

CALIFORNIA COASTAL COMMISSION

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W13a &14c

DATE: July 25, 2013

TO: Commissioners and Interested Persons

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

SUBJECT: Public Works Plan Amendment 0201-1 and NOID 0202-13, for
Reconstruction of the Channel Islands Harbor Administration Building, for
Public Hearing and Commission Action at the August 14-16 Commission
Meeting in Santa Cruz.

STAFF RECOMMENDATION: staff recommends that the PWP amendment be denied, as submitted, and approved with one (1) suggested modification and that the Commission approve the related NOID with special conditions, as described within the staff report, that are necessary to address project-specific impacts on coastal resources to bring the development into conformance with the certified Public Works Plan.

Motions and Resolutions: Page 7.

SUMMARY OF STAFF RECOMMENDATION

The Ventura County Harbor Department is proposing to amend the certified Channel Islands Harbor Public Works Plan (PWP) in order to facilitate redevelopment of the main Harbor administrative building located on a landside parcel in the eastern portion of the harbor. The existing 7,825 sq. ft. harbor administrative building is the main headquarters and storage facility of the Harbor patrol as well as the Harbor's finance, planning, management, and leasing departments. The existing building is an aged and dilapidated structure, which does not provide the facilities or space adequate to maintain and support ongoing Harbor administrative operations. As such, the Channel Islands Harbor department (which is part of the County of Ventura), has submitted PWP amendment 0202-1, to modify Table 1 of the certified PWP to increase the allowable square footage on the subject administrative building site from 5,500 sq. ft. to 9,000 sq. ft., and the associated Notice of Impending Development (NOID) 0202-13, to authorize the demolition of the existing 7,825 sq. ft. administration building and the construction of a new two story 27 '6" tall, 8,999 sq. ft. structure and associated facilities.

The Ventura County Harbor Department submitted the amendment to its certified Channel Islands Harbor Public Works Plan (PWP) on June 17th, 2013. On June 24th, 2013, the Executive Director determined that the County's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30605. Pursuant to Section 30605 of the Coastal Act, any proposed amendment to the certified PWP shall be submitted to, and processed by, the Commission in the same manner as prescribed for amendment of a local coastal program. Staff is recommending denial of the proposed PWP amendment as submitted, and approval with one (1) suggested modification regarding building height restrictions on the subject site. The proposed PWP amendment, which would increase the allowable square footage of the harbor administration building and facilitate authorization of the project proposed in NOID 0202-13, would be internally consistent with the contents of the certified PWP. However, the proposed development would not be consistent with Policy 22 (d), which restricts the building height on the administration building site to 25 feet and the proposed PWP Amendment does not include any modification to this policy to resolve the conflict. As the subject administration building proposed in NOID 0202-13 is 27' 6" tall, in order to find the proposed NOID consistent with the certified PWP, staff is recommending a modification to the proposed amendment which will revise policy 22 (d) to allow development on the subject administration building site to be a maximum of 28 feet in height. The standard of review for the proposed amendment to the PWP is consistency with the Chapter 3 policies of the Coastal Act. The policies and implementation measures of the Oxnard LCP serve as guidance.

The subject administration building site is located in the eastern portion of the Harbor on the corner of Victoria Avenue and Pelican way. The subject site is located adjacent to the main fuel dock for the harbor and a large section of commercial and recreational boating slips. The subject site contains public accessways and sidewalks which provide access to the recreational and commercial boating slips and function as public coastal walkways. The subject public sidewalks will be improved as part of the proposed NOID and access to the commercial and recreational boating areas and fuel dock will be maintained and unaffected by the proposed project. Construction storage and staging will not block or obstruct public access to the water or other public Harbor amenities. Additionally, new public ADA accessible public restroom facilities will be constructed as part of the proposed administration building NOID. As such, no adverse impacts to public recreational Harbor resources or commercial fishing operations are anticipated to result from the proposed project. Additionally, while, the subject administration building site is located adjacent to a public view corridor identified on the certified PWP Land Use Plan Map, the proposed redevelopment will maintain the existing footprint of the current administration building and will not extend into any portion of the identified public view corridor. In order to ensure that the subject building blends in with the character of development in the area and is not visually obtrusive, staff is recommending Special Condition # 7, requiring that the color of the proposed administration building be limited to colors compatible with the surrounding environment (earth tones). As such, no impacts to public visual resources are anticipated as part of the proposed NOID.

Furthermore, there are no environmentally sensitive habitat areas (ESHAs) located on or in close proximity to the subject site and no work is proposed within or directly adjacent to Harbor

waters. While sensitive Heron species and other nesting birds have been identified in the regions of Channel Islands Harbor, the closest recorded sensitive bird nesting site is located 1,750 linear feet away, and on the other side of the harbor from, the subject administration building site. As such, no impacts to environmentally sensitive habitat areas are expected to result from the proposed project. However, to ensure that potential impacts to sensitive bird species are avoided or minimized, Special Condition #2 is suggested, which will require bird nesting surveys to be conducted within a 500 ft. radius of the project site prior to commencement of construction. Also, to improve and maintain water quality in the Harbor, Staff is recommending special condition # 3 and 4, which will require the Harbor to implement water quality and general construction maintenance and debris removal best management practices as part of the construction phase of the project, consistent with all applicable water quality policies of the certified PWP. The proposed administration building will also incorporate improved drainage systems and bioswale/biofiltration devices.

Therefore, Staff is recommending that the Commission determine that the notice of 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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I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

Public Works Plan Amendment

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

Notice of Impending Development:

Sections 30605 & 30606 of the Coastal Act and Article 14, §13359 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified PWP. Section 13354 requires the Executive Director or his designee to review the notice of impending development within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all necessary supporting information has been received. In this case, because the NOID is for a project identified in a pending PWP amendment that the Commission has not yet acted on, there is insufficient supporting information to determine whether the proposed development is consistent with the certified PWP. Therefore, the NOID is deemed incomplete at this time and cannot be filed until the amendment has been approved by the Commission. In the event that suggested modifications to the PWP amendment required by the Commission result in substantial changes to the proposed development, then the Notice of Impending Development shall be deemed inconsistent with the PWP and shall remain incomplete. A revised or new Notice of Impending Development that is consistent with the PWP must be submitted before development of the proposed Administration Building can commence.

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

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

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

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Public Works Plan. The County of Ventura Board of Supervisors held a public hearing and approved the PWP amendment on March 5, 2013. Written comments were also received regarding the project from public agencies, organizations and individuals. The hearing was duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS

A. PWP AMENDMENT 0201-1: DENIAL AS SUBMITTED

MOTION I: I move that the Commission certify Channel Islands Harbor Public Works Plan Amendment No. 13-0201-1, as submitted.

Staff recommends a NO vote. Failure of this motion will result in denial 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.

RESOLUTION I:

The Commission hereby denies certification of the Channel Islands Harbor Public Works Plan Amendment 13-0201-1 as submitted and adopts the findings stated below on the grounds that the amendment does not conform with Chapter 3 of the Coastal Act. Certification of the Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or feasible mitigation measures that would substantially lessen the significant adverse effects that the approval of the amendment would have on the environment.

B. PWP AMENDMENT 13-0201-1 CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify the Channel Islands Harbor Public Works Plan Amendment 13-0201-1 if modified as suggested in the staff report.*

STAFF RECOMMENDATION FOR CERTIFICATION OF PWP AMENDMENT WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Public Works Plan Amendment 13-0201-1, as modified. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION II:

The Commission hereby certifies the Channel Islands Harbor Public Works Plan Amendment 13-0201-1 if modified as suggested and adopts the findings stated below on the grounds that the amendment with the suggested modifications conforms with Chapter 3 of the Coastal Act. Certification of the amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible mitigation measures or alternatives that

would substantially lessen any significant adverse impacts of the amendment on the environment.

C. NOID 0201-13: APPROVAL WITH CONDITIONS

MOTION III: I move that the Commission determine that the development described in the Notice of Impending Development 0201-13 (Administration Building Redevelopment), as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan.

Staff recommends a YES vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development **0201-13** as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, as amended, pursuant to PWP Amendment 13-0201-1, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION III: TO DETERMINE DEVELOPMENT IS CONSISTENT WITH PWP:

The Commission hereby determines that the development described in the Notice of Impending Development 0201-13, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, as amended pursuant to PWP Amendment 13-0201-1, for the reasons discussed in the findings herein.

III. SUGGESTED MODIFICATION TO PWP AMENDMENT 0201-1

The staff recommends that the Commission certify the Public Works Plan Amendment only with the modifications as shown or described below. Language presently contained within the certified PWP is shown in straight type. Language proposed by the Harbor Department to be inserted is shown underlined. Language recommended by Commission staff to be inserted is shown in double underline.

1. Modify policy 22(d) as follows:

d. Future building or redevelopment in the harbor shall not exceed 2 stories or 25 feet in height or 35 feet on parcel V-I at the corner of Victoria and Channel Islands Boulevard, or 28 feet on the Harbor administrative building site at the corner of Victoria Avenue and Pelican Way. Height shall be measured from the centerline of the frontage rd.

IV. NOTICE OF IMPENDING DEVELOPMENT 0202-13 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 except as modified by the required conditions of approval for Notice of Impending Development 0202-13. 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 1st and September 30th, inclusive. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species in or near the project site. All surveys conducted pursuant to this condition shall be submitted to the Executive Director of the Coastal Commission.

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

- A. Within 300 feet of any identified active nesting sites, noise monitors shall be present during all construction activities and tree/shrub removal. Noise generated by construction shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be

employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

- B. A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During construction, noise reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.
- C. In the event that the environmental resources specialist reports finding that any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within any of the trees/shrubs to be removed, the applicant shall cease work and immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

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

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

- A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion. 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 15th and April 15th of each year and, (3) at least twice during the dry season.

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

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

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 sidewalks. 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.

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

The following findings support the Commission's denial of the PWP amendment as submitted and approval *with one suggested modification*, as well as approval of the corresponding Notice of Impending Development, *as conditioned*. The Commission hereby finds and declares as follows:

A. PROPOSED PROJECT AND BACKGROUND

PWP Amendment Description

Channel Islands Harbor is proposing to amend their certified Public Works Plan to modify the allowable square footage of the harbor's administrative headquarters building. The proposed amendment would increase the allowable square footage of the subject administrative building in Table 1 of the certified PWP from 5,500 sq. ft. to 9,000 sq. ft. The subject PWP amendment is proposed in order to facilitate the demolition and reconstruction of the existing dilapidated administrative building, as proposed through Notice of Impending Development 0202-13. The proposed amendment would modify Table 1 of the certified PWP, which is an inventory table of existing facilities and uses by leased parcel within the harbor. The subject site of the existing administrative building does not have an identified parcel number; however, it is identified in Table 1 as 'Harbor Admin. Bldg' located on a 1.38 acre (no # parcel). The certified CI Harbor PWP master plan map identifies the existing administrative building in its approximate as-built size and configuration.

The Land Use Map contained in the PWP provides general land use designations and describes permitted uses within specific areas of the Harbor. The subject administrative building site is designated Visitor Serving Boating (VSB) on the subject Land Use Map. The PWP states that "the purpose of this designation is to provide access to, and the storage of, boats, and where launching facilities exist, to provide for the entry or removal of boats from (or to) the waters of the inner harbor." Permitted uses on land consist of "dry storage of boats, the parking of vehicles and boat trailers and, where launching facilities exist, the washing of boats and flushing of salt water engine cooling systems, boat and boat equipment sales, rentals, displays, storage and minor repair and packaged (carry-out) food or beverage sales." The new administrative

building would accommodate the Harbor patrol operations, leasing activities, and other administrative uses which serve the users and lessees of the harbor as well as visiting members of the public. The use of the proposed administrative building as a headquarters for administrative operations for the entire Channel Islands harbor would support the continued operation and maintenance of the Visitor Serving Boating uses within the harbor. Therefore, although ‘harbor administrative operations’ is not specifically referenced or described as a permitted use in the PWP, it is a type of use that appears to be consistent with, and supportive of, the VSB use designation. Additionally, the Master Plan Map of the certified PWP, which shows existing developments throughout the harbor, already identifies the developed footprint of the Harbor’s administrative building in the same location and alignment as proposed in NOID 0202-13. As such, no modifications to the Land Use Plan Map or the Master Plan map are necessary in order to find the NOID consistent with the certified PWP.

Proposed Notice of Impending Development Description

The proposed Notice of Impending Development (NOID) will authorize demolition of the existing 7,825 sq. ft. one story administration building and construction and operation of a new 8,988 sq. ft. two story, 27’ 6”, high Harbor Administrative building on a 1.38 acre parcel owned by the County of Ventura located on the east side of the Victoria Boulevard and the Pelican Way (exhibit 1). The proposed administration building will occupy a reduced building footprint of 5,818 sq.ft, compared to the 7,825 sq. ft. development footprint of the existing administrative building, and will require 500 cu. yds. of cut grading and 100 cu. yds. of fill grading. Including the proposed parking lot, landscaping area, and building footprint, the total proposed development area will consist of 21,623 sq. ft. and will be contained within a previously developed landside area of the harbor, which is devoid of any environmentally sensitive habitat areas. The proposed parking lot will occupy the same location as the existing parking lot; however, the angle of the stalls is proposed to be modified to increase the available parking spaces from 15 to 24 stalls. The proposed new administration building will accommodate the Harbor patrol operations, as well as the Harbor department’s finance, leasing, planning, and management departments. In addition, the proposed new administration building will include the construction of a public ADA accessible bathroom and new public sidewalks along Victoria ave, Pelican way, and along the waterfront to the Harbor Patrol Dock.

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) 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 that the

development as proposed is consistent with the PWP, or imposing reasonable terms and conditions to ensure that the development conforms to the PWP.

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

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

B. PUBLIC ACCESS AND RECREATION

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

Coastal Act Section 30211 states:

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

Section 30213 states in part:

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

Section 30221 states:

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

With regard to the proposed NOID, the PWP contains the following access and recreation policies that are applicable to the proposed project:

Policy 20 under Public Access and Recreation:

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

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 Public Access and 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 proposed amendment would modify the allowable square footage of the main Harbor administration building in Table 1 of the certified PWP from 5,500 sq. ft. to 9,000 sq. ft. on an existing landside parcel on the east side of the Channel Islands Harbor. The subject administrative building site is a developed parcel within the eastern Harbor located on the south

side of the Pelican way cul-de-sac, which dead ends into the harbor. The subject site provides lateral access via public sidewalks along the Harbor shoreline and also provides a landside access point to the adjacent recreational/commercial boating slip waterside parcels. The subject administration building site is located adjacent to the main fuel dock in the Harbor, as well as a boating dock with commercial fishing and recreational boating harbor slips. The existing administration building provides services and manages the leaseholds and operation of these, and other harbor wide, recreational and commercial boating uses, consistent with the applicable Chapter 3 policies of the Coastal Act. The proposed PWP amendment would facilitate the redevelopment and expansion of the Harbor's administration building, increasing the functionality of the Harbor's administrative departments and their accessibility to members of the public and recreational and commercial boating lessees. Additionally, the subject PWP amendment would allow for the construction of ADA accessible public restrooms attached to the proposed administration building and would also facilitate improvements to the existing sidewalks and public accessways adjacent to the main fuel dock and boating slips. Furthermore, by expanding the interior office space of the Harbor administration building, the Harbor patrol would also have more room for storage and office space and would be able to increase their operational efficiency and implementation of Harbor safety protocols throughout the harbor area.

With regard to the PWP land use designation, the subject site is not located in an area designated on the certified Master Plan or Land Use Plan map as 'Public Park', 'Open space', or 'Commercial Fishing'. The subject site is designated as 'Visitor Serving Boating' (VSB). The PWP states that "the purpose of this designation is to provide access to, and the storage of, boats, and where launching facilities exist, to provide for the entry or removal of boats from (or to) the waters of the inner harbor." Permitted uses on land consist of "dry storage of boats, the parking of vehicles and boat trailers and, where launching facilities exist, the washing of boats and flushing of salt water engine cooling systems, boat and boat equipment sales, rentals, displays, storage and minor repair and packaged (carry-out) food or beverage sales." The proposed PWP amendment would allow for replacement of the administration building with a larger structure as well as the continued operation of the site as the Harbor's administrative headquarters, which will help to maintain and promulgate the public access and recreational/commercial boating uses within the Harbor. Therefore, the proposed use of the site as an administrative building, which will guide harbor operations and facilitate the public's use of the Harbor's landside and waterside amenities, can be found consistent with the VSB land use designation. The proposed increase in square footage allowed on the project site will not adversely impact public access to or along the water because a structure of the maximum size, with associated parking, can be accommodated on the site along with lateral and vertical public access sidewalks.

The proposed NOID would authorize the demolition of the existing Harbor administration building and the construction of a new, larger structure, located adjacent to a variety of visitor serving landside and waterside amenities, including the main fuel dock for the harbor and recreational and commercial boating slips. In order to recommend approval of the proposed NOID the Commission needs to find the proposed project consistent with the certified PWP, as amended in PWPA 13-0201-1.

The proposed administration building would improve the functionality, capacity, and facilities of the Harbor Patrol and the Harbor's finance, leasing, planning, and management departments. Additionally, the proposed administration building would include public conference rooms, which would be available to the public for use as meeting spaces. Also included as part of the proposed NOID is the development of new ADA accessible public restrooms and sidewalk accessways located to and along the Harbor's shoreline. The proposed construction activity and storage and staging areas will not obstruct public access in any part of the Harbor's landside or waterside areas.

Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with Sections 30211, 30213, and 30221 of the Coastal Act, as well as the guidance provided by applicable City of Oxnard LCP policies. In addition, the Commission finds that the Notice of Impending Development for the Harbor Administration building project, subject to the recommended special conditions, is consistent with the PWP, as modified, relative to protection of Public Access and Recreation.

C. WATER QUALITY

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

Section 30230 Marine resources; maintenance

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

Section 30231 Biological productivity; water quality

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

Further, the Public Works Plan contains policies to protect the water quality and biological productivity of Harbor waters. Policy 1 requires a water quality monitoring and a biological monitoring program. Policy 2 states that "use of the marine environment shall be permitted to

the extent that it does not adversely impact the biological productivity of Harbor and coastal waters.

The proposed PWP amendment and NOID that will allow for the replacement of the Harbor Administration building with a larger structure and increased use of the site have the potential to result in higher amounts of impervious surface, including additional parking area that could adversely impact water quality through the removal of vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as chemicals, petroleum, cleaning products, pesticides, and other pollutant sources.

Further, pollutants commonly found in runoff associated with the proposed use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals; dirt and vegetation; litter; fertilizers, herbicides, and pesticides. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

In the case of this project, a majority of the project site has been previously developed with the existing administrative building, landscaping, and some hardscape features. The Harbor Department states that all runoff from the subject site currently drains directly into the Harbor, with no filtration or on site retention or infiltration. While the proposed structure will be larger in size than the existing building, it will be two-story such that it will not result in an increase in impervious surfaces on the subject site. Further, the proposed development will include new drainage facilities. As such, overall, the proposed project can be expected to improve water quality on site.

However, in order to find the proposed development consistent with the water and marine resource policies of Chapter 3 of the Coastal Act and the PWP, staff is recommending Special Condition #3 and #4 designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Special Condition #4 requires the Harbor to submit a Water Quality Management Plan prior to commencement of construction consistent with the Water quality policies of the PWP. Special Condition #3 requires the Harbor Department to remove all excavated material, including debris resulting from the demolition of existing structures, from the site to an appropriate location. Should the disposal site be located in the Coastal Zone, a separate coastal development permit or notice of impending development shall be required.

Therefore, the Commission finds that PWP amendment 13-0201-1, as proposed and modified, consistent with the applicable policies of Chapter 3 of the Coastal Act and the guidance provided

by the applicable policies of the City of Oxnard LCP. In addition, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the PWP, as amended, with regard to the protection of water quality.

D. VISUAL RESOURCES

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

Section 30251 Scenic and visual qualities

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

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

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

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

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

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

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

Construction of the Harbor Administration Building project will take place adjacent to a view corridor designated by the certified Land Use/Access plan of the PWP. The PWP designates a view corridor at the end of the Pelican way cul-de-sac. While the subject administration building site is located adjacent to a public view corridor identified on the certified PWP Land Use Plan Map, the proposed redevelopment will maintain the existing footprint of the current administration building and will not extend into or any closer to any portion of the identified public view corridor. Further, given the topography and the design of the existing structures, there are not any existing views of the harbor or water across the project site. As such, the increase in square footage of the administrative building, as proposed, , will not encroach into any existing public view corridors and will not result in the loss of any existing vistas across the project site. With regard to building height, Policy 22(d) restricts the height of new development on the subject administration building site to 25 feet. As the associated NOID proposes to authorize the construction of a 27' 6" high structure, the NOID could not be found consistent with this policy of the certified PWP. Therefore, in order to find the proposed NOID consistent with the certified PWP, staff is recommending that the PWP amendment be modified to incorporate a revision to policy 22(d) which will allow development on the subject site to have a maximum height of 28 feet. The subject site is not located within an identified view corridor and the additional 3 feet in building height will not result in adverse impacts to existing public coastal views. The proposed two-story, 27 foot, 6 inch high administrative building will be consistent with the applicable Policy 22(d) height limit of 28 feet (if modified as suggested). However, in order to ensure that the proposed NOID is consistent with the visual resource policies of the PWP, staff is recommending special condition # 7, requiring that the color of the proposed administration building be limited to colors compatible with the surrounding environment (earth tones). This condition will require that the subject building blends in with the character of development in the area and is not visually obtrusive. As conditioned, the development will result in no significant adverse impacts to public visual resources.

Therefore, staff finds the proposed PWP, as modified, consistent with the Chapter 3 policies of the Coastal act and the guidance provided by all applicable policies of the City of Oxnard LCP. Further, for the reasons discussed above, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with applicable visual resource policies of the certified Public Works Plan, as proposed and modified.

E. ENVIRONMENTALLY SENSITIVE HABITAT

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

Section 20240

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

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

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

Policy 2 in the Biological Resources chapter states

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

Policy 10 of the Biological Resources Section states:

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

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

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

A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During construction, noise

reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.

The proposed administration building site is located on the eastern side of the Harbor in an area comprised predominantly of scattered buildings, paved areas for parking, commercial fishing operations, and visitor-serving uses. The subject site is a filled historic tideland, constructed during the man-made formation of the Harbor. The site has been developed with the existing administration building since the 1970's. Associated parking areas, landscaping, and landscaping were installed with the existing building's initial construction. As such, no sensitive biological resources or environmentally sensitive habitat areas have been identified on site or in close proximity to the subject site.

The certified PWP states that there are no terrestrial biological resources of significance within Channel Islands Harbor, that the area is completely developed, and that terrestrial vegetation consists entirely of introduced landscaping species. Bird species found in the Harbor identified in the PWP include great blue herons, double-breasted cormorant, western grebes, brown pelicans, herring gulls, and California gulls. The PWP acknowledges that it is probable that many more migratory bird species use the Harbor during the year. In past Commission actions, it has been recognized that several bird species, such as great blue herons, black-crowned night herons, and snowy egrets utilize the trees in the Harbor for roosting and nesting. Although none of these species 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 Harbor Department has consequently monitored bird nesting activity for several years.

The nearest location where nesting by sensitive bird species has been identified in the past within the Channel Islands Harbor is located 1,750 feet from the subject site. Due to the lack of sensitive biological resources on site and the substantial distance from the project site to the nearest location where nesting by sensitive bird species has occurred in the past, the proposed PWP amendment to increase the size of the Harbor Administration Building will protect environmentally sensitive habitat areas from significant disruption, consistent with the Chapter 3 policies of the Coastal Act and all applicable policies of the City of Oxnard LCP.

With regard to the proposed NOID, the development includes the removal of several non-native trees in order to accommodate the new structure. While these trees have not been identified as being used by sensitive birds for nesting, there is a potential for such nesting to occur in the future. In order to find the proposed NOID consistent with the PWP, the Commission finds it necessary to incorporate Special Condition # 2, which requires the Harbor to conduct sensitive bird surveys within a 500 ft. radius of the subject site prior to commencing construction. 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 condition also requires that special protective measures are implemented during the construction phase of the project.

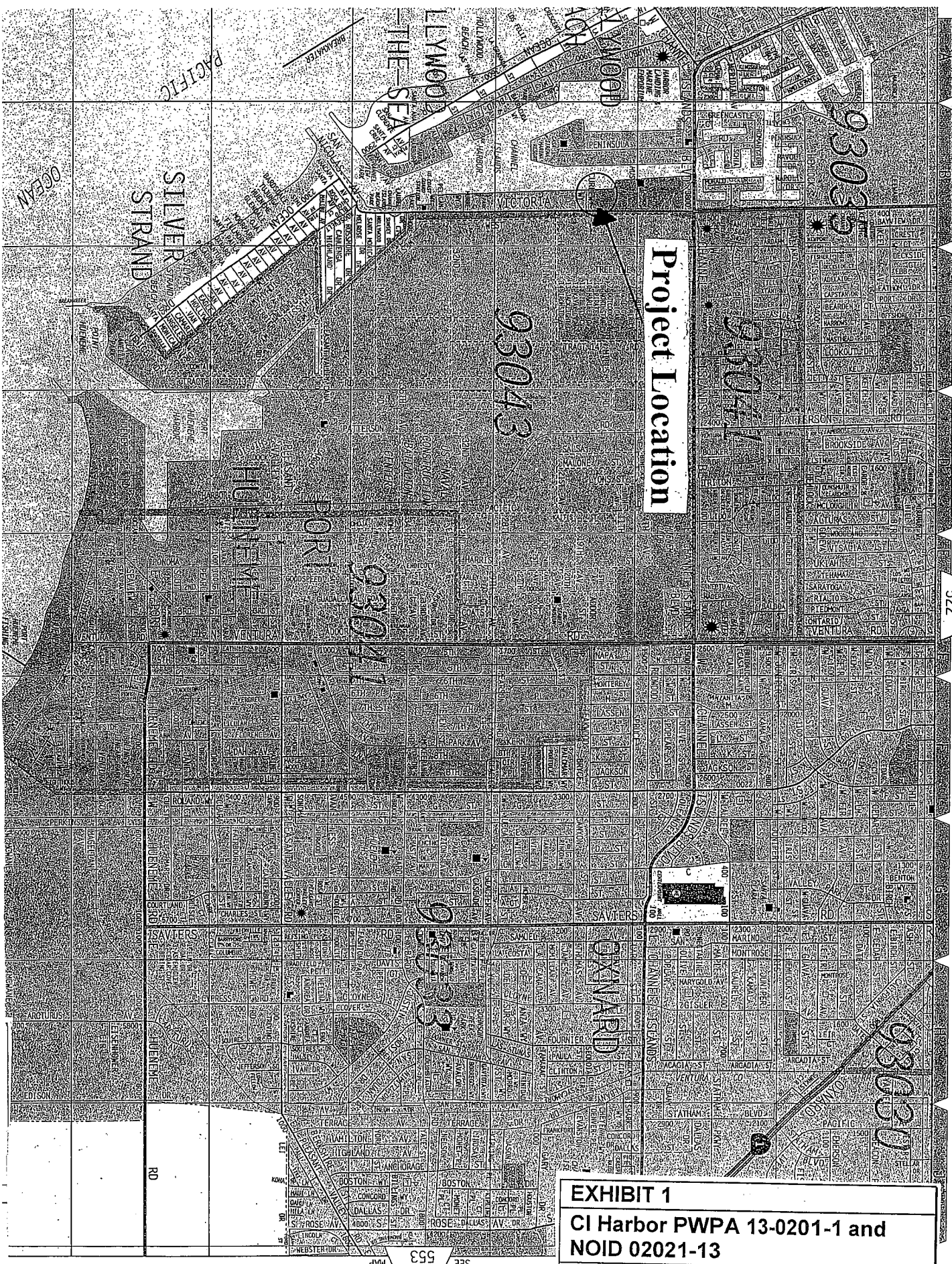
Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with the Chapter 3 policies of the Coastal Act and the guidance provided by the applicable policies of the City of Oxnard LCP. In addition, the Commission finds that the subject Notice of Impending Development, subject to the special conditions, is consistent with the PWP, as amended and modified, relative to biological resources.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Public Resources Code Section 21067 and Sections 15050 and 15051 of Title 14 of the California Code of Regulations, the County of Ventura is the lead agency for CEQA purposes, as it is the public agency with principal responsibility for carrying out the Channel Islands Harbor Public Works Plan (and one of the agencies, if not the agency, with principal responsibility for approving it and supervising it as well), it is a local government with general powers, and it acted first on the subject PWPA. Nevertheless, the County of Ventura did not prepare any environmental documentation addressing the subject PWPA 13-0201-1.

As an agency with a certified regulatory program under CEQA section 21080.5, the Commission must consider alternatives and mitigation measures that would substantially lessen any significant adverse environmental effects that the proposal would otherwise have on the environment. Sections 13371 and 13356(b)(2) of Title 14 of the California Code of Regulations require that the Commission not approve or adopt a PWPA unless it can find that, "...there are no feasible alternatives, or feasible mitigation measures, . . . available which would substantially lessen any significant adverse impact that the development . . . may have on the environment." The Commission incorporates its findings on Coastal Act and PWP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. For the reasons discussed in this report, Channel Islands Harbor Public Works Plan Amendment 13-0201-1, as suggested to be modified, is consistent with the Chapter 3 policies of the Coastal Act. There is no less environmentally damaging feasible alternative project and there are no other feasible mitigation measures that would reduce the impacts of the proposed amendment.

Further, the Commission has imposed conditions upon Notice of Impending Development 0201-13 to include such feasible measures as will reduce environmental impacts of new development. As discussed above, the proposed development approved by this NOID, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan as amended by PWP Amendment 13-201-1 in accordance with the suggested modification. There are no other feasible alternatives or mitigation measures available that would further lessen any significant adverse effect that the development would have on the environment. Therefore, the Commission finds that the Notice of Impending Development 0201-13, as conditioned herein, is consistent with CEQA Section 21080.5(d)(2)(A), and the applicable provisions of the Public Works Plan for Channel Islands Harbor.



Project Location

EXHIBIT 1

**CI Harbor PWPA 13-0201-1 and
NOID 02021-13**

Location Map

IMPORTANT NOTICE

Christopher Gilmour, PLS 7843
Gilmour Land Surveying inc.
7127 Hollister Ave. #25A-30
Goleta, CA, 93117
ph. 805.685.4500

[illegible]

EP = EDGE OF PAVED SURF
 FL = FLOWLINE
 TC = TOP OF CURB
 DR = DRAIN INLET
 CONC = CONCRETE
 TW = TOP OF WALL
 FOW = FACE OF WALL
 BOW = BACK OF WALL
 BLDG = BUILDING CORNER
 CL = CENTERLINE
 DW = DRIVEWAY
 PP = UTILITY POLE
 FF = FINISH FLOOR
 FD = FOUND AS NOTED

LEGEND:

- X-X-X-X-X = FENCE
- ////// = BUILDING LINE
- C-C-C-C-C = GAS LINE
- (cloud symbol) = SEQUOIA BUSH
- = RETAINING WALLS
- M-W = WATER UTILITY
- WV = WATER VALVES
- SOD = EXTERIOR CLEANOUT

TOPOGRAPHIC SURVEY
OF CHANNEL ISLANDS HARBOR ADMINISTRATION BUILDING
IN THE COUNTY OF VENTURA

AT THE DIRECTION OF ARCHITECTS WEST
MARCH 20, 2010 SCALE 1" = 10'

SOUTH VICTORIA

**CI Harbor PWSA 13-0201-1 and
NOID 02021-13**

Existing Site Plan

TOPOGRAPHIC SURVEY
CHANNEL ISLANDS HARBOR
ADMINISTRATION BUILDING
3900 PELICAN WAY, OXNARD, CA
COUNTY OF VENTURA, CALIFORNIA



FLOWERS & ASSOCIATES, INC.
CIVIL ENGINEERS
4000 California Avenue, Suite 180 Santa Barbara, CA 93103
Telephone (805) 966-7774

PRELIMINARY
NOT FOR CONSTRUCTION _____ DATE: _____

DESIGN: WCB
DRAFT: WCH
CHECK: RTF

THREE PLANS HAVE BEEN PREPARED SOLELY FOR USE FOR THE PROJECT SCOPE AND ITS SPECIFICALLY IDENTIFIED BENEFITS. AS THE THREE PLANS ARE ENTERED, THE BENEFIT PREPARED THREE PLANS WILL BE SUBSEQUENT FOR AN ANALYSIS FOR, AND ANY PART OF THREE PLANS, INCLUDING ANY BENEFIT, FOR ANY UNAPPROVED OR UNANNOUNCED PROJECTS, OR FOR ANY OTHER PURPOSES AS THE AN OTHER BENEFIT.

HID.	DESCRIPTION	DATE	APPROVE
	REVISIONS		

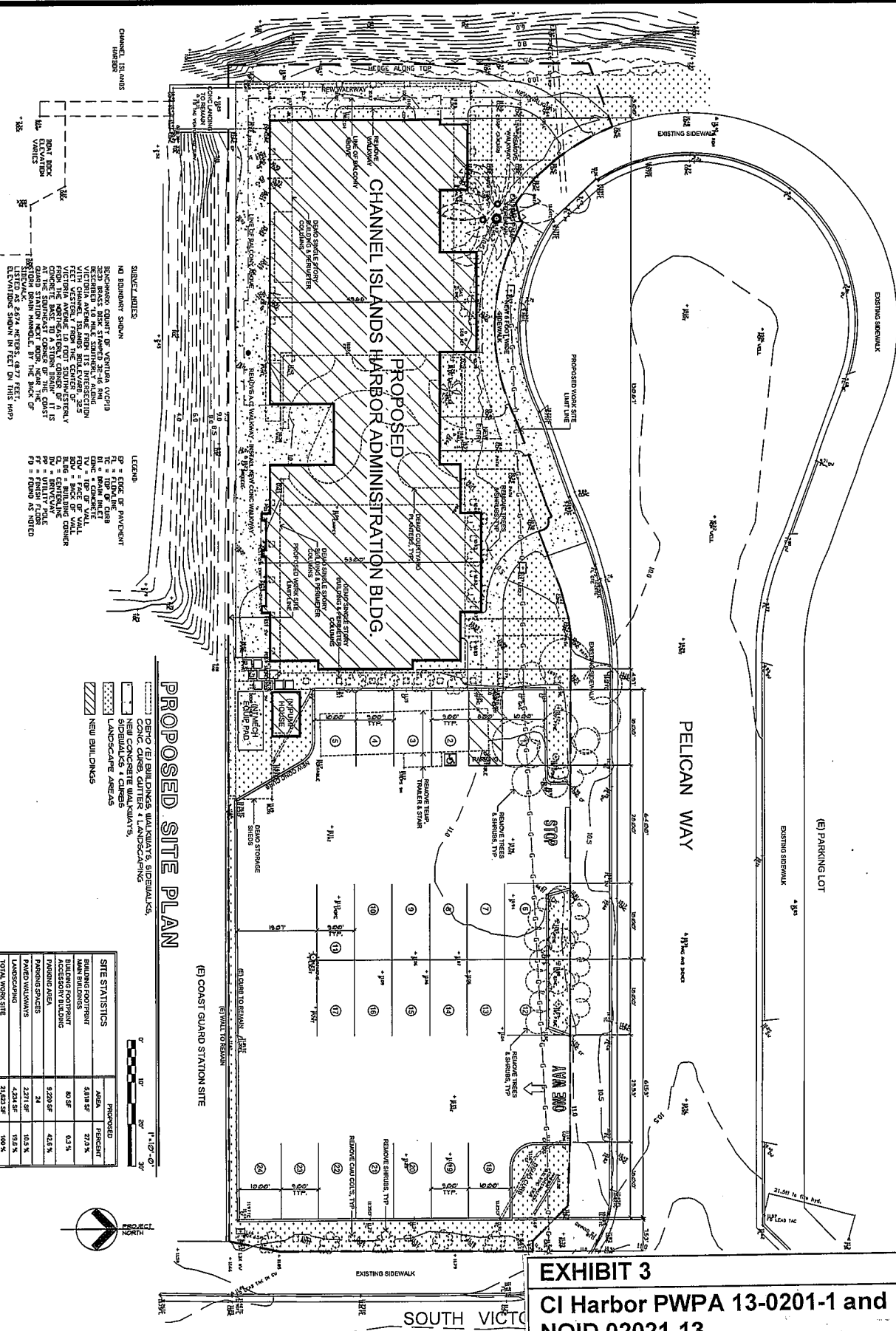


EXHIBIT 3
CI Harbor PWPA 13-0201-1 and
NOID 02021-13
Proposed Site Plan

A1.1

**Channel Islands Harbor
Administration Bldg.
3900 Pelican Way, L#5200
Oxnard, CA 93035**

job number
01040

date
23 MAY 2013

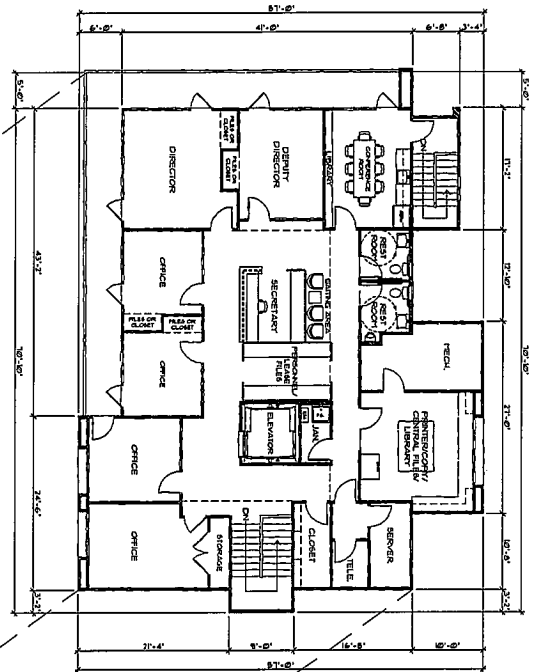
sheet scale
1"=10'-0"

revisions

sheet index
PROPOSED
SITE PLAN

1 Zimmer AIA
7 C Rech AIA
hopala Street
Barbara, CA
15 966-7141
15 564-4121

PROPOSED SECOND FLOOR PLAN



BUILDING AREAS		PROPOSED
AREA		AREA
FIRST FLOOR		5,818 SF
ACCESSORY BUILDINGS		80 SF
SECOND FLOOR		3,090 SF
TOTAL		9,988 SF

PROPOSED FIRST FLOOR PLAN

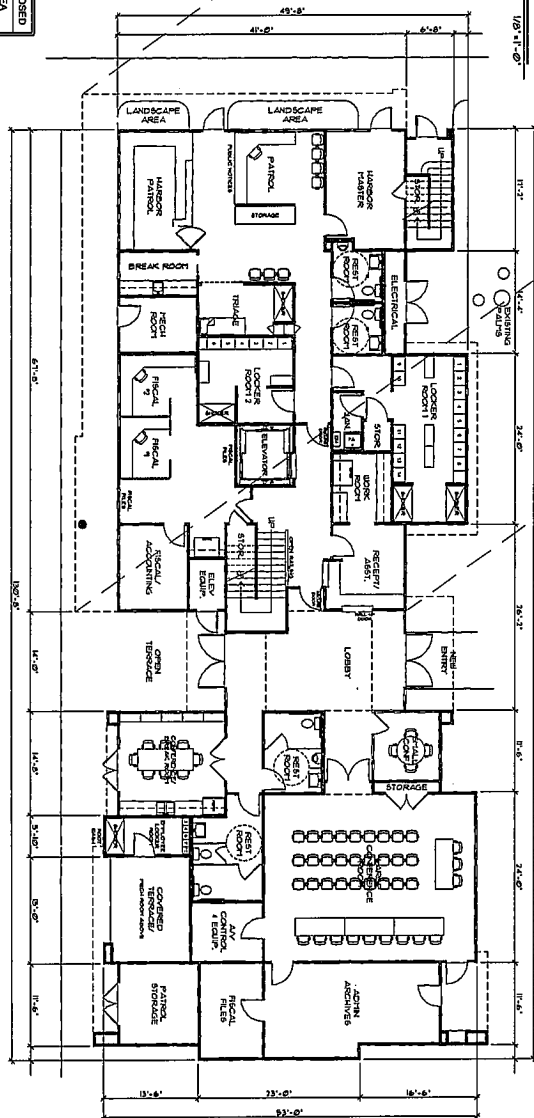


EXHIBIT 4

CI Harbor PWPA 13-0201-1 and
NOID 02021-13

Proposed Floor Plan

File: ChannelIsland.dwg

A2.1

Sheet number

CHANNEL ISLANDS HARBOR
ADMINISTRATION BLDG.
3900 PELICAN WAY, L#5200
OXNARD, CA 93035

Sheet title
FIRST and
SECOND FLOOR

Pl. A15

Sheet scale
1/8" = 1'-0"

Version

Date
23 MAY 2013

Author

Check by

Reviewed by

Approved by

Stamp

Notes

Comments

Revisions

By

Date

Scale

Notes

Comments

Revisions

By

Date

Scale

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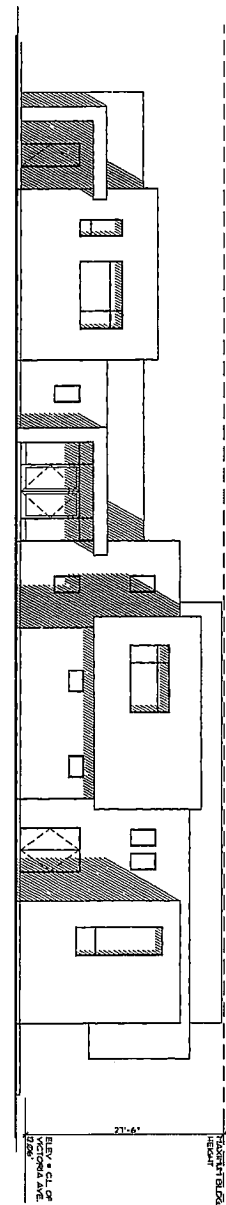
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Comments

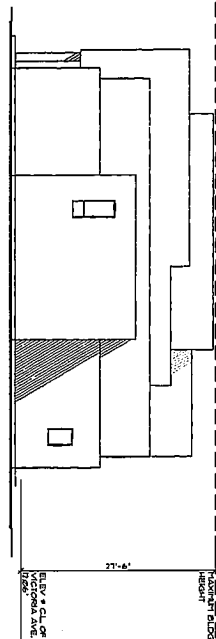
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By

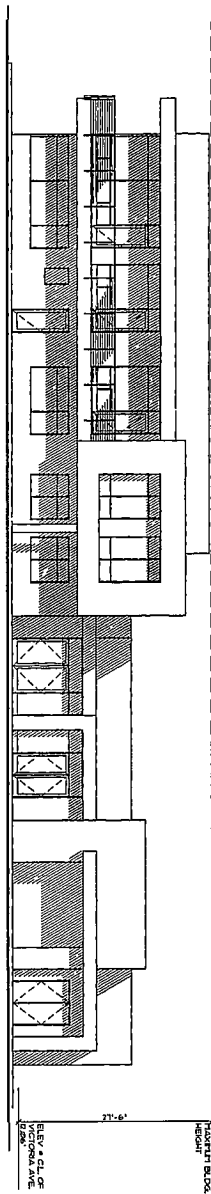
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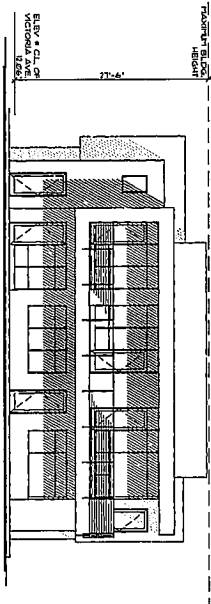
NORTH - FRONT ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

EXHIBIT 5

CI Harbor PWPA 13-0201-1 and
NOID 02021-13

Proposed Elevations

CHANNEL ISLANDS HARBOR
ADMINISTRATION BLDG.
3900 PELICAN WAY, L:5200
OXNARD, CA 93035

A3.1

sheet number

file:ci-harbor

file number
010240
date
23 MAY 2013
sheet scale
1/8" = 1'-0"
revisions

sheet index
EXTERIOR
ELEVATIONS

Zimmerman
Architects
3000
Berkeley, CA
94602
510-864-1141
510-864-1123

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

SUPERVISORS STEVE BENNETT; LINDA PARKS,
KATHY I. LONG, PETER C. FOY AND JOHN ZARAGOZA
March 5, 2013 at 10:00 a.m.

Received

JUN 17 2013

404.2

Public Hearing Regarding the Adoption of a Resolution for the Approval of an Amendment to the Channel Islands Harbor Public Works Plan to Allow the Replacement and Expansion of the Harbor Administration Building Located at 3900 Pelican Way in Oxnard; and Authorization for the Harbor Director to Submit the Proposed Amendment to the California Coastal Commission for Approval.
(Harbor Department)

- (X) All board members are present, except Supervisor Long.
- (X) The following person is heard: Lynn Krieger.
- (X) The following document is submitted to the Board for consideration:
(X) PowerPoint Presentation: Replacement and Expansion of Harbor Administration Building.
- (X) Upon motion of Supervisor Zaragoza, seconded by Supervisor Bennett, and duly carried, the Board hereby approves the attached staff recommendation.

By: Dawnyelle Addison
Dawnyelle Addison
Deputy Clerk of the Board

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument
is a true and correct copy of the document
which is on file in this office.
MICHAEL POWERS, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: March 20, 2013

By: Dawnyelle Addison
Deputy Clerk of the Board



EXHIBIT 6

CI Harbor PWPA 13-0201-1 and
NOID 02021-13

PWP Amendment Resolution

3/20/13



CHANNEL ISLANDS HARBOR
Ventura County Harbor Department

Lyn Krieger
Director

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 382-3001 • Fax (805) 382-3015

March 5, 2013

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

SUBJECT: Public Hearing Regarding Approval of an Amendment to the Channel Islands Harbor Public Works Plan to Allow the Replacement and Expansion of the Harbor Administration Building

RECOMMENDATIONS:

1. Conduct a public hearing on the Amendment to the Channel Islands Harbor Public Works Plan;
2. Approve and authorize the Chair of the Board to execute the attached Resolution approving an Amendment to the Channel Islands Harbor Public Works Plan; and
3. Authorize the Harbor Director to submit the proposed Amendment to the California Coastal Commission for approval.

FISCAL/MANDATES IMPACT:

There is no fiscal impact associated with the recommended action.

DISCUSSION:

The Harbor Department has prepared an Amendment to the Channel Islands Harbor Public Works Plan (PWP) that will allow the department to replace the Harbor administrative offices constructed on a 1.38-acre site located at 3900 Pelican Way in

Oxnard. The Amendment consists of a change to the area allowed for the Harbor's administrative buildings from 5,500 sq. ft. to 9,000 sq. ft. The proposed change is found on page 63 of Appendix A, Table 1 of the Public Works Plan (Exhibit 1). The Amendment was released for public review on February 15, 2013.

The Harbor's administrative offices currently occupy 7,825 sq. ft. in two single story concrete block buildings with flat roofs. This area includes a gated patio between the buildings. A portable 10-foot by 40-foot trailer has served as a conference room for over six years. The buildings were not originally constructed to serve as office buildings and the systems are inadequate for this purpose. There are twenty-one parking spaces on the site, four of them occupied by the trailer.

The buildings have long ago reached the end of their useful life. There is no heating or air conditioning. Restrooms, hallways and offices are not handicapped accessible. There is insufficient space to house the department's required IT equipment, and the wiring is dated and insufficient. There is no adequate break room for either Harbor Patrol or administrative staff, the locker rooms are inadequate and there is no file and storage space. The additional space is needed to provide adequate workroom for existing staff. No additional staff is anticipated.

The current Public Works Plan (3rd amendment, certified December 11, 2008) includes a table as an appendix (see Exhibit 1) that allocates intensity of development by parcel and uses. Much of this table is inaccurate and has been since it was written; however, Coastal Commission staff has asked the County to amend the table now in order to process the proposed Amendment. The current Table 1 of the PWP designates the Harbor Administration building as 5,500 sq. ft. in area. The proposed Amendment will change the Table 1 designation to 9,000 sq. ft.

Notice of this public hearing was sent to the Harbor's distribution list of 300 interested individuals and agencies, and posted onsite and on the Harbor's website on February 15, 2013.

CEQA

The environmental documentation provisions of the California Environmental Quality Act (CEQA) do not apply to a local government agency's activities and approvals under the California Coastal Act regarding adoption or amendment of a local coastal plan, public works plan, or long range development plan. (See CEQA Guidelines Section 15265.) Pursuant to CEQA and its Guidelines, the Coastal Commission must comply with CEQA's environmental review requirements through administration of its Certified Regulatory Program. Harbor staff will provide information to the Coastal Commission on the environmental impacts, if any, of the proposed Amendment which will be included with the application for approval by the Coastal Commission of the proposed Amendment.

Board of Supervisors
March 5, 2013
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This letter has been reviewed by County Counsel, the Auditor-Controller's Office and the County Executive Office. If you have any questions, please contact me at 382-3002.



LYN KRIEGER
Director

Attachments - Resolution
Exhibit 1 - Public Works Plan Amendment

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

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

WHEREAS, the Channel Islands Harbor Public Works Plan has been amended three times with the most recent amendment being certified by the California Coastal Commission on December 11, 2008; and

WHEREAS, on February 15, 2013, notice of a public hearing on a proposed fourth Public Works Plan amendment ("Fourth PWP Amendment") was mailed to the Harbor's distribution list of 300 interested individuals and agencies as well as posted onsite at the Harbor's administrative offices; and

WHEREAS, a legally noticed public hearing on the proposed Fourth PWP Amendment was held by the Board of Supervisors of Ventura County at Ventura, California, on March 5, 2013;

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

WHEREAS, at the public hearing on March 5, 2013, the Board considered all written and oral testimony on the proposed Fourth PWP Amendment, including staff reports and recommendations;

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


FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED that the Board hereby also finds that (1) its adoption of the Fourth PWP Amendment is in the public interest and consistent with the California Coastal Act and its policies, and (2) said adoption is exempt from the California Environmental Quality Act, and hereby adopts the Fourth PWP Amendment;

FURTHER BE IT RESOLVED, ORDERED, AND DETERMINED that the Board finds that the proposed increase in the allowable area of the Harbor administrative offices is consistent with the Fourth PWP Amendment, as approved herein;

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

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

Upon motion of Supervisor Zaragoza, seconded by Supervisor Bennett, duly carried, the foregoing Resolution was passed and adopted this 5th day of March, 2013.


Chair, Ventura County
Board of Supervisors

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



By: 
Deputy Clerk of the Board