

CALIFORNIA COASTAL COMMISSION

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



August 24, 2016

Lyn Krieger
Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93001

RE: Channel Islands Public Works Plan Amendment No. PWP-4-CIH-16-0005-2

Dear Ms. Krieger:

On August 17, 2016 our office received the proposed Public Works Plan Amendment (PWPA), which addresses the Urban Village Sub-Category to the Visitor Serving Harbor Oriented land use designation at Channel Islands Harbor (Harbor). Staff has reviewed your submittal pursuant to Title 14, Sections 13353 through 13357 and 13365 of the California Code of Regulations and Section 30605 of the Coastal Act and has determined that your submittal is incomplete. In order to process the amendment in accordance with the provisions of the Coastal Act and the California Code of Regulations, please provide the following items:

1. *City of Oxnard LCP Consistency.* Pursuant to Sections 13052 and 13352 of the California Code of Regulations, applications for PWPAs shall not be accepted as complete until other government agencies have granted at least preliminary approvals. Pertinent here, any necessary zoning change approvals must first be approved by the City of Oxnard. See 14 Cal. Code Regs § 13052(d). In addition, the Army Corps of Engineers or other relevant state or federal agencies must approve any dredging and filling of water areas for the relocation of the Urchin Dock. See *id.* at § 13052(h). Although the Commission's Executive Director has the discretion to waive the requirement for preliminary approval by other agencies (*id.* at § 13352), he chooses not to do so here due to the clear inconsistency of the proposed PWPA with the current Oxnard LCP and the need for Oxnard to adjust its zoning to address this inconsistency.

Additionally, Title 14, Section 13357(a)(1) of the California Code of Regulations states that a person may submit a PWPA to the Commission if an LCP amendment is not needed. There is no equivalent provision allowing submission of a PWPA if an LCP amendment *is* needed, which—as described below—is the case here. Accordingly, the PWPA application is incomplete and the Commission cannot process it because the proposed PWPA is inconsistent with the Oxnard LCP.

In this case, the proposed PWPA is not consistent with the certified Oxnard LCP. The proposed amendment will aggregate existing Harbor Parcels V-1, V-2, V-3, V-4, and a portion of Parcel N-2 to form a new parcel, Parcel "V". Parcel V will be designated with

a new land use sub-category, the Urban Village, to accommodate future redevelopment of Fisherman's Wharf. The City of Oxnard (Oxnard) Land Use Plan (LUP) designates Parcel V-1 as "Coastal Visitor-Serving Commercial (CVC)" and Parcels V-2, V-3, V-4 and N-2 as "Harbor Channel Islands (HCI)". Additionally, the Oxnard Coastal Zoning Ordinance (CZO) designates Parcel V-1 as CVC and Parcels V-2, V-3, V-4 and N-2 as HCI. The purpose of the CVC sub-zone is to provide coastal dependent visitor-serving commercial/recreational opportunities for both the visiting public and residents of the city. Principally permitted uses in this sub-zone include visitor-serving services and visitor-serving sales while secondary permitted uses include services and sales for residents. The purpose of the HCI sub-zone is to provide, protect and encourage commercial fishing, sport fishing, recreational boating, and related uses at the Harbor. Principally permitted uses in this sub-zone include commercial sport fishing and recreational boating uses, while secondary permitted uses include visitor serving uses, commercial fishing support uses, and other harbor related uses. Residential dwellings or mixed use developments (including residential and other uses) are not a permitted use within the CVC or HCI sub-zones.

Therefore, the Urban Village sub-category that is proposed to be added to the PWP as part of the subject PWPA would allow uses that are inconsistent with the uses allowed by the Oxnard LCP. This inconsistency can only be resolved if Oxnard amends its LCP (or the project is revised); however, to date such an LCP amendment has not been approved by Oxnard or certified by the Coastal Commission. Please provide evidence that the required amendment to the Oxnard LCP has been approved by the City of Oxnard and effectively certified by the Coastal Commission.

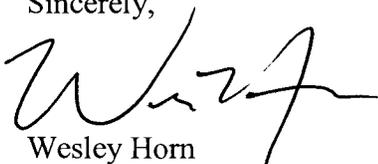
2. The existing intersection turning volumes for the a.m. and p.m. peak commute periods were derived from traffic counts collected on Thursday April 21, 2016. Traffic volumes as a result of the proposed project and cumulative traffic volumes from other developments in the study area were added to the existing intersection turning volumes to determine whether the proposed project will have an impact on traffic conditions and if mitigation measures are required. Because the Harbor is a popular visitor serving destination, it is possible that traffic volumes vary depending on the season and the presence or absence of visitors. Please provide an additional traffic study for the proposed project using traffic counts collected during peak visitor times in summer. The study should add the peak summer traffic volumes of the proposed project to cumulative traffic volumes (including existing and reasonably foreseeable development in the vicinity) and discuss any impacts to traffic and public access, as well as required mitigation.
3. *The transmittal of Proposed Amendment to the Public Works Plan for Channel Islands Harbor ("PWPA"); 7th Amendment, Fisherman's Wharf* includes a table summarizing the proposed residential units and commercial buildings for the project; however it does not include any discussion regarding how the areas of residential and commercial space were determined or how the proposed configuration was chosen. Please provide an analysis that discusses why the proposed configuration was chosen and also analyzes any

alternative configurations of residential and commercial space that could provide more public and visitor serving amenities along the waterfront promenade.

4. The PWPA proposes amended language for Visual Access Policy 1.d.1 to increase the allowable height within Parcel V not to exceed 55 feet. The proposed amended language does not address parapets, architectural features, electrical equipment, screening materials, telecommunications equipment, elevator housings and HVAC equipment. These appurtenant equipment and features vary in height and could extend above the proposed 55 foot height limitation. Please clarify if appurtenant equipment and features are included in the height allowance or provide revised amended language that specifies a height limitation for appurtenant equipment and features.
5. Appendix A of the certified PWP includes an inventory of the existing uses, size and intensities within the parcels of the Harbor. The PWPA proposes revisions to Appendix A, including deleting Parcels V-2 and V-3 to reflect their aggregation into proposed Parcel V, but does not delete Parcel V-1, which will also be aggregated into Parcel V. As such, please update the proposed revisions to Appendix A to delete Parcel V-1. Additionally, a portion of Parcel N-2 is proposed to be included in the proposed Parcel V and the resulting change in parcel size for N-2 should be reflected in Appendix A.
6. Pages C40 through C45 of the *Technical Appendix* attached as part of the traffic study in Exhibit C appear to be from the draft consideration of environmental factors for PWPA 6, the Casa Sirena Hotel and Lobster Trap Restaurant replacement. Please clarify whether these pages are intended to be included as part of the submittal for PWPA 7 or if they can be removed from the document.
7. Please provide a copy of the signed resolution from the Ventura County Board of Supervisors approving PWPA 7.
8. As discussed, the proposed amendment will aggregate existing Harbor Parcels V-1, V-2, V-3, V-4, and a portion of Parcel N-2 to form a new parcel, Parcel V. Please provide a map showing the existing and proposed parcel configurations and totaling the existing and proposed parcel acreages.

We are requesting the above information in order to deem the PWP amendment filed pursuant to Section 13354 of the California Code of Regulations. Please contact me at (805) 585-1800 if you have questions regarding the requested information.

Sincerely,



Wesley Horn
Coastal Program Analyst