. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species in or near the project site. All surveys conducted pursuant to this policy shall be submitted to the Executive Director of the Coastal Commission.*

*In the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior on or*

*adjacent to the project site (within 500 feet of any construction activities), then the following measures shall be included in the development:*

*Within 300 feet of any identified active nesting sites, noise monitors shall be present during all pile driving, concrete demolition, or other hardscape demolition. Noise generated by construction (including but not limited to pile driving) shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.*

*A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During construction, noise reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.*

*Policy 11 of the Biological Resources Section states:*

*All new development or redevelopment that involves disturbance to marine water substrate within the Harbor and other shallow waters (up to approx. 250 ft. depth) shall minimize impacts to marine resources through the introduction and/or spread of non-native invasive aquatic species. All such projects shall provide a survey, prior to the commencement of development, for the presence of *Caulerpa taxifolia* (*C. taxifolia*) or other non-native invasive aquatic species within the project site and extending to the surrounding area at least 10 meters beyond the project area. The survey shall be prepared consistent with the survey protocol required by the Southern California Caulerpa Action Team (SCCAT). If *C. taxifolia* or other non-native invasive aquatic species is found within or in close proximity to the project site, it shall be eradicated prior to the commencement of the project.*

*Policy 12 of the Biological Resources Section states:*

*All new development or redevelopment that involves disturbance to shallow water marine substrate within the Harbor shall avoid impacts to marine resources, including eelgrass. Such projects shall provide a pre-construction survey conducted during the active growth period to determine the presence of eelgrass (*Zostera marina*). If eelgrass is present within the project site, the project shall be redesigned to avoid impacts to eelgrass. If it is not feasible to avoid impacts to eelgrass on the project site or nearby, the Harbor Department shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in conformance with "Southern California Eelgrass Mitigation Policy" Revision 8 adopted by the National Marine Fisheries Service.*



The Channel Islands Harbor Public Works Plan contains policies to protect marine and biological resources and environmentally sensitive habitat areas in and around Harbor waters. The proposed project is for the construction of a public park on an undeveloped vacant parcel located in the north central area of the Harbor. This development has the potential to adversely impact marine and biological resources during the construction phase of the project.

Section 4.5 (Biological) of the PWP states:

*Within Channel Islands Harbor terrestrial biological resources are limited in distribution and significance. The area is completely developed with commercial, recreational and residential structures; terrestrial vegetation consists entirely of introduced landscaping species.*

Several bird species, such as great blue herons, black-crowned night herons, and snowy egrets utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed as threatened or endangered, their presence is considered important because some species of herons and egrets are considered Sensitive Species and play an integral role in the ecosystem as top wetland predators. The subject undeveloped approximately 1-acre parcel proposed for construction of a public park contains three non-native, invasive acacia trees/shrubs. As part of the proposed project, three (3) non-native/invasive Acacia trees/shrubs will be removed from the subject 1-acre parcel. The closest identified Heron nesting site is located approximately 1,171 ft. from the subject site and is further separated from the subject site by one of the Harbor's main waterways. The Applicant provided the results of a January 7<sup>th</sup>, 2012 bird survey by a consulting biologist, which concluded which indicates that no nesting has been observed in any of the three Acacia trees/shrubs proposed for removal. The biological reports assert that the invasive acacia trees are unlikely to provide suitable nesting habitat for sensitive bird species. The survey also stated that bird surveys conducted over the past 6 years have failed to identify any heron nesting or roosting activities in the three Acacia shrubs located on the subject parcel and proposed for removal as part of the public park installation.

However, due to the fact that the three trees proposed for removal, in addition to the trees on the the surrounding properties, which will remain, still have the potential to provide habitat for sensitive bird species, it is necessary to ensure that potential impacts to nesting bird species are avoided during construction and tree removal activities. The Harbor Department has included a condition of approval in their NOID proposal that requires consistency with PWP biological resources Policy 10, which requires that sensitive bird surveys occur prior to and during all marina construction activities; however, the condition does not specify how Policy 10 will be implemented as part of this project. Therefore, in order to ensure the Harbor District's proposal to implement Policy 10 and to ensure that potential impacts to sensitive bird species resulting from the proposed project are avoided or minimized, the Commission is requiring **Special Condition Two (2)** to require a qualified independent biologist or environmental resource specialist to prepare biological surveys of shrubs on the subject site and trees adjacent to the project site (within 500 feet of any construction activities), just prior to any construction activities, and once a week upon commencement of construction activities that include grading or use of other heavy equipment, and that will be carried out between December 1<sup>st</sup> and September 30<sup>th</sup>, inclusive. Such surveys shall identify the presence of black-crowned night

herons, great blue herons, snowy egrets, or other sensitive species in or near the project site. All surveys conducted pursuant to this condition shall be submitted to the Executive Director of the Coastal Commission. This Special Condition will also require that in the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior on or adjacent to the project site (within 500 feet of any construction activities), then within 300 feet of any identified active nesting sites, noise monitors shall be present during all construction activities. Noise generated by construction (including but not limited to pile driving) shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete. Additionally, a qualified independent monitor, approved by the Executive Director, will be required on site during such construction to measure noise levels. During construction, noise reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.

In addition, **Special Condition Two (2)**, also requires that in the event that the environmental resources specialist reports finding that any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within any of the trees/shrubs to be removed, the applicant shall cease work and immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

Further, the introduction of new lighting in the proposed park may result in potential impacts to nesting birds within the vicinity. The Harbor Department has included a condition of approval in their NOID proposal that requires a lighting plan to be submitted to the Harbor department prior to commencement of construction. However, in order to adequately implement this component of the proposed NOID and to ensure that the 18ft. high pole lights and low lying walkways lights proposed as part of the public park project do not result in impacts to herons or other biological resources from lighting, the Commission is requiring **Special Condition Five (5)**, which requires the applicant to submit a lighting plan for the review and approval of the Executive Director which ensures that all exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. This proposed condition of approval will avoid or minimize any potential impacts to biological resources that could result from the proposed lighting to be installed as part of the subject public park project.

The proposed project will not require the removal of any native vegetation and will not displace any sensitive habitats, as the subject site is a disturbed, undeveloped lot. However, if vegetation of disturbed areas on site is not successful, the project may result in potential adverse effects to biological resources in the Harbor. In addition, the Commission also finds that the use of non-native and/or invasive plant species for landscaping results in both direct and indirect adverse

effects to native plants species. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. In the case of the proposed development, the Harbor District has proposed to use only non-invasive plants (**see attached Exhibit 5**); however, the Harbor District has not submitted an actual landscaping plan for the project site. Due to the proximity of the site to harbor waters, and to ensure that all areas impacted by the impending development are landscaped in accordance with the PWP provisions to protect biological resources, the Commission finds it necessary to require **Special Condition Five (6)**. **Special Condition six (6)** requires the Applicant to submit landscape plans, for review and approval by the Executive Director, to vegetate all proposed landscaped areas within the public park with predominantly native plant species endemic to the surrounding area. Specifically, Special Condition Six (6) requires that all landscaping shall consist primarily of native/drought resistant plants. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.

As part of the proposed public park the Harbor District is also requesting after-the-fact authorization of a floating 768 sq. ft. public dock, to allow for mooring of dinghies, electric boats, and other visiting vessels such as kayaks or paddleboards. The boat dock will allow for improved connectivity between the proposed public park and other visitor serving uses within the Harbor such as restaurants and hotels. The proposed dock includes a 16 ft. by 24 ft. landing area and an 8 ft. by 48 ft. finger for boat mooring. The total area the dock occupies 768 sq. ft. The proposed dock is anchored in place by small 4-inch galvanized pipes embedded in the harbor floor in nine different locations, as well as a steel gangway attached to a temporary pierhead at the shoreline. The pierhead is constructed of pressure treated lumber with epoxy coating and concrete footings.

The as-built dock is relatively small, did not require installation of piles, and only utilizes small 4-inch galvanized pipes embedded in the harbor floor in nine different locations. Thus, construction of the small dock is unlikely to have resulted in any adverse impacts to marine resources in the harbor. However, to minimize or avoid any potential impacts the applicant has included Conditions 27 and 28 as part of their project proposal, which incorporate PWP biological resources Policies 11 and 12, as stated above, into the proposed project and which require the Harbor District conduct surveys to evaluate whether sensitive eel grass was disturbed as a result of the dock installation. If eel grass is present and is determined to be disturbed, then Condition 27 would require the Harbor District prepare and implement a mitigation plan. In addition, Condition 28 requires the Harbor District conduct a survey to determine whether invasive caulerpa is present within vicinity of the dock. If caulerpa is present, then the Harbor District is required to prepare an eradication plan. To further ensure that the proposed project is consistent with Policies 11 and 12 of the PWP, the Commission is requiring **Special Condition One (1)**, which will require that all of the Applicant's conditions of approval, as submitted, are implemented as part of the proposed project.

Therefore, Special Conditions one (1) relating to conditions of approval included in the proposed NOID, Two (2) relating to nesting birds, Five (5) relating to lighting, and Six (6) relating to landscaping, will serve to avoid or minimize any impacts to biological resources that might result from the proposed project. The Commission, therefore, finds that the proposed Notice of Impending Development is consistent, as conditioned, with the biological policies of the certified PWP.

## **D. WATER QUALITY**

As previously explained in the Biological Resources section above, the certified Channel Islands Harbor PWP incorporates by reference Coastal Act Sections 30230 and 30231, mandating that marine resources and coastal water quality shall be maintained and where feasible restored. Additionally, Coastal Act Section 30232, also incorporated into the certified PWP, requires protection against spillage of hazardous substances into the marine environment relating to any development.

### Section 30230 of the Coastal Act states:

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

### Section 30231 of the Coastal Act states:

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

### Section 30232 of the Coastal Act states:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

In addition, Policy 2 under Biological Resources in the Public Works Plan states:

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

Policy 4 under Biological Resources states:

*Adequate cleanup procedures and containment equipment shall be provided by the Harbor for all hazardous materials stored in the Harbor.*

While the proposed project will not involve substantial landform alteration or grading and does not include the construction of any buildings or permanent structures, the proposed project still has the potential to adversely impact coastal water quality through introduction of pollutants and sediment associated with construction activities and stormwater runoff.

Construction, debris removal and erosion and sediment control measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from the use of construction materials and methods. While the Harbor District has proposed to incorporate some of these measures into the proposed project, to ensure that these proposed 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 **Special Condition Three (3)**, to implement construction phase best management practices (BMPs), including submit a final Construction, Debris Removal and Erosion and Sediment Control Plan. This plan will include measures such as storage of all construction materials or waste in a manner which prevents their movement via runoff, or any other means, into coastal waters, the removal of any and all construction equipment, materials and debris from the project site at the conclusion of construction, the disposal of all demolition and construction debris at an appropriate site, and the implementation of appropriate erosion and sediment control BMPs.

Additionally, runoff from the proposed concrete ADA accessible pathways and other site improvements that might increase stormwater runoff on the subject site have the potential to impact water quality in the Harbor. 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 include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and cleaners; soap and dirt; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from waste. 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.

The proposed development will occur on a currently undeveloped 48,840 sq. ft. parcel that consists of mostly unvegetated dirt areas. The proposed public park will include the construction of 17,895 sq. ft. of impervious surface as a result of the paved ADA pathways, paved public plazas, and paved stairways included in the proposed park design. While the applicant has proposed to incorporate some best management practices to reduce or avoid impacts to water quality, to ensure that these proposed measures are properly implemented and to address all other potential impacts to coastal water quality that could result from the proposed project, the Commission finds it necessary to require **Special Condition Four (4)**, Water Quality Management Plan. Special Condition Four (4) requires the Applicant to submit a Water Quality Management Plan (WQMP), prepared by a licensed water quality professional, to include plans, descriptions, and supporting calculations, as well as structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. 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 **Special Condition Four (4)**, 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 Coastal Act and the certified PWP.

Therefore, the Commission finds that the proposed Notice of Impending Development for the proposed 'Santa Barbara Island' Public Park, as conditioned to incorporate **Special Condition Three (3)**, regarding the maintenance and removal of construction materials and debris as well as **Special Condition Four (4)**, regarding a water quality management plan that requires best management practices during construction, is consistent with the applicable water quality protection policies of the certified Public Works Plan.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act ("CEQA"), has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15302. 14

C.C.R. § 15303(c) (“New Construction or Conversion of Small Structure”); see also CEQA section 21084 (authorizing promulgation of regulations listing categorical exemptions). For CEQA purposes, the Commission’s role with respect to this project is that of a responsible agency. Despite the lead agency’s determination of categorical exemption for the project, the Commission has separately considered the potential environmental impacts of the project as it would be characterized under both CEQA and the Coastal Act. As an agency with a certified regulatory program under CEQA section 21080.5, the Commission regularly assesses whether its approval of a project, as modified by any conditions of approval, is consistent with the provisions in CEQA Section 21080.5(d)(2)(A) that a proposed project not be approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect the activity may have on the environment. As in other contexts, the Commission has considered that question here.

The Commission has imposed conditions upon the Notice of Impending Development to include such feasible measures as will reduce environmental impacts of new development. The Commission incorporates its findings on Coastal Act and PWP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development approved by this NOID, as conditioned, is consistent with the policies of the certified PWP. Feasible mitigation measures that will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the Notice of Impending Development, as conditioned herein, is consistent with CEQA Section 21080.5(d)(2)(A), and the applicable provisions of the Public Works Plan.





Exhibit 1  
NOID 1-12  
Location Map





# SANTA BARBARA ISLAND PARK

## Site Plan

rm design group

PUBLIC TERRACED SEATING WITH WALKWAYS

INTERPRETIVE PLAZA

PUBLIC DOCK

CHILDREN'S PLAY AREA



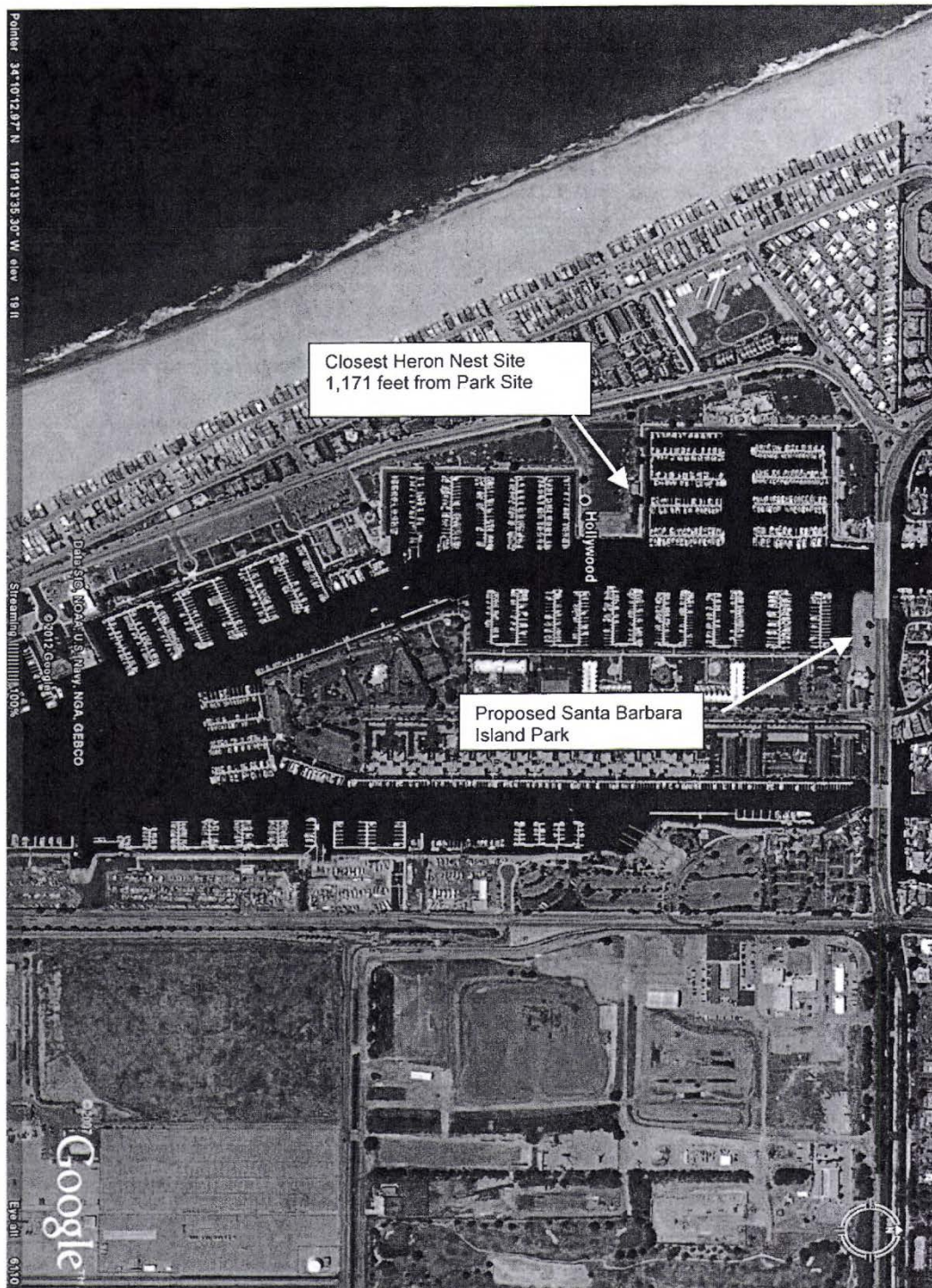
### Section A

Scale: 1/8" = 1'-0"

Exhibit 2  
NOID 1-12  
Site Plan

Project Statistics	
Total Area	48,840 sf
Landscape Area	20,998 sf
Impervious Surface	17,895 sf
Permeous Surface	9,947 sf
Length of Promenade	665 lf





Aerial of Channel Islands Harbor showing location is Santa Barbara Island Park compared to location of nearest known heron nesting site.

Exhibit 3  
NOID 1-12  
Bird nesting map







**County of Ventura Conditions of Approval**  
**Revised NOID – New Santa Barbara Island Park at the End of Porpoise Way**

- 1) Prior to obtaining a building permit or grading permit from the City of Oxnard, the Harbor Department shall approve all plans for construction of this project, including grading, building, and landscaping plans. The revised plans submitted for approval by the Harbor Department and for building permit issuance shall demonstrate compliance with the PWP.
- 2) Plans submitted to the City of Oxnard for building permits shall include a copy of these conditions, as well as any additional special conditions added by the California Coastal Commission, on the first few sheets of the plans.
- 3) Any modifications to the plans after approval of the Harbor Department shall also be approved by the Harbor Department.
- 4) All landscaping, lighting, public access and signage plans shall comply with criteria approved by the County of Ventura.
- 5) No materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health shall be handled, stored or used on the project property, except as provided by a permit issued by the City of Oxnard Fire Department.
- 6) Landscaping and irrigation plans shall show proper water meter size, backflow prevention devices and cross-connection control. All irrigation systems shall be designed to be low water using and shall include automatic rain shut-off and water sensor shut off devices as water conservation measures.
- 7) All trees planted or placed on the property shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise approved on the landscape plans.
- 8) All vehicle access driveways shall be constructed to meet Fire Department conditions. All curbs adjacent to designated fire lanes shall be painted to prohibit parking or stopping in accordance with the California Vehicle Code.
- 9) All roof covering materials shall be of non-combustible or fire retardant materials as approved by the City of Oxnard Fire Department and the City of Oxnard Code.
- 10) All Fire Department approvals to ensure access and the availability of water for fire combat operations to all areas of the project shall be obtained prior to final occupancy.
- 11) Prior to installation of lighting, a lighting plan shall be submitted to the Harbor Department showing type of fixtures, heights, and intensity of illumination. Lighting



plan shall comply with the standards approved by the County of Ventura and included in the Channel Islands Harbor Public Areas Plan & Design Guidelines. Lighting fixtures shall be cut-off type fixtures that divert lighting downward onto the property and shall not cast light onto adjacent properties, roadways or waterways. Under canopy lighting shall be concealed or recessed so as to not be directly visible from the street.

- 12) All trucks hauling graded or excavated material offsite, if any, shall be required to cover their loads as required by the California Vehicle Code Sec. 23114, with special attention to preventing spilling onto public streets.
- 13) All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
- 14) Contractor shall ensure that all construction equipment is maintained and tuned to meet applicable Environmental Protection Agency (EPA) and California Air Resources Board (CARB) emission requirements. At such time as new emission control devices or operational modifications are found to be effective, contractor shall immediately implement such devices or operational modifications on all construction equipment.
- 15) Contractor shall minimize the number of vehicles and equipment operating on site at the same time.
- 16) At all times during construction activities, contractor shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.
- 17) During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), contractor shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite.
- 18) Throughout construction, contractor shall sweep adjacent streets and roads at least once per day, preferably at the end of the day, so that any visible soil material and debris from the construction site is removed from the adjacent roadways.
- 19) Contractor shall employ current Best Management Practices to protect against storm water runoff into storm drains and the Harbor.
- 20) Construction staging areas shall be screened and protected to avoid material being blown or washed into the Harbor. Screening material shall be approved by the Harbor Department. Contractor shall limit outdoor storage of materials to the

locations shown and all construction material shall be stored within the staging area. Construction staging area shall remain locked and secure when not in use.

- 21) Hours of construction shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and not allowed on Sunday or holidays without prior approval of the Harbor Department.
- 22) Signage shall be provided to notify the public when access to public sidewalk will be blocked because of construction. Signage will indicate alternate routes.
- 23) All roof heating and cooling systems, and other exterior mechanical equipment, shall be screened from view from adjoining properties, waterways or public streets. Plumbing vents, ducts, and other appurtenances protruding from the roof of structure shall be placed so that they will not be visible from the front of the property, from waterways, or other vantage points. Roof vents shall be painted to match the roof material color.
- 24) Exterior utility meter panels shall be painted to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g., landscaping or other building elements) from public views, to the maximum extent feasible.
- 25) Adequate trash facilities and pick ups shall be provided to maintain the site free of debris, food waste, and to minimize scavenger birds.
- 26) Policy 10 of the Channel Islands Public Works Plan relating to the presence of black-crowned night herons, great blue herons, or snowy egrets, shall be implemented.
- 27) Policy 11 of the Channel Islands Public Works Plan relating to the disturbance to marine water and the possible presence of *Caulerpa taxifolia* shall be implemented.
- 28) Policy 12 of the Channel Islands Public Works Plan relating to the presence of eelgrass (*Zostera marina*) shall be implemented.
- 29) All tree trimming and removal, if any, in conjunction with the project shall comply with Policy 14 Trimming or Removal of Trees of the Channel Islands Harbor Public Works Plan.
- 30) All requirements of Water Quality Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the Channel Islands Harbor Public Works Plan shall be complied with in conjunction with construction of the project.
- 31) Removal of Staging Equipment: All staging equipment and all construction related debris shall be removed from the staging site within sixty (60) days of completion of all development in conjunction with this project.

- 32) Resource Agencies: The Ventura County Harbor Department shall comply with all requirements, including required mitigation measures, from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment including bird nesting and foraging activity. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed changes shall require a new Notice of Impending Development pursuant to the requirements of the Coastal Act and the California Code of Regulation.
- 33) Invasive Plants: All vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, and no plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified by the State of California shall be employed in any landscaping or planter areas, or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
-