

CALIFORNIA COASTAL COMMISSION

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W12a

MA-2024-002 (CITY OF OXNARD)

November 13, 2024

EXHIBITS

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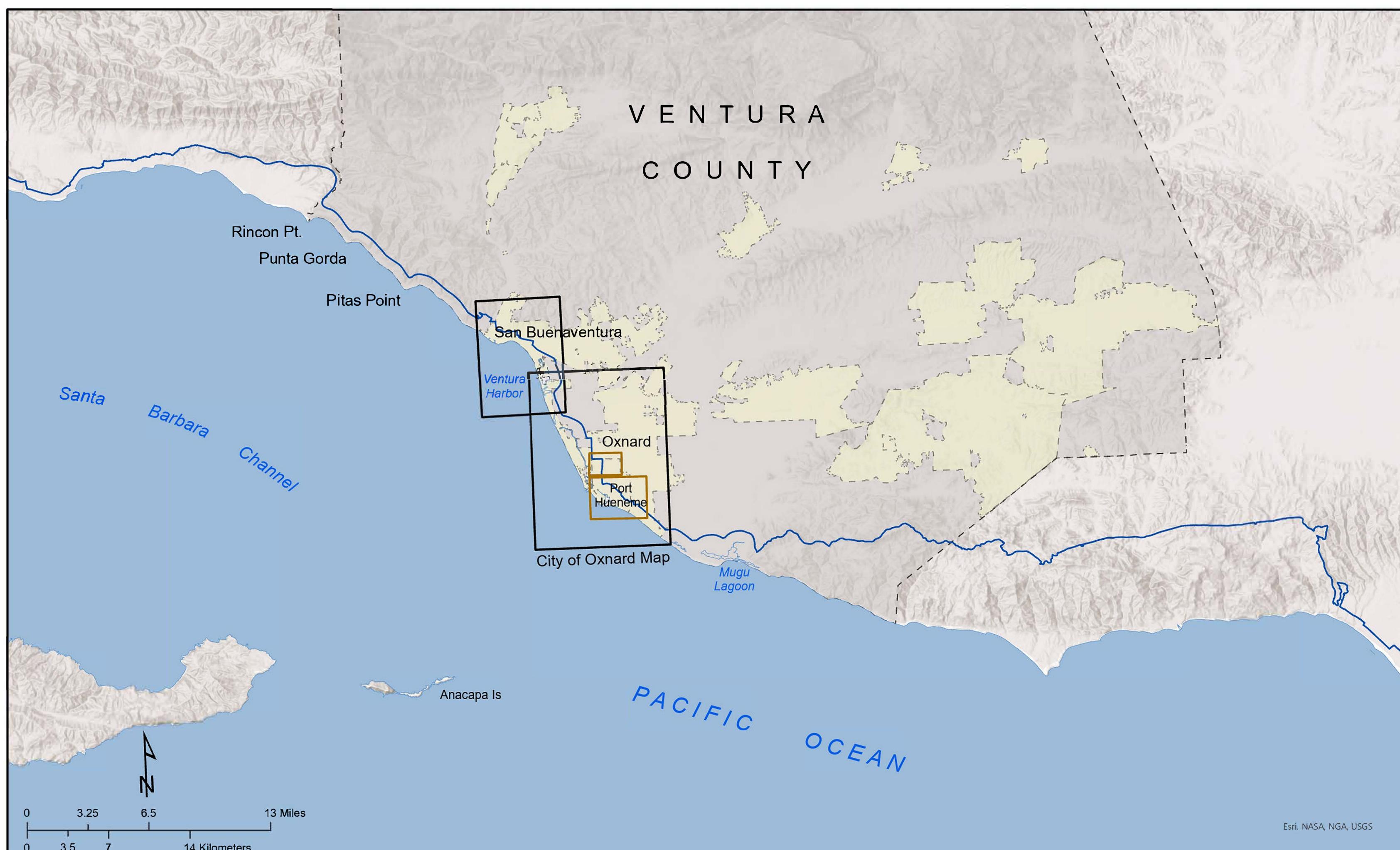
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Post LCP Certification Permit and Appeal Jurisdiction Index Map: County of Ventura

Cities of: San Buenaventura, Oxnard, Port Hueneme

Index Map



Note 1

The coastal zone boundary depicted on this map may have been revised due to legislative amendments and/or minor boundary adjustments approved by the Coastal Commission pursuant to Public Resources Code §30103. The digital version of this Coastal Zone Boundary dataset (which is a conformed copy of the adopted inked version of the Coastal Zone Boundary) includes attribution that identifies each segment in which a boundary has changed as a result of legislative changes and/or minor boundary adjustments.

Note 2

The coastal zone boundary shown on this map is based on a digital version of the boundary depicted on maps adopted by the California Coastal Commission pursuant to §30103(b) of the California Coastal Act of 1976 (California Public Resources Code §30000 et. seq.), and modified from time to time by legislative amendments and Minor Boundary Adjustments. Both this depicted boundary and the digital version of this data represent conformed copies of the original adopted boundary and also reflect subsequent legislative and Coastal Commission changes. In addition to the land area delineated, the coastal zone includes all offshore islands, and extends seaward to the State's outer limit of jurisdiction.

Under the provisions of §304(a) of the federal Coastal Zone Management Act of 1972, as amended, "excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents."

Under the provisions of §30008 of the California Coastal Act as amended in 1978, "within federal lands excluded from the coastal zone pursuant to the federal Coastal Zone Management Act of 1972, the State of California shall, consistent with applicable federal and state laws, continue to exercise the full range of powers, rights, and privileges it now possesses or which may be granted."

Note 3

This map has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plat may be updated as appropriate and may not include all lands where permit and appeal jurisdiction is retained by the Commission.



Permit Jurisdiction

This area includes tidelands, submerged lands, and lands where the public trust may exist.

Appeal Jurisdiction

This area includes lands between the sea and the designated first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100 feet of streams and wetlands and lands within 300 feet of the top of the seaward face of any coastal bluff.

First Public Road

First Public Road 14 CCR 13577(i)(2)

100 Feet from Stream Top of Bank

100 Feet from Wetland Extent

300 Feet from Top of Coastal Bluff

300 Feet from Inland Extent of Beach

300 Feet from Mean High Tide Line

Appeal Jurisdiction (P.R.C. §30613)

Areas of Deferred Certification (ADCs)

Development in this area remains subject to Coastal Commission original permit jurisdiction.

Certified Coastal Long Range Development Plan

Development in this area either remains subject to Coastal Commission review and approval, or Coastal Commission review of projects approved under a Long Range Development Plan.

Coastal Zone Boundary

City Boundary

Certified Maps

Note 4

The Appeal Jurisdiction shown on this map may include areas adjacent to stream depicted on the corresponding USGS 7.5 minute quadrangle maps that have been channelized or otherwise altered. Pursuant to 14 C.C.R. §13577(a), channelized streams not having significant habitat value should not be considered as a basis for delineating stream appeal jurisdiction.

Note 5

In addition to the geographic areas of appeal jurisdiction depicted hereon, the following types of development are appealable throughout the coastal zone pursuant to P.R.C. §30603 (a)(4) and (a)(5):

1. Any development approved by a county that is not designated as a principal permitted use under zoning approved pursuant to the applicable Local Coastal Program;
2. Any development that constitutes a major public works project or major energy facility.

Note 6

In some areas individual parcels of land may be bisected by the appeal jurisdiction boundary. All development proposed within the appeal area defined as appealable is subject to the Commission's jurisdiction. In addition, if a development is proposed partly on the portion of the parcel that forms the basis for geographic appeal jurisdiction, and partly on the remainder of the parcel, and the Commission decides to hear the appeal, then the Commission reviews the local government approved permit de novo including all the development that was authorized in the permit.

Note 7

The boundaries shown on this map are not to be used for establishing or depicting State ownership boundaries or granted lands and are to be used in reference to the Coastal Commission's Post LCP Certification Permit and Appeal Jurisdictions only. This map has not been approved by the California State Lands Commission, is subject to change, and may not include all lands subject to the public trust. Any questions which arise, pursuant to the public trust, should be directed to the California State Lands Commission.

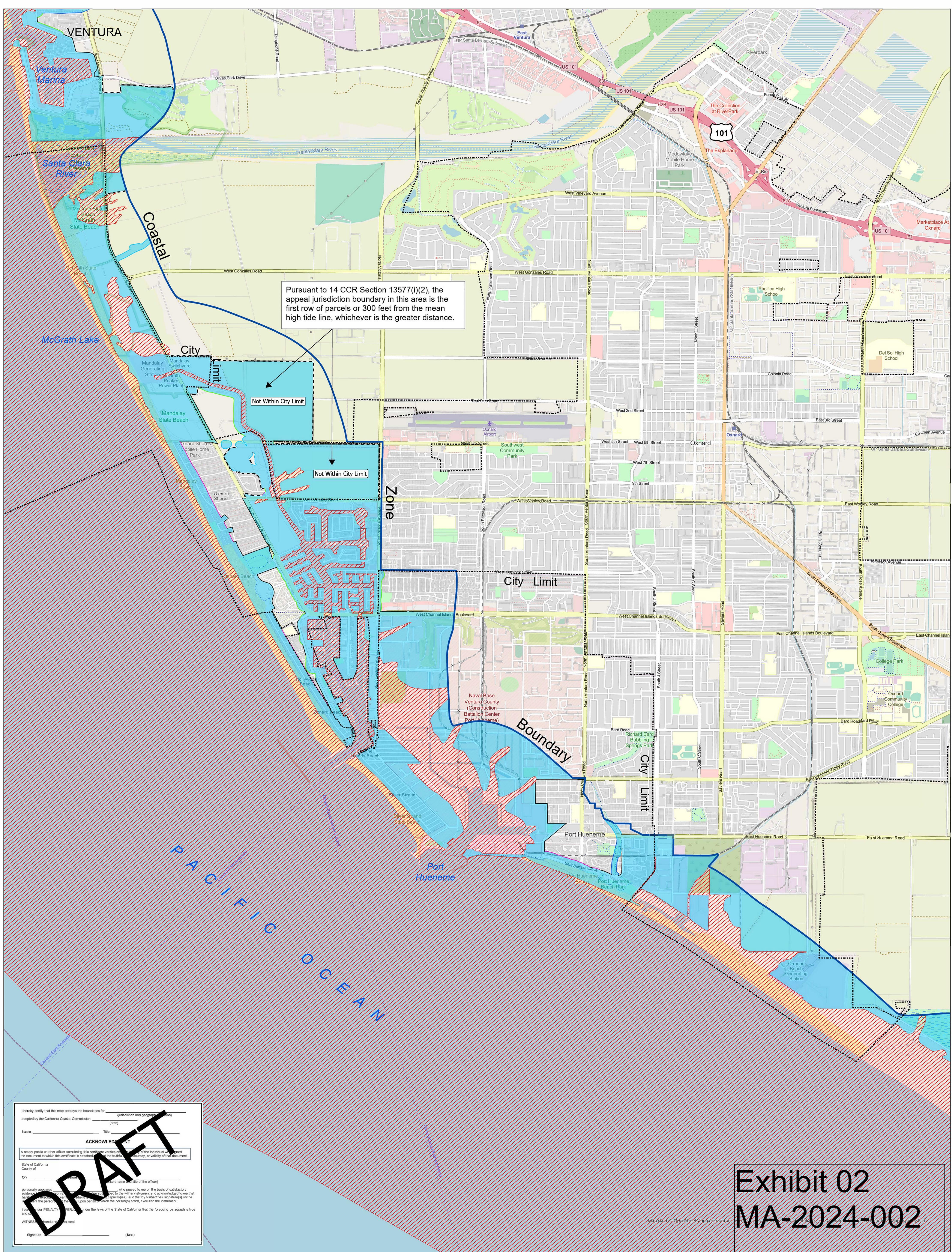
Note 8

Development on Federal Lands requires a Coastal Commission Coastal Development Permit or federal consistency certification or determination.

Note 9

Brown map extents indicate the cadastral-scale Post LCP Certification Permit and Appeal Jurisdiction maps that predate the use of this legend. 1:24,000 scale post-cert maps are not referenced in this index.

**Exhibit 01
MA-2024-002**

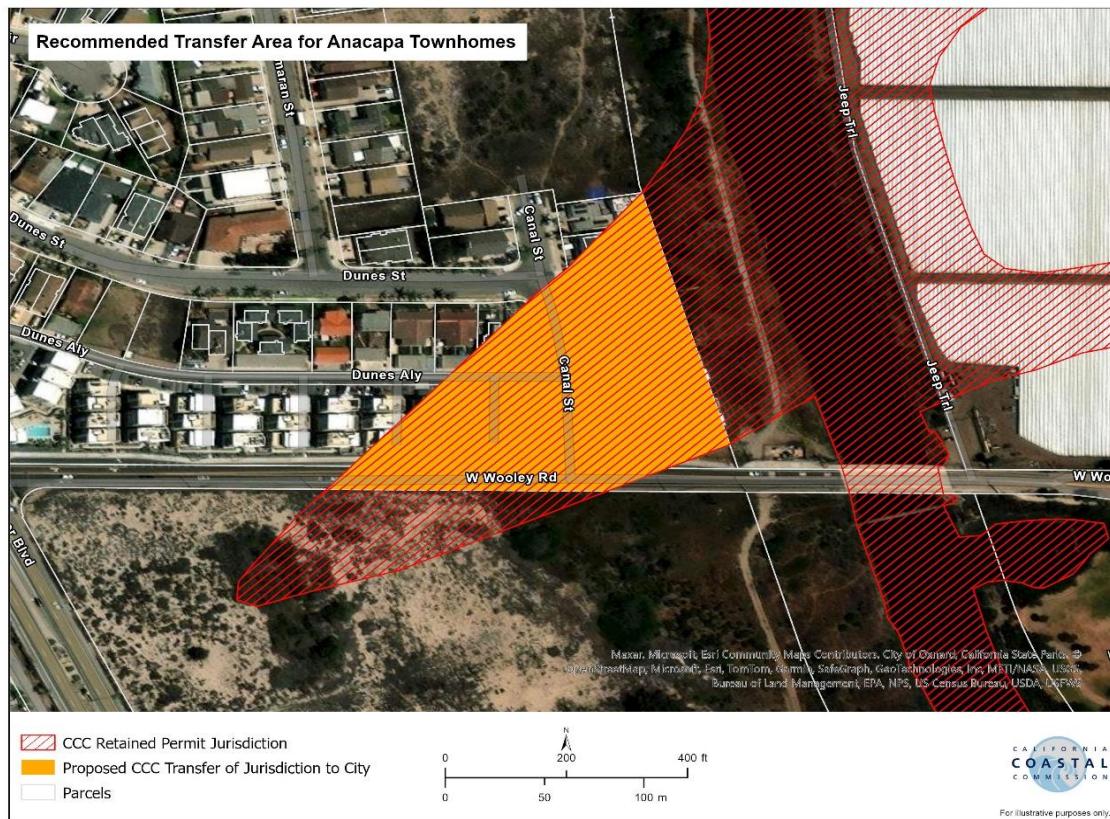


This map and the jurisdictional boundaries depicted herein are part of a larger map series depicting regulatory boundaries within Ventura County. Please refer to the Index Map of Ventura County for map symbology and appropriate use information. Base Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, ESRI Community Maps contributors, Map layer by ESRI For illustrative purposes only.

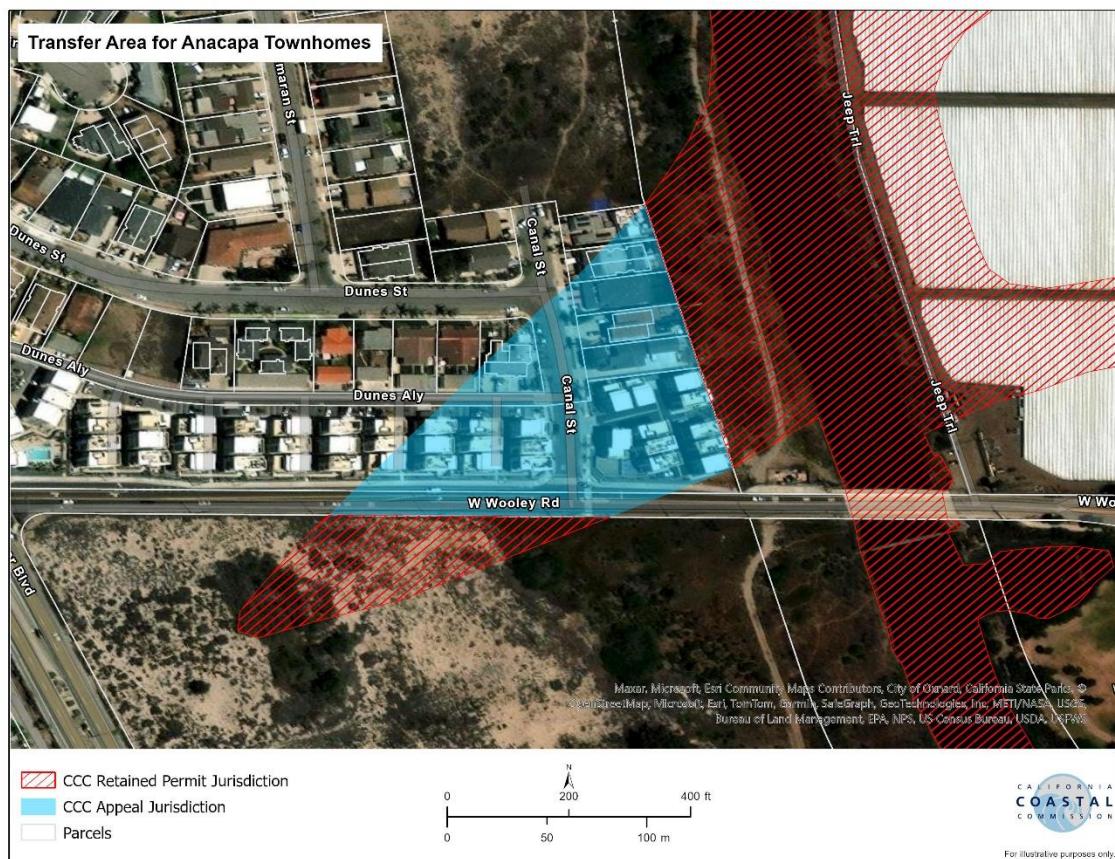
A map scale bar and north arrow. The scale bar is labeled '0 0.5 1 1.5 2 Kilometers' and '0 0.5 1 1.5 2 Miles'. The north arrow points upwards and is labeled 'N'.

This map has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plat may be updated as appropriate and may not include all lands where permit and appeal jurisdiction is retained by the Commission.

Exhibit 3 – Recommended Transfer Area For a Portion of Anacapa Townhomes



Transfer Area for Anacapa Townhomes After Map Certification





August 15, 2024

California Coastal Commission
Attention: Greg Benoit, Mapping Program Manager
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Coastal Act Section 30613 Request for Post - LCP Permit and Appeal
Jurisdiction Map Number 131

Dear Mr. Benoit,

Here is the letter and attachments requested from the California Coastal Commission (CCC) from the City of Oxnard (the City) regarding our previous meetings and emails about the Coastal Commission's Original Permit Jurisdiction at Wooley Road and Reliant Energy canal. The city requests to clarify the jurisdictional boundaries identified in the above referenced map and to kick off the update and development of the Digital Jurisdiction and Post Certification Maps as well. As provided in Section 30613 of the Coastal Act, local jurisdictions can request that primary permit authority for areas potentially subject to the public trust but which are filled, developed, and committed to urban uses be transferred to the local government's jurisdiction.

The CCC administrative regulations (14 CCR Section 13576) provide that a map portraying the areas of continuing Commission permit and appeal jurisdiction be adopted in conjunction with the final certification of the Local Coastal Plan. The Post-LCP Permit and Appeal Jurisdiction Map No. 131 (Oxnard Quadrangle) applicable to the City of Oxnard was adopted on November 20, 1985. Section 13576 also requires updates when there are changes in circumstances pertaining to the mapped boundaries.

As part of the efforts to update the boundary map, the City has concerns with Map No. 131 as currently mapped. The subject properties at Wooley Road and the Reliant Energy canal are now filled and developed, committed to urban uses, and no longer tidelands nor wetlands. According to previous communications, your records indicate

that the canal and associated wetlands constitute an historic tideland or wetland, and therefore is considered a public trust land within your jurisdiction.

The City requests that the Permit Jurisdiction line be adjusted to follow the Reliant Energy canal, and the Appeal Jurisdiction line be moved to follow the adjacent corresponding line to the north and south of the subject area. Current circumstances of the area include the existing filled and developed characteristics of the land in the general vicinity of the canal, the residential neighborhood located no less than 130 feet west of the canal, commitment to urban uses in the vicinity (consistent with the sub-zones described in the Coastal Zoning Ordinance and Coastal Zone Map), and existing topography that matches the adjacent residential neighborhood.

Conditions in the area have prompted the City to request clarification and revaluation of the jurisdictional boundaries as identified on Map 131. This is a request pursuant to Section 30613 of the Coastal Act. Section 30613(a) states:

“The provisions of subdivision (b) of Section 30519, subdivision (b) of Section 30600, and subdivision (b) of Section 30610.5, which apply to lands subject to the public trust shall not apply to any lands which may be subject to the public trust but which the commission, after consultation with the State Lands Commission, determines are (1) filled and developed and are (2) located within an area which is committed to such urban uses.”

I have attached recent photographs of the subject area confirming that this area is filled and developed. The vacant properties in this area are at the same elevation as that of the developed properties, and are not prone to flooding due to topography. The City’s Local Coastal Program has been certified by the California Coastal Commission, and identifies the subject area for existing residential uses, and is appropriately zoned for R-2-C and R-3-C development (see enclosed Coastal Zoning Map).

The Appeal Jurisdiction line along the ocean should follow the first public roadway paralleling the sea as it has historically (i.e. where there exists a public roadway that satisfies the criteria of California Code of Regulations (CCR) Section 13577(i), the inland right-of-way of such road typically determines the location of the boundary line). The source of reference for the line is found in the City’s Coastal Zoning Ordinance that was certified by the California Coastal Commission. Coastal Zoning Ordinance Section 17-58(K)(2)(a) states that coastal permit applications are appealable to the Coastal Commission for “developments approved by the city between the sea and the first public roadway paralleling the sea within 300 feet of an inland extent of any beach, or of the mean high tide line of the sea where there is no beach ...” Section 17-58(K)(2) is

identical to section 30603(a)(1) of the Coastal Act. Where a beach exists with a public roadway that meets the criteria of CCR Section 13577(i), the inland right-of-way line has been utilized as the Appeal Jurisdiction boundary. If no public road exists that meets the criteria of CCR Section 13577(i), then 300 feet is measured from the inland extent of any beach or from the mean high tide line where there is no beach. That has been the historical interpretation and application of the statute for the City of Oxnard.

It is my understanding that Greg Benoit, from the CCC, has discussed the issue of Commission permit jurisdiction over the northerly small corner portion of lot 3, described as just north of the terminus of Canal Street with CCC staff. Mr. Benoit has discussed this with district staff and the CCC's legal staff and have concluded that the mapped jurisdiction is a scaling issue and the CCC will proceed with the 30613 transfer over neighboring properties, and not the northerly corner portion of lot 3 where Canal Street terminates. We are considering lot 3 in its entirety as outside the CCC's jurisdiction in the context of the jurisdiction transfer. As suggested by Mr. Benoit, the City of Oxnard is submitting a graphic that cuts off the northern portion of the subject area at the corner where Canal Street ends.

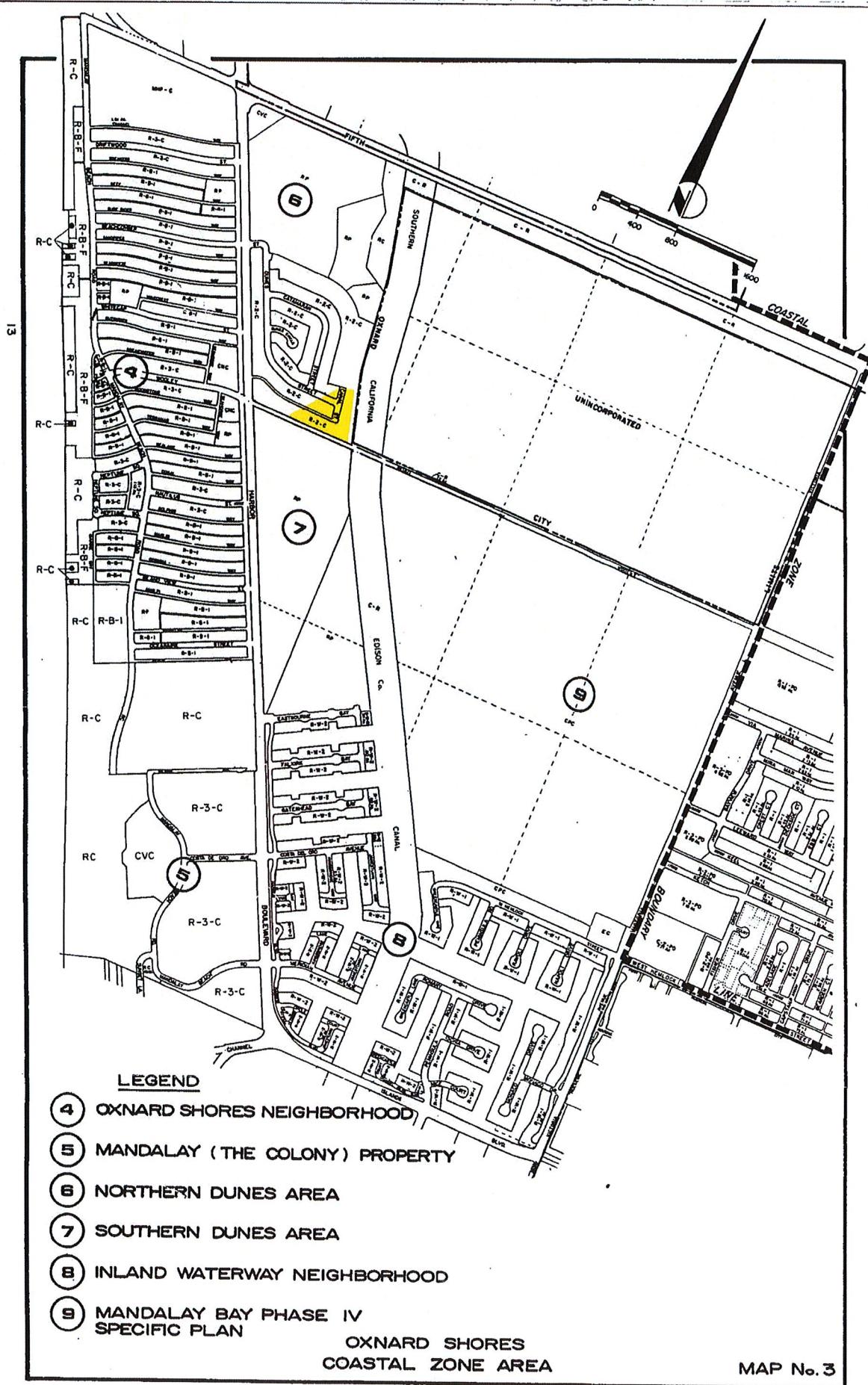
Thank you for the opportunity to review the proposed changes. Molly Swanson and Ryan Bosley will be our City mapping staff who can help with anything you may need. I have cc'd them on this email so everyone has correspondence information.

Thank you,



Teri Avakian | Planning Supervisor
Community Development Department

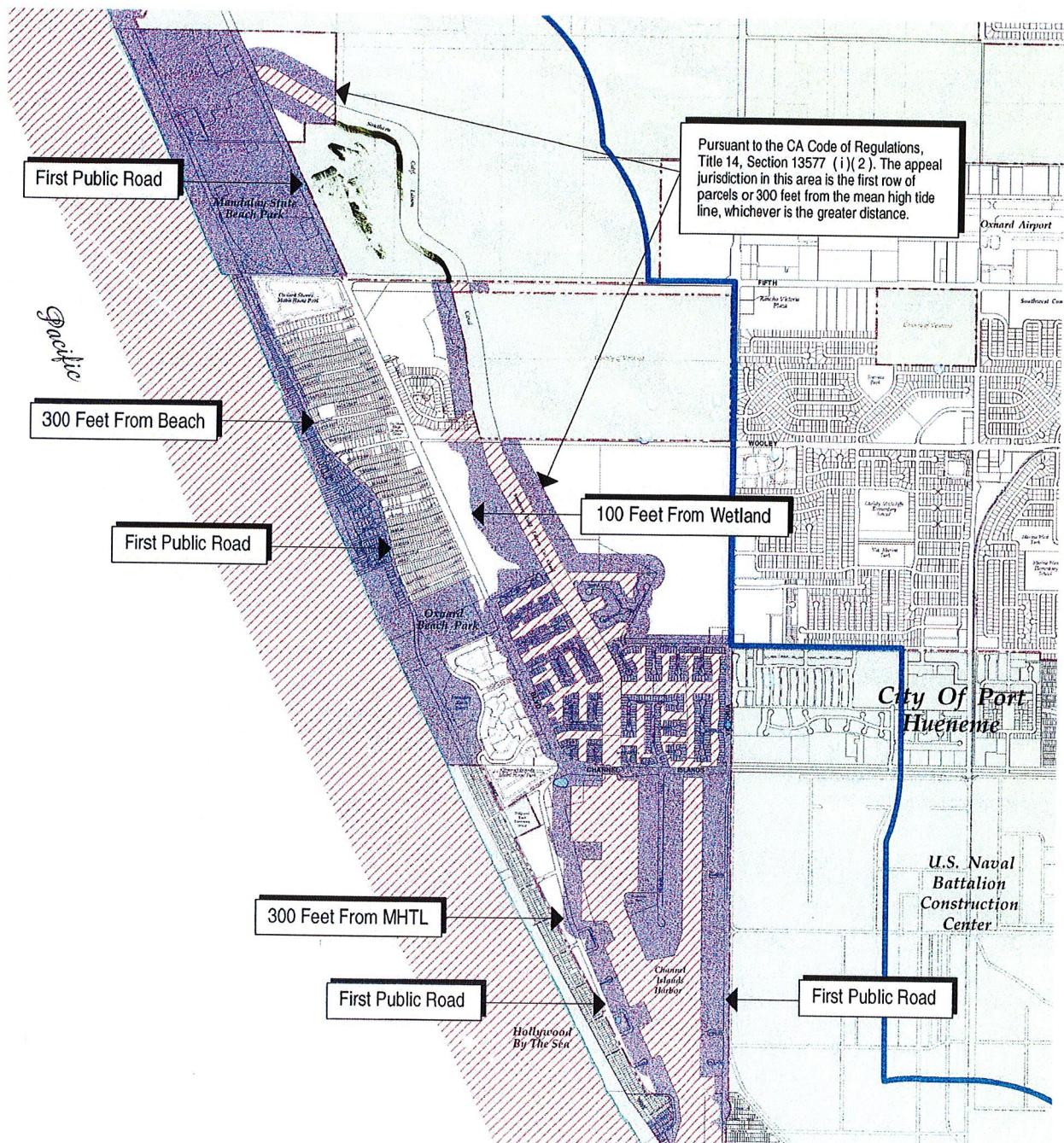






December 2005

Coastal Zone Map





**CALIFORNIA STATE LANDS
COMMISSION**

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*Established in 1938***JENNIFER LUCCHESI**, Executive Officer**916.574.1800**TTY CA Relay Service: **711** or Phone**800.735.2922**from Voice Phone **800.735.2929**or for Spanish **800.855.3000****Contact Phone: (916) 574-2555**

October 10, 2024

File Ref.: I4941

****Sent via electronic mail only****

Greg Benoit
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Greg.Benoit@coastal.ca.gov

**Subject: California Coastal Commission Request for Public Resources Code
Section 30613 Consultation, for Property Along the Reliant Canal, City of Oxnard,
Ventura County**

Dear Mr. Benoit,

This letter is in response to a request by the California Coastal Commission (Coastal) for a consultation with the California State Lands Commission (SLC) under Public Resources Code Section 30613 (PRC 30613). Coastal's request stems from a City of Oxnard (City) request to transfer, for permitting jurisdiction, an area within the City's municipal boundary from Coastal's original jurisdiction into the City's Local Coastal Plan.

SLC staff understands that under PRC 30613, Coastal is required to consult with the SLC when a delegation of its original permitting jurisdiction over Public Trust lands is proposed to a local government's Local Coastal Plan. For any transfer of permitting jurisdiction to occur under PRC 30613, Coastal, in consultation with the SLC, must find that the property in question is: 1) filled and developed, and 2) located within an area which is committed to urban use. The City has requested that such a transfer be completed for an area within its municipal

G. Benoit
October 10, 2024
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boundary approximately bounded by Dune Street on the north, W. Wooley Road on the south, Harbor Boulevard on the west, and the Reliant Canal on the east. The area is developed with numerous single and multi-family residences.

As general background, the SLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The SLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, 6009.1, 6301, and 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

Based on a review of the materials submitted with Coastal's request and in-house records, staff has concluded that SLC interest in the subject area and whether the location is subject to the public trust is undetermined. However, for consultation purposes and regardless of whether the area is subject to the public trust, SLC staff concurs that it has been filled and developed, is located within an area which is committed to urban use, and otherwise meets the criteria for transfer under PRC 30613.

Should you have any questions about any of the above information, please contact me at Kenneth.Foster@slc.ca.gov, or (916) 574-2555.

Sincerely,



Kenneth Foster,

Public Land Manager,
Land Management Division