

CALIFORNIA COASTAL COMMISSION

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



W19a

DATE: May 18, 2017

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Program Analyst
Wesley Horn, Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) CIH-NOID-0002-17 at Channel Islands Harbor** for the installation of temporary office trailers and security fencing for harbor administrative staff and parking lot re-stripping, for Public Hearing and Commission Action at the June 7, 2017, Commission Meeting in Arcata, CA.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Notice of Impending Development (NOID) CIH-NOID-0002-17 requested by the Ventura County Harbor Department, as conditioned. Staff is recommending one special condition that will require removal of the proposed temporary trailers and fencing no later than 15 months from the date of Commission action, or upon completion of the Harbor Administrative Building for occupancy, whichever occurs first, in order to ensure consistency with the certified Channel Islands Harbor Public Works Plan (PWP) and minimize impacts to public access, recreation, and visual resources.

The subject NOID includes the installation of two temporary trailers (2,880 sq. ft. and 384 sq. ft. in size), one 112 sq. ft. temporary handicapped-accessible portable restroom, and security fencing within an existing parking lot, to accommodate Harbor administrative staff operations during the approved reconstruction of the Harbor Administrative Building. In addition, the NOID includes re-stripping a portion of the existing parking lot adjacent to the public park to create an additional five parking spaces. Reconstruction of the Harbor Administrative Building was approved by the Commission in 2013 pursuant to Public Works Plan Amendment PWP-4-CIH-13-0201-1 and NOID CIH-NOID-0201-13, and at that time, the Harbor Department indicated that staff would temporarily relocate to existing office space available elsewhere within the Harbor during the reconstruction. However, the Harbor Department has indicated that reconstruction will commence shortly and there is no suitable existing office space within the Harbor at this time for temporary staff use during construction. The site for the proposed temporary trailers and security fencing is within an existing parking lot, adjacent to a public park located north of Murre Way, in the southeast side of the Harbor. This NOID is an after-the-fact request for the proposed development, as the trailers and fencing have already been installed onsite and the parking lot has already been re-stripped.

Ventura County Harbor Department Notice of Impending Development CIH-NOID-0002-17
(Temporary Trailers for Harbor Administrative Staff)

The PWP's Land Use Map provides general land use designations and describes permitted uses within specific areas of the Harbor; the site for the proposed temporary trailers and fencing is designated Visitor Serving Boating (VSB). 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. Existing development on this site consists of a small public park and public parking lot. A portion of the public parking lot is currently used for boat storage. Harbor administrative staff support the Visitor Serving Boating uses within the harbor, and the proposed temporary trailers and security fencing will allow for continued harbor administrative activities during reconstruction of the Harbor Administrative Building. Although temporary trailers and fencing are not specifically referenced or described as permitted uses within the VSB land use designation of the PWP, the temporary nature of this limited type of use in this case is supportive of the VSB designation and will not have significant adverse impacts on the provision of boating in the harbor.

The certified PWP also includes policies protecting public access, recreation, and visual resources within the Harbor. The proposed development is located within an existing public parking lot adjacent to a designated public park and within a designated view corridor in which views of the water from the public roadway are to be preserved. While the certified PWP prohibits new development within view corridors, the proposed trailers and fencing are temporary development that will only be onsite for a limited period of time (15 months) during reconstruction of the Harbor Administrative Building. In addition, the proposed development will not encroach into the existing public park or adversely impact public use of the park. However, the proposed temporary trailers and security fencing will occupy approximately 11 parking spaces on the north end of the existing parking lot. The temporary loss of parking spaces is not expected to have a significant impact to public access or recreation in this area of the Harbor because the remaining 13 parking spaces in the lot have been re-striped to create an additional 5 spaces, for a total of 18 public parking spaces. These 18 public parking spaces adjacent to the park would be preserved while the temporary trailers are in place, which is expected to be adequate for public access to the small waterfront park for a limited period of time. Additionally, in the event that there is significant demand for parking at the park, there is sufficient available public parking nearby, on the street immediately south of the parking lot along Murre Way.

However, in order to ensure consistency with the land use, public access, recreation, and visual resource policies of the certified PWP, staff is recommending Special Condition 1, which requires the Harbor Department to remove the temporary trailers and fencing no later than 15 months from the date of Commission action on CIH-NOID-0002-17, or upon completion of the Harbor Administrative Building for occupancy, whichever occurs first. The Executive Director may grant additional time for good cause. After removal of the temporary development, the site shall be restored to its previous condition.

Therefore, staff recommends that the Commission determine that the NOID, as conditioned, is consistent with the certified PWP.

Ventura County Harbor Department Notice of Impending Development CIH-NOID-0002-17
(Temporary Trailers for Harbor Administrative Staff)

Additional Information: Please contact Wesley Horn at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St, Second Floor, Ventura, CA 93001

TABLE OF CONTENTS

I. PROCEDURAL ISSUES.....	4
II. MOTION & RESOLUTION	5
III. SPECIAL CONDITIONS	5
1. Removal of Temporary Trailers, Portable Restroom, and Security Fencing.....	5
IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT	5
A. PROJECT DESCRIPTION AND BACKGROUND.....	6
B. LAND USE	6
C. VISUAL RESOURCES.....	7
D. PUBLIC ACCESS AND RECREATION.....	8
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	10

APPENDICES

[Appendix A - Substantive File Documents](#)

EXHIBITS

[Exhibit 1. Vicinity Map](#)

[Exhibit 2. Aerial Overview](#)

[Exhibit 3. Site Plan](#)

[Exhibit 4. Trailer Details](#)

[Exhibit 5. PWP Land Use Map](#)

[Exhibit 6. PWP Existing and/or Proposed Recreation/Access/Visitor Serving Facilities Map](#)

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 the project proponent’s filing of 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

Ventura County Harbor Department Notice of Impending Development CIH-NOID-0002-17
(Temporary Trailers for Harbor Administrative Staff)

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. MOTION & RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission determine that the development described in the Notice of Impending Development CIH-NOID-0002-17 (Temporary Trailers for Harbor Administrative Staff), 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 CIH-NOID-0002-17, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby determines that the development described in the Notice of Impending Development CIH-NOID-0002-17, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Removal of Temporary Trailers, Portable Restroom, and Security Fencing

The temporary trailers, portable restroom, and security fencing shall be removed no later than 15 months from the date of Commission action on CIH-NOID-0002-17, or upon completion of the Harbor Administrative Building for occupancy, whichever occurs first. The Executive Director may grant additional time for good cause. After removal of the temporary development, the site shall be restored to its previous condition.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed project includes the installation of two temporary trailers, one temporary handicapped accessible portable restroom and security fencing to accommodate the Harbor Department's administrative staff operations during reconstruction of the Harbor Administrative Building, previously approved by the Commission in 2013 pursuant to Public Works Plan Amendment PWP-4-CIH-13-0201-1 and NOID CIH-NOID-0201-13. In addition, the NOID includes re-stripping a portion of the existing parking lot adjacent to the public park to create an additional five parking spaces.

Harbor administrative staff had originally planned to temporarily relocate to existing office space available elsewhere within the Harbor during reconstruction of their administrative building. However, the County has indicated that there is no suitable existing office space within the Harbor at this time for temporary staff use during construction, which is anticipated to commence shortly. As such, the proposed development consists of a 2,880 sq. ft. double-wide trailer, a 384 sq. ft. trailer, a 128 sq. ft. handicapped-accessible portable restroom, and chain link security fencing surrounding the perimeter ([Exhibit 4](#)). The three trailers are proposed to be installed within an existing, paved parking lot adjacent to the public park located on Parcel Q, north of Murre Way, in the southeast side of the Harbor ([Exhibit 3](#)). A total of 11 public parking spaces will be temporarily occupied by the proposed development. No grading or land disturbance is necessary to accommodate the proposed trailers. As such, no sedimentation or runoff from construction-related activities are expected. Further, no trees or sensitive biological resources will be disturbed as part of the proposed installation of temporary, portable trailers within an existing parking lot.

In the application for the subject NOID the Harbor Department provided an alternatives analysis of four possible locations for the proposed temporary trailers and determined that the subject site provides the best available means of maintaining Harbor administrative operations during reconstruction of their Harbor Administrative Building . The County has indicated that reconstruction of the Harbor Administrative Building is expected to take 15 months, beginning in June 2017, and the proposed temporary trailers and fencing are proposed to be used during that entire period. This NOID is an after-the-fact request for the proposed development as the trailers and fencing have already been installed onsite.

B. LAND USE

The PWP's Land Use Map provides general land use designations and describes permitted uses within specific areas of the Harbor; the site for the trailers and fencing is designated Visitor Serving Boating (VSB) ([Exhibit 5](#)). 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. Existing development on this site consists of a small public park and public parking lot. A portion of the public parking lot is currently used for boat storage. Harbor administrative staff support the Visitor Serving Boating uses within the harbor, and the proposed temporary trailers

and security fencing will allow for continued harbor administrative activities during reconstruction of the Administrative Building. Therefore, although “harbor administrative operations” or temporary trailers and fencing are not specifically referenced or described as permitted uses within the VSB land use designation of the PWP, the temporary nature of this limited type of use is supportive of the VSB designation and the temporary use of the area will not have significant adverse impacts on the provision of boating uses in the harbor. However, in order to ensure that the use is only temporary, consistent with the land use provisions of the certified PWP, **Special Condition 1** is necessary, which requires the proposed temporary trailers and fencing to be removed within 15 months of the Commission’s action on this NOID, or upon completion of the Harbor Administrative Building for occupancy, whichever occurs first. The Executive Director may grant additional time for good cause. Further, Special Condition 1 requires the site to be restored to its previous condition after removal of the temporary development.

C. VISUAL RESOURCES

The Channel Islands Harbor PWP contains a policy to preserve and protect the visual resources of the Harbor. Policy 1 of the Visual Access Section of the PWP states, in relevant part:

- 1. 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 water which is not occupied by buildings, solid walls or fences, or landscaping which might interfere with the view of the water or the 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...*

Visual Access Policy 1 identified above prohibits development within designated view corridors. Specifically, 1.c. states (in part) “Other than the proposed Boating Instruction Safety Center

(BISC)), no new development within a designated view corridor shall occur without an amendment to the public works plan”. The intent of the view corridors are to provide public views of the water or water activities from specific segments of public roads that parallel the Harbor waterfront.

Designated view corridors within the Harbor are identified in the PWP’s Land Use Map. Pursuant to that map, the proposed temporary trailers and security fencing are located within an approximately 175 linear foot portion of a 375 foot long designated view corridor on Parcel Q ([Exhibit 5](#)). While Policy 1.c. of the certified PWP prohibits new development within view corridors, the intent of the policy is to ensure that views are not permanently obstructed by new development. Here, the proposed trailers and fencing are temporary development that will only be onsite for a limited period of time (15 months) during reconstruction of the Harbor Administrative Building. In order to ensure that the temporary trailers and fencing do not result in permanent, significant impacts on the view corridor and visual resources of the Harbor, [Special Condition 1](#) is necessary, which requires the proposed temporary trailers and fencing to be removed within 15 months of the Commission’s action on this NOID, or upon completion of the Harbor Administrative Building for occupancy, whichever occurs first. The Executive Director may grant additional time for good cause. Further, Special Condition 1 requires the site to be restored to its previous condition after removal of the temporary development. Given the temporary nature of the subject development and the lack of alternative sites for it, it is reasonable to interpret Policy 1.c as allowing temporary development such as this in view corridors. Therefore, the Commission finds that the NOID, as conditioned, is consistent with the Visual Access Policy of the certified PWP.

D. PUBLIC ACCESS AND RECREATION

The certified PWP contains several policies to protect public access and recreational opportunities within the Harbor. Specifically, Land and Water Recreation Policies 4, 7 and 8 and Parking Policies 1 and 2 are applicable in this case, which state:

Land and Water Recreation

4. *Recreational opportunities in the Harbor area shall be maximized by protecting waterfront development for suitable recreational use and development as identified in Figure III.*
7. *The four existing park areas, the public swim beach and the BISC facility as shown on Figure III, Figure IV and Appendix B shall be protected and preserved for general public use.*
8. *All areas designated as public parks and beaches in Figure III and 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.*

Parking

Ventura County Harbor Department Notice of Impending Development CIH-NOID-0002-17
(Temporary Trailers for Harbor Administrative Staff)

- 1. Parking areas and facilities shall be distributed throughout the Harbor to mitigate the impact of overuse and overcrowding of any single area.*
- 2. Adequate parking for new development and redevelopment projects shall be consistent with County parking requirements as specified in the Harbor's Design Criteria. Parking for tour buses shall be provided wherever possible and appropriate.*

Pursuant to the PWP policies identified above, recreational opportunities within the Harbor and the public parks identified on Figure III of the certified PWP shall be protected for general public use and shall not be developed without an amendment to the PWP. In addition, adequate parking shall be provided, and parking areas and facilities shall be distributed throughout the Harbor to mitigate the impact of overuse and overcrowding of any single area.

The proposed temporary trailers and fencing will be located within an existing public parking lot that is adjacent to a designated public park identified on Figure III of the certified PWP ([Exhibit 6](#)). The park is adjacent to the waterfront and is relatively small, consisting of an approximately 19,000 sq. ft. strip of grass turf that contains two picnic tables. The proposed trailers and fencing will not encroach into the park or adversely impact public use of the park; accordingly, the proposed development is not inconsistent with Policies 7 and 8. However, the proposed temporary trailers and security fencing will occupy approximately 11 parking spaces on the north end of the existing parking lot and 11 parking spaces will be created within the proposed fenced area for administrative staff and visitors to the office ([Exhibit 3](#)). In order to offset the temporary loss of 11 parking spaces for the trailers and fencing, the proposed project includes re-striping a portion of the existing lot (13 spaces) to create an additional 5 parking spaces for the public, for a total of 18 parking spaces ([Exhibit 3](#)). As such, the project will result in the temporary net loss of only six parking spaces for the public park.

The temporary loss of parking spaces is not expected to have a significant impact to public access in this area of the Harbor because the remaining 18 existing public parking spaces (16 standard spaces and 2 handicapped spaces) adjacent to the park would be preserved, which is expected to be adequate for public access to the small waterfront park for a limited period of time. Additionally, in the event that there is significant demand for parking at the park, there is sufficient available public parking nearby, on the street immediately south of the parking lot along Murre Way. However, to ensure that the park and the adjacent parking lot are preserved and protected for general public use, consistent with the public access and recreation policies identified above, [Special Condition 1](#) is necessary, which requires the proposed trailers and fencing to be removed within 15 months of the Commission's action on this NOID, or upon completion of the Harbor Administrative Building for occupancy, whichever occurs first. The Executive Director may grant additional time for good cause. Further, Special Condition 1 requires the site to be restored to its previous condition after removal of the temporary development.

Therefore, the Commission finds that because the temporary trailers and security fencing will preserve the existing park area for visitors and will not significantly impact public access to the

park, the proposed development, as conditioned, is consistent with the public access and recreation policies of the certified PWP.

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”),¹ has determined that the project is categorically exempt from the provisions of CEQA, under CEQA Guidelines Section 15302. 14 C.C.R. § 15302 (“Replacement or Reconstruction”); *see also* CEQA section 21084 (authorizing promulgation of regulations listing categorical exemptions). Section 13096 of the Commission's administrative regulations requires Commission approval of Notices of Impending Development to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As proposed, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activities may have on the environment. As conditioned, the project will not have any significant impacts on the environment within the meaning of CEQA. Therefore, the Commission finds that its approval of the Notice of Impending Development is consistent with CEQA.

¹ Cal. Pub. Res. Code (“PRC”) §§ 21000 *et seq.* All further references to CEQA sections are to sections of the PRC.

Appendix A - Substantive File Documents

Channel Islands Harbor certified Public Works Plan; Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-13-0201-1 and Notice of Impending Development No. CIH-NOID-0201-13; Channel Islands Harbor Notice of Impending Development No. CIH-NOID-0002-17, dated April 25, 2017