Planning and Zoning
(PZ) Permit No. 21-625-02

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Isidro Figueroa, Principal Planner

DATE: July 15, 2021

SUBJECT: **Project Name: Peninsula Road Street Vacation General Plan Conformity;** Planning and Zoning (PZ) Permit No. 21-625-02 (General Plan Conformity Determination) - Request for 2030 General Plan Conformity Determination for Vacation of the Southernmost 272 feet of Peninsula Road fronting 3605 Peninsula Road and acceptance of a public access easement.

1) **Recommendation:** That the Planning Commission ("**Commission**"):
   a) Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and

   b) Adopt Resolution 2021-XX affirming that the City of Oxnard's proposed vacation of the southernmost 272 feet of Peninsula Road fronting 3605 Peninsula Road and acceptance of a public access easement is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the vacation and accept a public access easement.

2) **Project Description and Applicant:** A request that the Planning Commission adopt a resolution affirming that the City of Oxnard's ("**Applicant**") vacation of the southernmost 272 feet of Peninsula Road and acceptance of a public access easement to allow for the continuation of vehicular circulation is in conformance with the City of Oxnard 2030 General Plan and recommending that the City Council order the street vacation and accept the public access easement. The project site is located at the terminus of Peninsula Road (public right-of-way) fronting 3605 Peninsula Road (Attachment A). For purposes of this Staff Report, the foregoing project description shall be referred to as the "**Project**". Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

   Please see the Street Vacation Map (Attachment B) for more details.

3) **Existing & Surrounding Land Uses:** The southernmost 272 feet of Peninsula Road that is proposed to be vacated is currently the end of the public right-of-way (cul-de-sac). This portion of Peninsula Road has various underground utility easements and is used as a turning

around point for vehicular circulation which can accommodate large vehicles (i.e. fire engines). The land surrounding the public right-of-way is occupied by a vacant 184-room hotel with a restaurant and meeting rooms as well as parking lots for the hotel. The 2030 General Plan, Local Coastal Program (LCP) and zoning land use designations, and existing land uses are as follows (see Attachment A):

LOCATION	**GENERAL PLAN**	**LOCAL COASTAL PROGRAM**	**ZONING**	**EXISTING LAND USE**
Project Site	N/A Right-of Way	N/A Right-of Way	N/A Right-of-Way	Right-of-Way
North	N/A Right-of Way	N/A Right-of Way	N/A Right-of Way	N/A Right-of Way
South	Harbor Channel Island (HCI)	Visitor-serving Commercial	Coastal Visitor Serving Commercial (CVC)	Vacated Hotel
East	Harbor Channel Island (HCI)	Visitor-serving Commercial	Coastal Visitor Serving Commercial (CVC)	Parking Lot
West	Visitor Serving Commercial (VSC)	Visitor-serving Commercial	Coastal Visitor Serving Commercial (CVC)	Vacated Hotel

4) **Background Information:** The City's LCP was certified by the California Coastal Commission (Coastal Commission) in 1986. The Channel Islands Harbor (Harbor) has a unique regulatory system in place. The Harbor is located within the City's municipal jurisdiction and is regulated by policies within the LCP. Additionally, the land use regulations for the Harbor are also regulated by the County of Ventura's (County) Public Works Plan (PWP) which was certified by the Coastal Commission in September 1986. The PWP is allowed to be amended; however, the amendments must be consistent with the City's LCP. The Harbor's PWP has been amended six times since its adoption by the Coastal Commission in 1986.

The County granted an easement to the City of Oxnard for right-of-way purposes for Peninsula Road in June 1970. Casa Sirena Hotel was constructed in 1972 with 274 rooms at the southern terminus of Peninsula Road and adjacent to the waterfront and existing marinas.

Since 2006, the County Harbor Department has been seeking a developer to redevelop the site of the Casa Sirena Hotel. In 2006, ninety rooms on the north end of the development and west of Peninsula Road were redeveloped and rebranded as a Hampton Inn. The remainder of the hotel was boarded up in 2009. On July 14, 2016, the Coastal Commission approved a Public Works Plan Amendment (PWP-4-CIH-16-0004-1) driven by, and to accommodate demolition and reconstruction of the Casa Sirena Hotel and restaurant.

On May 10, 2018, the Coastal Commission approved a Notice of Impending Development (NOID) CIH-NOID-0002-18, which includes the demolition of the existing non-operational and dilapidated 107,600 square-foot, 45-foot high, 184-room Casa Sirena Hotel and 5,400 square-foot. Lobster Trap Restaurant and new construction consisting of: a 203,011 square-foot., 55-foot high, 210-room hotel; a 7,071 square-foot restaurant; 6,250 square-foot public plaza and promenade; 450 square-foot boater restroom; expansion of existing marina facilities, and a total of 379 parking spaces located at 3605 Peninsula Road (see Attachment C). An analysis of parking for the project indicated that, while the project will share parking with the existing Peninsula Yacht Marina, usage rates for the hotel, restaurant, and marina are only expected to require 344 spaces at a maximum. Therefore, the proposed 379 parking spaces for the project will be sufficient to serve the proposed hotel and restaurant and the existing marina. While the study demonstrated that the amount of parking will be sufficient, a condition was included in the approved NOID to ensure that the shared parking agreement between the proposed hotel and restaurant project and the existing marina is fully implemented and will remain in effect so long as the development remains in operation even if a new lease is recorded in the future.

On-street parking along the portion of Peninsula Road where the street vacation is proposed is limited to the west portion of the street. The standard on-street parking space dimension is 24 feet in length which accommodates both vehicle parking and maneuvering into and out of parallel parking spaces. Based on the standard on-street parking dimension, the west side of Peninsula Road that is proposed to be vacated currently accommodates approximately 6 on-street parking spaces. The eastside of Peninsula Road that is proposed to be vacated does not allow parking; however, if parking were allowed approximately 5 parking spaces would be accommodated, which means a maximum of 11 on-street parking spaces would be eliminated due to the street vacation. The approved redevelopment project is designed to provide 29 parking spaces (conservatively, a net gain of 18 parking spaces) located within the street vacation area that would benefit the hotel, restaurant, marina, and public based on the shared parking agreement that was conditioned as part of the hotel redevelopment project.

On May 18, 2021, the Oxnard City Council and the County Board of Supervisors adopted the Channel Islands Harbor Cooperation Agreement (the Cooperation Agreement). As part of the Cooperation Agreement, the City and County agreed to work together to address water quality as well as to facilitate redevelopment of specific parcels for projects that are consistent with the goals of the California Coastal Act and provide for greater public access and utilization of this coastal resource. The Cooperation Agreement requires that the City process the Peninsula Road street vacation without application of the County within 120 days

of adoption of the Cooperation Agreement (September 15, 2021).

5) **Environmental Determination:** Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).), and staff recommends that the Planning Commission accept the Notice of Exemption (Attachment D), attached to the staff report. The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find disposal of any real property in conformance with the City's General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

6) **Analysis:**
   a) ***Government Code:*** California Government Code Section 65402(a) requires that a Finding of General Plan Conformity be made by the Planning Commission and reported to the City Council prior to any acquisition, disposition, vacation, or abandonment of any real City property by the City. Specifically, the Planning Commission is to determine as to whether the location, purpose, and extent of such proposed real property transaction is in conformance with the 2030 General Plan.

   b) ***General Plan Consistency:*** The southernmost 272 feet of Peninsula Road which is a cul-de-sac does not have a 2030 General Plan land use designation as it a right-of-way that currently serves as a means for vehicular circulation which can accommodate large vehicles (i.e. fire engines) to turn around when they reach the end of Peninsula Road. CThe cul-de-sac will be reconstructed in a slightly different configuration to accommodate the new hotel's entrance when the hotel site is redeveloped.

   Additional public access will be provided by the new development to include a public plaza between the hotel and restaurant, a new waterfront promenade along the edges of the property, and users of the Peninsula Yacht Marina would share the parking lot. This will create an unbroken pedestrian path with public access to the new hotel development and access to the marina. The improvements within this dedicated area will be undertaken at a future time by the developer of the hotel.

   The 2030 General Plan identifies the Casa Sirena site land use designation as Harbor Channel Islands. The 2030 General Plan states that proposed land use changes and related regulations that directly or indirectly affect properties and/or activities in the Oxnard Coastal Zone may be subject to the LCP and would not be effective until approved by the City Council and certified by the Coastal Commission. The proposed street vacation is intended to serve as an entrance to the Casa Sirena redevelopment project which is currently vacated and dilapidated. The LCP land use designation for the casa Sirena site is Visitor-serving Commercial which is intended to provide for the development of areas

of commercial uses designed to serve visitors to the area. The permitted uses include hotels and restaurants consistent with those uses intended to be in place under the redevelopment project.

By allowing the street vacation to facilitate the redevelopment project, the street vacation will be consistent with the following 2030 General Plan Policies which state:

Goal CD-4.2 Commercial Revitalization and Redevelopment- Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.

Goal CD-4.4 Commercial Area Aesthetics- Require that older commercial development upgrade / improve landscaping and architecture, if warranted, during discretionary review opportunities.

By allowing the street vacation to facilitate the redevelopment project, the street vacation will be consistent with the following LCP's Land Use Plan Policies which state:

Policy 46- Areas designated for Visitor-serving Commercial uses shall be planned and designed to maximize aesthetics, have a common theme and blend with surrounding uses. Permitted uses include motels, hotels, restaurants and visitor-oriented retail commercial. Where designated, neighborhood convenience commercial may also be permitted, provided that the commercial uses remain predominantly visitor-oriented.

Policy 83- Uses permitted in area Visitor-serving Commercial shall be primarily visitor-serving in nature, including hotels, motels, restaurants and specialty retail. Neighborhood convenience uses may be conditionally permitted. Commercial areas shall be well-designed aesthetically. Possible techniques include innovative landscaping and theme architecture. Parking areas shall include bicycle parking facilities. It is the City's policy to encourage a mix of commercial visitor-serving uses to meet the needs of all economic groups. Thus, facilities that will be affordable to families of low and moderate income will be encouraged.

Additionally, by allowing the street vacation to facilitate the redevelopment project, the street vacation will be consistent with the following PWP's Policies which state:

Land and Water Recreation Policy 9- 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.

Public Access Policy 6- Adequate vehicular access and circulation shall be provided throughout the Harbor without impacting the Harbor's public resources.

Public Access Policy 7- Development shall encourage pedestrian, bicycle, bus, and other non-automotive means of transportation over automobile circulation wherever possible.

Parking Policy 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.

7) **Community Outreach:**

A Community Workshop meeting was held on June 21, 2021. A notice of this meeting was distributed Citywide to neighborhood chairs. Eleven members of the public participated in the Community Workshop meeting. One member of the public inquired if this project was incorporating any walkways for the enjoyment of the public. Staff indicated that the hotel redevelopment project was approved by the County and Coastal Commission with a waterfront walkway along the perimeter of the project. Several members of the public were concerned about the loss of on-street parking due to the street vacation. Staff indicated that the Coastal Commission found the project to be consistent with the parking requirements of the PWP, and staff highlighted a parking agreement was conditioned as part of the project to secure off-street parking for the hotel, restaurant, marina and general public.

8) **Summary and Conclusion:**

The vacation of the southernmost 272 feet of Peninsula Road and acceptance of a public access easement is consistent with the City's 2030 General Plan because the proposed street vacation will facilitate the redevelopment of the Casa Sirena site with a new hotel and restaurant which is consistent with both the City's LCP and the County's PWP. Therefore, after review of the proposed vacation of the southernmost 272 feet of Peninsula Road, staff recommends that the Planning Commission adopt the attached Resolution memorializing the Planning Commission's determination that the proposed vacation conforms with the 2030 General Plan.

Attachments:

A. Maps (Vicinity, General Plan, LCP, Zoning, PWP, Aerial)
B. Street Vacation Map
C. Notice of Impending Development (NOID) CIH-NOID-0002-18
D. Notice of Exemption
E. Planning Commission Resolution
F. Staff Presentation

A. Maps (Vicinity, General Plan, LCP, Zoning, PWP, Aerial)

Vicinity Map

CITY OF OXNARD CALIFORNIA
Oxnard Planning
June 29, 2021

PZ 21-625-02
Location: Peninsula Road Terminus

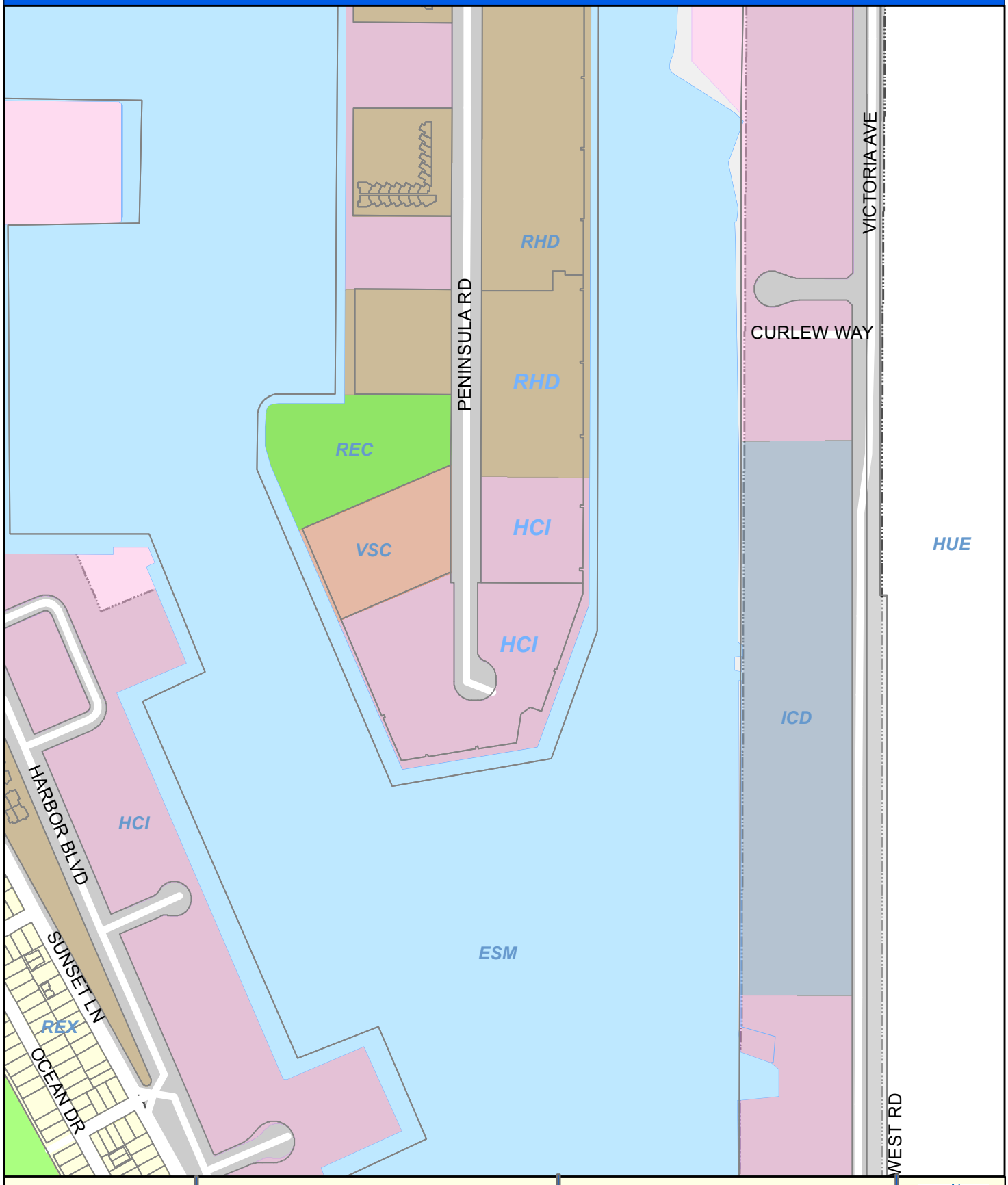
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

June 29, 2021

PZ 21-625-02

Location: Peninsula Road Terminus

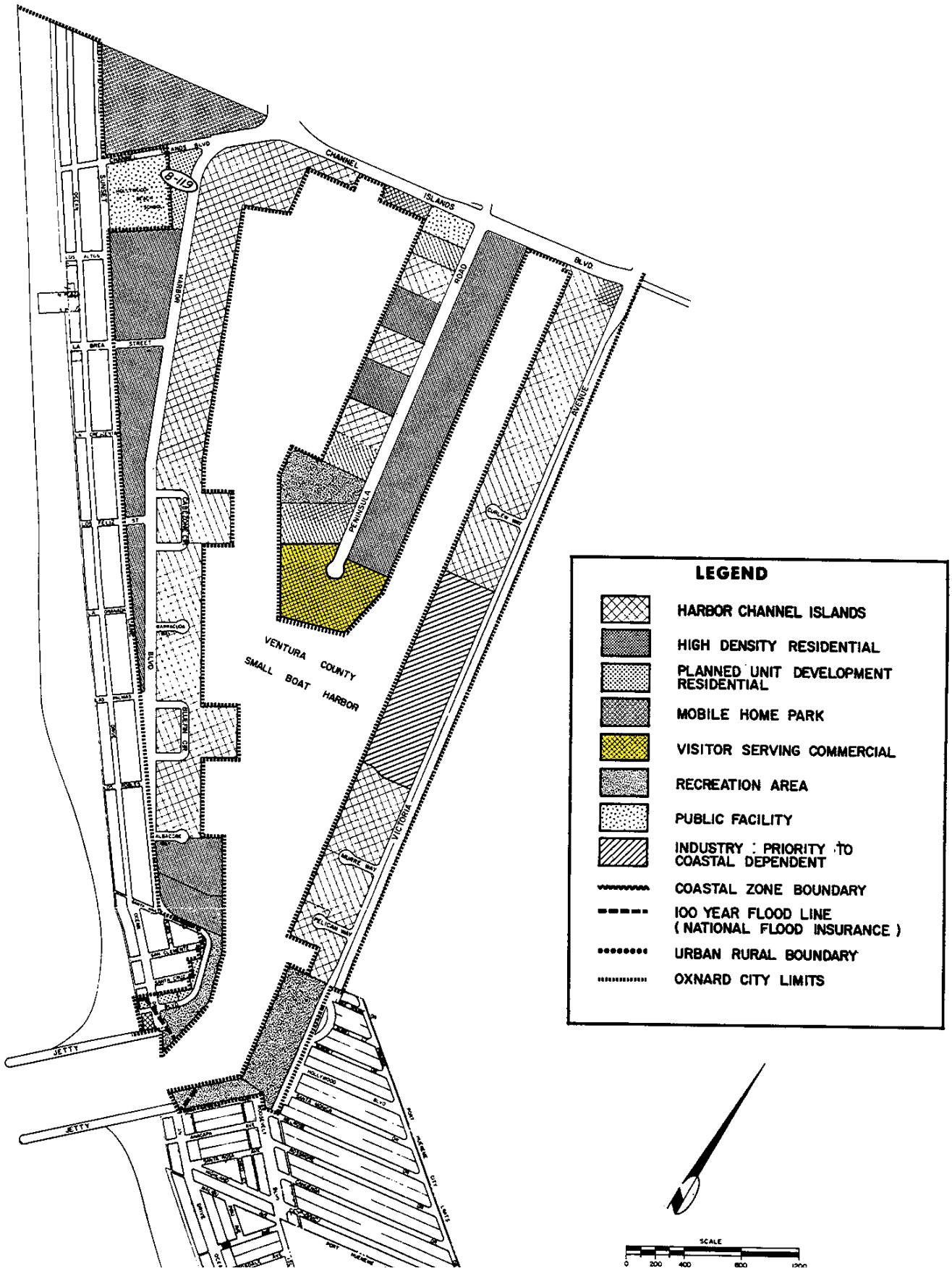
0 125 250 500 Feet

2030 General Plan Land Use Map

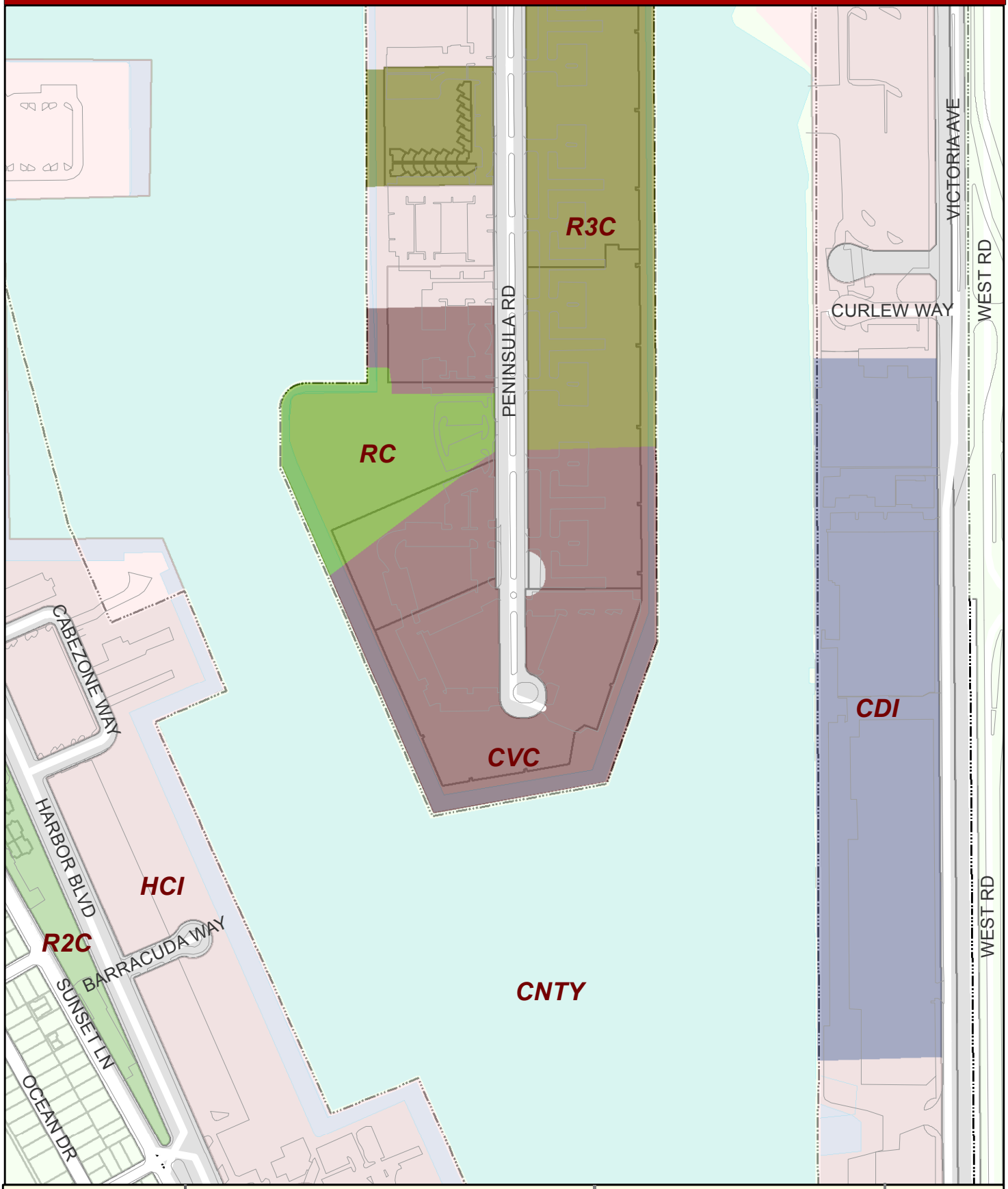
N W E S

1:4,410

Local Coast Program
Land Use Designation



Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

June 29, 2021

PZ 21-625-02

Location: Peninsula Road Terminus

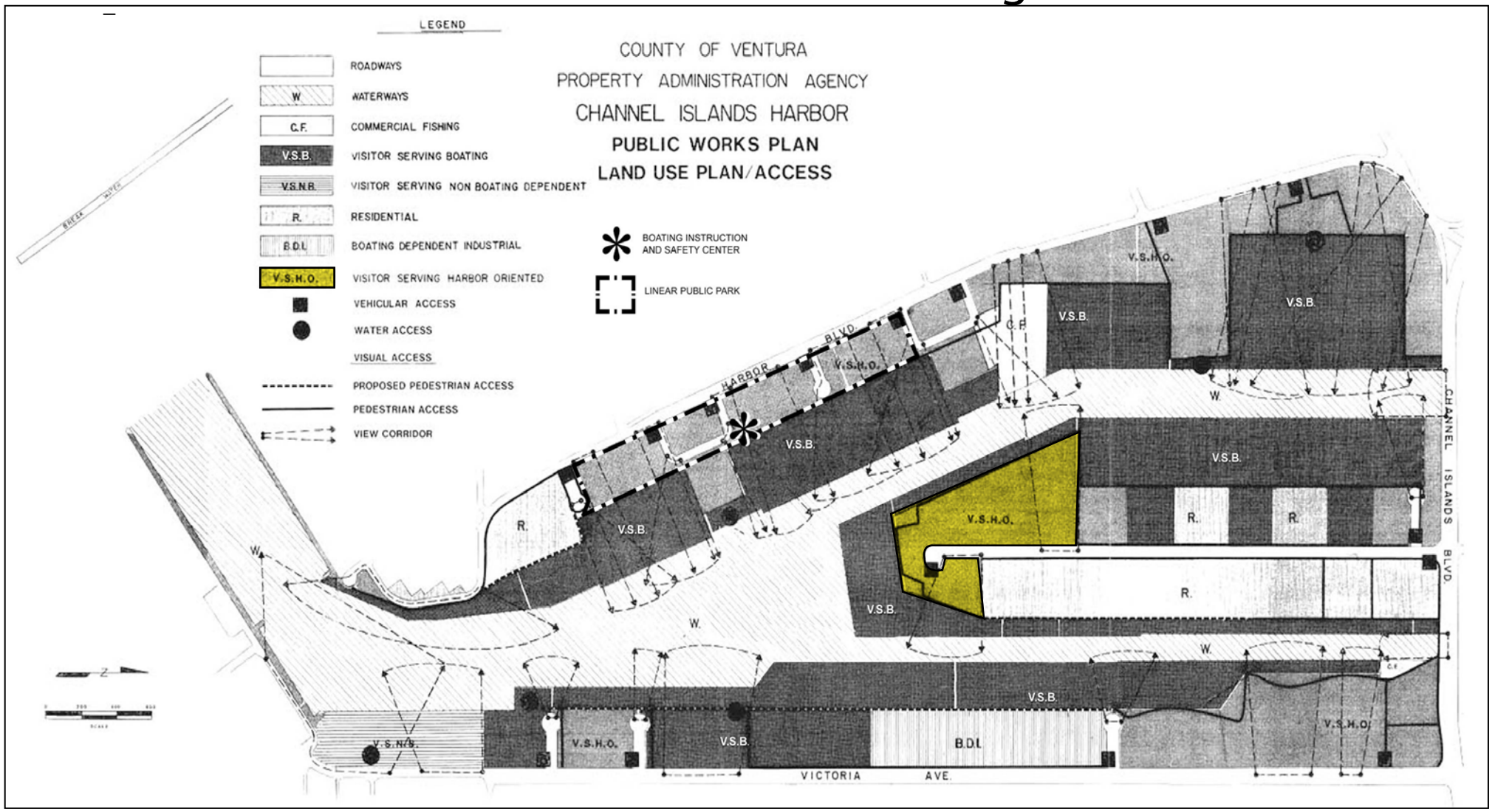
0 62.5 125 250 375 500 Feet

Zoning/Specific Plan Map

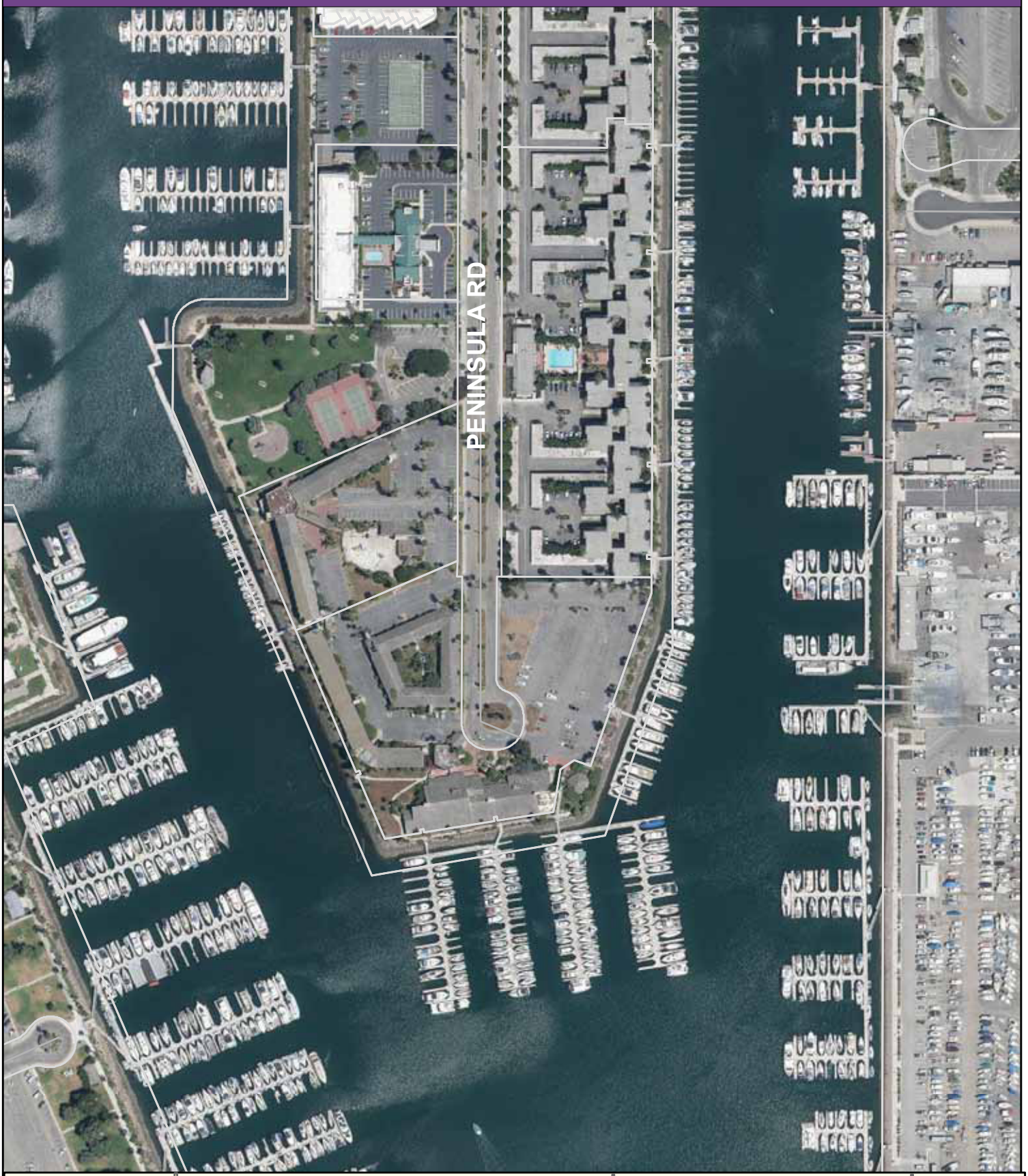
N W E S

1:4,000

Public Works Plan Land Use Designation



Aerial Map



OXNARD
CALIFORNIA

Oxnard Planning
June 29, 2021

PZ 21-625-02
Location: Peninsula Road Terminus

0 62.5 125 250 375 500 Feet

Aerial Map

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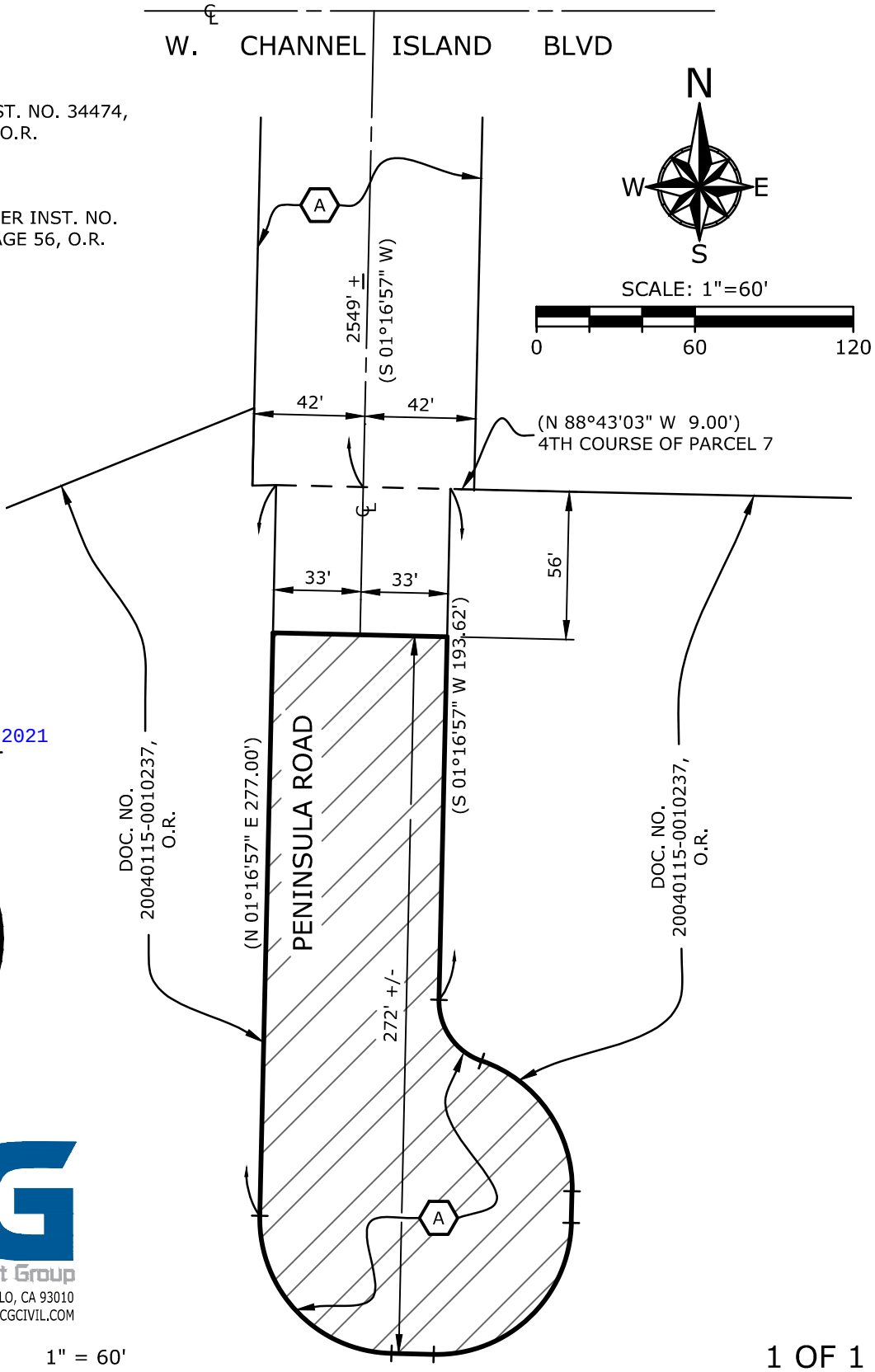
B. Street Vacation Map

EXHIBIT "B"

MAP TO ACCOMPANY LEGAL DESCRIPTION
IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA



LEGEND

( ) RECORD DATA PER INST. NO. 34474, BOOK 3691, PAGE 56, O.R.

O.R. OFFICIAL RECORDS

(A) EASEMENT PARCEL 7 PER INST. NO. 34474, BOOK 3691, PAGE 56, O.R.

PREPARED UNDER THE SUPERVISION OF:

6/30/2021

JAMES P. FALLON, P.L.S 7807

PROFESSIONAL LAND SURVEYOR
JAMES P. FALLON
NO 7807
STATE OF CALIFORNIA

Encompass Consultant Group
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PHONE: 805.322.4443 WEBSITE: WWW.ECGCIVIL.COM

1" = 60'

N:\projects\0303\01 map & plan checks\20-xxx1 Peninsula Rd Vacation\geo\cad\0303-01-20.XXX1EX01_QUITCLAIM.dwg

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PORTION OF PARCEL 7 (PENINSULA ROAD), IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS SAID PARCEL 7 IS DESCRIBED IN THE DEED RECORDED JULY 16, 1970 AS INSTRUMENT NO. 34474 IN BOOK 3691, PAGE 56 OF OFFICIAL RECORDS OF SAID COUNTY, LYING SOUTHERLY OF A LINE PARALLEL WITH AND DISTANT 56.00 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES, OF THE 4TH COURSE OF SAID PARCEL 7 AND ITS WESTERLY PROLONGATION, BEING DESCRIBED AS "NORTH 88° 43' 03" WEST 9.00 FEET".

CONTAINING AN AREA OF 22,279 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED
BY ME OR UNDER MY DIRECTION:

6/30/2021

JAMES P. FALLON, PLS 7807

C. Notice of Impending Development (NOID) CIH-NOID-0002-18

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

Th20a

DATE: April 26, 2018

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-0002-18 at Channel Islands Harbor** for the demolition of the non-operational and dilapidated 107,600 sq. ft., 45 foot high, 184 room Casa Sirena Hotel and 5,400 sq. ft. Lobster Trap Restaurant and new construction consisting of: a 203,011 sq. ft., 55 foot high, 210 room hotel; 7,071 sq. ft. restaurant; 6,250 sq. ft. public plaza and promenade; 450 sq. ft. boater restroom; expansion of existing marina facilities, and a total of 379 parking spaces located at 3605 Peninsula Road, Channel Islands Harbor, City of Oxnard, Ventura County, for Public Hearing and Commission Action at the May 10, 2018, Commission Meeting in Santa Rosa, CA.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Notice of Impending Development (NOID) CIH-NOID-0002-18 requested by the Ventura County Harbor Department, as conditioned. Staff is recommending five special conditions in order to ensure consistency with the certified Channel Islands Harbor Public Works Plan (PWP).

The subject NOID includes the demolition of the existing non-operational and dilapidated 107,600 sq. ft., 45 foot high, 184 room Casa Sirena Hotel and 5,400 sq. ft. Lobster Trap Restaurant and new construction consisting of: a 203,011 sq. ft., 55 foot high, 210 room hotel; a 7,071 sq. ft. restaurant; 6,250 sq. ft. public plaza and promenade; 450 sq. ft. boater restroom; expansion of existing marina facilities, and a total of 379 parking spaces located at 3605 Peninsula Road. The Commission previously approved an amendment to the certified Channel Islands Harbor Public Works Plan (PWP) in July of 2016, PWP-4-CIH-16-0004-1, to increase the maximum building height and increase the number of hotel rooms allowed on Parcels F and F-1 to accommodate the demolition of the existing Casa Sirena Hotel and the construction of a new hotel. Demolition of the Lobster Trap Restaurant and construction of a new restaurant was also considered at that time, but no amendments to the PWP were needed to accommodate the restaurant replacement. The project as proposed is consistent with all of the relevant land use, intensity and height standards of the PWP.

Regarding coastal recreation and hotel accommodations, the existing Casa Sirena Hotel was approximately $140 per night when it was still in operation, and the Harbor Department has

confirmed that rooms for the proposed hotel are expected to cost on average approximately $161 per night. Most rooms for the proposed hotel will include kitchens, refrigerators and cupboards which provide visitors lower-cost alternatives to having to eat meals at restaurants. These are amenities that will help make the proposed hotel more accessible to a broader range of the public by allowing visitors to better afford staying at the proposed accommodation (i.e., by reducing other costs for food). In addition to the aforementioned amenities, some of the rooms for the proposed hotel will be larger suite-style accommodations that will provide lodging for multiple people per room at the proposed room rate at no additional charge, thus allowing the average per person cost to be less. Based on a review of information provided on other hotels in the area and the statewide average daily rate (ADR) for hotels, the existing hotel was considered moderate cost (while in operation), and the replacement hotel will also be considered moderate cost. Therefore, pursuant to Land and Water Recreation Policy 11 of the PWP, no replacement accommodations or in-lieu fees are required for the project. In order to ensure that the moderate cost accommodation approved in this NOID is not converted to a high cost accommodation in the future without provision of an equivalent number of low or moderate cost accommodation units as required by the PWP, Commission staff recommends **Special Condition 1**, which requires that any future conversion of this moderate cost accommodation to a high cost accommodation will require a new NOID or PWP amendment from the Commission.

Other coastal resources to be considered in the subject NOID include: access, parking and transportation, biological resources, scenic resources, geology and hazards, and water quality. As part of the project submittal, the Harbor Department included conditions of approval to ensure that the project is consistent with the relevant policies of the PWP. Commission staff recommends adoption of **Special Condition 1**, which would clarify that the conditions of approval from the Harbor Department are completely incorporated into the project approved in this NOID, except to the extent they are modified by the NOID approval.

The perimeter of the existing Casa Sirena hotel and restaurant complex occupies approximately 1,033 feet along the southwestern end of Peninsula Road. Currently only 545 feet of this 1,033 foot waterfront area is available for public access, and the subject NOID proposes to include a new, minimum 10 foot wide public promenade around the entire perimeter of the project site that will connect with existing public walkways to the north and to the south. In addition, the project will include a new 60 foot wide public plaza in the area between the hotel and restaurant that will afford views of the Harbor turning basin and boat slips. While the proposed development maximizes public access consistent with the policies of the PWP, **Special Condition 3** is necessary to ensure that the public access components of the project are finished prior to, or concurrent with, the development of the hotel and restaurant. Furthermore, to ensure that landscaping for the new development does not block views of Harbor waters as seen from the public road, Commission staff recommends **Special Condition 5** to require the Harbor Department to submit a final landscaping plan consistent with the PWP's view protection policies.

An analysis of parking for the project indicated that, while the project will share parking with the existing Peninsula Yacht Marina, usage rates for the hotel, restaurant, and marina are only expected to require 344 spaces at a maximum. Therefore, the proposed 379 parking spaces for

the project will be sufficient to serve the proposed hotel and restaurant and the existing marina. While the study demonstrated that the amount of parking will be sufficient, **Special Condition 1** is necessary to ensure that the shared parking agreement between the proposed hotel and restaurant project and the existing marina is fully implemented and will remain in effect so long as the development remains in operation even if a new lease is recorded in the future. Furthermore, the certified PWP contains several policies requiring new development to preserve vehicular circulation within the Harbor as well as explore measures to increase non-automotive transportation and reduce energy consumption. Traffic studies for the project indicated that while the existing hotel and restaurant are non-operational, the total amount of trips for a new hotel and new restaurant added to the road network in the Harbor will not have a significant impact on traffic and circulation. Also, consistent with the requirements of Traffic and Circulation Policy 4, the NOID includes a Transportation Demand Management Plan (TDMP) that will implement measures to reduce vehicle mileage, promote non-vehicular transport and reduce energy consumption. Similar to the parking agreement discussed earlier, **Special Condition 1** is also necessary to ensure that the TDMP is fully implemented and will remain in effect so long as the development remains in operation even if a new lease is recorded in the future.

Given the long standing development of the project site, there are no existing areas of native habitat that could meet the definition of environmentally sensitive habitat. Nonetheless, it is well known that the various tree populations within Channel Islands Harbor, including those within the project site, are utilized by sensitive bird species including Great Blue Herons and Black Crowned Night Herons. The conditions of approval in the Harbor Department's NOID include protective measures for sensitive bird species during tree removal and also require the planting of replacement trees at a 1:1 ratio for any removed trees. However, to avoid removal of trees during the bird breeding and nesting season and to ensure protection of sensitive bird species specifically during demolition and construction activities, it is necessary to incorporate **Special Condition 2.** This condition requires bird surveys within a 500 foot radius of the project prior to commencement of construction and the identification and implementation of appropriate protective measures if birds are encountered. In addition, to ensure consistency with the requirements of Biological Resources Policy 17 that replacement plantings shall not consist of any non-native invasive species, as well as the other relevant policies of the certified PWP, **Special Condition 5** is necessary, requiring the project to submit a tree replacement planting plan.

Lastly, the certified PWP requires new development to ensure adequate stability and site safety for areas threatened by coastal hazards and also requires that new development implement Best Management Practices to prevent the discharge of pollutants or sediment that could impact coastal waters. Sea Level Rise (SLR) maps prepared for the Channel Islands Harbor indicate that the project will be safe from coastal hazards under even the highest SLR projection (58.1") until the year 2100. Further, a site specific geotechnical evaluation determined that with the implementation of stone columns and deep-soil mixing in the foundation, the proposed development will be safe from liquefaction and other geologic hazards. Furthermore, the project will implement Best Management Practices during construction to contain sediment and

pollutants on site, and the project has been designed with vegetated swales and filters to treat storm water runoff before allowing the water to be discharged back into the Harbor.

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

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

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

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Exhibit 2. Aerial Overview
Exhibit 3 Figure IV of the Certified PWP
Exhibit 4 Site Plans
Exhibit 5 Ventura County Conditions of Approval
Exhibit 6 View Corridor within Parcel F as Seen From Peninsula Road

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 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-0002-18, 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-0002-18, 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-0002-18, 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. Implementation of Proposed NOID

Notice of Impending Development (NOID) CIH-NOID-0002-18 authorizes the development expressly proposed by the Harbor Department (i.e. a 203,011 sq. ft., 55 foot high, 210 room hotel; a 7,071 sq. ft. restaurant; 6,250 sq. ft. public plaza and promenade; 450 sq. ft boater restroom; expansion of existing marina facilities, and a total of 379 parking spaces) as described and shown in Exhibit 4 (including the shared parking agreement, the Transportation Demand

Management Plan (TDMP), and the operation of the hotel with moderate cost overnight accommodations approved in this NOID), and as modified by the conditions of this NOID. The County shall ensure that development is undertaken in accordance with the approved NOID and shall ensure that all of the provisions of the development, including the shared parking, TDMP, and operation of the hotel at a moderate cost, are incorporated into all current and future lease agreements. Any rate increases or other future changes in the operation of the hotel that converts the units moderate cost overnight accommodations to higher cost overnight accommodations, shall require a new NOID with mitigation for impacts to public recreation. Any proposed changes to the development shall be reported to the Executive Director. No changes to the approved development shall occur without a new Commission-approved NOID unless the Executive Director determines that no NOID is legally required.

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 CIH-NOID-0002-18. 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.

The removal of trees shall be prohibited during bird breeding and nesting season (between December 1st and September 30th, inclusive).

3. Public Access

Construction of the new public plaza and public promenade shall be completed and open to the public prior to or concurrent with the completion of construction and operation of the new hotel and restaurant authorized by the approval of this NOID.

4. Tree Replacement Planting Plan

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

A. Any breeding or nesting tree that must be removed shall be replaced at a 1:1 ratio. Replacement trees shall be native or regionally appropriate non-natives and non-invasive. Replacement trees shall be selected from the plant palette approved by the County Board of Supervisors in the Channel Islands Harbor Public Areas Plan and Design Guidelines on June 24, 2008.

B. The tree replacement planting plan for each tree replacement shall specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards.

C. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Harbor Director and maintained on file as public information.

The Harbor Department shall undertake development in accordance with the final approved tree replacement planting plan. Any changes to the final approved plan shall be reported to the Executive Director.

5. 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 completion of construction. All landscaping shall

consist primarily of native plants or non-native drought tolerant 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. All plantings within a designated view corridor shall consist of species that at full growth will not significantly block the view corridor as seen from the nearest public roadway.

C. 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.

D. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

E. 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.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed project is for the demolition of the existing non-operational and dilapidated 107,600 sq. ft., 45 foot high, 184 room Casa Sirena Hotel and 5,400 sq. ft. Lobster Trap Restaurant and for new construction consisting of: a 203,011 sq. ft., 55 foot high, 210 room hotel; a 7,071 sq. ft. restaurant; 6,250 sq. ft. public plaza and promenade; 450 sq. ft. boater restroom; expansion of existing marina facilities, and a total of 379 parking spaces. In addition, a total of 29 trees will be removed as part of the project and replacement trees will planted at a 1:1 ratio within other areas of the Harbor consistent with the relevant policies of the PWP. The project will be entirely within Parcels F and F-1 located at the southern terminus of the Harbor Peninsula (Exhibit 2).

The existing Casa Sirena Hotel was constructed in 1972 as a moderately priced overnight accommodation and consists of a four-building, 274 room complex. In early 2006 the owner of the Casa Sirena complex and the Ventura County Harbor Department (County) began collaborating to redevelop the under-utilized 90 room northernmost annex of the Casa Sirena Hotel. The annex was only used during the busiest months, typically summertime, and was closed for the remainder of the year. Later in 2006 the annex was redeveloped into the moderate cost 90 room Hampton Inn and the rest of the 184 rooms remained with the Casa Sirena hotel.

The aging Casa Sirena Hotel began to fall into a state of disrepair, and the number of guests began to steadily decline beginning in 2008. The hotel eventually closed in late 2009.

The County previously amended the certified Channel Islands Harbor Public Works Plan (PWP), PWP-4-CIH-16-0004-1, to increase the maximum building height and increase the number of hotel rooms allowed on Parcels F and F-1 to accommodate the demolition of the existing Casa Sirena Hotel and the construction of a new hotel. Demolition of the Lobster Trap Restaurant and construction of a new restaurant was also considered to be part of the future development of the site at that time, but no amendments to the PWP were needed to accommodate the restaurant replacement. PWP Amendment No. PWP-4-CIH-16-0004-1 also included two new policies addressing the conversion of low and moderate cost overnight accommodations and requirements for new development producing over 50 trip ends per day to develop a Transportation Demand Management Plan (TDMP). Those policies will be further discussed in Sections C and E of this staff report, respectively.

B. LAND USE

The Channel Islands Harbor PWP contains a policy to ensure appropriate land use within the Harbor. Land and Water Recreation Policy 9 of the PWP requires that new development is consistent with the allowable kind, location and intensity of development as identified in the certified PWP.

Land and Water Recreation Policy 9 states (in relevant part):

> *…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.*

Figure IV of the certified PWP includes the Land Use Plan/Access map depicting the landside parcels within the Harbor and the designated land uses. The proposed hotel and restaurant replacement project will be located at the southernmost point of Peninsula Road, entirely within Parcels F and F-1(Exhibit 3) in an area designated Visitor Serving Harbor Oriented (V.S.H.O). The purpose of the V.S.H.O designation is to provide for visitor serving uses and amenities which are either directly related to boating activity within the Harbor, or ancillary to it. The V.S.H.O designation goes on to state that on a daily basis many visitors to the Harbor may, or may not, engage directly in boating activity, but do come to recreate in the Harbor's marine environment with its developed landslide facilities around open water and boating activity. Permitted uses within V.S.H.O parcels include picnicking, lodging, dining, fast food, and other passive and active recreational activities. The proposed NOID is for the demolition of the existing Casa Sirena Hotel and Lobster Trap Restaurant to allow for construction consisting of a new hotel and restaurant as well as the construction of a new public plaza, promenade, boater restroom, and expansion of existing marina facilities. Pursuant to the V.S.H.O designation for Parcels F and F-1 the new hotel (lodging) and the new restaurant (dining) are allowable uses and thus consistent with the PWP. Furthermore, the public plaza and promenade are a form of passive recreation within the Harbor and thus also are an allowable use within the V.S.H.O

designation. Lastly, the proposed boater restroom and expansion of existing marina facilities are directly related to boating activity within the Harbor and are consistent with the V.S.H.O designation.

Appendix A of the certified PWP includes an Inventory of the Existing Uses/Intensities for each parcel within the Harbor and PWP amendment PWP-4-CIH-16-0004-1 previously approved by the Commission included revisions to the inventory in Appendix A to increase the allowable lodging totals within Parcel F to 210 rooms in order to accommodate the future redevelopment of the Casa Sirena Hotel. The proposed hotel redevelopment project proposes to remove the existing 184 room Casa Sirena Hotel and construct a new, 210 room hotel consistent with the allowable lodging totals in Appendix A. In addition, Appendix A also identifies the allowable maximum intensity (floor area) for restaurants within the Harbor, specifically allowing no more than 12,810 sq. ft. of restaurants within Parcel F. The restaurant replacement component of the subject NOID proposes a new 7,071 sq. ft. restaurant and, because the new restaurant will be within the allowable restaurant square footages for Parcel F, that component of the NOID is also consistent with the certified PWP.

Therefore, the Commission finds that the proposed development is consistent with the kind, location and intensity of development prescribed in the PWP.

C. RECREATION

The Channel Islands Harbor PWP contains a policy to protect recreation within the Harbor.

Land and Water Recreation Policy 11 states (in relevant part):

> *...removal or conversion of an existing low or moderate cost overnight accommodation within the Harbor to a high cost accommodation, as defined by the Commission at the time of the conversion, shall be prohibited unless an equivalent number of low or moderate cost accommodation units are replaced on site. If it is not feasible to provide the required replacement units on-site, a PWP amendment shall be required to incorporate an alternative mitigation program that may include off-site replacement accommodations elsewhere within the Harbor, or if replacement within the Harbor is not feasible, the use of an in-lieu fee program to provide replacement units in the surrounding area.*

In addition, the certified Channel Islands Harbor PWP incorporates by reference Section 30213 of the Coastal Act.

Section 30213 of the Coastal Act states (in relevant part):

> *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided…*

The proposed NOID includes the redevelopment of a dilapidated hotel with a new 210 room hotel and the construction of a new restaurant and public promenade and plaza. Past Commission actions have historically supported new hotel developments along the coastline because they are visitor-serving facilities; however, lower cost visitor serving overnight accommodations within the coastal zone are becoming increasingly limited. There is significant pressure to develop new higher cost accommodations, sometimes by replacing existing lower or moderate cost facilities. This is because market demand tends to push prices increasingly higher in the coastal zone, where tourism and overnight accommodations are extremely valuable commodities. As the availability of lower-cost accommodations diminishes, persons of low and moderate incomes will make up fewer of the guests staying within the coastal zone. Without measures to protect affordable overnight accommodations, a significant segment of the population will be limited in its ability to access the coast. By forcing this broad economic group to lodge elsewhere (or to stay at home), there will be an adverse impact on the public's ability to access the beach and coastal recreational areas. In response to the trend of decreasing available low-cost overnight accommodations, there is greater importance to protect and provide lower-cost overnight accommodations pursuant to Section 30213 of the Coastal Act.

In a constantly changing market, it sometimes can be difficult to define what price point constitutes low cost and high cost accommodations for a given area. In its previous actions, the Commission has addressed the issue of defining lower cost and higher cost hotels (Coastal Development Permit Nos. 5-04-291, 5-88-062, 5-84-866, 5-81-554, 5-94-172, 5-06-328, 5 A-253-80, and A-69-76, A-6-IMB-07-131, 3-07-002, 3-07-003). More recent Commission actions have sometimes utilized a formula to determine lower and higher cost overnight accommodations for a specific part of the coast (A-6-ENC-07-51, RDN-MAJ-2-08, SBV-MAJ-2-08; CDP Nos. 5-13-0717, 5-15-0030). The formula is based on California hotel and motel accommodations, and does not incorporate hostels, RV parks, campgrounds or other alternative accommodations into the equation, as these facilities do not provide the same level of accommodation as hotels and motels.

The formula compares the average daily rate (generally July and August) of lower cost hotels in a specific coastal zone area (e.g., city or bay) with the annual average daily rates (ADR) of hotels and motels across the entire State of California. Under this formula, lower cost is defined as the average room rate for all hotels within a specific area that have a room rate less than the annual statewide average ADR. To obtain data inputs for the formula, statewide average daily room rates are collected by Smith Travel Research (STR)[1] and are available on the "Visit California" webpage[2]. To be most useful, peak season (summer) rates are utilized. Once the low-cost rate is identified, the Commission has used different approaches over time to define medium and high-cost rooms, including that high cost is determined to be the equivalent cost percentage above the statewide average room rate as low cost is determined to be below the statewide average.

[1] Smith Travel Research room rate data is widely used by public and private organizations
[2] See https://industry.visitcalifornia.com/en/Research/ResearchDashboard

According to the most recently available data from the California Lodging Report on the "Visit California" webpage, the ADR for accommodations in California during the month of July 2017 was $176.38 per night and the ADR for August 2017 was $172.86 per night. Therefore the average peak summer rate for 2017 was $174.62. As discussed in the paragraph above, the Commission formula starts with the average peak summer rates as a benchmark and then uses the average of the low cost accommodations in a given geographic area to calculate the cost percentage below the benchmark. The equivalent cost percentage above the statewide ADR is then determined to represent high cost accommodations in a given area. Moderate cost is anything between low and high cost. Prior to closing in 2009, the existing Casa Sirena Hotel operated at approximately $140 per night, and rooms at the proposed hotel are expected to cost on average approximately $161.26 per night. Because the peak summer rate for 2017 is $174.62, and high cost accommodations are determined to be some percentage above that benchmark, the fact that room rates for the existing hotel and the proposed hotel are both below the summer benchmark of $174.62 means that they are not considered high cost accommodations.

To further demonstrate that the rooms for the proposed hotel will not be high cost accommodations, staff employed the methodology that the Commission has used in the past, as described above, using data provided by the Harbor Department for room rates from several hotels and motels within the immediate coastal zone area of the Channel Islands Harbor for July 2016. Table 1 below lists the accommodations in the area that have July rates below the peak summer 2016 statewide average of $170.60. Based on this data, staff determined lower-cost accommodation rooms within the area average no more than $141.33 per night in July. Low cost hotel rooms in the area of Channel Islands Harbor, pursuant to the data provided by the Harbor Department, are therefore no more than 83% of the statewide average ($170.60/$141.33), or 17% below the statewide average. High cost hotel rooms in the area are 117% above the statewide average, or $199.87. As such, because the nightly cost of rooms for the existing hotel and the proposed hotel are both below the high cost threshold of $199.87, they are not considered high cost accommodations.

Table 1 – Low Cost Hotels in the Channel Islands Harbor Coastal Zone with Room Rates Less than State Peak Average

	Hotel Name	**Address**	**City**	**July Average**
1	Casa Via Mar Inn	377 W. Channel Islands Blvd	Port Hueneme	$120.00
2	Hampton Inn Channel Islands Habor	3231 Peninsula Road	Oxnard	$160.00
3	Holiday Inn Express & Suites	1080 Navigator Drive	Ventura	$144.00
		Average		$141.33
83% and below = low-cost; $141.33 and below 117% and above = high-cost; $199.87 and above 83% - 117% = moderate range; $141.33-$199.87				

Land and Water Recreation Policy 11 of the PWP requires that any removal or conversion of an existing low or moderate cost overnight accommodation within the Harbor to a high cost accommodation shall be prohibited unless an equivalent number of low or moderate cost units, or another form of mitigation, are provided. Before the Casa Sirena was closed in 2009, room rates were approximately $140 per night, which would classify the Casa Sirena Hotel as moderately priced pursuant to the aforementioned formula. Rooms for the new hotel project are expected to cost on average $161.26 per night, which pursuant to the costs calculated earlier in this section would make the proposed hotel a moderately priced accommodation. It should be noted that some rooms for the proposed hotel will include kitchens, refrigerators, and cupboards and these amenities provide visitors lower-cost alternatives to having to eat meals at outside restaurants. These are amenities that will make the hotel more accessible to a wider range of the public because it may allow visitors to afford to stay at these accommodations (by compensating for food-related travel costs). In addition, some of the rooms for the proposed hotel will be larger suite-style accommodations that will provide lodging for multiple people per room at the proposed room rate at no additional charge, thus allowing the average per person cost to be less. As such, the proposed project will be a like-for-like conversion of a moderately priced overnight accommodation to a new moderately priced overnight accommodation and is consistent with Land and Water Recreation Policy 11 of the PWP.

Lastly, while the Harbor Department has confirmed that rooms for the proposed hotel are expected to be moderate cost ($161.26 per night on average), the possibility remains that sometime after Commission approval of the proposed NOID room rates for the hotel could be increased to a level that would no longer be considered moderate cost (as determined at the time of the conversion). Such conversion would be inconsistent with PWP Policy 11 unless an equivalent number of low or moderate cost accommodation units were replaced on site. In order to ensure that any such conversion is consistent with the PWP the Commission finds it necessary to incorporate **Special Condition 1**, which requires that any future conversion of the moderate cost overnight accommodation approved in this NOID to a high cost accommodation shall be considered in a new NOID. This will protect the moderate cost accommodations consistent with the requirements of Land and Water Recreation Policy 11 of the PWP.

For these reasons, the Commission finds that the NOID is consistent with the applicable recreation policies of the certified PWP.

D. PUBLIC ACCESS

The Channel Islands Harbor PWP contains policies to protect public access within the Harbor.

Public Access Policy 2 of the PWP states (in relevant part):

> *Public access from the closest public roadway to the shorelines or along the waterfront shall be provided in new development or redevelopment…*

Public Access Policy 3 of the PWP states (in relevant part):

> *… Actual improvements to accessways shall be completed and operational prior to the completion of new development or redevelopment.*

Public Access Policy 5 of the PWP states (in relevant part):

> *Maximum pedestrian waterfront access shall be provided by incorporating waterfront pedestrian walkways into all redevelopment projects…All walkways shall be linked with adjacent walkways in order to insure uninterrupted pedestrian movement. A promenade walkway shall be provided along the Harbor frontage for all new development.*

Recreational Boating Policy 2 of the PWP states (in relevant part)

> *To provide for, protect and encourage increased recreational boating use of coastal waters, the following policies shall be implemented…*
>
> *a. Harbor recreational boating facilities shall be protected…*

Public Access Policies 2, 3 and 5 of the PWP require that new development projects provide maximum pedestrian waterfront access and that the access be completed and operational prior to completion of the new development. Recreational Boating Policy 2 of the PWP requires the protection of recreational boating facilities.

The existing Casa Sirena Hotel and Lobster Trap Restaurant was constructed in 1972, prior to the passage of the Coastal Act and prior to the certification of the PWP, and the development complex consists of a series of linear buildings that occupy nearly the entire landside area immediately adjacent to the revetment and the waterside portions of the southwestern end of Peninsula Road for a distance of approximately 1,033 feet (Exhibit 2). Currently there are two existing public walkways in the area: a 250 foot long segment starting from Peninsula Park to the northwest and extending south to a marina gangway where it reaches a dead end, and a narrow sidewalk along the southern revetment that runs east to west for a distance of 295 feet located immediately south of the Lobster Trap Restaurant (Exhibit 2). The remaining 488 feet of the development immediately adjacent to the waterside blocks public access to the waterfront.

As previously discussed, the subject NOID proposes to demolish the existing non-operational and dilapidated hotel and restaurant and construct a new hotel and restaurant. The new hotel and restaurant have been designed to provide more rooms and amenities for hotel guests while also incorporating a design that is pulled back from the revetment and waterside portions of Peninsula Road. By redesigning the hotel and restaurant the project will now provide a minimum 10 foot wide public promenade beginning at the sidewalk for Peninsula Park to the north and extending approximately 1,033 feet along the perimeter of the project and ending at the existing Marina Office. The entire length of the new public promenade will include periodic benches and other public seating at various vantage points. Landscaping will accentuate the public walkway and provide some feeling of separation of the promenade from the hotel and restaurant complex. In addition to the public promenade the project will also include a 6,250 sq. ft. public outdoor plaza

located between the hotel and restaurant. The plaza will afford views of the Harbor's turning basin and entrance as well as the boat slips lining the perimeter of the peninsula.

Public Access Policies 2 and 5 require that new development provide maximum public access to the waterfront. In addition Public Access Policy 5 requires walkways to be linked with adjacent walkways. The subject NOID proposes to provide a new 10 foot wide public promenade around the entire perimeter of the proposed development, thus providing maximum public access pursuant to Policy 2 above. Furthermore, consistent with Policy 5 the new promenade will link with the existing walkway at Peninsula Park to the north and the pathway adjacent to the Marina Office.

Public Access Policy 3 of the PWP requires that improvements to access ways shall be completed and operational prior to completion of the redevelopment. In the case of the NOID application for the subject hotel redevelopment there was no information on the construction schedule or clarification that the promenade would be completed and open to the public prior to completion of the redevelopment. As such, the Commission staff that **Special Condition 3** is necessary to require that the public promenade is completed and open to the public prior to or concurrent with the completion of construction for the proposed development.

Lastly, Recreational Boating Policy 2 requires the protection of recreational boating facilities. As described previously, the project is located at the southern terminus of Peninsula Road adjacent to the waterfront and existing marinas, and the demolition and construction activities associated with the subject NOID have the potential to possibly impact access to, or operation of those marinas. In response, the Harbor Department has confirmed that access to the existing boating slips and operation of existing marina facilities will be available during construction of the development proposed in the subject NOID. Therefore, the project will protect access for recreational boaters consistent with Recreational Boating Policy 2 above.

For these reasons, the Commission finds the NOID, as conditioned, is consistent with the applicable access policies of the PWP.

E. PUBLIC ACCESS, PARKING AND TRANSPORTATION

The Channel Islands Harbor PWP contains policies to protect public access to and along the coast by requiring adequate off street parking and transportation facilities, including non-automotive transportation, within the Harbor.

Public Access Policy 6 of the PWP states:

> *Adequate vehicular access and circulation shall be provided throughout the Harbor without impacting the Harbor's public resources.*

Public Access Policy 7 of the PWP states:

> *Development shall encourage pedestrian, bicycle, bus, and other non-automotive means of transportation over automobile circulation wherever possible.*

Parking Policy 2 of the PWP states (in relevant part):

> *Adequate parking for new development and redevelopment shall be consistent with County parking requirements…*

Traffic and Circulation Policy 4 of the PWP states:

> *Policy for Transportation Demand Management Plan (TDMP): In order to minimize significant adverse impacts to traffic conditions resulting from Harbor development, each new project producing over 50 trip ends per day shall submit with the Notice of Impending Development (NOID) a Transportation Demand Management Plan (TDMP) summarizing implementation measures to mitigate impacts to traffic. The project TDMP shall also explore means of reducing greenhouse gases and promoting energy efficiency. Measures may include, but shall not be limited to, shuttle programs available for Harbor visitors arriving from and departing to transportation centers (such as rail stations and airports) and visitor attractions; bicycle rentals; electric vehicle charging stations; bus passes for project employees and similar TDMP measures.*

In addition, the certified Channel Islands Harbor PWP incorporates by reference Sections 30252 of the Coastal Act.

Section 30252 of the Coastal Act states (in relevant part):

> *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service,…(3) providing non-automotive circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation…*

Section 30253(d) of the Coastal Act states:

> *New development shall do all of the following:…*
>
> *(d)Minimize energy consumption and vehicle miles traveled.*

Public Access Policy 6 of the PWP requires the Harbor to maintain adequate vehicular access and circulation while Public Access Policy 7 states that development shall encourage non-automotive means of transportation. Parking Policy 2 requires new development to provide adequate parking consistent with Ventura County parking requirements. Traffic and Circulation Policy 4 requires each new project producing 50 trip ends per day to submit a Transportation Demand Management Plan (TDMP) to mitigate impacts to traffic and reduce greenhouse gases and promote energy efficiency. Lastly, Coastal Act Section 30252 requires new development to

maintain and enhance public access to the coast by providing or facilitating transit services, non-automotive circulation and adequate parking while Coastal Act Section 30253(d) requires new development to minimize energy consumption and vehicle miles traveled.

The hotel and restaurant redevelopment will be located at the southern terminus of Peninsula Road and will share parking with the existing Peninsula Yacht Marina. Pursuant to Ventura County ordinances for the existing and proposed development, a total of 321 spaces are required to serve the hotel and restaurant and 132 spaces are required for the Peninsula Yacht Marina. Ventura County parking ordinances allow for shared parking spaces where two or more land uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. To qualify for shared parking a project needs to provide sufficient analysis demonstrating that the parking area will be large enough for the anticipated demands of all the land uses that utilize the shared parking area.

A Parking analysis for the proposed NOID surveyed the existing parking lot to determine the peak parking demands associated with the marina and found that during peak parking demand (1 p.m.) only 97 of the existing 188 spaces were being utilized. In addition, the parking study determined the shared parking demand between the proposed hotel and restaurant as well as the existing marina by applying hourly occupancy factors for the proposed hotel and restaurant from the Urban Land Institute (ULI) Shared Parking Manual[3] in conjunction with the hourly parking demand for the marina from the parking survey and concluded that peak use of the parking lot between the hotel, restaurant, and marina will occur at 9 pm on the weekends and will occupy a total 344 spaces. As previously discussed, the subject NOID proposes to provide 379 parking spaces and because the peak parking demand is expected to occupy 344 spaces there are no expected impacts to parking as a result of the project, consistent with Parking Policy 2 of the PWP and Coastal Act Section 30252's mandate that new development provide adequate parking. In order to ensure that the shared parking agreement previously discussed is fully enacted and remains in place, the Commission finds it necessary to include **Special Condition 1**, requiring that as long as the hotel and restaurant authorized by this NOID are in operation the Harbor Department shall ensure that the shared parking agreement is fully implemented. In addition, to ensure that future lessees implement the shared parking agreement **Special Condition 1** requires the parking agreement to be incorporated into any new lease agreements.

As previously discussed, the proposed redevelopment of the non-operational and dilapidated hotel and restaurant complex will be located at the end of the Harbor Peninsula approximately 0.5 miles south of the intersection of Channel Islands Boulevard and Peninsula Road (Exhibit 2). Access to the site requires passing through either the intersection of Harbor Boulevard/Channel Islands Boulevard and then Channel Islands Boulevard/Peninsula Road or Victoria Avenue/Channel Islands Boulevard and then Channel Islands Boulevard/Peninsula Road. The Commission previously approved a PWP amendment for this area of the Harbor in July of 2016, PWP-4-CIH-16-0004-1, to allow for the future redevelopment of the hotel and restaurant complex. As part of that PWP amendment a traffic study prepared by an engineer analyzed the

[3] Shared Parking, 2nd Edition, Urban Land Institute, 2005.

existing and future (year 2030) AM and PM peak hour traffic volumes for these three intersections using peak hour volumes generated from the Oxnard 2030 General Plan Oxnard Traffic Model (OTM) and counts collected in October 2015 for the intersection of Channel Island Boulevard and Peninsula Road. The study also generated the expected number of trips for the proposed hotel and restaurant replacement using the trip generation rates provided in the Institute of Transportation Engineers (ITE) "*Trip Generation 9th Edition*"[4].

While the project proposes to remove the existing 184 room hotel and construct a new 210 room hotel, the traffic study recognized that the existing hotel is non-operational and instead of only measuring the expected net increase in trips from a 184 room hotel to a 210 room hotel, the study analyzed traffic impacts for all the trips generated from a new 210 room hotel. Levels of Service (LOS) for the three intersections were calculated using values from the Ventura County Congestion Management Program (CMP).

The traffic study determined that the three intersections currently operate within the acceptable LOS pursuant to the Ventura County CMP and after adding the expected trips generated as a result of the proposed project the three intersections will continue to operate within the acceptable LOS. As such, the study determined that the proposed project will not have a significant impact on the three intersections during the AM and PM peak hours. As part of the application for the subject NOID the Harbor Department included an updated memo to the traffic study from the July 2016 PWP amendment prepared by the same traffic engineer stating that no major development or street network changes have occurred in the study area since the turning volumes were collected and the counts collected in the previous traffic study are representative of existing conditions. Consistent with Public Access Policy 6 requiring adequate vehicle access and circulation within the Harbor, the traffic studies demonstrated that the proposed project will not have any significant impact on public access through increased traffic.

Pursuant to Traffic and Circulation Policy 4 above, new projects generating more than 50 trip ends per day are required to submit a TDMP with the NOID application implementing measures to mitigate impacts to traffic and also include measures to reduce greenhouse gases and promote energy efficiency. Traffic and Circulation Policy 4 is congruent with Public Access Policy 7's directive for new development to encourage non-automotive means of transportation, Coastal Act Section 30252's requirement for new development to facilitate extension of transit service as well as provide non-automotive circulation, and Coastal Act Section 30253(d)'s requirement that new development minimize energy consumption and vehicle miles traveled.

The ITE defines a trip end as the origin or destination of a trip; thus, each trip has two ends. The proposed 210 room hotel and 7,071 sq. ft. restaurant are expected to generate greater than 50 trip ends per day. As such, the Harbor Department included a TDMP with the NOID submittal. The proposed TDMP includes measures such as daily shuttles to and from LAX, available bicycle rentals for hotel guests as well as information on the walkways and bicycle pathways in and around the Harbor, secure bicycle facilities and showers for employees who bicycle or walk to

[4] Trip Generation 9th Edition, Institute of Transportation Engineers, 2014.

work, and encouraging subsidized public transportation for employees. In addition, the TDMP designates 29 reserved parking spaces for Clean Air Access/Vanpool Vehicles and an additional 4 parking spaces for electric vehicles. Collectively, these measures will reduce automobile usage by hotel employees and hotel guests and reduce greenhouse gases consistent with Traffic and Circulation Policy 4, Public Access Policy 7, and Coastal Act 30252. Furthermore, by providing designated parking spaces for Clean Air Access/Vanpool Vehicles and electric vehicles, and encouraging non-automotive and transit services, the TDMP will minimize energy consumption and vehicle miles traveled consistent with Coastal Act Section 30253(d).

Finally, to ensure that the TDMP is put into effect Commission staff finds it necessary to include **Special Condition 1**, requiring that as long as the hotel and restaurant authorized by this NOID are in operation the Harbor Department shall ensure that the TDMP is fully implemented. In addition, to ensure that future lessees implement the TDMP, **Special Condition 1** requires the TDMP to be incorporated into any new lease agreements.

For these reasons, the Commission finds the NOID, as conditioned, is consistent with the applicable parking and transportation policies of the PWP.

F. BIOLOGICAL RESOURCES

The Channel Islands Harbor PWP contains policies to protect biological resources within the Harbor.

Biological Resources Policy 12 of the PWP states:

> *All new marina development or redevelopment shall minimize impacts to sensitive bird species, including but not limited to black-crowned night herons, great blue herons, snowy egrets, and other sensitive bird species.*

Biological Resources Policy 13 of the PWP 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.)

Biological Resources Policy 17 of the PWP states (in relevant part):

…The trimming or removal of any tree that has been used for breeding and nesting within the past 5 years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act and shall require approval through a Notice of Impending Development undertaken pursuant to the parameters listed below…

Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January – September) unless the Harbor Department, in consultation with a certified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. Replacement trees shall consist of native or non-native, non-invasive tree species. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Harbor Director and maintained on file as public information.

(A) Tree Trimming During Non-Breeding and Non-Nesting Season (October-December)

1. Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the survey(s) to the Harbor Department. Tree trimming or removal may proceed if a nest is found, but has not been used within the prior 5 years.

2. In the event that any of the bird species referenced above return or continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has not commenced, and given approval to proceed within 300 feet of any occupied tree.

3. Trimming of nesting trees shall not encroach within 10 feet of an unoccupied nest of any of the bird species referenced above. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

(B) Tree Trimming or Removal During Breeding and Nesting Season (January – September)

If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:

1. A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by an arborist in consultation with the qualified biologist. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of Harbor Director and maintained on file as public information. The plan shall incorporate the following:

a) A description of how work will occur (work must be performed using non-mechanized hand tools to the maximum extent feasible).

b) Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.

c) Insurance that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting bird's and their habitat.

2. Prior to commencement of tree trimming and/or removal the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

In addition the certified Channel Islands Harbor PWP incorporates by reference Section 30240 of the Coastal Act.

Section 30240 of the Coastal Act states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The PWP policies identified above provide the requirements for pre-construction and pre-tree removal surveys to avoid impacts to birds as well as the necessary actions to take if birds are present during operations. Section 30240 requires protection of Environmentally Sensitive Habitat Areas (ESHA) against any significant disruption of habitat values and only allows resource dependent uses within those areas.

The site of the hotel and restaurant redevelopment is located on the southern terminus of the Harbor Peninsula at the end of Peninsula Road in an area comprised of abandoned buildings, paved areas for parking, and scattered populations of New Zealand Christmas Trees, Monterey Cypress trees, and Mexican fan palms. The subject site was constructed during the man-made formation of the Harbor and the site has been developed with the existing hotel and restaurant complex since the 1970's. Associated parking areas and landscaping were installed with the existing building's initial construction. No environmentally sensitive habitat areas (ESHA) have been identified on site or in close proximity to the subject site.

The certified PWP states that the Harbor 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.

For the proposed NOID the Harbor Department contracted a biologist to perform surveys of trees within the project vicinity for evidence of any breeding or nesting behavior for sensitive bird species. A total of 25 inactive Black-Crowned Night Heron (BCNH) nests, 3 inactive Great Blue Heron (GBH) nests, and one active Great Blue GBH nest were observed in the trees that were inspected. Previous surveys of the bird colonies within the Harbor have found birds roosting in a variety of trees throughout the Harbor, including the trees within the site of the existing hotel and

restaurant complex, without any particular fidelity to specific groupings of trees. Therefore, because the birds regularly nest within various trees throughout the Harbor, the removal of the trees within the hotel and restaurant complex included as part of the proposed NOID is not expected to result in a significant impact to sensitive bird species within the Harbor.

While surveys of the project area did identify breeding and nesting trees for sensitive bird species, and removal of those trees is not expected to have a significant adverse impact on sensitive bird species due to the availability of other trees throughout the Harbor in conjunction with the birds' tendency to utilize various tree populations, removal of existing trees still has the potential to impact any sensitive bird species that may be actively roosting at the time of tree removal. Pursuant to Biological Resources Policy 17 identified above the Harbor Department included Conditions of Approval with the subject NOID (Exhibit 5) that specify the appropriate measures to take regarding removal of trees during non-breeding/non-nesting season as well as during breeding/nesting season. Those measures require surveys of trees to be removed and require maintaining sufficient distance from any sensitive bird species to prevent any impacts. The condition also states that if removal of trees takes place during the breeding and nesting season (January – September) and birds are discovered in the trees to be removed, a qualified biologist shall prepare a tree removal plan incorporating measures to minimize any impacts to birds.

However, Biological Resources Policy 17 prohibits the removal of trees during the bird breeding and nesting season unless there is an identified health and safety danger, which is not the case in the subject project. In order to ensure consistency with this policy, **Special Condition 2** prohibits tree removal during the breeding and nesting season. Biological Resources Policy 17 also requires that the removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio and specifies that replacement trees shall consist of native or non-native, non-invasive tree species as detailed in a tree replacement planting plan. The biological survey submitted by the project biologist for the subject NOID states that a total of 29 trees are identified for removal and that there is sufficient area within Peninsula Park to plant the replacement trees while maintaining the viewshed of open water from the main park area; however, no specifics regarding the exact location and type of plantings was provided To ensure that replacement tree plantings are consistent with the requirements of Biological Resources Policy 17, as well as the other relevant policies of the PWP, the Commission finds it necessary to incorporate **Special Condition 4** which requires the Harbor Department to submit a tree replacement planting plan, prepared by a licensed landscape architect or qualified resource specialist, that specifies the tree species selected for replacement planting as well as the parameters for planting and monitoring.

As previously discussed, due to the availability of tree populations throughout the Harbor as well as the tendency for bird species within the Harbor to breed and nest in different areas, removal of the trees within the existing hotel and restaurant complex is not expected to have significant impacts to sensitive bird species. However that condition is limited to activities associated with the removal of trees and does not address the demolition and construction activities associated with the project. Due to the potential for sensitive bird species to be present nearby during demolition and construction activities, and in order to find the proposed NOID consistent with the PWP pursuant to Biological Resources Policy 12 of the PWP requiring new development to

minimize impacts to sensitive bird species and Biological Resources Policy 13 requiring new development to conduct pre-construction surveys for sensitive bird species, the Commission finds it necessary to incorporate **Special Condition 2** which requires the Harbor Department to conduct sensitive bird surveys within a 500 foot radius of the project site prior to commencing construction. In the event that the surveys identify any sensitive bird 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.

Lastly, a review of the proposed landscaping plan for the subject NOID depicts Mexican Fan Palm, *Washingtonia robusta*, which is identified as an invasive species by the California Invasive Plant Council (IPC)[5]. While Biological Resources Policy 17 addresses mitigation planting for trees removed, it would be inconsistent to specify that pursuant to that policy replacement plantings shall not include non-native, invasive tree species while allowing new landscaping for the proposed hotel and restaurant to include non-native and invasive species. Furthermore, previous Commission action on NOIDs within the harbor have required proposed landscaping to avoid planting any non-native and invasive species. Therefore, the Commission finds it necessary to incorporate **Special Condition 5** which requires the Harbor Department to submit final landscaping plans, prepared by a licensed landscape architect or qualified resource specialist that specify the proposed plantings and prohibits any non-native and invasive species.

Therefore, for the reasons discussed above, the Commission finds that the NOID, as conditioned, is consistent with the PWP regarding biological resources.

G. SCENIC RESOURCES

The Channel Islands Harbor PWP contains a policy to protect visual resources within the Harbor.

Visual Access Policy 1 of the PWP states (in relevant part):

> *To enhance visual quality and ensure that new development and redevelopment 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 water surface activity from the roadway.*
>
> *(b) A view corridor shall be measured from the linear distance paralleling the nearest public road.*

[5] http://www.cal-ipc.org/plants/profile/washingtonia-robusta-profile/

> *(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…*
>
> *(d) Future building or redevelopment of existing buildings in the Harbor shall not exceed two stories or 25 feet in height except as set forth herein…*
>
> *…*
>
> *2. On Parcels F and F-1 building height shall not exceed 55 feet and four stories. Parapets, architectural features, electrical equipment, screening materials, telecommunications equipment, elevator housings and HVAC equipment shall not exceed 10 feet above the highest point of the building. Height of the building and appurtenant equipment and features shall be measured from the centerline of Peninsula Road.*

In addition the certified Channel Islands Harbor PWP incorporates by reference Section 30251 of the Coastal Act.

Section 30251 of the Coastal Act states:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Visual Access Policy 1 of the PWP establishes designated view corridors of Harbor waters from the waterfront and roadways and provides guidance on the allowable building heights within the Harbor. Section 30251 of the Coastal Act requires that the visual qualities of coastal areas be protected and where feasible, degraded areas shall be enhanced and restored.

The existing Casa Sirena Hotel was constructed in 1972, prior to the certification of the PWP, with a flat roof, three stories, and a maximum height of 45 feet. Pursuant to 1.D.2 under Visual Access Policy 1 of the PWP the maximum allowable building height within Parcels F and F-1 shall not exceed 55 feet and four stories. Parapets, architectural features, electrical equipment, screening materials, telecommunications equipment, elevator housings and HVAC equipment shall not exceed 10 feet above the highest point of the building. The proposed hotel replacement will be 55 feet at the highest point and four stories, and all of the associated parapets, features and miscellaneous equipment will comply with the 10 foot height allowance. Therefore, the proposed hotel and restaurant are consistent with the height requirements of Visual Access Policy 1.D.2 of the PWP.

In addition to identifying the allowable heights for new development within the Harbor, Visual Access Policy 1 of the PWP requires that new development provide maximum views and specifies the requirements for view corridors. The existing hotel occupies nearly the entire landside area immediately adjacent to the revetment and the waterside portions of the southwestern end of Peninsula Road for a distance of approximately 1,033 feet (Exhibit 2). Currently there are only two public walks ways in the area for a total distance of 545 feet, and the remaining 488 feet of the development immediately adjacent to the waterside is inaccessible to the public. Furthermore, the existing development blocks all views of Harbor waters from this side of Peninsula Road.

While the proposed project does not include a substantial increase in the number of rooms—184 rooms exist on site and 210 rooms are proposed—the project as designed will allow for a complete reconfiguration of the hotel and restaurant complex and will greatly improve the visual qualities of the area. The increased height will allow the hotel to build the sufficient number of rooms to be economically sustainable within a smaller overall footprint. This redesign and smaller footprint will allow the project to be pulled back from the waterside and create a new, minimum 10 foot wide public promenade around the perimeter of the development as well as a 6,250 sq. ft. outdoor plaza located between the hotel and restaurant, consistent with Visual Access Policy 1 and Coastal Act Section 30251's mandate that new development shall restore and enhance the visual quality of the area and provide maximum views. In addition, Visual Access Policy 1 provides the criteria for view corridors within the Harbor, stating that a view corridor shall be the area between the roadway and the water which is not obstructed by development or landscaping. The plaza as proposed will provide an uninterrupted 60 foot wide view to the south end of the Harbor and the Harbor's turning basin as seen from Peninsula Road. Therefore, in addition to the public promenade maximizing views of the Harbor waters, the project will also create a new view corridor at the end of Peninsula Road where there currently is not one (Exhibit4).

Finally, pursuant to Figure IV of the certified PWP there is an existing view corridor within the eastern portion of the parking lot located within Parcel F (Exhibit 3) and in addition to the redevelopment of the hotel and restaurant, the project also proposes to reconfigure this parking lot and add new landscaping. Currently, the majority of the view from Peninsula Road across this designated view corridor is blocked by a series of trees (Exhibit 6). It is unclear when the trees were initially planted; however, Visual Access Policy 1 of the certified PWP states that landscaping within a designated view corridor shall be designed to frame and accentuate the view, and shall not significantly block the view corridor. Included in the application for the subject NOID the Harbor Department provided landscaping plans for the redesigned parking lot within the view corridor and the plans depict several species of trees to be planted within the view corridor consisting of New Zealand Christmas Trees *(Meterosideros excelsus)*, Fig Trees *(Ficus spp)* Brisbane Box *(Tristania conferta)*. These tree species will, at full growth, have the effect of significantly blocking the view corridor inconsistent with Visual Access Policy 1 of the PWP. As such, the Commission finds it necessary to incorporate **Special Condition 5** requiring the project to submit final landscaping plans with plantings that do not block the view corridor as seen from Peninsula Road.

Therefore, for the reasons discussed above, the Commission finds that the NOID, as conditioned, is consistent with the PWP regarding visual resources.

H. GEOLOGY AND HAZARDS

The certified Channel Islands Harbor PWP incorporates by reference Section 30253.

Section 30253 of the Coastal Act states (in relevant part):

> *New development shall do all of the following:…*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs…*

Coastal Act Section 30253 requires new development to minimize risks to life and property, to assure stability and structural integrity while not contributing to erosion, instability, or destruction of the site or surrounding area, and to not require the construction of protective devices that substantially alter natural landforms.

The subject NOID application included a geotechnical evaluation prepared by licensed engineers and engineering geologists concluding that due to the presence of soft surficial clayey soil and the underlying silty/sandy liquefiable materials, there is a moderate to high potential for relatively large seismic displacements to occur towards the Harbor waters on the western, eastern and southern sides of the subject property. These displacements could have the potential to cause significant damage to the proposed hotel and restaurant following a significant seismic event. That report went on to provide several recommendations for ensuring site stability. In follow up communications, the Harbor Department confirmed that pursuant to the recommendations contained in the geotechnical evaluation the project will incorporate deep soil-mixing and vibro-replacement (also known as stone columns) techniques to ensure site stability consistent with Coastal Act Section 30253.

In addition, the proposed hotel and restaurant will be located along the waterside of the Harbor and the project must also consider impacts related to climate change and sea level rise (SLR) to ensure that the site is sufficiently safe pursuant to Coastal Act Section 30253. The City of Oxnard is in the process of updating its Local Coastal Program (LCP) to address SLR, and because the Chanel Islands Harbor is located within the City's municipal boundaries, the City included the Harbor in the SLR technical documents for the entire City area. Included in those technical documents, the City prepared SLR maps depicting the potential impacts from five events (coastal storm flood, coastal storm wave, erosion hazards, monthly tidal inundation, and combined hazards) for the years 2030, 2060 and 2100 as a result of low, moderate and high levels of SLR. As shown on those maps, the area of the Harbor Peninsula for the proposed hotel

and restaurant is projected to be affected by coastal storm flooding and combined hazards by the year 2100 under the highest projected amount of SLR (58.1"). However, the analysis demonstrates that the site will be sufficiently secure from the impacts of SLR for a period of nearly 80 years even under the highest projected level of SLR. Accordingly, the project can be found consistent with the provisions of Coastal Act Section 30253 requiring new development to minimize risks to life and property.

Therefore, for the reasons discussed above, the Commission finds that the NOID is consistent with the PWP regarding geology and hazards.

I. WATER QUALITY

The Channel Islands Harbor PWP contains policies to protect water resources within the Harbor.

Water Quality Policy 1 of the PWP states:

> *All new development or redevelopment shall be designed to prohibit the discharge of pollutants that would cause or contribute to receiving water impairment or exceedance of water quality standards.*

Water Quality Policy 4 of the PWP states (in relevant part):

> *All new development or redevelopment shall be designed to minimize erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable…*

Water Quality Policy 5 of the PWP states:

> *All new development or redevelopment (including exempt development in the Harbor) shall include 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.*
>
> *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 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 onset of such activity.

N. All BMPs shall be maintained in a functional condition throughout the duration of the project.

In addition, the certified Channel Islands Harbor PWP incorporates by reference Sections 30231 of the Coastal Act.

Section 30231 of the Coastal Act states:

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

Coastal Act Section 30231 requires the productivity and quality of coastal waters to be maintained while the PWP policies cited above require new development to prevent impacts to water resources by implementing construction best management practices (BMPs) to control potential pollutants or contaminants on site and implement protocols and techniques to control any spillage and/or runoff from the site.

While the site is already developed with the existing hotel and restaurant complex, the redevelopment proposed in this NOID still has the potential to impact Harbor waters. Consistent with the requirements of Coastal Act Section 30231 and the PWP policies identified above, the Harbor Department included conditions of approval with the NOID to ensure protection of the Harbor waters. Those conditions included construction BMPs to control pollutants or contaminants on site and protocols and techniques to contain any spillage and/or runoff from the site. To ensure consistency with the water resource policies of the certified PWP, the Commission finds that **Special Condition 1** is necessary to require that all of the applicant's conditions of approval, as submitted, be implemented as part of the proposed project.

Currently all storm water runoff from the developed site drains directly into the Harbor waters via outlets located on the east and west side of the peninsula. The subject project will be constructed in such a way as to control the flow of storm water and direct the storm water to several filters and vegetated swales for treatment. After treatment, a portion of the stormwater will be directed into rain harvesting cisterns for reuse in irrigation of the landscaping on the site and the other treated portion will be discharged into Harbor waters. Consistent with Water Quality Policy 1 and Coastal Act Section 30231 the project will include BMPs to capture and treat stormwater on the site, therefore preventing the discharge of pollutants that would cause or contribute to receiving water impairment and possibly affecting the biological productivity of coastal waters.

Therefore, for the reasons discussed above, the Commission finds that the NOID, as conditioned, is consistent with the PWP regarding water quality.

J. PUBLIC COMMENT RECEIVED

Staff has received one email from an interested party who expressed concerns with the proposed NOID. The issues raised in the email include implementation of the proposed 450 sq. ft. boater restroom and marina facilities, the 379 shared parking spaces, and the lease agreement between the County of Ventura (County) and the hotel developer. The boater restroom, marina facilities

and the shared parking spaces are addressed in Sections B, E, and F of the staff report. The lease agreement between the County and the hotel developer is outside the purview of the subject NOID and will not be addressed in the staff report. The email and attachments are included in the Correspondence Section of the staff report.

K. 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"),[6] 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* Pub. Res. Code section 21084 (authorizing promulgation of regulations listing categorical exemptions).

As a responsible agency with authority to approve a Notice of Impending Development, the Commission has some CEQA responsibilities as well. Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications and Notices of Impending Development (NOID) to be supported by a finding showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the CEQA. The Commission has a regulatory program that has been certified by the Secretary of the Resources Agency under Section 21080.5 of CEQA, thereby allowing the Commission to use this program in lieu of drafting an environmental impact report.

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 that would substantially lessen any significant adverse effect which the activity may have on the environment. For the reasons discussed in this report, the project, as submitted, is consistent with the governing PWP and its coastal zone protection policies, and there are no other feasible alternatives that would substantially lessen significant adverse effects that the approval could have on the environment.

The Commission incorporates its findings on Coastal Act and LRDP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in the preceding sections, the proposed development approved by this NOID is consistent with the policies and provisions of the certified PWP. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the activity may have on the environment, and as conditioned, the project will not have any significant impacts on the environment within the meaning of CEQA. Therefore, the Commission finds that the NOID is consistent with CEQA, the Coastal Act, and the applicable polices and provisions of the certified PWP.

[6] 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-16-0004-1; Channel Islands Harbor Notice of Impending Development No CIH-NOID-0002-18, dated March 5, 2018.

D. Notice of Exemption

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

NOTICE OF EXEMPTION

Project Description: Peninsula Road Street Vacation General Plan Conformity Determination

PLANNING AND ZONING PERMIT NO. 21-625-02 (General Plan Conformity Determination) a request by the City of Oxnard to vacate the southernmost 272 feet of Peninsula Road and accept a public access easement to allow for the continuation of vehicular circulation. The project site is located at the terminus of Peninsula Road (public right-of-way) fronting 3605 Peninsula Road. Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

Finding:

The Planning Division of the Community Development Department of the City of Oxnard has reviewed the proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

☐ Ministerial Project

☐ Categorical Exemption

☐ Statutory Exemption

☐ Emergency Project

☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]

☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. [15061(b)(3) and Section 15378(b)(5)]

Supporting Reasons: Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).). The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find disposal of any real property in conformance with the City's General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

(Date)

Scott Kolwitz, Planning & Environmental Services Manager

E. Planning Commission Resolution

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DETERMINING THAT THE VACATION OF THE SOUTHERNMOST 272 FEET OF PENINSULA ROAD FRONTING 3605 PENINSULA ROAD AND ACCEPTANCE OF A PUBLIC ACCESS EASEMENT IS IN CONFORMANCE WITH THE CITY'S 2030 GENERAL PLAN AND LOCAL COASTAL PROGRAM AND RECOMMENDING THAT THE CITY COUNCIL ORDER THE VACATION PURSUANT TO SECTION 65402(A) OF THE GOVERNMENT CODE. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA, 93030.

WHEREAS, The City of Oxnard (**"Applicant"**) submitted a request for the vacation of the southernmost 272 feet of Peninsula Road fronting 3605 Peninsula Road and acceptance of a public access easement (the **"Property"**); and

WHEREAS, on May 18, 2021, the Oxnard City Council and the County Board of Supervisors adopted the Channel Islands Harbor Cooperation Agreement (the Cooperation Agreement). As part of the Cooperation Agreement, the City and County would agree to work together to address water quality as well as to facilitate redevelopment of specific parcels for projects that are consistent with the goals of the California Coastal Act and provide for greater public access and utilization of this coastal resource. The Cooperation Agreement requires that the City, within 120 days of adoption of the Cooperation Agreement process the Peninsula Road street vacation without application of the County within 120 days of adoption of the County (September 15, 2021).

WHEREAS, The 2030 General Plan in a comprehensive, long term plan that guides land use and physical development of land within the City of Oxnard and provides policy direction regarding land uses that are intended to serve the community; and

WHEREAS, The City's Local Coastal Plan in a comprehensive, long term plan that guides land use and physical development of land within the City of Oxnard and provides policy direction regarding land uses that are intended to serve the community; and

WHEREAS, Whenever a public agency proposes to acquire, dispose, vacate or abandon any real property, California Government Code Section 65402 requires a report on conformity with the General Plan; and

WHEREAS, The subject property is a dedicated right-of-way and does not have a land use designation; and

WHEREAS, The proposed vacation of the southernmost 272 feet of Peninsula Road and the acceptance of a public access easement, as documented in the staff report, would conform to the City's 2030 General Plan land use designation because it is an existing right-of-way that will be used as an entrance to a future hotel and restaurant and the public access easement will allow for public vehicular circulation which can accommodate large vehicles (i.e. fire engines); and

WHEREAS, The vacation of the southernmost 272 feet of Peninsula Road and acceptance of a public access easement, as documented in the staff report, would be consistent with Local Coastal Program policies regarding the use of the sites and would not adversely impact Local Coastal Program policies related to the provision of adequate circulation because it is an existing right-of-way that will be used as an entrance to a future hotel and restaurant and the public access easement will allow for public vehicular circulation which can accommodate large vehicles (i.e. fire engines); and

WHEREAS, The vacation of the southernmost 272 feet of Peninsula Road, the public access easement, and the ultimate use of the Casa Sirena parcel for a hotel and restaurant are consistent with the land use designation on the subject site. Future use of the parcel will be required to comply with all City codes and regulations; and

WHEREAS, on June 21, 2021, a public Community Workshop meeting was held for the community and the general public to receive community input on the proposed street vacation and the public access easement; and

WHEREAS, on July 15, 2021, the Planning Commission considered the proposed vacation of the southernmost 272 feet of Peninsula Road and the public access easement in light of the Oxnard 2030 General Plan, Local Coastal Program and the requirements of Government Code section 65402.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Planning Commission, in accordance with Section 21065 of the California Environmental Quality Act (CEQA), finds that its determination of whether the City's proposed vacation of these easements is consistent with the Oxnard 2030 General Plan and Local Coastal Program is not a "Project" for purposes of CEQA and State CEQA Guidelines since the determination does not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).

SECTION 2. Based on the findings set forth herein, and on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission hereby determines that the proposed City's vacation of the subject easements is in conformity with the Oxnard 2030 General Plan.

SECTION 3. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of July, 2021.

_____
Daniel Chavez Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 15th day of July, 2021, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

F. Staff Presentation

General Plan Conformity Determination
Peninsula Road Street Vacation and Public Access Easement for property Fronting 3605 Peninsula Road
Planning and Zoning (PZ) Permit No. 21-625-02

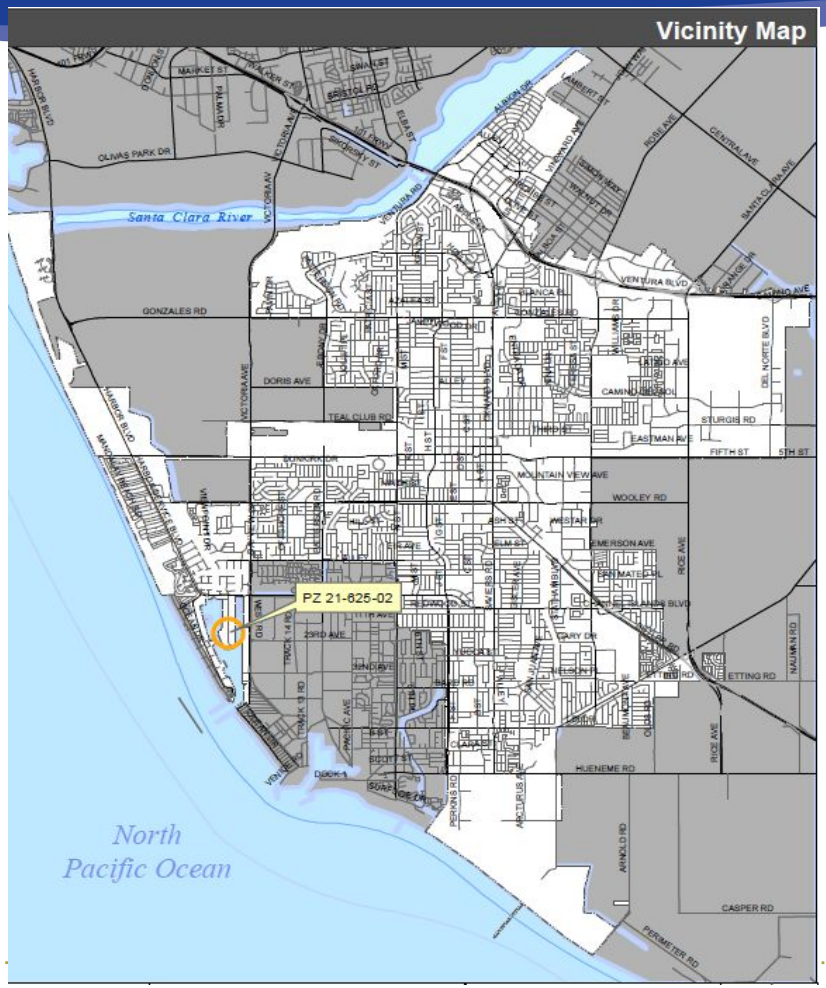
Isidro Figueroa, Principal Planner
Scott Kolwitz, Planning Manager

Presentation to the Planning Commission
July 15, 2021

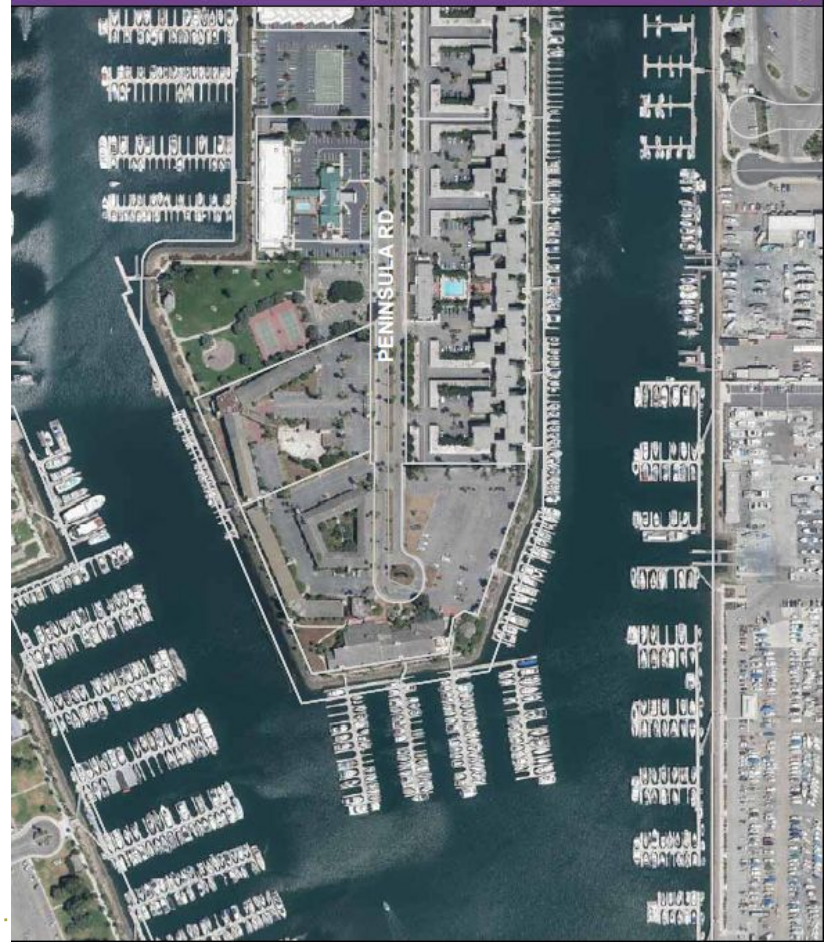
CITY OF OXNARD CALIFORNIA

Project Location

Vicinity Map



Aerial Map



Project Description

Proposed vacation of the southernmost 272 feet of Peninsula Road and accepting a public access easement to allow for the continuation of vehicular circulation.

GENERAL PLAN & LOCAL COASTAL PROGRAM MAPS

General Plan Land Use Designation

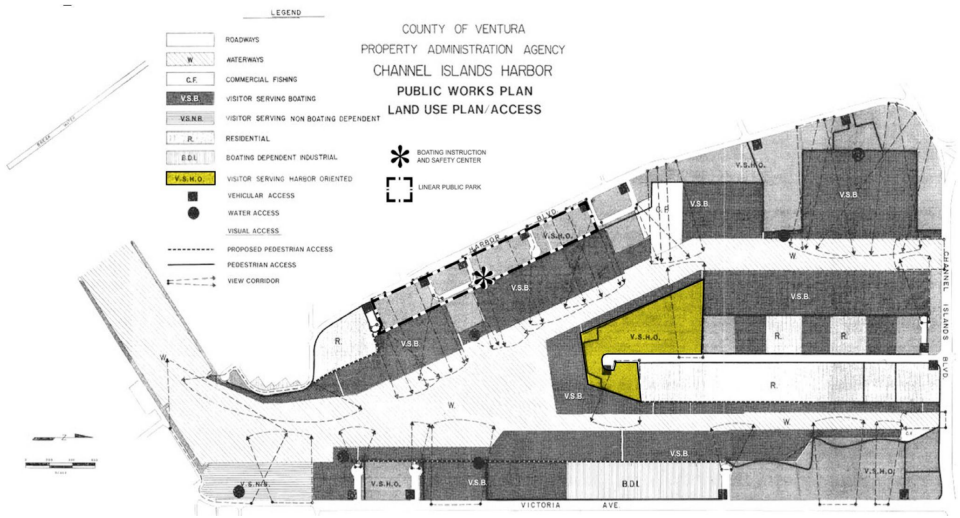
Harbor Channel Islands (HCI)

Local Coastal Program Designation

Visitor Serving Commercial

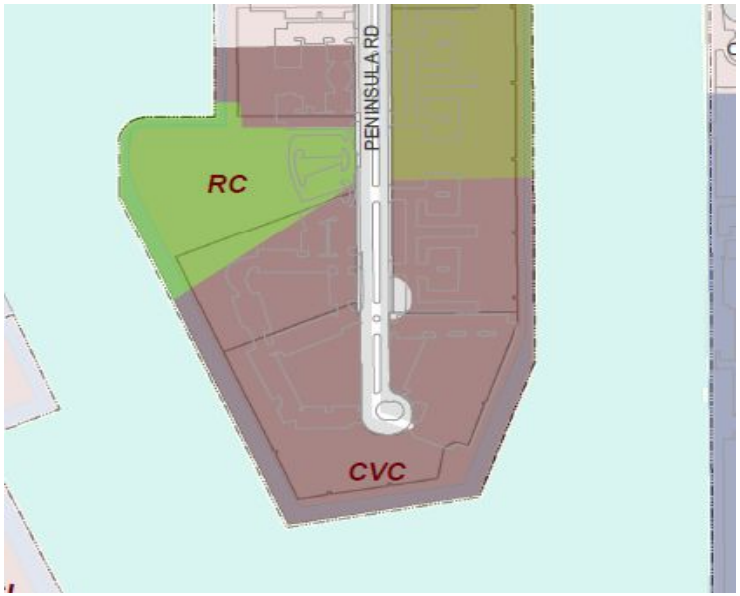
PUBLIC WORKS PLAN & ZONING MAPS

Public Works Plan Designation



Visitor Serving Harbor Oriented (VSHO)

Zoning Designation



Coastal Visitor-Serving Commercial (CVC)

Project Site/ Surrounding Uses

- Project site located within Channel Islands Harbor
  - Regulated by County's Public Works Plan (PWP) which is consistent with City's Local Coastal Program (LCP)
- Project does not have a General Plan Land Use Designation- public right-of-way
- Project site surrounded by existing vacated hotel: Casa Sirena
- Hotel site has PWP land use designation of Visitor Serving Harbor Oriented
- Hotel accommodations have been unavailable since 2009
- In 2016, the California Coastal Commission (Coastal Commission) approved PWP Amendment No.6 to allowing for new 210-room hotel and restaurant and associated parking

Approved Hotel Project

- On May 10, 2018, the Coastal Commission approved a Notice of Impending Development (NOID) to:
  - Demolish existing hotel/restaurant
  - Construct:
    - 210-room hotel
    - restaurant
    - public plaza and promenade
    - boater restroom
    - expansion of existing marina facilities
    - 379 parking spaces

Planning Commission 65402 Determination

Government Code Section 65402, requires that real property acquisition or disposition, street vacation or abandonment, public building or structure construction be consistent with the General Plan and Local Coastal Land Use Plan as to location, purpose and extent.

The Planning Commission review and verification is documented through a resolution finding the Vacation of the Easements and acceptance of a public access easement is in conformity with the 2030 General Plan.

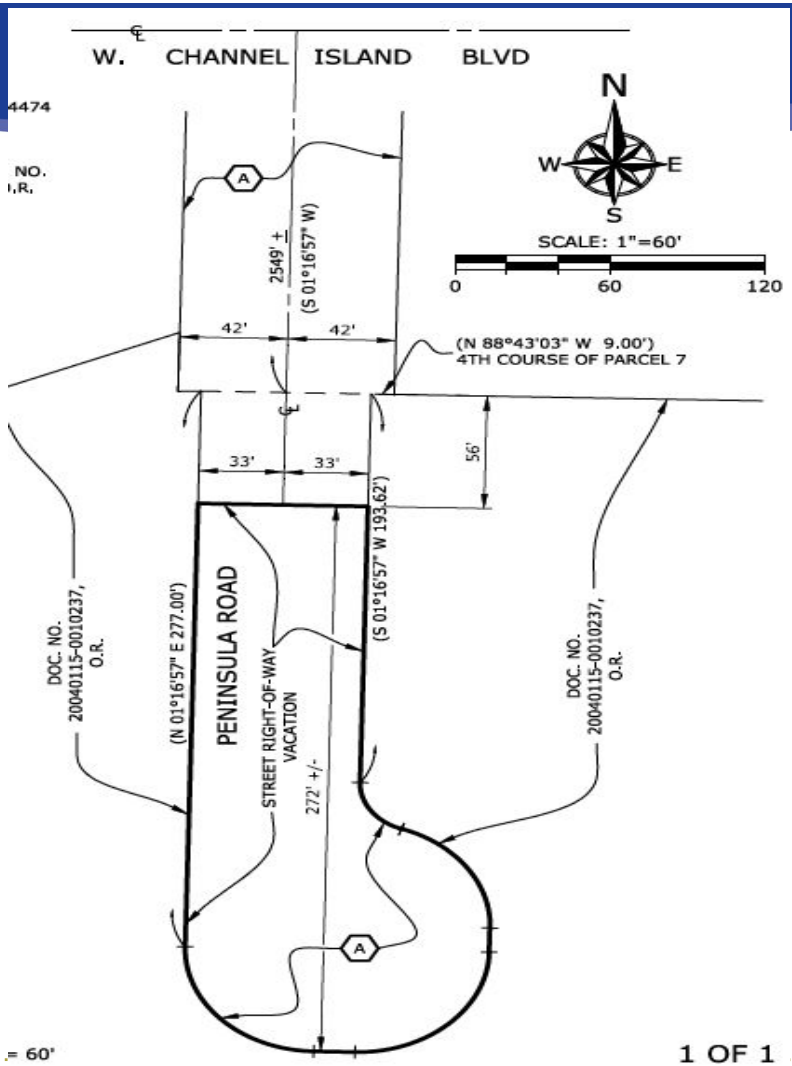
General Plan Conformity Determination

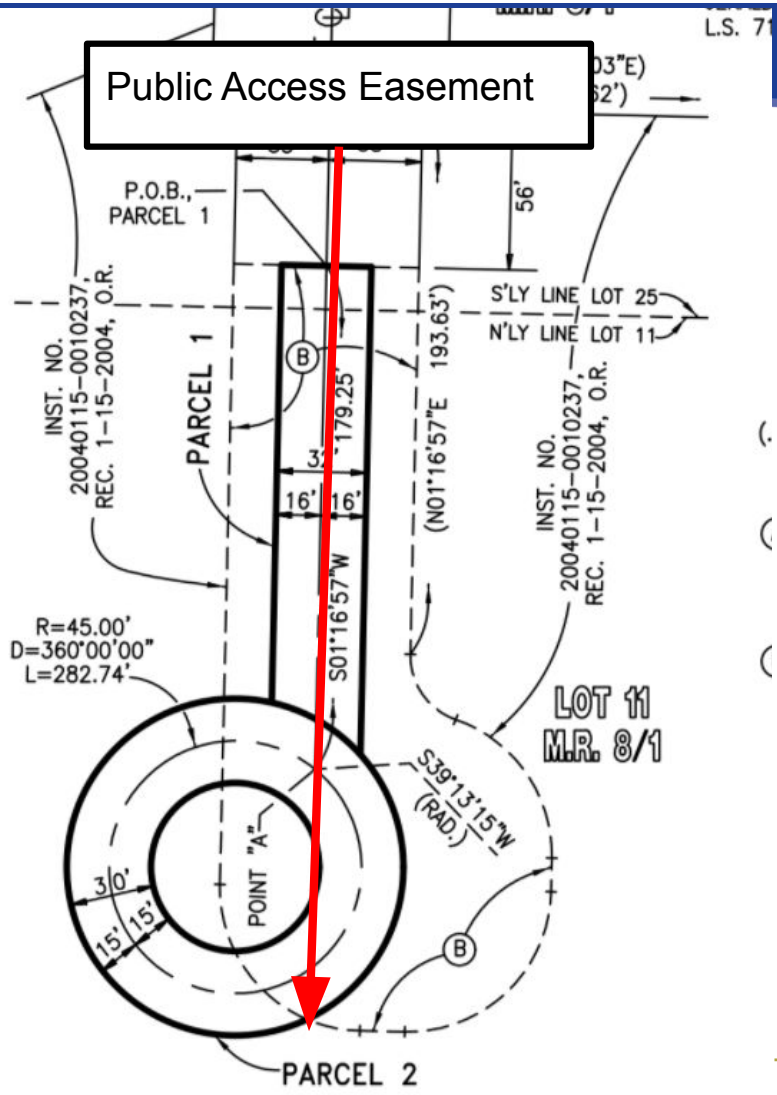
- General Plan Conformity Determination only for the proposed street vacation
- Does not offer an opportunity to make changes to the approved hotel redevelopment project
- Hotel project was approved by the Coastal Commission consistent with adopted PWP
- Street vacation will eliminate 11 on-street parking spaces
- The redevelopment project is designed to provide 29 quasi-public parking spaces within portions of the proposed street vacation for the enjoyment of the:
  - Hotel
  - Restaurant
  - Marina
  - General Public

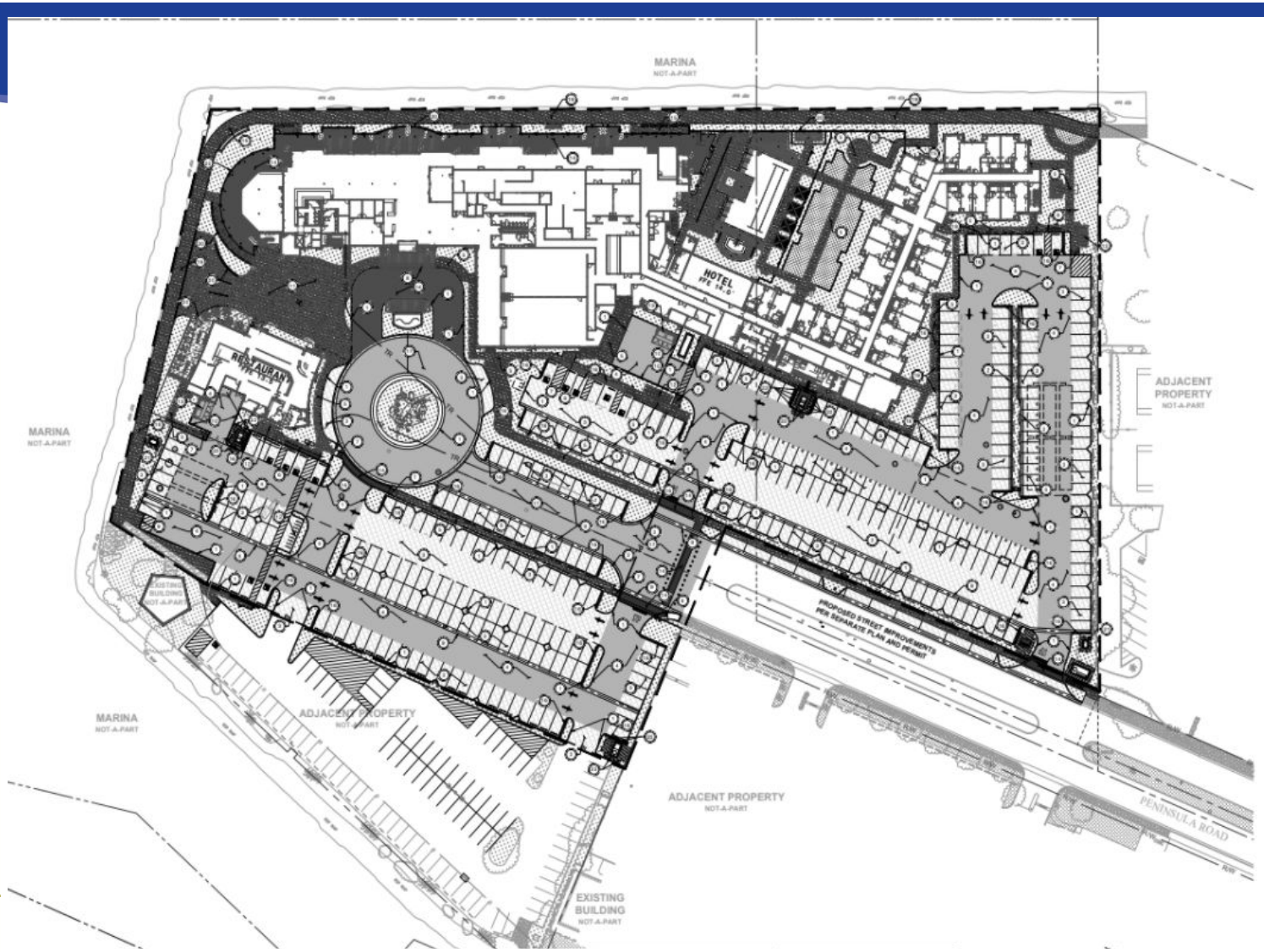
Cooperation Agreement

- On May 18, 2021 the City adopted a joint Cooperation Agreement with the County of Ventura (County):
  - Address a number of objectives including facilitating redevelopment of specific parcels
- Casa Sirena hotel parcel
  - Within 120 days the City will process a street vacation with the purpose to vacate the City's interest at the terminus of Peninsula Road
  - Street Vacation must be processed by September 15, 2021
  - County at their expense will reconfigure Peninsula Road to facilitate previously approved hotel

PENINSULA
PARK
Peninsula Rd


W. CHANNEL ISLAND BLVD
N
W
E
S
SCALE: 1"=60'
0
60
120
42'
42'
(N 88°43'03" W 9.00')
4TH COURSE OF PARCEL 7
33'
33'
56'
2549' ±
(S 01°16'57" W)
PENINSULA ROAD
STREET RIGHT-OF-WAY VACATION
272' +/-
(S 01°16'57" W 193.62')
(N 01°16'57" E 277.00')
DOC. NO. 20040115-0010237, O.R.
DOC. NO. 20040115-0010237, O.R.
1 OF 1


Public Access Easement
P.O.B., PARCEL 1
56'
S'LY LINE LOT 25
N'LY LINE LOT 11
INST. NO. 20040115-0010237, REC. 1-15-2004, O.R.
PARCEL 1
(N01°16'57"E 193.63')
179.25'
16'
16'
S01°16'57"W
INST. NO. 20040115-0010237, REC. 1-15-2004, O.R.
R=45.00'
D=360°00'00"
L=282.74'
LOT 11
M.R. 8/1
S39°13'15"W
(RAD.)
POINT "A"
30'
15'
15'
PARCEL 2



GRADING CONSTRUCTION NOTES

1. CONSTRUCT 6" CURB, TYPE A1-6 PER CITY OF OXNARD STD. PLATE 111.
2. CONSTRUCT 6" CURB AND GUTTER, TYPE A2-6 PER CITY OF OXNARD STD. PLATE 111.
3. CONSTRUCT 3" AC / 4" CLASS 2 AB PER GEOTECH REPORT.
4. CONSTRUCT 3" AC / 5" CLASS 2 AB PER GEOTECH REPORT.
5. CONSTRUCT CONCRETE SIDEWALK PER LANDSCAPE PLANS.
6. CONSTRUCT RAMP CASE B, TYPE 1 PER CITY OF OXNARD STD. PLATE 110.
7. CONSTRUCT RAMP CASE D, TYPE 1 PER CITY OF OXNARD STD. PLATE 110.
8. CONSTRUCT 0" CURB PER DETAIL 2 ON SHEET 22.
9. CONSTRUCT 3' WIDE V-DITCH PER DETAIL 12 ON SHEET 22.
10. CONSTRUCT SCREEN WALL PER LANDSCAPE PLANS.
11. CONSTRUCT CONCRETE SLAB PER LANDSCAPE PLANS.
12. INSTALL BIKE RACK PER LANDSCAPE PLANS.
13. CONSTRUCT TRASH ENCLOSURE PER LANDSCAPE PLANS.
14. INSTALL PAVERS PER LANDSCAPE PLANS.
15. CONSTRUCT RAMP PER LANDSCAPE PLANS.
16. CONSTRUCT 4" THICK, 12" WIDE CONCRETE STEP-OUT.
17. CONSTRUCT 4" AC / 6" CLASS 2 AB PER GEOTECH REPORT.
18. INSTALL CHARGING STATIONS PER ARCHITECT'S PLANS.
19. CONSTRUCT CONCRETE PAVEMENT AT PROMENADE PER LANDSCAPE PLANS.
20. CONSTRUCT RETAINING WALL PER SEPARATE PLAN AND PERMIT.
21. INSTALL PUMP STATION PER CONTECH DETAIL ON SHEET 21.
22. CONSTRUCT PARKING BOLLARD PER DETAIL 11 ON SHEET 22.
23. CONSTRUCT REMOVABLE BOLLARD PER DETAIL 14 ON SHEET 22.

LEGEND

- PROJECT BOUNDARY
- CONCRETE PAVEMENT PER NOTE
- HEAVY DUTY AC PAVEMENT PER NOTE
- LIGHT DUTY AC PAVEMENT PER NOTE
- SIDEWALK PER NOTE
- LANDSCAPE PER SEPARATE PLAN
- ADA DOMES
- STRIPING

2030 General Plan Conformity

- 2030 General Plan
  - Goal CD-4.2 **Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas** and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.

2030 General Plan Conformity

- 2030 General Plan
  - Goal CD-4.4 Commercial Area Aesthetics- **Require that older commercial development upgrade / improve landscaping and architecture**, if warranted, during discretionary review opportunities.
- LCP
  - Policy 46- …..**Permitted uses include motels, hotels, restaurants and visitor-oriented retail commercial.** Where designated, neighborhood convenience commercial may also be permitted, provided that the commercial uses remain predominantly visitor-oriented.

2030 General Plan Conformity

- LCP
  - Policy 83- **Uses permitted in area visitor-serving commercial shall be primarily visitor-serving in nature, including hotels, motels, restaurants and specialty retail.** Neighborhood convenience uses may be conditionally permitted. Commercial areas shall be well-designed aesthetically. Possible techniques include innovative landscaping and theme architecture. Parking areas shall include bicycle parking facilities. It is the City's policy to encourage a mix of commercial visitor-serving uses to meet the needs of all economic groups. Thus, facilities that will be affordable to families of low and moderate income will be encouraged.

2030 General Plan Conformity

- PWP
  - Land and Water Recreation Policy 9- 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.**

2030 General Plan Conformity

- PWP
  - Public Access Policy 6- **Adequate vehicular access and circulation shall be provided** throughout the Harbor without impacting the Harbor's public resources.
  - Public Access Policy 7- **Development shall encourage pedestrian, bicycle, bus, and other non-automotive means of transportation** over automobile circulation wherever possible.
  - Parking Policy 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.

Community Outreach

- Community Workshop held on June 21, 2021
- 11 members of the public participated
- One member of the public inquired about having a walkway conditioned as part of the project
  - Staff indicated that the approved project is designed with a waterfront walkway along the perimeter of the project
- Several members voiced concerns about the the loss of on-street parking
  - Project is designed to incorporate 29 quasi-public parking spaces within portions of the vacated street to serve the hotel, restaurant, marina and general public

Environmental Determination

As required by the California Environmental Quality Act (CEQA), any subsequent improvement to the property will be separately examined in accordance with CEQA. Any required environmental documents will be prepared pursuant to CEQA as part of project permit processing or at any other point in time as required by CEQA. This General Plan conformity determination report is not a “project” under CEQA.

Staff Recommendation

Staff recommends that the Planning Commission:

a) Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and

b) Adopt Resolution 2021-XX affirming that the City of Oxnard's proposed vacation of the southernmost 272 feet of Peninsula Road fronting 3605 Peninsula Road and acceptance of a public access easement is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the vacation and accept a public access easement.

CITY OF OXNARD CALIFORNIA

Questions

Planning and Zoning
(PZ) No. 20-580-05 Zone Text Amendment

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Isidro Figueroa, Principal Planner

DATE July 15, 2021

SUBJECT: **Project Name: Firearms Ordinance Update;** Planning & Zoning (PZ) Permit No. 20-580-05 (Zone Text Amendment) – An Amendment to the Oxnard City Code, Chapter 16 (Zoning Code) adding Medical Clinics and Hospitals as sensitive uses requiring separation from Firearm Ranges and Businesses Engaged in the Sale of Firearms and Ammunition. The proposed regulations would apply Citywide (Inland Zone) and pertain to the General Commercial (C-2) and Limited Manufacturing (M-L) zoning districts.

1) **Recommendation:** That the Planning Commission ("**Commission**"):
   a) Find the Project to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines 15060(c)(2) and (3) and 15061(b)(3); and
   b) Adopt Resolution 2021-XX recommending that the City Council approve Planning & Zoning Permit No. 20-580-05 (Zone Text Amendment) adding Medical Clinics and Hospitals as sensitive uses requiring separation from establishing regulations to address Firearm Ranges and the Sales of Firearms and Ammunition.

2) **Project Description and Applicant:** The proposed Zone Text Amendment (ZTA) modifies Oxnard City Code (OCC) Chapter 16 (Zoning Code) pertaining to the permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include adding medical clinics and hospitals as sensitive uses requiring a 600-foot separation from businesses engaged in the sale of firearms and ammunition and firearm ranges to OCC Chapter 16, Article II, Section 16-10 (Definitions), and OCC Chapter 16, Article V (Specific Use Requirements), Division 19 (Firearm and Ammunition Sales) Section 16-540.1(B) & Division 20 (Firearm Ranges) Section 16-504.2(B). Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

3) **Background:** On July 2, 2019, the City Council unanimously voted to approve for first reading Ordinance 2961, a ZTA to amend Chapters 11 and 16 of the OCC to include: (1) modifications to OCC Chapter 11 (Permits), Article VIII (Permits to Sell Concealable Firearms); (2) modifications to OCC Section 16-10 (Definitions) to establish definitions for ammunition, firearm range, firearm, and firearm & ammunition sales; (3) amendments to establish and/or modify land uses related to these activities within the General Commercial (C-2), Limited Manufacturing (M-L) and Community Reserve (C-R) zoning districts; and (4) regulations establishing siting criteria, operational considerations, and the process for review

of Special Use Permit (SUP) applications related to these uses.

During the City Council meeting on July 2, 2019, public testimony was received which urged the City Council to consider clinics and hospitals as sensitive uses. The testimony argued that a patient's safety and security should be protected equally as the following sensitive uses which were being considered under the proposed ordinance: residentially zoned properties, day care centers (child or adult), parks, churches, schools (private or public), Oxnard Transportation Center and Oxnard Airport. The proposed Ordinance required a 600-foot separation between properties which contained these sensitive uses and firearm uses. After deliberation, the City Council voted to introduce Ordinance 2961 as presented, and the City Council directed staff to research the possibility of amending Chapter 16 to include hospitals and/or clinics as sensitive uses. On July 16, 2019, the City Council approved the second reading and adopted Ordinance No. 2961 pertaining to the permitting and development of firearm ranges and businesses engaged in the sale of firearms and ammunition.

On April 13, 2021, Community Services, Public Safety, Housing & Development Committee unanimously determined staff should pursue a ZTA to amend Chapter 16 of the OCC to include medical clinics and hospitals as a sensitive use requiring a minimum separation from firearm and ammunition sales and firearm ranges uses within Chapter 16, Article V, Divisions 19 and 20. Staff was not given direction to amend any of the standards and requirements currently in place that regulate firearm/ammunition sales and firearm range uses. Nor was direction given to alter the regulations or the operations of any of the four existing firearm and ammunition retailers within the City (Attachment A).

4) **Environmental Determination:** Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act (CEQA), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA. The proposed ZTA is a regulatory action. Furthermore, any resulting development following approval of the ZTA is anticipated to be less intense than what is allowed by the existing regulations pertaining to firearm sales, ammunition sales, and firearm ranges within the City. Therefore, staff has determined that there is no possibility that the project will have a significant effect on the environment. A Notice of Exemption (Attachment B) will be filed upon approval of the ZTA by the City Council.

5) **Analysis:**

a) **General Discussion:** On July 16, 2019, the City Council adopted Ordinance 2961 to establish health and safety standards and location restrictions (e.g., proximity to parks and schools) for firearm-related businesses, which was previously absent from the OCC. During the City Council deliberations, the Council decided to adopt Ordinance 2961 in order to establish standards and restrictions to firearms related uses and directed staff to research the possibility of including medical clinics and hospitals as a sensitive use and report the findings to the Planning Commission at a future date. Nothing in California law would preempt the proposed addition of medical clinics and hospitals to the types of

sensitive uses requiring minimum separation from firearms and ammunition sellers, or from firearms ranges. With four firearms sellers in the City, and three additional nearby retailers in the unincorporated County of Ventura, sellers still provide a meaningful opportunity for residents to obtain firearms for self-defense. The City is not aware that anyone has complained of a lack of access to the legal sale of firearms from a licensed dealer within the City.

During the course of the City Council deliberation on July 2, 2019, Council discussed medical clinics and hospitals generically; however, dental, mental and general medical terms were included in the discussion. The OCC currently does not have a definition for medical clinics or hospitals even though it makes references to both land uses throughout the document. Using best practices, Community Development Department staff researched definitions for both terms commonly found throughout zoning ordinances from various municipalities the California Health and Safety Code (Section 1206).

The following are the proposed definitions for medical clinics and hospitals to be included in Chapter 16, Section 16-10 (Definitions):

'Medical clinic' means "An organized outpatient health facility that provides direct medical, surgical, dental, optometric, or podiatric advice, services, or treatment to patients who remain less than 24 hours, and that may also provide diagnostic or therapeutic services to patients."

'Hospital' means "A health facility having a duly constituted governing body with overall administrative and professional responsibility and having an organized medical staff which provides twenty-four-hour inpatient care including one (1) or more of the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, dietary services, or psychiatric care and treatment."

The intent of the 'Medical clinic' definition is to allow an organization of doctors providing outpatient physical medical services, mental health services or surgical services to the sick or injured but does not include inpatient or overnight accommodations. The definition is not intended to include land uses such as, but not limited to, which are found in the OCC:

1. Medical insurance and medical services,
2. Retail medical equipment and supplies ,
3. Pharmacies (unless ancillary to a medical clinic or hospital),
4. Medical research and laboratories (unless ancillary to a medical clinic or hospital),
5. Medical devices, equipment, and hospital supplies manufacturers,
6. Ambulance Services,
7. Veterinarian services, and
8. Spa and wellness centers.

Locational Criteria

Ordinance 2961 amended OCC Chapter 16, Article V (Specific Use Requirements) to add Division 19 (Firearm and Ammunition Sales) and Division 20 (Firearm Ranges). Each Division establishes separation requirements from specific sensitive uses, application material required with submission of a Special Use Permit (SUP), specialized findings that the Planning Commission must determine for approval of a SUP, and factors that may be addressed as conditions of approval. Additionally, Ordinance 2961 limited Firearm and Ammunition Sales and Firearm Ranges to the General Commercial (C-2) and Limited Manufacturing (M-L) zones.

Ordinance 2961 also amended Chapter 16 to include Article V (Specific Use Requirements) establishing two new Divisions, 19 (Firearm and Ammunition Sales) and 20 (Firearm Ranges) which require separations between firearm/ammunition sales and firearm range uses and nearby sensitive uses. These buffers are recommended for the safety and security of the public. Police Departments that respond to incidents at facilities that handle firearms and ammunition are inherently high-risk and demand a number of additional resources versus conventional calls for service. In these cases, potential suspects would likely have access to weapons and ammunition. Police responses to these facilities are likely to evolve into evacuations of properties within several hundred feet.

Currently, a separation of 600 feet is required between firearm and ammunition sales businesses, as well as firearm ranges and the following sensitive uses: residentially zoned properties, day care centers (child or adult), parks, churches, schools (private or public), Oxnard Transportation Center and Oxnard Airport. A 200-foot separation is required between individual firearm-related uses. This separation is measured from the closest exterior wall of the firearm range/firearms and ammunition retail business and the nearest property line of the identified sensitive use.

The proposed ZTA amends OCC Chapter 16, Article V (Specific Use Requirements), Division 19 (Firearm and Ammunition Sales) Section 16-540.1(B) & Division 20 (Firearm Ranges) Section 16-504.2(B) to add medical clinics and hospitals as sensitive uses and establish a separation of 600 feet between medical clinics and hospitals and firearm and ammunition sales businesses, as well as firearm ranges, respectively. Below is a table summarizing existing sensitive uses with the addition of medical clinics and hospitals.

Sensitive Use	Required Separation
Non-Residential Day Care (Child or Adult)	600 feet
Park	600 feet
Church	600 feet
School (private or public)	600 feet
Any Residentially Zoned Property	600 feet
Hospital*	600 feet

Medical Clinic*	600 feet
Another legally-authorized firearm and ammunition sales business or firearm range	200 feet

* Proposed under ZTA 20-580-05

Per the existing required separation measurement standards, the required separation distances would be measured between the closest exterior wall of the firearm and ammunition sales business and / or firearm ranges and the nearest property line of the identified sensitive use in a straight line extended between two points, without regard for intervening structures.

Based on the proposed definitions for medical clinics and hospitals, staff plotted known medical clinics and hospitals on the previously approved buffer map prepared under Ordinance 2961 and using data compiled from the City's Business License rolls. Over 290 medical establishments were plotted on the updated buffer map. Attachment C contains a map that identifies the zoning areas (red and orange) throughout the City that allow firearm sales/uses under the current Firearms Ordinance. The green dashed areas identified all of the areas where firearm sales/uses would be allowed if medical clinics and hospitals are included as a sensitive use.

Under the current Firearm Ordinance, approximately 1.57% of land area of the existing land with a C-2 or M-L zoning designation, the areas where firearm sales/uses are allowed, would be able to operate. If medical clinics and hospitals are included as a sensitive use, the available land area where firearm sales/uses are allowed would be reduced by 0.38% to approximately 1.19%. Attachment D contains a map that identifies all sensitive use buffers including hospitals and clinics.

Community Development Department staff consulted with the City's Attorney office and Police Department to determine if the potential inclusion of medical clinics and hospitals as a sensitive use to the current Firearms Ordinance will allow for an appropriate number of parcels where allowed firearms uses could potentially be accommodated. The City Attorney's office has determined that inclusion of medical clinics and hospitals as a sensitive use would provide for a legally sufficient number of parcels to accommodate firearms uses at this time. This position is bolstered by the existence of three additional existing retailers in unincorporated areas near the City's corporate boundaries.

5) ***General Plan Consistency:*** The proposed ZTA is consistent with a number of goals and policies included in the 2030 General Plan. Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The three consistency classification levels are:

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-5.2	I	Compatible Land Use	The proposed ZTA is designed to ensure adequate separation between sensitive land uses to minimize land use incompatibility.
SH-7.4	I	Limiting High Risk Land Uses	The proposed ZTA is designed to mitigate the high risk to health, safety, and welfare of residents, visitors, and workers presented by businesses involving firearms and ammunition.
ICS-19.2	I	Police Review of Development Projects	The proposed ZTA will incorporate Police Department review of proposed SUP applications and conditions.
ICS-19.4	II	Crime Prevention Device Requirements	The proposed ZTA will assist the City in requiring crime prevention devices through the SUP process.
ICS-19.5	II	Incorporating Security Design Principles	The proposed ZTA will assist the City in creating regulations designed to encourage crime prevention and defensible space through design principles such as those employed through the National Crime Prevention Through Environmental Design Program (CPTED), and other methods to enhance public safety.
SH-6.5	II	Land Use Compatibility with Noise	The proposed ZTA will allow for the City to evaluate and mitigate noise associated with firearm ranges through the SUP process.
SH-7.11	II	Hazardous CUPA Materials Inventory	The proposed ZTA will enable project-level evaluation of hazards and hazardous material through the SUP process.
ALL OTHERS	III	All policies not listed above	No or Distant Applicability to the Proposed Project.

6) ***Community Outreach:*** A Community Workshop meeting was held on May 17, 2021. A notice of this meeting was distributed Citywide to neighborhood chairs. Staff also mailed notice of this meeting directly to all four existing firearms and ammunition retailers within the City. Two members of the public participated in the Community Workshop meeting. One member inquired about an existing legal conforming firearm retailer (Big 5) located near the Orchard neighborhood. A second member of the public, Mr. Keith Lauterback, submitted a letter addressed to the City Council outlining his opposition to the proposed ZTA. Mr. Lauterback's letter is provided as Attachment E.

7) **Next Steps:** The Planning Commission's action on this matter is advisory to the City Council. The Planning Commission's recommendation will be forwarded to the City Council for consideration.

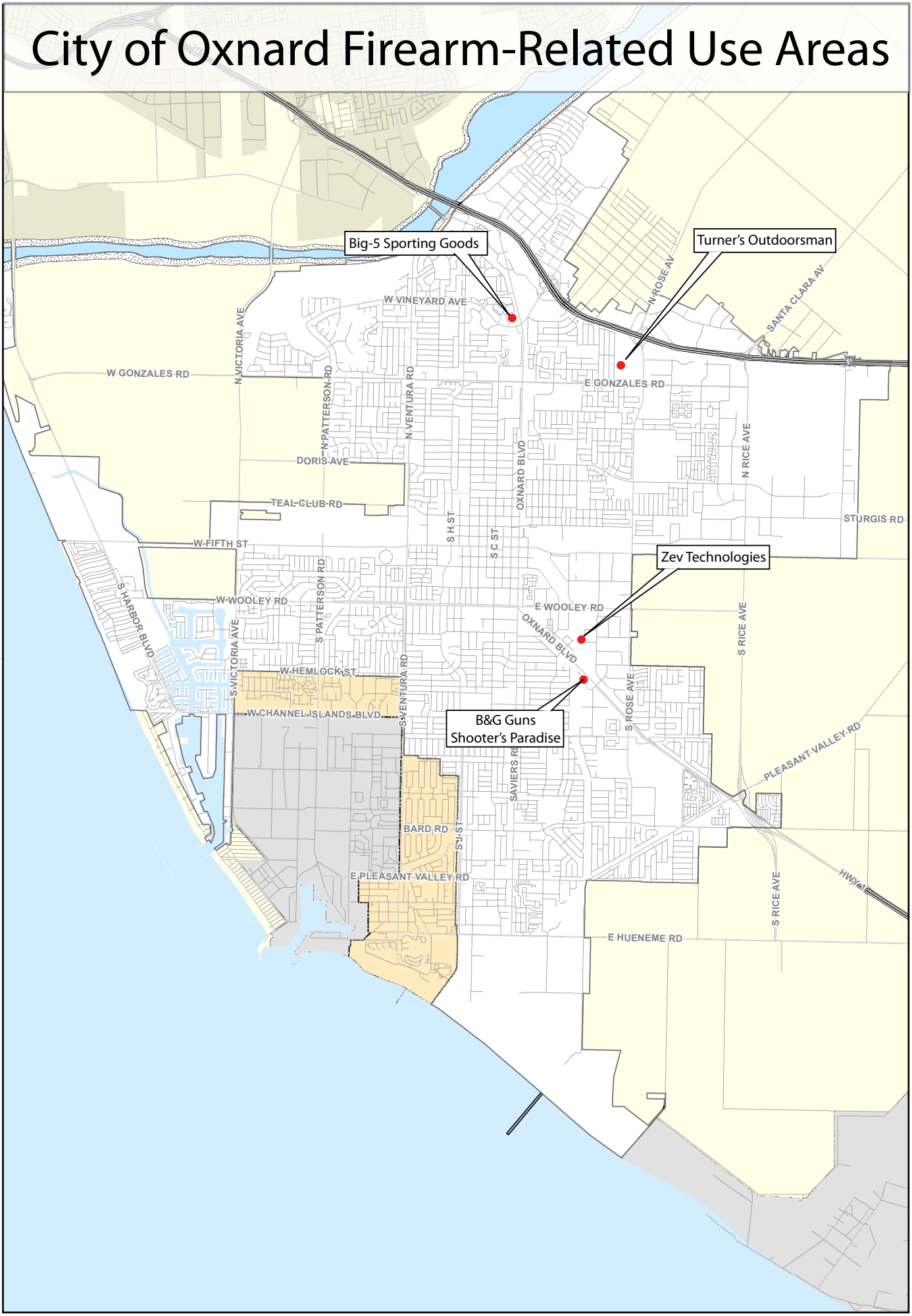
Attachments:

A. Existing Firearm Uses Within the City
B. Notice of Exemption
C. Firearm Related Use Area Map Without Buffer

D. Firearm Related Use Area Map With Buffer
E. Keith Lauterback Letter Dated May, 15, 2021
F. Planning Commission Resolution
    Exhibit 1 Draft City Council Ordinance
G. Staff Presentation

A. Existing Firearm Uses Within the City

City of Oxnard Firearm-Related Use Areas



*The required separation is the distance between the closest exterior wall of the firearm range/firearms and ammunition business and the nearest property line of the identified sensitive use.

Created by:
CITY OF OXNARD
Geographic Information Systems Division
February 2021

This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

4,000 0 4,000 8,000 Feet

B. Notice of Exemption

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

NOTICE OF EXEMPTION

Project Description: Firearms Ordinance Update
PLANNING AND ZONING PERMIT NO. 20-580-05 (Zone Text Amendment) a request to modify Oxnard City Code (OCC) Chapter 16 (Zoning Code) pertaining to the permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include adding medical clinics and hospitals as a sensitive use requiring a 600-foot separation from businesses engaged in the sale of firearms and ammunition and firearm ranges to OCC Chapter 16, Article II, Section 16-10 (Definitions), and OCC Chapter 16, Article V (Specific Use Requirements), Division 19 (Firearm and Ammunition Sales) Section 16-540.1(B) & Division 20 (Firearm Ranges) Section 16-504.2 (B). Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

Finding:

The Planning Division of the Community Development Department of the City of Oxnard has reviewed the proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

☐ Ministerial Project
☐ Categorical Exemption
☐ Statutory Exemption
☐ Emergency Project
☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15060 (c)(2) and (3), and 15061(b)(3)]

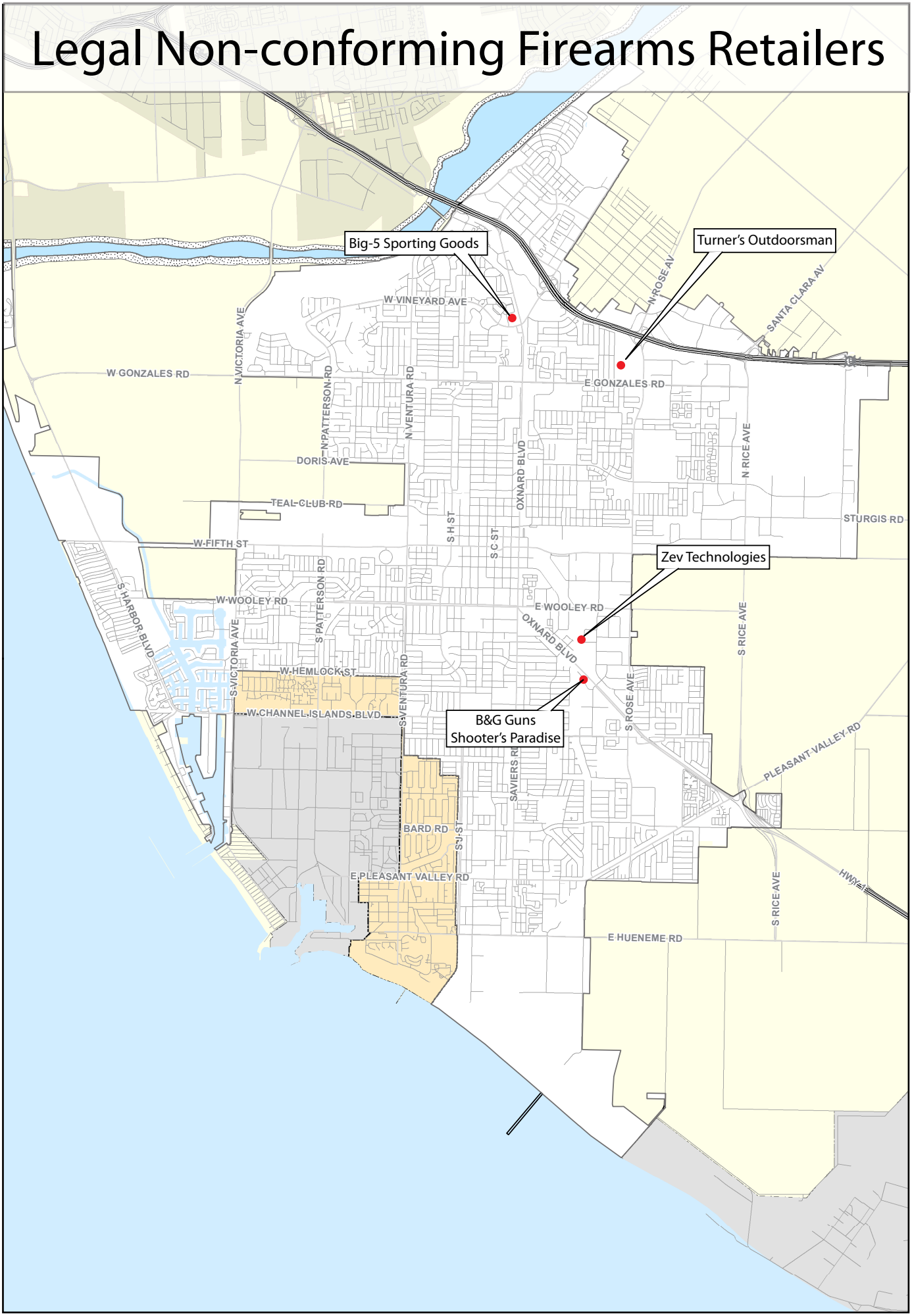
Supporting Reasons: Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act, regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA. The proposed zone text amendment is a regulatory action. Furthermore, any resulting foreseeable development following approval of the ZTA is anticipated to be less intense than what is allowed by the existing regulations pertaining to the firearm sales, ammunition sales, and firearm range uses within the City. Therefore, the Planning Commission has determined that there is no possibility that the project will have a significant effect on the environment.

(Date)

Scott Kolwitz, Planning & Environmental Services Manager

C. Firearm Related Use Area Map Without Buffer

Legal Non-conforming Firearms Retailers



Created by:
OXNARD
Geographic Information Systems Division
February 2021

*The required separation is the distance between the closest exterior wall of the firearm range/firearms and ammunition business and the nearest property line of the identified sensitive use.

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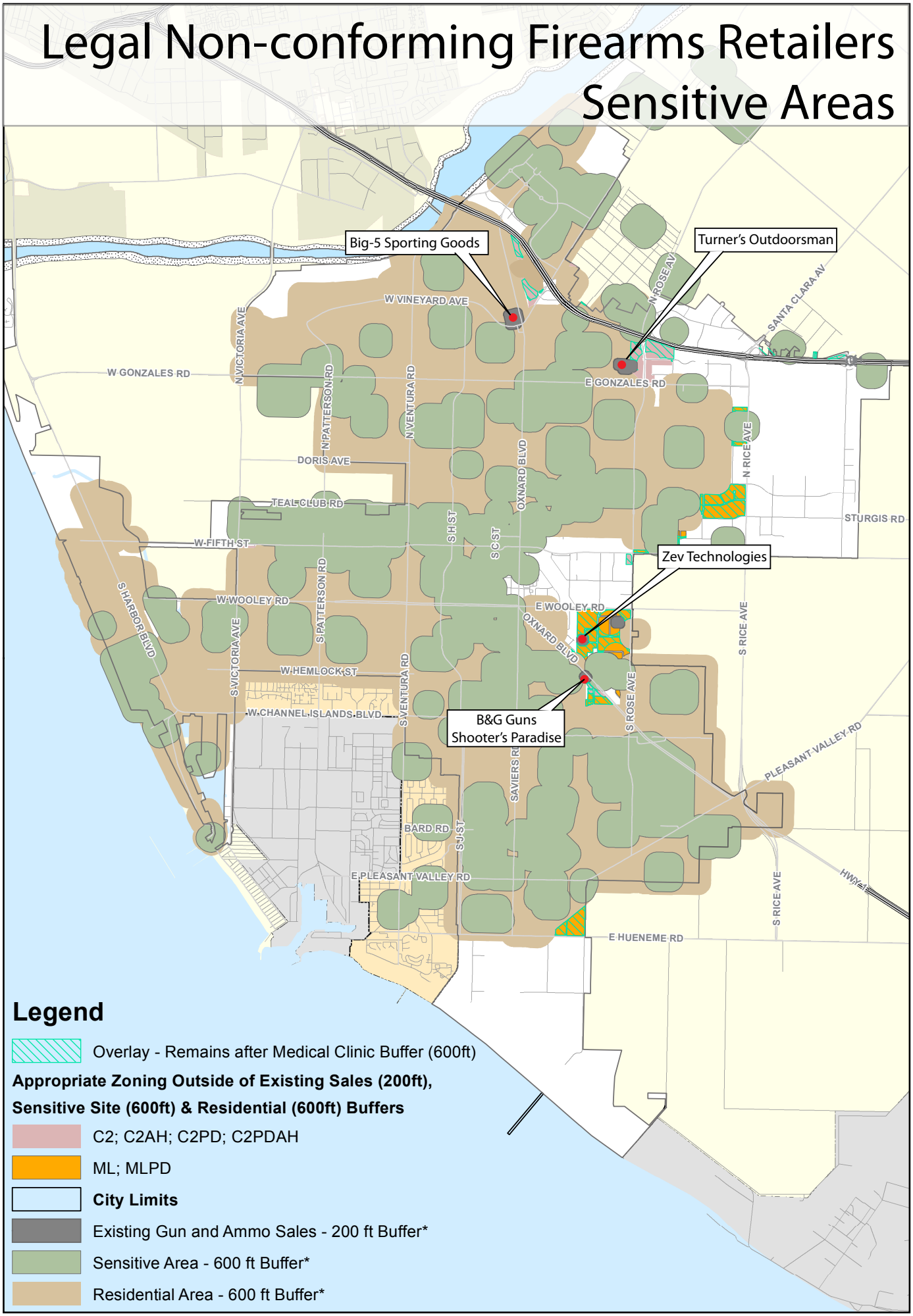
D. Firearm Related Use Area Map With Buffer

Legal Non-conforming Firearms Retailers Sensitive Areas



Legend

- Overlay - Remains after Medical Clinic Buffer (600ft)

Appropriate Zoning Outside of Existing Sales (200ft), Sensitive Site (600ft) & Residential (600ft) Buffers

- C2; C2AH; C2PD; C2PDAH
- ML; MLPD
- **City Limits**
- Existing Gun and Ammo Sales - 200 ft Buffer*
- Sensitive Area - 600 ft Buffer*
- Residential Area - 600 ft Buffer*

*The required separation is the distance between the closest exterior wall of the firearm range/firearms and ammunition business and the nearest property line of the identified sensitive use.

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Geographic Information Systems Division
February 2021

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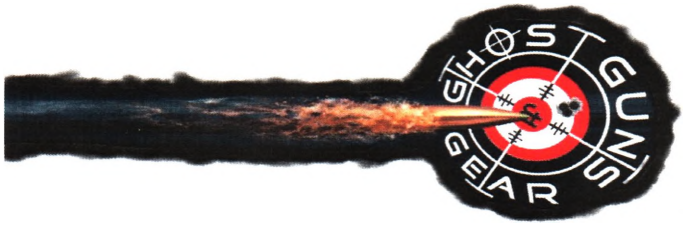
E. Keith Lauterback Letter Dated May, 15, 2021



Keith Lauterback Owner / CEO / Operator
2390 Las Posas Rd. Suite C #505
Camarillo, CA. 93010
Email: ghostgunsandgear@yahoo.com / info@ghostgunsandgear.com
Web: ghostgunsandgear.com

Good Day Oxnard City Council,

I want to start off by saying thank you for taking the time to read this. It is extremely hard to get a point across to a group of individuals in 3 mins or less, especially when there are so many variables and variations of what is and what can be. I know that the City Council of Oxnard is looking into expanding the "Firearms Ordinance" Permit No. 20-580-05 to include Medical clinics and Hospitals as sensitive use areas. I am not sure what the purpose of adding this additional layer to the "Buffer Zone" and what it would accomplish. I have asked questions of why this is being considered and I have yet to get a response as to why it is felt that this extra layer would need to be added.

I am attempting to open a new business in the City of Oxnard that would be located at the address of 1975 Lockwood. (The old T-shirt warehouse). In its present configuration on the plot of land it is located 374' from the most exterior wall of the building to the closest property line of an area that has a urology clinic. To the back wall of the actual building that has the clinic in it, it is 580' from my most exterior wall to the wall of the actual clinic wall. Currently in the code of the existing zoning area the distance needs to be 600' from any type of schools and gathering areas such as churches and things of that nature. I know 20' is 20' but again I am trying to get a reason as to why this purposed extra layer of buffer is needed. (Keeping in mind that currently this would not make a difference under the current zoning requirements, and if this additional layer is added then I would look at the additional 20'.)

The business that I am trying to open is a gun store, as well as a gun range. A state-of-the-art range and training facility that not only will make a great deal of revenue, but it will give a safe place for people to come to and to use their firearms, all their firearms not just the handguns. I am looking to also have an ammunition production area to be able to feed the range. By doing this I can control much better of what comes in and out of the building and the range, putting an additional safety layer into the process. It will also have a gun smith area that will allow people to bring in the old firearms that are handed down by the generations and allow that to continue as well as all the newer firearms. I will have a CNC production area that will help with the gunsmith area. I am planning on going into negotiations with the local LEO agencies to have them do their certifications and trainings in the range as well as any type of hands-on training as there will be conference rooms as well that they will be able to utilize. This will help the now over used and degrading range that the LEO's are using in the Camarillo area by the airport. I am looking to put 50 people to work at this facility,

helping the local job market start to come back. By adding this additional layer to the zoning this will prevent this from happening. I have been in negotiations with the landowners, and they are extremely excited to have a facility like this and they are willing to go the extra mile. The clint base that I have been building for 2 years now, they are extremely excited to have a place like this. As of now they have two places to go, one is "Shooters Paradise" and the other is "Smoking Barrel" in Simi Valley. Both ranges are constantly busy and not in the best of conditions. (as well as offering very little in the way that I purpose to offer at this new facility.) Shooters Paradise is run down and has a very shallow range, and the customer service is not what it should be. Smoking barrel is a little larger but just as shallow and does not offer any where near what I will with this facility. I am looking to change that and give people a place that they can be safe to go and exercise their 2nd Amendment Rights as well as a place that the community can be proud of to say that it is in their community. Drawing individuals from all over the County of Ventura and Surrounding Counties as it will be a one-of-a-kind place with a 270' deep range, a gun smith area, an ammunition production area, as well as a custom ammunition production process for the out-of-date cartridges and hard to find ammunition. "Home of the Bullet Bar". It will have training classes from the first-time gun owner all the way up to advanced tactics. This Facility will be a one-of-a-kind facility and it will bring in an extreme number of individuals.

By adding this additional buffer to the current zoning, it will halt all of this and make it so that it does not happen. I have been looking for the last 2 years for a building that has the capabilities to make this happen. They have either been too big or too small, or the owners are not firearms friendly, or the surrounding facilities are not firearms friendly and have clauses in their leases not allowing such a facility to be in the same area, and so on. It has not been easy, but I feel very much worth the efforts I have been putting forward to make this facility become a reality.

I have been operating in an exceedingly small area for the last two years and I have outgrown this area and I have done it at an amazingly fast rate. I would like to be able to tell my clients that this new facility will be happening soon. If some one can give me a solid answer as to why they feel that this additional buffer should continue and be looked at, then I might understand why in the first place that it is even being considered. I am looking to expand Oxnard City with this facility as well as bring the community a safe and enjoyable place to use their firearms.

Again, I thank you for the time you took to look at this and I urge you and the rest of the individuals that are making these choices, to not continue with this additional layer to the Zoning requirements and help usher this facility in and all the tremendous benefits that come along with it.

Thank you,

Keith Lauterback

Ghost Guns & Gear

Saving Lives.... ONE Matched Round at a Time.....

5-15-21

F. Planning Commission Resolution

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONE TEXT AMENDMENT NO. PZ 20-580-05 TO AMEND OXNARD CITY CODE (OCC) CHAPTER 16 (ZONING CODE) PERTAINING TO THE PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FIREARM RANGES AND BUSINESS ENGAGED IN THE SALE OF FIREARMS AND AMMUNITION. PROPOSED MODIFICATIONS INCLUDE ADDING MEDICAL CLINICS AND HOSPITALS AS SENSITIVE USES REQUIRING A 600-FOOT SEPARATION FROM BUSINESSES ENGAGED IN THE SALE OF FIREARMS AND AMMUNITION AND FIREARM RANGES TO OCC CHAPTER 16, ARTICLE II, SECTION 16-10 (DEFINITIONS), AND OCC CHAPTER 16, ARTICLE V (SPECIFIC USE REQUIREMENTS), DIVISION 19 (FIREARM AND AMMUNITION SALES) SECTION 16-540.1(B) AND DIVISION 20 (FIREARM RANGES) SECTION 16-504.2(B). FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 20-580-05, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to the permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include adding medical clinics and hospitals as sensitive uses requiring a 600-foot separation from businesses engaged in the sale of firearms and ammunition and firearm ranges to OCC Chapter 16, Article II, Section 16-10 (Definitions), and OCC Chapter 16, Article V (Specific Use Requirements), Division 19 (Firearm and Ammunition Sales) Section 16-540.1(B) & Division 20 (Firearm Ranges) Section 16-504.2(B); and

WHEREAS, On July 16, 2019, the City Council approved the second reading and adopted Ordinance No. 2961 pertaining to the permitting and development of firearm ranges and businesses engaged in the sale of firearms and ammunition; and

WHEREAS, On April 13, 2021, Community Services, Public Safety, Housing & Development Committee unanimously determined staff should pursue a ZTA to amend Chapter 16 of the OCC to include medical clinics and hospitals as a sensitive use requiring a minimum separation from firearm and ammunition sales and firearm ranges uses within Chapter 16, Article V, Divisions 19 and 20; and

WHEREAS, on May 17, 2021, a public Community Workshop meeting was held for the community and the general public to receive community input on the proposed ZTA; and

WHEREAS, on July 15, 2021, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 20-580-05 (Zone Text Amendment) (the "Project") in accordance with the OCC; and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, the Planning Commission finds that the proposed ZTA is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA, and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC, herein attached as Exhibit 1, would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the adoption of ZTA would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by establishing regulations related to the siting, permitting, and operation of firearm and ammunition sales businesses and firearm ranges within the City of Oxnard; and

WHEREAS, the Planning Commission determined that this action is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3) as this ZTA is a regulatory action which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance attached hereto as Exhibit 1.

Section 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Resolution.

Section 2. Based upon the foregoing recitals, the Planning Commission finds, for the above stated reasons, and the reasons set forth in the staff report, that the proposed ZTA presented as Exhibit 1 herein will not result in any new significant environmental impacts that were not addressed in the 2030 General Plan Program EIR, will not increase the severity of any previously identified impacts, and is exempt from CEQA under Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3).

Section 3. The Planning Commission, based on the findings set forth herein, recommends that the City Council of the City of Oxnard adopt ZTA PZ No. 20-580-05 attached hereto as Exhibit 1 and incorporated herein by this reference to this Resolution.

Section 4. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of July, 2021.

_____
Daniel Chavez Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 15th day of July, 2021, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

ATTEST:

_____
Scott Kolwitz, Secretary

G. Staff Presentation

Firearms Ordinance Update
Adding "Medical Clinics" and "Hospitals" As A Sensitive Use Requiring 600-foot Separation from Businesses Engaged in the Sale of Firearms and Ammunition and Firearm Ranges

PZ 20-580-05 (Zone Text Amendment - Inland Zone)

Isidro Figueroa, Principal Planner
Scott Kolwitz, Planning Manager

Presentation to the Planning Commission
July 15, 2021

CITY OF OXNARD CALIFORNIA

Background

- July 16, 2019 public hearing, the Council approved a Zone Text Amendment (ZTA) to amend Chapters 11 and 16 of the Oxnard City Code (OCC) to:
  - Establish definitions for ammunition, firearm range, firearm, and firearm & ammunition sales;
  - Establish and/or modify land uses related to these activities within the General Commercial (C-2), Limited Manufacturing (M-L) and Community Reserve (C-R) zoning districts;
  - Establishing siting criteria, operational considerations, and the process for review of Special Use Permit (SUP) applications related to these uses.

Background

- July 16, 2019 public hearing, the Council deliberated on the possibility of including hospitals and clinics as a sensitive use.
  - Public testimony urged the Council to consider clinics and hospitals as sensitive uses.
  - A patient's safety and security should be protected equally as the sensitive uses being considered under the proposed ordinance.
  - Firearm/ammunition sales and firearm ranges required a minimum 600 foot separation from any sensitive use.
- Council directed staff to research the potential inclusion of "medical clinics" and "hospitals" in the Ordinance and report back at a future date.

Committee

- April 13, 2021, the Community Services, Public Safety, Housing & Development Committee unanimously voted to:
  - Direct staff to pursue a ZTA to amend Chapter 16 of the Oxnard City Code (OCC) to include medical clinics and hospitals as a sensitive use
  - Staff was not given direction to amend any of the standards and requirements currently in place that regulate firearm/ammunition sales and firearm range uses
  - Nor was direction given to alter the regulations or the operations of any of the four existing firearm and ammunition retailers within the City

Definitions (OCC Section 16-10)

- Oxnard City Code (OCC) does not contain definitions for medical clinics and hospitals
- Using best practices, staff outlined the following definitions to guide discussion:
  - **'Medical clinic'** means "An organized outpatient health facilities that provides direct medical, surgical, dental, optometric, or podiatric advice, services, or treatment to patients who remain less than 24 hours and that may also provide diagnostic or therapeutic services to patients."

Definitions (OCC Section 16-10) continued

- **‘Hospital’** means “A health facility having a duly constituted governing body with overall administrative and professional responsibility and having an organized medical staff which provides twenty-four-hour inpatient care including one (1) or more of the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, dietary services, or psychiatric care and treatment.”

Definitions (OCC Section 16-10)

- ‘Medical clinic’ definition is not intended to include land uses such as, but not limited to:

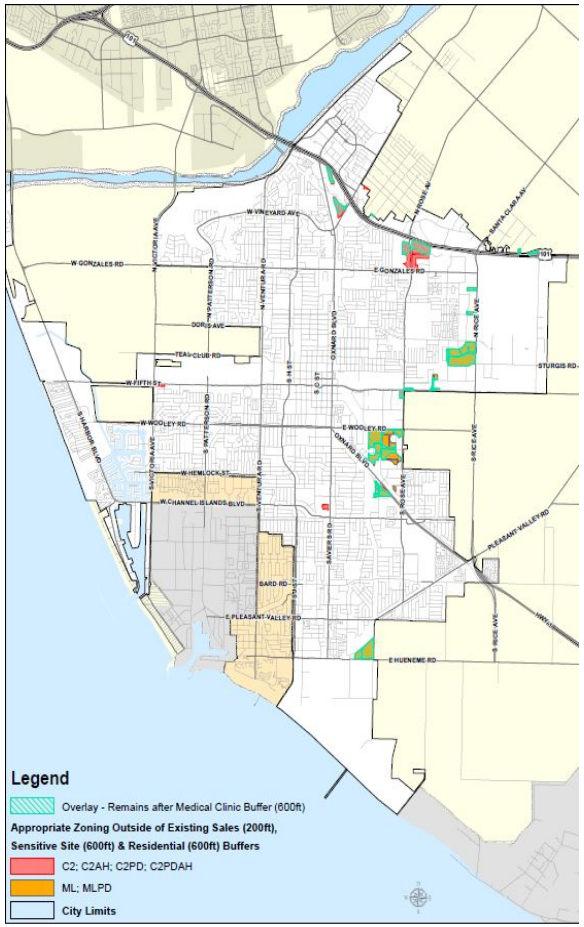
1. Medical insurance and medical services
2. Retail medical equipment and supplies
3. Pharmacies (unless ancillary to a medical clinic or hospital)
4. Medical research and laboratories (unless ancillary to a medical clinic or hospital)
5. Medical devices, equipment, and hospital supplies manufacturers
6. Ambulance Services
7. Veterinarian services
8. Spa and wellness centers

Locational Criteria

- Firearms related businesses must maintain a 600-foot separation from sensitive uses:
  - Non-residential day care (child or adult)
  - Parks
  - Churches
  - Schools (public or private)
  - Any residentially zoned property
  - Oxnard Transportation Center
  - Oxnard Airport
- A 200-foot separation is required between individual firearm-related uses.

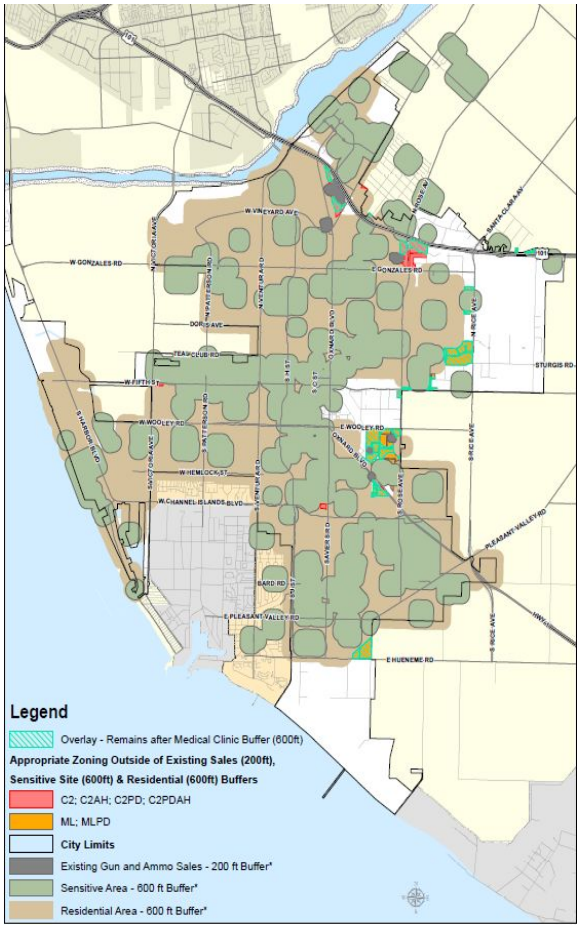
Buffer Map 1

- Based on the proposed definitions for medical clinics and hospitals, staff plotted clinics and hospitals on the previously approved buffer map under Ordinance 2961.
- Over 290 medical establishments were plotted based on the City's Business License rolls.
- Map identifies the zoning areas (red and orange) throughout the City that allow firearm sales/uses under the current Firearms Ordinance.
- The green dashed areas identified all of the areas where firearm sales/uses are allowed if hospitals/clinics are included as a sensitive use.



Buffer Map 2

- Map 2 contains a map that identifies all sensitive use buffers including medical clinics and hospitals.
- Baseline: Approximately 1.57% of land area where firearm sales/uses are allowed to operate.
- Potential: If medical clinics and hospitals are included as a sensitive use, the available land area where firearm sales/uses are allowed would be reduced by 0.38% to approximately 1.19%.
- Community Development Department staff consulted with the City Attorney's office and Police Department, and determined inclusion of medical clinics and hospitals as a sensitive use would provide for a legally sufficient number of parcels to accommodate firearms uses.



POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-5.2	I	Compatible Land Use	The proposed ZTA is designed to ensure adequate separation between sensitive land uses to minimize land use incompatibility.
SH-7.4	I	Limiting High Risk Land Uses	The proposed ZTA is designed to mitigate the high risk to health, safety, and welfare of residents, visitors, and workers presented by businesses involving firearms and ammunition.
ICS-19.2	I	Police Review of Development Projects	The proposed ZTA will incorporate Police Department review of proposed SUP applications and conditions.
ICS-19.4	II	Crime Prevention Device Requirements	The proposed ZTA will assist the City in requiring crime prevention devices through the SUP process.
ICS-19.5	II	Incorporating Security Design Principles	The proposed ZTA will assist the City in creating regulations designed to encourage crime prevention and defensible space through design principles such as those employed through the National Crime Prevention Through Environmental Design Program (CPTED), and other methods to enhance public safety.
SH-6.5	II	Land Use Compatibility with Noise	The proposed ZTA will allow for the City to evaluate and mitigate noise associated with firearm ranges through the SUP process.
SH-7.11	II	Hazardous CUPA Materials Inventory	The proposed ZTA will enable project-level evaluation of hazards and hazardous material through the SUP process.
ALL OTHERS	III	All policies not listed above	No or Distant Applicability to the Proposed Project.

Public Engagement

- On May 17, 2021 a Community Workshop was held for the ZTA and two members of the public attended and made the following comments:
  - One member inquired about an existing legal non-conforming firearm retailer (Big 5) located near the Orchard neighborhood
  - Mr. Keith Lauterback, submitted a letter addressed to the City Council outlining his opposition to the proposed ZTA

- Staff has contacted the four existing legal non-conforming firearm retailers (one firearm retailer also operates a firearm range) owners via U.S. Postal Service and phone of the proposed ZTA and notified them of all public meetings to date.

Environmental Review

- ZTA is exempt pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act (CEQA), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA.

Recommendation

That the Planning Commission:

1. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines 15060(c)(2) and (3) and 15061(b)(3); and
2. Adopt Resolution 2021-XX recommending that the City Council approve Planning & Zoning Permit No. 20-580-05 (Zone Text Amendment) adding Medical Clinics and Hospitals as sensitive uses requiring separation from establishing regulations to address Firearm Ranges and the Sales of Firearms and Ammunition.

CITY OF OXNARD CALIFORNIA

Discussion