

CALIFORNIA COASTAL COMMISSION

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

Th22a



ADDENDUM

DATE: March 7, 2017 Click here to go to
original staff report

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 22a, Thursday, March 9, 2017, County of Ventura Local Coastal Program Amendment LCP-4-VNT-16-0069-2

The purpose of this addendum is to make revisions to the suggested modifications and findings of the February 24, 2017 staff report, and to attach correspondence and provide responses to comments.

A. Revisions to Suggested Modifications

1) In order to clarify the intent of the policy, the portion of Suggested Modification One (1) that pertains to Land Use Plan Coastal Trail Policy 3.2, shall be replaced by the following:

When an existing (*i.e.*, express or adjudicated) implied dedication or prescriptive easement provides public access that may provide new segments that support or connect to the Coastal Trail network, such as vertical access between the Coastal Trail and the shoreline, the discretionary permitting process shall be used to provide, maintain or protect public access. For any area that may provide new segments that support or connect to the Coastal Trail network, new development shall be sited and designed to not interfere with the public's right of access to and along the shoreline where there is substantial evidence provided that implied dedication or prescriptive rights may exist, unless it is not feasible and adequate mitigation is provided.

2) In order to identify La Janelle Park on Figure 4.1-5, the following shall be added to Suggested Modification One (1):

Coastal Trail Segment Figure 4.1-5 shall be modified to add a label for La Janelle Park.

B. Revisions to Findings

1) In order to clarify the findings relating to prescriptive rights in Section B (Public Access and Recreation) of the staff report, the following paragraph shall replace the third paragraph on page 19 of the Staff Report:

California law provides that under certain conditions, long term public access across private property may result in the establishment of a permanent public easement. This is called an implied dedication, or public prescriptive right of access. As a component of the subject amendment, the County has proposed policies to protect these rights. Specifically, proposed Policy 3.2 mandates that the discretionary permit process is utilized to provide, maintain, or protect public access when an existing, adjudicated implied dedication or prescriptive easement may provide new segments that support or connect to the Coastal Trail network, such as providing vertical access between the CCT and the shoreline. However, in addition to those areas where long term public access has resulted in the establishment of a legally recognized public access easement, there are also areas with historic public use that may qualify as an implied dedication, but where such public rights have not yet been legally adjudicated. In these areas, research may indicate that the public use has been substantial enough to create an implied dedication; however, the legal recognition of an easement may not have yet occurred. New development could threaten continued use of these historically-used areas and adversely impact public access. As such, **Suggested Modification One (1)** requires that Policy 3.2 is modified to ensure that new development be sited and designed to not interfere with the public's right of access where there is substantial evidence that an implied dedication or prescriptive rights exist. Furthermore, this suggested modification is required to ensure protection of all prescriptive easements that provide public access to and along the sea, and not just those that provide direct vertical access between the CCT and the shoreline.

2) In order to modify the findings relating to La Janelle Park, the following paragraph shall replace the second paragraph on page 21 of the Staff Report:

Furthermore, the County has proposed to add a note on all CCT maps, which indicates that the mapped CCT is preliminary, and may be subject to change. In order to clarify the appropriate use of the maps, **Suggested Modification One (1)** requires that the proposed map note be modified to state that the subject maps are a planning tool, and that the routes may be modified based on a detailed alignment study. Lastly, in order to ensure that La Janelle Park, an existing park that provides public beach parking, is depicted on the CCT maps, **Suggested Modification One (1)** requires the addition of a label to Figure 4.1-5.

3) In order to correct an inadvertent error, all references to Suggested Modification Two (2) in Section B (Public Access and Recreation) of the Staff Report shall be modified to state Suggested Modification One (1).

C. Correspondence Received

1) Attached to this addendum is correspondence received from Richard Wallace, on behalf of the Seacliff Beach Colony Homeowners Association, in opposition of the subject amendment. A summary of the comments received are described and addressed below:

Mr. Wallace asserts that “designation of the Coastal Trail along the entire length of the Seacliff Community is impermissible because the existing public rights do not extend that

entire length.” However, as described in detail on pages 19-21 of the Staff Report, as mitigation for a 10 lot subdivision that was approved in 1983, the Commission required the recordation of a deed restriction that specifically provides for two lateral public accessways that were intended to extend the full length of the Seacliff community within Parcel B, and this deed restriction was duly recorded. Mr. Wallace does not dispute that one of the accessways—the one at the toe of the revetment on the shoreline—extends the full length of the community. Although he disputes that the other one—the one inland of the revetment—extends the full length of the community, the evidence does not compel this conclusion. For example, the deed restriction limits that accessway to an existing path on Parcel B. However, even if Mr. Wallace were correct that this path is located partly on private parcels rather than Parcel B, there may be an implied dedication to public use given that this path has been open to public use for decades. In any event, the proposed LCP amendment’s Coastal Trail maps are merely intended as a planning tool and do not grant, modify, or in any way change private property rights. Nothing in this amendment will restrict Mr. Wallace or the Commission from asserting their rights regarding this accessway in any future proceedings.

Additionally, Mr. Wallace asserts that depiction of the CCT along the full length of the community “would impermissibly reverse bargained-for arrangements between the government and Seacliff.” Mr. Wallace also states that these arrangements do not allow the direct connection between the Seacliff accessway and Hobson County Park, which is located directly east of the subject community. However, the conditions of the previously approved Coastal Development Permits do not preclude a connection between the subject accessway and County Park. Furthermore, the subject LCP amendment modifications do not in any way require a connection to the County Park. Rather, the LCP amendment states that the subject trail section is a “return to source-of-origin pathway.”

The letter also asserts that the designation of the Coastal Trail segment “on the Seacliff property would be a legally impermissible overburdening of the rights under the Deed Restriction.” In response, staff notes that the deed restriction acknowledges the right of the public to lateral access on the path landward of the revetment and acknowledges that the accessway was granted pursuant to the Coastal Act, which requires that “public access to the shoreline and along the coast is to be maximized.” By designating this section of preexisting trail as the Coastal Trail, the Commission is in no way changing the terms of the deed restriction or modifying the intended use of it. It has always been, and remains, a deed restricted public path that is limited exclusively to the rights of the public to walk and run. Furthermore, no activities or programs are proposed as part of the subject amendment to specifically promote use of the County’s Coastal Trail, and the proposed amendment is not expected to significantly increase usage of existing facilities during the near term future.

The letter asserts that the Coastal Commission does not have the authority to create new public access rights in situations such as this that do not include approval of new development. Commission staff’s suggested modifications to the County’s submittal are not intended to, and would not, create any new legal rights, including new public access

rights. The modifications regarding Coastal Trail Segment N2-A are merely intended to ensure that the County's LCP trail map includes all relevant trail segments. Lastly, the letter asserts that designating the Coastal Trail along the entire length of the Seacliff community would be an unconstitutional taking. In response, staff reiterates that the LCP amendment regarding the Coastal Trail maps does not confer or modify any legal rights. Rather, the maps are simply a planning tool intended to provide a graphic depiction of preexisting and planned trail routes. As the map describes, the precise trail routes may be modified based on later, more detailed alignment studies. Because they do not confer, modify or in any other way alter legal rights regarding the mapped trails, the LCP amendment does not "take" any property.

2) Attached to this addendum is correspondence received from Charles Caspary in opposition to the subject amendment. A summary of the comments received are described and addressed below:

Mr. Caspary asserts that the California Coastal Trail portion of the subject amendment is inconsistent with the judgment of *LT-WR, L.L.C. v. California Coastal Comm'n* (2007) 151 Cal. App. 4th 427. In his letter, Mr. Caspary includes the following citation from this judgement, "The Commission's denial of a permit for the gates and signs, premised on the existence of 'potential' prescriptive rights, was speculative and properly was overturned by the trial court."

However, as described in further detail below, the LT-WR case is not controlling in situations, such as the subject amendment, that deal with access to and along the shoreline. Specifically, the LT-WR case held that the Commission lacked "authority to adjudicate the existence of prescriptive rights for public use of privately owned property"; however, that was in the context of a Commission action seeking to protect an inland trail for recreational use, where the Commission had no independent statutory basis for orienting to the potential for prescriptive rights. In that instance, the Commission had not relied upon, and the case did not involve, Public Resources Code section 30211, which specifically charges the Commission with protecting the public's 'right of access to the sea where acquired through use.

In other words, section 30211 states that "[d]evelopment shall not interfere with the public's right of access to the sea where acquired through use . . ." (emphasis added). But the LT-WR case dealt with access in an inland area. Thus, the parties did not raise, and the court did not address, the question of how the Commission should comply with 30211. Access to and along the sea is given special protection in our state. This principle is embodied not only in Public Resources Code section 30211, but also in the state Constitution. See Section 4 of Article X of the California Constitution; Pub. Res. Code § 30214(b) ("Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution."). Additionally, state laws that limit the creation of prescriptive rights draw a distinction between inland and coastal access and are more protective of public coastal access rights. See Civ. Code § 1009(e). Because the LT-WR court was not presented with, and did not address, any of these issues and arguments, it is not

controlling in cases involving Section 30211 and protection of public access to the sea that may have been acquired through use.

3) Attached to this addendum is correspondence received from Paul Albritton, on behalf of Verizon Wireless, in opposition of the subject amendment. A summary of the comments received are described and addressed below:

Mr. Albritton asserts that the subject amendment should exempt small cell facilities per section 30610(f) of the Public Resources Code. However, this regulation does not apply to new, small cell facilities, which are not “utility connection[s] between an existing service facility and any development approved pursuant to” the Coastal Act.

Furthermore, the County asserts that it can require a discretionary permit for a WCF in the right-of-way through the powers granted through the LCP and the County’s general police powers. As such, even if small cell facilities could potentially be exempt in some limited circumstances, the Coastal Act does not require the Commission to modify the County’s LCP to make them all categorically exempt. Thus, it is not appropriate for the Commission to require a modification to institute such an exemption.

Mr. Albritton states that the County may not require coverage maps for right-of-way facilities based upon *T Mobile West LLC v. City and County of San Francisco* (2016) 3 Cal.App. 5th 334, 342-343. In this case, the court of appeal simply discussed how the trial court judgment included a ruling related to an arguably similar issue—a city requirement that service providers demonstrate the technological or economic necessity for a project. However, even if this lower court ruling regarding economic necessity were relevant here, which it does not seem to be, the issue was not appealed, and the court of appeal decision therefore did not address it. Further, the case did not involve any arguments about whether such a requirement would be allowed in the Coastal Zone. In addition, the requirement for propagation diagrams is discretionary, not mandatory, and applies only to particularly tall facilities or facilities that would be visible from public viewing areas. Justifying the need for such facilities, which have a higher likelihood of adverse visual impacts in the Coastal Zone, is consistent with the Coastal Act and its requirement to analyze feasible alternatives that would reduce a project’s significant effects on coastal resources.

With respect to Mr. Albritton’s assertion that the County may not require undergrounding of equipment boxes, staff first notes that this issue was raised with the County, the County has previously answered this concern, and Commission staff agrees with the County’s response. As the County describes, the LCP amendment before the Commission deals with wireless communications facilities, not other utilities, and the County’s existing CZO does not have specific provisions regulating a variety of other utility equipment in rights-of-way. However, any such proposed facilities that qualify as “development” under the LCP would have to be consistent with broader LCP policies that protect views and other coastal resources. Thus, there is no reason to believe that generally requiring undergrounding of equipment boxes will subject wireless carriers to disparate treatment. As the court held in *T Mobile West LLC v. City and County of San Francisco* (2016) 3 Cal.App. 5th 334, 355-56 a local jurisdiction is allowed to regulate

the placement of wireless facilities in order to protect aesthetics, and the mere possibility that a local ordinance regulating such placement might later be applied in a discriminatory manner is not a reason to facially invalidate the ordinance.

BRISCOE IVESTER & BAZEL LLP

155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630

MAR 06 2017

Richard Wallace
(415) 402-2718
rwallace@briscoelaw.net

ALL CONTENTS SENT TO STAFF

March 3, 2017

By Personal Delivery

Commission Chair Dayna Bochco
Commission Vice Chair Effie Turnbull-Sanders
Commissioner Donne Brownsey
Commissioner Gregory Cox
Commissioner Carole Groom
Commissioner Erik Howell
Commissioner Steve Kinsey
Commissioner Mary Luévano
Commissioner Martha McClure
Commissioner Mary K. Shallenberger
Commissioner Roberto Uranga
Commissioner Mark Vargas
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: March 9, 2017 Hearing, Agenda Item 22(a)
Ventura County Local Coastal Program
Amendment No. LCP-4-VHT-16-0069-2 ("Phase 2B Amendments")
Segment N2-A

Dear Commissioners Bochco, Turnbull-Sanders, Brownsey, Cox, Groom, Howell, Kinsey, Luévano, McClure, Shallenberger, Uranga, and Vargas:

I am counsel for Seacliff Beach Colony Homeowners Association, which represents all property owners in Seacliff Beach Colony. We oppose the imposition of the Coastal Trail at Seacliff pursuant to the Phase 2B Amendments, and in particular the suggested modifications concerning the proposed segment – "Segment N2-A" – in the Coastal Commission Staff Report.

I. DESIGNATION OF THE COASTAL TRAIL ALONG THE ENTIRE LENGTH OF SEACLIFF IS IMPERMISSIBLE BECAUSE THE EXISTING PUBLIC RIGHTS DO NOT EXTEND ALONG THAT ENTIRE LENGTH.

There is a pathway on the inland side of the rock revetment at Seacliff. In accordance with the County's Resolution adopting the Plan 2B Amendments, Segment N2-A is designated as a "return to source-of-origin" trail on that pathway, accessible from the northerly end of Seacliff. The maps for Segment N2-A (Figures 4.1-2 and 4.1-3) show that configuration of the segment. The Tabular Summary for Figure 4.1-2 describes the segment as "a return to source-of-origin pathway on a rock revetment at Seacliff Beach."

Caltrans property bounds Seacliff at the north, and Hobson County Park bounds it to the south. The Staff Report's suggested modifications, at page 11, would change the maps and the Tabular Summary, extending Segment N2-A "downcoast to Hobson County Beach Park" and designating it "as a hiking/walking path that needs improvement."¹ This designation of Segment N2-A as a trail along the entire length of Seacliff, from the Caltrans property to Hobson County Park, is false and impermissible, because it implies the public has rights in the entire pathway, but there are no existing public rights in the Seacliff pathway at the southerly end that allow the imposition of the Coastal Trail all the way "downcoast to Hobson County Beach Park." The Commission should reject the suggested modification.

II. THE SUGGESTED MODIFICATION DEPENDS ON THE INCORRECT PREMISE THAT PUBLIC RIGHTS IN THE SEACLIFF PATHWAY EXTEND THE FULL LENGTH OF SEACLIFF.

The imposition of the Coastal Trail at Seacliff depends on the public rights under a "Deed Restriction" recorded in 1983. A copy of the Deed Restriction is attached as "Exhibit A."

The Deed Restriction created certain access rights in the Seacliff pathway, but only to the extent it is within the common area described as "Parcel B" in "EXHIBIT C" of the Deed Restriction. Under the Deed Restriction, those rights in the Parcel B property are limited to the following:

(T)he right of the public to lateral access (limited exclusively to the rights of the public to walk and run) on Parcel B on the inland side of the revetment on the existing path.

¹ This suggested modification is included in "Modification One" in Section IV, "Suggested Modifications" of the Staff Report, but is referred to as "Modification Two" in the subsequent Section V regarding "Findings."

Exhibit 4 in the Staff Report depicts Seacliff, the individual lots, and the Parcel B property. For convenience, the Exhibit 4 also is attached to this letter, as "Exhibit B."

The area outlined in red on the Exhibit 4 overlay is generally the Parcel B property. As demonstrated in this overlay, the Seacliff pathway at the southerly end is not on Parcel B; it is on individual Seacliff lots. *The Deed Restriction created public rights only in the existing pathway, and only to the extent the pathway is within Parcel B.* Thus, the Deed Restriction did not create any public rights in the pathway at the southerly end where it is on the individual Seacliff lots. Thus, there is no legal basis to extend the Coastal Trail on the pathway at the southerly end, and no way for the Coastal Trail to "extend downcoast to Hobson County Beach Park", as suggested in the Staff Report.

The Staff Report, at page 21, specifies that the Deed Restriction "specifically provides for two lateral public accessways extending the full length of the Seacliff community." This statement is false. The Deed Restriction did provide an accessway along the beach seaward of the revetment. But the Deed Restriction did not provide access on the Seacliff pathway along the "full length of the Seacliff community." It provided access on the pathway only to the extent it is within Parcel B. Because the pathway is not within Parcel B at the southerly end, the Deed Restriction created no public rights in that portion of the pathway.

The Staff Report recognizes that the public rights do not extend across the pathway at the southerly end, because it suggests modification of the Tabular Summary to specify: "Trail improvements are needed to extend the trail on the south end of the rock revetment." Our inquiry leads us to conclude that Coastal Commission staff anticipates the possibility that the Coastal Commission can mandate the relocation of pathway onto the top of the revetment sometime in the future. Obviously the County, and not Coastal Commission, would bear the responsibility of actually implementing such a plan.

Even if it were feasible for the County to move the pathway onto the top of the revetment, it would require acquisition of private property, not merely "improvements." Again, the Deed Restriction created public rights only in the existing pathway inland of the revetment and in the beach below the revetment, and only to the extent they are within Parcel B. The Deed Restriction created no public rights on the revetment itself. Thus, there would be no way to move the pathway onto the revetment without eminent domain.

Any designation of Segment N2-A as extending the length of Seacliff would be a falsehood. The Commission should reject this suggested modification.

III. THE SUGGESTED EXTENSION OF THE SEACLIFF PATHWAY TO HOBSON COUNTY PARK WOULD IMPERMISSIBLY REVERSE BARGAINED-FOR ARRANGEMENTS BETWEEN THE GOVERNMENT AND SEACLIFF.

The extent of public rights at Seacliff have been created and affirmed through multiple negotiations and arrangements with the government, including Coastal Commission. These bargained-for results do not allow the direct connection between the Seacliff pathway and Hobson County Park that the Staff Report apparently envisions.

The Deed Restriction provides the public with lateral access on the Seacliff pathway and on the beach—to the extent they are on Parcel B. As a condition of the 2007 CDP for repair of the revetment, Seacliff also agreed to remove existing stairways on the revetment, leaving three new or reconditioned stairways, and to grant the public a right to use the three stairways to pass between the pathway and the beach. Those combined rights are the extent of public rights at Seacliff. They afford the public a right to go back and forth along the portions of the beach and pathway that are within Parcel B, and the right to go up and down the stairways, to reach different parts of the Seacliff beach for recreational purposes. Those rights do not include a right of access between the Seacliff pathway and other property, including Hobson County Park to the south or the Caltrans property to the north. Seacliff has never granted such a right of access, and permits have not been conditioned on such access.

There have been prior discussions among Seacliff, the County, and Coastal Commission about creating direct access between the Seacliff pathway and Hobson County Park, but that access was discarded. Instead, the result of those discussions is affirmation that access to the Seacliff pathway from Hobson County Park is solely from the beach and the stairways on the revetment. In fact, there is bargained-for acceptance of that route as the only southerly access to the pathway. In Coastal Commission's approval of the 2007 CDP, it required the Association to pay \$60,000 for construction of a stairway at Oil Piers Beach as a condition of Coastal Commission's acceptance of the beach access as the sole access to the Seacliff pathway from Hobson County Park.

The government should not reverse its acceptance of that sole bargained-for access route with future action that takes Seacliff land to open direct access between the Seacliff pathway and Hobson County Park. The Staff Report's suggested modification would require such future action, and it should be rejected.

IV. THERE ARE NOT SUFFICIENT LEGAL GROUNDS FOR THE COASTAL TRAIL AT SEACLIFF.

The existing revetment and pathway were not the Seacliff owners' choice. They were foisted upon the owners as a result of the unintended consequence of government action. In the early 1970's, Caltrans built the huge promontory into the ocean immediately north of Seacliff for the Highway 101 interchange. The interchange altered sea currents, and starved the beach at Seacliff and at the adjacent Hobson County Park of sand, which imperiled public infrastructure, the County Park, and Seacliff. Protracted negotiations, a lawsuit against Caltrans, and a settlement that the County joined resulted in Caltrans's agreements to build the revetment, at its expense, along Seacliff and Hobson County Park.

The Deed Restriction was a condition of the CDP for the subdivision in 1983 of the southernmost ten Seacliff lots and revetment repairs. At the time, a group headed by Walter Hoffman owned Seacliff. The Deed Restriction was the product of negotiations between the Hoffman group and Coastal Commission. The Coastal Trail did not exist in 1983. The parties did not anticipate or intend that the rights under the Deed Restriction would include the increased traffic, maintenance requirements, potential liability, insurance costs, and burdens of the Coastal Trail. In other words, the plan to impose the Coastal Trail on the Seacliff property would be a legally impermissible overburdening of the rights under the Deed Restriction.

V. THE SUGGESTED MODIFICATIONS EXCEED COASTAL COMMISSION'S AUTHORITY UNDER THE COASTAL ACT.

You are well aware of the limitations when Coastal Commission reviews amendments to an LCP. Under Public Resources Code sections 30512 and 30514, the Commission "shall" certify such an amendment if it "meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)" of the Coastal Act. The Coastal Act does not authorize Coastal Commission to require a private citizen to create beach access except in "new development", which does not include repair of seawalls. (Pub. Resources Code § 30212.)

The Staff Report's suggested modification extending Segment N2-A the length of Seacliff, to Hobson County Park, would require additional public access rights that the County cannot obtain without eminent domain. The Coastal Act does not provide Coastal Commission with authority to require the creation of such rights. Withholding certification because the Plan 2B Amendments do not include the suggested trail designation of Segment N2-A would exceed Coastal Commission's authority in its review of the Plan 2B Amendments.

VI. THE PROPOSED IMPOSITION OF PUBLIC ACCESS RIGHTS ON THE PRIVATE PROPERTY AT SEACLIFF IS AN UNCONSTITUTIONAL TAKING.

You are also well aware of the U.S. Supreme Court decision in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825. The similarities between the circumstances of that case and the situation at Seacliff are compelling. *Nollan* concerned private residential property along the coast in Ventura County. Coastal Commission tried to condition a CDP—in that case for new development—on the property owners' acceptance of a deed restriction allowing public access across their property to the beach. The U.S. Supreme Court barred the imposition of that condition, because it was an unconstitutional taking of real property. (See also *Dolan v. City of Tigard* (1994) 512 U.S. 174.)

The *Nollan* decision—which was issued after the Deed Restriction for Seacliff was created—calls into question the very legitimacy of the Deed Restriction itself. And it certainly prevents the designation of Segment N2-A over the entire length of Seacliff, including areas in which there are no public rights even under the Deed Restriction, in the absence of eminent domain. The consequences of that suggested modification would be an unconstitutional taking.

For the foregoing reasons, we respectfully request the Commissioners to reject the suggested modifications regarding Segment N2-A.

We provide this letter in addition to the documents that we already submitted concerning Segment N2-A, which are part of the record for this matter, consisting of:

1. Stephen Harbison's email message to the County Planning Commission dated August 30, 2016, with attachment.
2. My letter to the County Planning Commission dated October 18, 2016, with Exhibits 1-3.
3. My letter to the County Planning Commission and the Coastal Commission dated November 7, 2016, with a schematic by surveyor William Meagher showing the relative locations of the boundaries at the southeasterly end of Seacliff.
4. My letter to the County Planning Commission dated November 29, 2016, with Exhibits A- E.
5. My letter to the County Board of Supervisors dated December 4, 2016.

BRISCOE IVESTER & BAZEL LLP
California Coastal Commission
March 3, 2017
Page 7

Thank you for your consideration of these matters.

Best regards,



Richard Wallace

RW/mh

Attachments:

Exhibit A: Deed Restriction

Exhibit B: "Exhibit 4" of Coastal Commission Staff Report (Seacliff Overlay)

cc: Steve Hudson, Deputy Director (By Federal Express Overnight)
Barbara Carey, District Manager (By Federal Express Overnight)
Shana Gray, Planning and Regulation Supervisor (By Federal Express Overnight)
Jacqueline Phelps, Coastal Program Analyst (By Federal Express Overnight)
Kim Prillhart, Ventura County Planning Director (By Federal Express Overnight)
Rosemary Rowan, Ventura County Planning Manager (By Federal Express Overnight)
Aaron Engstrom, Ventura County Associate Planner (By Federal Express Overnight)
Jeff Barnes, Ventura County Counsel (By Federal Express Overnight)
Clients

Exhibit A

RECORDED IN OFFICIAL RECORDS
OF VENTURA COUNTY, CALIFORNIA
AUG 26 1983 AT 8 AM
RICHARD D. DEAN, COUNTY RECORDER

1 RECORDING REQUESTED AND RETURN TO:
2 COAST RANCH FAMILY PARTNERSHIP
3 1000 S. Seaward Avenue
4 Ventura, California 93001

340636

DEED RESTRICTION

FEE \$ 14.00/12

5 I. WHEREAS, (1) COAST RANCH FAMILY PARTNERSHIP

7 are record owners of the real property located at (2) the Seacliff Beach
8 Colony between existing developed area and Hobson County Park.

9 and more specifically described in attached Exhibit A (3), which is
10 attached hereto and incorporated by reference; and

11 II. WHEREAS, the California Coastal Commission is acting on behalf of
12 the People of the State of California; and

13 III. WHEREAS, the People of the State of California have a legal
14 interest in the lands seaward of the mean high tide line; and

15 IV. WHEREAS, pursuant to the California Coastal Act of 1976, the
16 Owners applied to the Commission for a coastal development permit for a
17 development on the real property described above; and

18 V. WHEREAS, a Coastal Development Permit No. (4) L-82-595
19 was granted on (5) MARCH 23, 1983, by the Commission, ~~in~~ ^(b)
20 ~~accordance with the Staff Recommendation on the permit application, which~~
21 ~~is attached hereto as Exhibit B~~ (6) and subject to the following condition:

22 Prior to the transmittal of the permit, the applicant shall record a deed
23 restriction approved as to form and content by the Executive Director. The
24 deed restriction shall be recorded free of prior liens and encumbrances
and shall be binding on the applicant and any successors and assigns of the
applicant or landowner. The deed Restriction shall:

- 25 (i) acknowledge the right of the public to lateral access and passive
26 recreation (limited exclusively to the rights to walk, run, sunbathe, swim,
surf, picnic, and fish) on the Parcel B (See Exhibit C) from the mean high
27 tide line to the toe of the rock seawalls and/or revetments (ii) acknowledge
the right of the public to lateral access (limited exclusively to the rights

060-100-353

This instrument filed for record by Ticor Title
Insurance Company of California as an
accommodation only. It has not been examined
as to its execution or as to its effect upon the title.

AUG 26 1983

1 (6) continued
2 of the public to walk and run) on Parcel B (See Exhibit C) on the inland side
3 of the revetment on the existing path (iii) acknowledge that nothing in the
4 deed restriction would be interpreted as a waiver of public prescriptive claims
5 which might exist or as an admission by the State of the actual location of the
6 boundary between public and private land; and (iv) acknowledge that the applicant
7 shall be solely responsible for reasonably maintaining the area of Parcel B
8 described in condition ii above in a clear and safe condition.
9

10
11
12
13
14 Further, the applicants unconditionally waive any claim of liability
15 on the part of the Coastal Commission for any damage from coastal
16 hazards and applicants further understand that construction in the
17 face of these known hazards may make them ineligible for public
18 disaster funds or loans for repair, replacement or rehabilitation
19 of the property in the event of storms.
20

21
22
23
24 VI. WHEREAS, the real property described above is located between the
25 first public road and the shoreline; and

26 VII. WHEREAS, under the policies of Section 30210 through 30212 of the
27 California Coastal Act of 1976, public access to the shoreline and along
the coast is to be maximized and in all new development projects located
between the first public road and the shoreline provide; and

VIII. WHEREAS, the Commission found that but for the imposition of the
above condition the proposed development could not be found consistent with
the public access provisions of Section 30210 and 30212 and that a permit
could not therefore have been granted.

NOW, THEREFORE, in consideration of the granting of Permit No.
(7) 4-82-595 to the Owners by the Commission, the Owners hereby
irrevocably agree that there be, and hereby is, created the following
restriction on the use and enjoyment of said property, to be attached to

AUG 26 1983

1 and become a part of the deed to the property:

2 (8)

3 the right of the public to lateral access and passive recreation on Parcel
4 B from the mean high tide line to the toe of the rock seawalls and/or revet-
5 ments; the right of the public to lateral access (limited exclusively to the
6 rights of the public to walk and run) on Parcel B on the inland side of the
7 revetment on the existing path; acknowledgment that nothing in the deed
8 restriction is to be interpreted as a waiver of public prescriptive claims
9 which might exist or as an admission by the State of the actual location of
10 the boundary between public and private land; acknowledgment that the applicant
11 shall be solely responsible for reasonably maintaining the area of Parcel
12 B described in Condition ii above in a clear and safe condition.

13
14
15
16 Owners unconditionally waive any claim of liability on the part
17 of the Coastal Commission or other regulatory agencies for any
18 damage arising from storm hazards and further owners understand that
19 construction in the face of known hazards may make this property
20 ineligible for public disaster funds or loans for repair, replacement
21 or rehabilitation of the property in the event of storms.
22

23 Said deed restriction shall remain in full force and effect during the
24 period that said permit, or modification or amendment thereof, remains
25 effective, and during the period that the development authorized by said
26 permit, or any modification of said development, remains in existence in or
27 upon any part of, and thereby confers benefit upon, the real property
described herein, and to that extent, said deed restriction is hereby
deemed and agreed by Owners to be a covenant running with the land, and
shall bind Owners and all their assigns or successors in interest.

24 //

25 //

26 //

27 //

1 Owner hereby agrees to record this Deed Restriction in the
2 Recorder's Office for the County of Ventura as soon as possible
3 after the date of its execution.

4 DATED: June 16, 1983

6 COAST RANCH FAMILY PARTNERSHIP

7 By Walter W. Hoffman
8 Walter W. Hoffman, General Partner

9
10 By Katherine H. Haley
11 Katherine H. Haley, General Partner

12
13 By Barbara B. Smith
14 Barbara B. Smith, General
Partner

15
16 By Helen Margaret Smith
17 Helen Margaret Smith, General
Partner

18
19 By Barbara B. Smith
20 Barbara B. Smith And

21
22 By Janice P. Willis
23 Janice P. Willis
24 As Trustees of Trust I Created Under
the Will and Codicil of Rodney H.
Smith, Deceased, General Partner

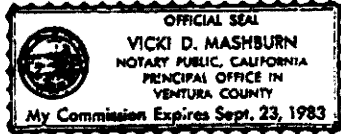
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

On June 16, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER W. HOFFMAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be one of the General Partners of Coast Ranch Family Partnership, the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.



Vicki D. Mashburn

Notary Public

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

On June 16, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared KATHERINE H. HALEY, personally known to me (or proved to me on the basis of satisfactory evidence) to be one of the General Partners of Coast Ranch Family Partnership, the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.



Vicki D. Mashburn

Notary Public

93922

AUG 26 1983

1 STATE OF CALIFORNIA)
2 COUNTY OF VENTURA) ss.

3
4 On June 16, 1983, before me, the under-
5 signed, a Notary Public in and for said State, personally
6 appeared BARBARA BARNARD SMITH, personally known to me (or
7 proved to me on the basis of satisfactory evidence, to be one of
8 the General Partners of Coast Ranch Family Partnership, the
9 partnership that executed the within instrument, and acknowledged
10 to me that such partnership executed the same.

11 WITNESS my hand and official seal.

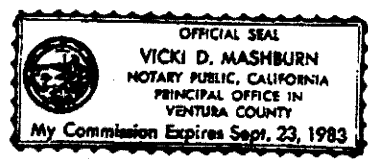


Vicki D. Mashburn
Notary Public

12
13
14 STATE OF CALIFORNIA)
15 COUNTY OF VENTURA) ss.

16
17 On June 16, 1983, before me, the undersigned,
18 a Notary Public in and for said State, personally appeared
19 HELEN MARGARET SMITH, personally known to me (or proved to me
20 on the basis of satisfactory evidence) to be one of the General
21 Partners of Coast Ranch Family Partnership, the partnership
22 that executed the within instrument, and acknowledged to me that
23 such partnership executed the same.

24 WITNESS my hand and official seal.



Vicki D. Mashburn
Notary Public

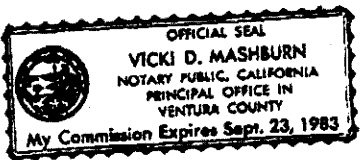
93922

ALL 2 6 1983

1 STATE OF CALIFORNIA)
2 COUNTY OF VENTURA) ss.

3
4 On June 16, 1983, before me, the under-
5 signed, a Notary Public in and for said State, personally
6 appeared BARBARA B. SMITH, personally known to me (or proved to
7 me on the basis of satisfactory evidence) as one of the Trustees
8 of Trust I Created Under the Will and Codicil of Rodney H.
9 Smith, Deceased, to be one of the General Partners of Coast
10 Ranch Family Partnership, the partnership that executed the
11 within instrument, and acknowledged to me that such partnership
12 executed the same.

13 WITNESS my hand and official seal.



Vicki D. Mashburn
Notary Public

14
15
16 STATE OF CALIFORNIA)
17 COUNTY OF VENTURA) ss.

18
19 On June 16, 1983, before me, the undersigned,
20 a Notary Public in and for said State, personally appeared
21 JANICE P. WILLIS, personally known to me (or proved to me on
22 the basis of satisfactory evidence) as one of the Trustees of
23 Trust I Created Under the Will and Codicil of Rodney H. Smith,
24 Deceased, to be one of the General Partners of Coast Ranch
25 Family Partnership, the partnership that executed the within
26 instrument, and acknowledged to me that such partnership
27 executed the same.

28 WITNESS my hand and official seal.



Vicki D. Mashburn
Notary Public

93922

AUG 26 1983

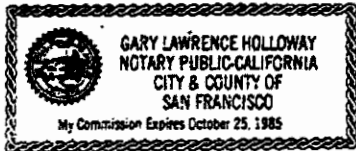
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

This is to certify that the deed restriction set forth above, is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to the authority conferred by the Commission when it granted Permit No. 4-82595 on March 23, 1983, and that the Commission consents to recordation thereof by its duly authorized officer.

DATED: August 17, 1983 Cynthia K Long
CYNTHIA K LONG STAFF COUNSEL
CALIFORNIA COASTAL COMMISSION

STATE OF California)
COUNTY OF San Francisco) ss

On 17 August 1983, before me Gary Lawrence Holloway a Notary Public, personally appeared Cynthia K Long, personally known to me to be (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as the Staff Counsel, an authorized representative of the California Coastal Commission and acknowledged to me that the California Coastal Commission executed it.



Gary Lawrence Holloway
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE

TOTAL SEACLIFF PARCEL

A portion of Lots 2 and 3, Subdivision 17, T3N-R24W, SBBM, County of Ventura, State of California according to the Official Plat of said land signed in the District Land Office, dated April 8, 1872 and more particularly described as follows:

Beginning at a point in the northwesterly line of Rincon Road Park No. 4 as described in deed to Ventura County in Book 145 of Deeds, at Page 343 and as shown on State Lands Commission Map recorded in Book 14, Page 91 of Record of Survey on file in said County; at the intersection of said northwesterly line with the Ordinary High Water Mark as shown on said State Lands Commission Map; thence said at point beginning and along the Ordinary High Water Mark as shown on said Map by the following 8 courses and distances,

- 1st North 54° 06' 26" West 0.42 feet; thence,
- 2nd North 31° 47' 01" West 383.53 feet; thence,
- 3rd North 33° 39' 01" West 398.95 feet; thence,
- 4th North 47° 15' 31" West 305.02 feet; thence,
- 5th North 57° 11' 29" West 234.40 feet; thence,
- 6th North 40° 11' 38" West 396.69 feet; thence,
- 7th North 34° 22' 11" West 233.83 feet; thence,
- 8th North 30° 47' 03" West 62.37 feet to a point in the southeasterly line at the land described in that certain order of possession No. 52546 entered on April 13, 1970 in Book 82 of judgements at Page 32 in the Office of the County Clerk of said Ventura County being land acquired by the State of California, said intersection being a point on a curve having a radius of 325 feet; thence along said curve,
- 9th Northeasterly an arc distance of 9.56 feet along said curve concave northwesterly having a central angle of 1° 41' 10"; thence along the tangent to said curve,
- 10th North 50° 32' 05" East 29.57 feet; thence,
- 11th North 14° 29' 59" East 93.54 feet; thence,
- 12th North 50° 32' 05" East 175.40 feet to the intersection of said southeasterly line with the southwesterly right-of-way line of that certain land known as and called State Highway No. 1, 60 feet wide as shown on State of California, Department of Public Works, Division of Highways Right-of-Way Map VII-VEN-2-D, E, F & G, sheet 2 of 3 sheets; thence along said southwesterly line by the following three courses and distances,
- 13th South 39° 27' 55" East 1369.73 feet to the beginning of a taper curve having a radius of 11,569.17 feet; thence along said taper curve,

EXHIBIT A

93922

AUG 26 1983

- 14th Southeasterly an arc distance of 30.29 feet along said curve concave north-easterly having a central angle of $0^{\circ} 09' 00''$; thence along a curve having a radius of 5839.60 feet,
- 15th Southeasterly an arc distance of 615.71 feet along said curve concave northeasterly having a central angle of $6^{\circ} 02' 28''$ to the northwesterly corner of land described in deed to the Pacific Telephone and Telegraph Company recorded in Book 1303 of Official Records, at Page 395; thence along the boundary of said land for the following two courses and distances,
- 16th South $48^{\circ} 58' 58''$ West 48.41 feet; thence,
- 17th South $41^{\circ} 07' 47''$ East 25.03 feet to a point in said northwesterly line of Rincon Road Park No. 4; thence along said northwesterly line,
- 18th South $48^{\circ} 53' 27''$ West 280.67 feet to the point of beginning.

93922

AUG 26 1983

EXHIBIT B HAS BEEN ELIMINATED

EXHIBIT B

93922

AUG 26 1983

PARCEL B

A portion of Lots 2 and 3, Subdivision 17, T3N-R24W, SBEM, County of Ventura, State of California according to the Official Plat of said land signed in the District Land Office, dated April 8, 1872 and more particularly described as follows:

Beginning at a point in the northwesterly line of Rincon Road Park No. 4 as described in deed to Ventura County in Book 145 of Deeds, at Page 343 and as shown on State Lands Commission Map recorded in Book 14, Page 91 of Record of Survey on file in said County; at the intersection of said northwesterly line with the Ordinary High Water Mark as shown on said State Lands Commission Map; thence said at point beginning and along the Ordinary High Water Mark as shown on said Map by the following 8 courses and distances,

- 1st North 54° 06' 26" West 0.42 feet; thence,
- 2nd North 31° 47' 01" West 383.53 feet; thence,
- 3rd North 33° 39' 01" West 398.85 feet; thence,
- 4th North 47° 15' 31" West 305.02 feet; thence,
- 5th North 57° 11' 29" West 234.40 feet; thence,
- 6th North 40° 11' 38" West 396.69 feet; thence,
- 7th North 34° 22' 11" West 233.83 feet; thence,
- 8th North 30° 47' 03" West 62.37 feet to a point in the southeasterly line at the land described in that certain order of possession No. 52546 entered on April 13, 1970 in Book 82 of judgements at Page 32 in the Office of the County Clerk of said Ventura County being land acquired by the State of California, said intersection being a point on a curve having a radius of 325 feet; thence along said curve,
- 9th Northeasterly an arc distance of 9.56 feet along said curve concave northwesterly having a central angle of 1° 41' 10"; thence along the tangent to said curve,
- 10th North 14° 29' 59" East 52.77 feet; thence leaving said southeasterly line,
- 11th South 35° 15' 40" East 660.05 feet; thence,
- 12th South 59° 23' 11" East 85.11 feet; thence,
- 13th South 47° 23' 31" East 282.80 feet; thence,
- 14th South 47° 03' 30" East 242.12 feet; thence,
- 15th South 40° 40' 43" East 320.27 feet; thence,
- 16th South 37° 42' 42" East 442.77 feet to a point in said northwesterly line Rincon Road Park No. 4; thence along said northwesterly line,
- 17th South 48° 53' 27" West 130.67 feet to the point of beginning.

EXHIBIT C

93922

AUG 26 1983

Exhibit B

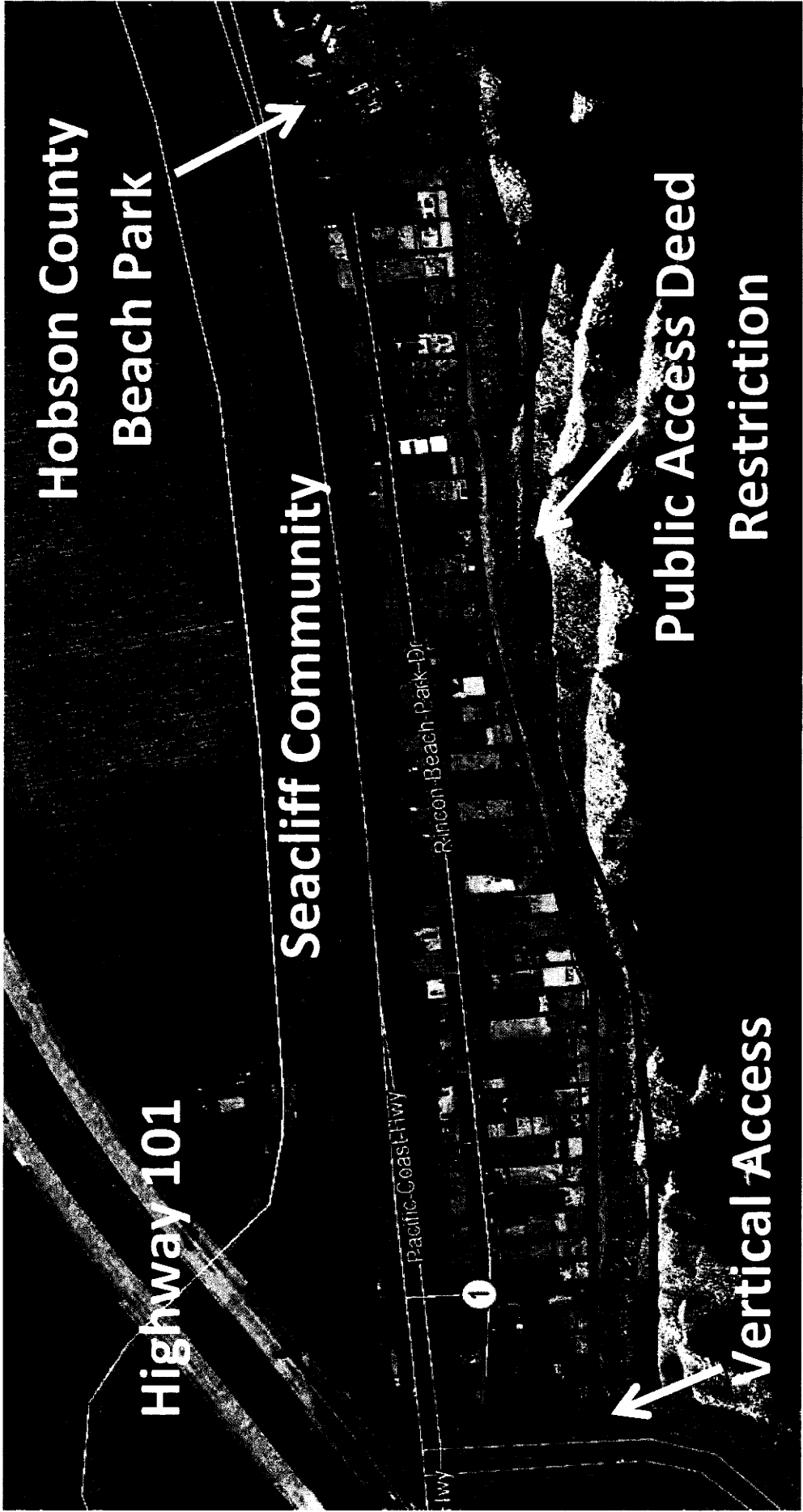


Exhibit 4
LCP-4-VNT-16-0069-2
Graphic Depiction of Seacliff Deed Restriction

Received

MAR 03 2017

California Coastal Commission
89 South California Street, Ste 200
Ventura, CA 93001

California Coastal Commission
South Central Coast District

March 3, 2017

Agenda Item Th22a – 3- 2017
Application #LCP AMENDMENT NO. LCP-4-VNT-16-0069-2
Charles Caspary
OPPOSE Staff Recommendation

DATE: March 3, 2017

TO: Commissioners

VIA HAND DELIVERY

Steve Hudson, Deputy Director

Barbara Carey, District Manager

Shana Gray, Planning and Regulation Supervisor

Jacqueline Phelps, Coastal Program Analyst

SUBJECT: County of Ventura Local Coastal Program Amendment No. LCP-4-VNT-16-0069-2 for Public Hearing and Commission Action at the March 9, 2017

Commission Meeting at the County of Ventura Board of Supervisors Chambers.

Dear Commissioners

I oppose the Commission staff recommended changes contained on pages 6 through 8. These changes were not approved by the Board of Supervisors nor were they a part of the public process.

In addition, your staff has neglected to tell you that one of the changes inserted, purported to “clarify” an issue, actually violates provisions of a judgment by the California Court of Appeal, District Two. The Coastal Commission lost the issue at the Trial Court, appealed, and lost again at the Appellate level.

See LT-WR, L.L.C., Plaintiff and Appellant, v. CALIFORNIA COASTAL COMMISSION et al., Defendants and Appellants.

No. B187666.

Decided: May 25, 2007

In part, the judgment reads:

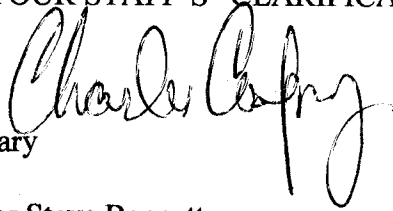
“In the final portion of this opinion relating to the cross-appeal, we conclude the trial court properly overturned the Commission's denial of a permit for the gates and no trespassing signs. Inherent in one's ownership of real property is the right to exclude uninvited visitors. In prohibiting LT-WR from excluding the public from its property on the theory that “potential exists to establish prescriptive rights for public use,” the Commission in effect decreed the existence of such rights. **We find the Commission's**

denial of a permit for the gates and signs, premised on the existence of “potential” prescriptive rights, was speculative and properly was overturned by the trial court. The judgment is affirmed.” (emphasis added)

Whether by the Coastal Commission or the County, the denial of a permit, or the impositions of conditions that result in takings, are wrong and illegal.

Please adopt the LCP amendment, as approved by the Ventura Board of Supervisors,
WITHOUT YOUR STAFF’S “CLARIFICATIONS”

Sincerely

A handwritten signature in cursive script, appearing to read "Charles Caspary". The signature is written in black ink and is positioned to the right of the word "Sincerely".

Charles Caspary

Cc: Supervisor Steve Bennett

MACKENZIE & ALBRITTON LLP

155 SANSOME STREET, SUITE 800
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

March 3, 2017

VIA EMAIL

California Coastal Commission
c/o Jacqueline Phelps
Coastal Program Analyst
South Central Coast District Office
89 South California Street
Ventura, California 93001

Re: Ventura County Local Coastal Program Amendment Phase II-B
Wireless Communication Facilities
Commission Agenda Item 22a, March 9, 2017

Dear Commissioners:

We write on behalf of Verizon Wireless to comment on proposed amendments to the Ventura County Local Coastal Program addressing wireless communication facilities (the "Proposed Amendments"). The Proposed Amendments involve additions to the County's coastal zoning ordinance, but they are inconsistent with existing Ventura County regulations of wireless facilities in the right-of-way,¹ particularly the requirement for a conditional use permit for small cells. We appeared before the Commission on December 8, 2017, to provide initial comments on the Proposed Amendments, describing how the Commission may be required to hear appeals of very small wireless facilities in the right-of-way which should be exempted. At that meeting, Commission Kinsey responded that he appreciated our comments about efficiency.

Verizon Wireless believes that small cells in the right-of-way should be exempted from conditional use permit requirements under the Proposed Amendments as existing Ventura County regulations provide for sufficient review of visual impacts. Other requirements of the Proposed Amendments pertaining to the right-of-way conflict with state and federal law. Our comments on the Proposed Amendments are as follows.

The Proposed Amendments Should Exempt Small Cells

To encourage carriers to deploy small facilities with minimal visual impacts, Verizon Wireless urges the Commission to allow an exemption from the use permit requirement for

¹ See Ventura County Code Division 12, *Highway Encroachments*, Chapter 8, *Wireless Telecommunications Facilities—Public Right-of-Way*.

small cells, which Ventura County right-of-way regulations define as one four-foot pole-mounted antenna and equipment of no more than 8.2 cubic feet.² Small cells are the top preference for facility type in the County right-of-way³ and are approved administratively without notice.⁴

The Proposed Amendments would unnecessarily subject small cells in the right-of-way to an additional conditional use permit. However, because Verizon Wireless is a telephone corporation, its use of the right-of-way is already permitted under California Public Utilities Code § 7901. A use permit requirement would conflict not only with the permit already granted for small cells under the County's right-of-way regulations, but also with Verizon Wireless's mandated right to use the right-of-way under state law.

The Coastal Act exempts utility connections serving existing development from coastal development permit requirements, specifically, additional aerial facilities on existing poles.⁵ An example exemption letter issued by the Coastal Commission for a pole-mounted wireless facility on a coastal roadway in Los Angeles is attached to this letter. If exempted from requirements of the County's coastal zoning ordinance, small cells placed on existing poles would still be subject to the permit standards of the County's right-of-way regulations. We encourage the Commission to consider an exemption from Coastal Act requirements for small cells in the right-of-way.

The County May Not Require Coverage Maps for Right-of-Way Facilities

Proposed Amendments § 8175-5.20.10(i) requires applicants to submit propagation diagrams (coverage maps) for right-of-way facilities, but because Verizon Wireless has a statewide franchise to use the right-of-way under Public Utilities Code § 7901, the County may not lawfully require Verizon Wireless to justify the need for a new right-of-way facility. A California appellate court has affirmed that a local jurisdiction cannot condition issuance of a permit for a wireless facility in the right-of-way on technological necessity. *See T-Mobile West LLC v. City and County of San Francisco*, 3 Cal.App 5th 334, 342-343 (Cal. App. 2016). The requirement to submit propagation diagrams is inconsistent with state law and must be modified to not apply to right-of-way facilities.

The County May Not Require Undergrounding of Equipment in the Right-of-Way

The general requirement to place equipment on the ground or underground in Proposed Amendments § 8175-5.20.4(a)(5) conflicts with federal law, which recognizes the authority of local governments to "manage the public rights of way" though on a

² Ventura County Code § 12803(i)(1).

³ Ventura County Code § 12806(b)(1)(A).

⁴ Ventura County Code §§ 12814(a)(1), 12810(a).

⁵ See Public Resources Code § 30610(f); see also *Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements*, California Coastal Commission, September 5, 1978 and Ventura County Code § 8174-6.3.3.

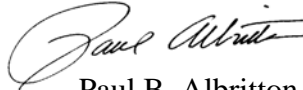
“competitively neutral and nondiscriminatory basis.”⁶ The Federal Communications Commission has stated that local governments may impose conditions only if they are applied “equally to *all* users of the rights-of-way”⁷ and may not impose conditions on one user, such as a telecommunications company, in a different manner than imposed on other users.

We encourage the Commission to allow for placement of wireless facility equipment on poles in the right-of-way, which is the top preference under existing Ventura County right-of-way regulations.⁸ We emphasize that Verizon Wireless cannot be obligated to place equipment on the ground or underground if it is similar in size and appearance to equipment placed on comparable poles by other public utilities.

Conclusion

We urge the Commission to exempt small cells in the right-of-way from the Proposed Amendments and eliminate requirements for submittal of coverage maps and undergrounding of equipment for right-of-way facilities. Thank you for your careful consideration of Verizon Wireless’s comments.

Very truly yours,



Paul B. Albritton

Attachment

⁶ 47 U.S.C. § 253(c).

⁷ *Second Report and Order*, CS Docket 96-46, §209, FCC 96-249, adopted May 31, 1996.

⁸ Ventura County Code § 12806(b)(2)

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**EXEMPTION LETTER**

Date: May 15, 2012
Reference Number: 5-12-060-X
Applicant Name: Verizon Wireless
Project Location: 1483 W. Paseo Del Mar, San Pedro
Project Description: Attach to an existing 40' (35'-6" at grade) wood utility pole four 24" panel antennas mounted on 6' double cross arms, including one 12.15" x 50.2" x 10.125" cabinet, meter and breaker/disconnect box.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below:

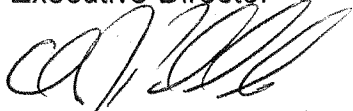
- ___ The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.
- ___ The proposed development is included in Categorical Exclusion No. _____ adopted by the California Coastal Commission.
- ___ The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities and not involving any risk of substantial adverse environmental impact (Section 30610(d) of Coastal Act).
- ___ The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).
- ___ The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).
- ___ The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

- The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).
- The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).
- The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).
- Other: Repair, maintenance and utility hook-up exclusions as placement of additional aerial facilities on existing poles, and does not have any significant adverse effect, either individually or cumulatively, on coastal resources or on public access.

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Sincerely,

CHARLES LESTER
Executive Director



Al J. Padilla
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



Th22a

DATE: February 24, 2017

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Shana Gray, Planning and Regulation Supervisor
Jacqueline Phelps, Coastal Program Analyst

SUBJECT: County of Ventura Local Coastal Program Amendment No. LCP-4-VNT-16-0069-2 for Public Hearing and Commission Action at the March 9, 2017 Commission Meeting at the County of Ventura Board of Supervisors Chambers.

DESCRIPTION OF THE SUBMITTAL

The County of Ventura (“County”) is requesting an amendment to the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP) with regard to the California Coastal Trail, wireless communication facilities, and civil administrative penalties. Specifically, the proposed amendment would amend the text of the LUP, including the addition of policies and programs, and would modify the IP to add development standards, permitting procedures, and enforcement provisions. The proposed amendment also includes a new format and organization of the LUP, consisting of the addition of chapter and section numbers, the consolidation of existing land use information, and deletion of most language in the General Statements section as it is replicated elsewhere in the LCP.

The County of Ventura submitted Local Coastal Program Amendment LCP-4-VNT-16-0069-2 to the Commission on December 20, 2016. The amendment proposal was deemed complete and filed on January 5, 2017. Pursuant to Section 30512 of the Coastal Act and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP that combines changes to the LUP and IP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. In the subject case, the 90th day will be April 5, 2017.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **deny** the proposed County of Ventura LCP Amendment No. LCP-4-VNT-16-0069-2 as submitted, and **approve** the proposed amendment with three (3) suggested modifications. The modifications are necessary because the proposed amendment to the LUP, as submitted, is not adequate to ensure consistency with the Chapter Three policies of the Coastal Act, and the proposed IP amendment, as submitted, does not conform with and is inadequate to carry out the provisions of the Land Use Plan, as amended. The motions to accomplish this recommendation are found on **Pages 6-8** of this staff report.

As described above, The County of Ventura (“County”) is requesting an amendment to the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP) with regard to the California Coastal Trail, wireless communication facilities, and civil administrative penalties. The proposed amendment also includes a new format and organization of the LUP, consisting of the addition of chapter and section numbers, the consolidation of existing land use information, and deletion of most language in the General Statements section as it is replicated elsewhere in the LCP.

The proposed LCP amendment has been undertaken by the County as part of a series of amendments that are intended to clarify and standardize regulations, update coastal resource policies, improve enforcement of new and existing coastal regulations, and address issues that are not currently addressed within the certified LCP. As described in further detail below, within each of the above mentioned subject areas, the County has proposed a number of policies and provisions to protect coastal resources, including sensitive habitat areas and public access and recreation, from development impacts.

The County proposes to continue the reformatting of the LUP that was initiated in Phase 2A, through the addition of new chapter and section numbers, a new LUP cover, and pagination modifications. The County has also proposed to relocate all existing land use information, including text and maps, into a new chapter. Furthermore, the County proposes to modify the introductory chapter to remove text from a section titled General Statements, as policies and provisions relating to the topic areas discussed in this section are repeated elsewhere in the LCP. The proposed new format and organization is intended to reduce redundancy and improve readability.

The proposed amendment would add a new California Coastal Trail (CCT) section to the LUP that would establish a policy framework for a non-motorized, multi-modal trail network along 28-miles of unincorporated Ventura County coastline. Specifically, the proposed policies, maps, and figures would guide the alignment and design of the CCT. The County has also proposed to modify existing recreation and access policies in the LUP as they relate to the CCT. Additionally, the proposed amendment includes modifications to the IP consisting of the addition of definitions to Article 2- Definitions, as well as the addition of language to Article 11- Entitlements, to clarify the ways that open space easements and public access easements are acquired through the direct dedication and Offer to Dedicate (OTD) process.

Policies relating to wireless communication facilities (WCF) are proposed within the visual resources section of the LUP, as there are currently no policies within the LUP that address WCF. These policies would ensure that WCF are sited and designed to minimize impacts to scenic resources, public access, and ESHA. Furthermore, the proposed IP amendment would add definitions relating to WCF in Article 2- Definitions, modify Article 4- Permitted Uses to define a wider range of permitting requirements, and add detailed development standards to Article 5- Development Standards/Conditions- Use.

The subject amendment would also modify existing provisions in Article 13- Enforcement and Penalties of the IP to establish a process and procedure for the abatement of violations and the imposition, enforcement, collection, and administrative review of civil administrative penalties.

Specifically, the proposed provisions would provide the County with the ability to ensure compliance with the Building Code, CZO, and terms and conditions of any approved Coastal Development Permit. The proposed process is the same as that which is currently implemented throughout portions of the County located outside of the Coastal Zone.

Commission and County staffs have coordinated extensively on the contents of the subject amendment. During amendment pre-submittal discussions, our respective staffs identified and addressed the key issues, worked out an approach to various procedures, and coordinated on specific language to be included in the subject amendment. As a result, the suggested modifications reflect clarifications primarily, rather than any overarching issues within the amendment. Specifically, the suggested modifications ensure that maximum public access and recreational opportunities will be provided and that new development will not interfere with the public's right to access the coast.

Additional Information: For further information, please contact Jacqueline Phelps at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the County of Ventura Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission.

TABLE OF CONTENTS

I. PROCEDURAL ISSUES.....	5
A. STANDARD OF REVIEW	5
B. PUBLIC PARTICIPATION	5
C. PROCEDURAL REQUIREMENTS.....	6
II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE LAND USE PLAN AMENDMENT.....	6
A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED	6
B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS	7
III. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE IMPLEMENTATION PLAN AMENDMENT	7
A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED.....	7
B. CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS	8
IV. SUGGESTED MODIFICATIONS.....	9
A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN	9
B. SUGGESTED MODIFICATION TO THE IMPLEMENTATION PLAN	12
V. FINDINGS FOR DENIAL OF THE LUP/IP AMENDMENT AS SUBMITTED, AND APPROVAL OF THE LUP/IP AMENDMENT, IF MODIFIED AS SUGGESTED.....	13
A. AMENDMENT DESCRIPTION AND BACKGROUND	14
B. PUBLIC ACCESS AND RECREATION	16
C. SCENIC AND VISUAL RESOURCES	22
D. IMPLEMENTATION PROCEDURES	24
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT	25

EXHIBITS

- Exhibit 1.** [County of Ventura Board of Supervisors Resolution No. 16-122](#)
- Exhibit 2.** [County of Ventura Board of Supervisors Ordinance No. 4498](#)
- Exhibit 3.** [Legislative Format of Proposed LUP](#)
- Exhibit 4.** [Graphic Depiction of Seacliff Deed Restriction](#)

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)...” (Section 30512(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan, as the County is proposing to amend it, is whether the Land Use Plan, as amended, would remain consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the Implementation Plan, with the proposed amendment, would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the County of Ventura’s certified Local Coastal Program, as amended.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The County held four public outreach meetings regarding the subject amendment request. Additionally, the County held public hearings on the subject amendment request on October 20, 2016 and December 6, 2016. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the County resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves the proposed amendment pursuant to the staff recommendation, the County must act to accept the certified suggested modifications within six months from the date of Commission action in order for the amendment to become effective (California Code of Regulations, Title 14, Sections 13544 & 13544.5; and Sections 13542(b) and 13537(b)). If the Commission certifies the proposed LCP Amendment with suggested modifications and the County acts on those suggested modifications, then pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the County's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the County, and the LCP amendment is not effective.

II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE LAND USE PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

Motion:

*I move that the Commission **certify** County of Ventura Land Use Plan Amendment LCP-4-VNT-16-0069-2 as submitted.*

Staff recommends a **NO** vote. Following the staff recommendation on this motion will result in denial of Land Use Plan Amendment LCP-4-VNT-16-0069-2 as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution:

The Commission hereby **denies** certification of Land Use Plan Amendment LCP-4-VNT-16-0069-2, as submitted by the County of Ventura, and adopts the findings set forth below on the grounds that the Land Use Plan amendment, as submitted, does not meet the requirements

of and is not in conformity with the policies of Chapter Three of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and/or mitigation measures that could substantially lessen any significant adverse impacts that the Land Use Plan amendment may have on the environment.

B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion:

*I move that the Commission **certify** County of Ventura Land Use Plan Amendment LCP-4-VNT-16-0069-2, if it is modified as suggested by staff.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of Land Use Plan Amendment LCP-4-VNT-16-0069-2 with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution:

The Commission hereby **certifies** Amendment LCP-4-VNT-16-0069-2 to the County of Ventura Land Use Plan if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment, with suggested modifications, will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment, if modified as suggested, complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Land Use Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan if modified.

III. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE IMPLEMENTATION PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

Motion:

*I move that the Commission **reject** County of Ventura Implementation Plan Amendment LCP-4-VNT-16-0069-2 as submitted.*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan Amendment LCP-4-VNT-16-0069-2 and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby *denies* certification of County of Ventura Implementation Plan Amendment LCP-4-VNT-16-0069-2, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan amendment, as submitted, does not conform with and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

B. CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion:

*I move that the Commission **certify** County of Ventura Implementation Plan Amendment LCP-4-VNT-16-0069-2 if it is modified as suggested by staff.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment LCP-4-VNT-16-0069-2 with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby *certifies* the County of Ventura Implementation Plan Amendment LCP-4-VNT-16-0069-2, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan

Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

IV. SUGGESTED MODIFICATIONS

A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN

The staff recommends the Commission certify the proposed LUP/IP amendment, with two (2) modifications as shown below. Language proposed to be added by the County of Ventura in this amendment is shown straight type. Language recommended by Commission staff to be inserted is shown underlined. Language proposed to be added by the County of Ventura, but recommended to not be added by the Commission is shown in ~~Strikethrough~~. Other instructional suggested modifications are shown in *italics*.

1. Suggested Modification Number One: California Coastal Trail

Land Use Plan Coastal Trail Policy 1.3 shall be modified as follows:

The Coastal Trail maps (Figures 4.1-1 – 4.1-7) shall be used to determine the general alignment of the Coastal Trail through unincorporated Ventura County. However, the provision of additional trail routes shall not be precluded on the basis that the trail route is not shown on the Coastal Trail maps. In addition to the Coastal Trail routes shown on Figures 4.1-1 – 4.1-7, the Coastal Trail may include, but is not limited to, the following:

- Alternative alignments established through public trail easements acquired through voluntary conveyance, acquisition, conveyance to satisfy conditions of approval of a coastal development permit, or other means; and
- Historic use trails where prescriptive rights exist, that provide a new or alternate Coastal Trail segment, or Easements that provide a link between the mapped Coastal Trail and shoreline beaches or recreation areas – such as recorded vertical access easements, easements established via prescriptive rights, and public access rights reserved as offers to dedicate.

Land Use Plan Coastal Trail Policy 2.3 shall be modified as follows:

Segregated Multi-Modal Routes (Type A-2) shall be provided, whenever feasible, but where there are siting and design constraints, a shared Multi-Modal Route (Type A-1) may be provided ~~for areas with low, anticipated demand by hikers/walkers or in locations with severe siting constraints~~

Land Use Plan Coastal Trail Policy 3.1 shall be modified as follows:

Segments of the Coastal Trail shall be acquired and developed as follows:

- a. Whenever feasible, the Coastal Trail will be located on public land or land with a public access easement acquired through voluntary transactions with willing landowners.
- b. Where existing public roads or public easements must be widened to accommodate improvements associated with the Coastal Trail, the lead agency should utilize methods at its disposal (e.g. purchase easements, discretionary permit approvals, etc.) to expand an existing public corridor.
- c. When necessary, Coastal Trail easements may be established through the discretionary development process when the easement dedication is voluntary or when a legal basis exists to require the easement dedication as a condition of approval. Dedicated easements may ~~shall~~ be used to implement ~~accommodate~~ a mapped segment of the Coastal Trail (see Figures 4.1-1 through 4.1-7), an alternate trail segment, or a link between the mapped Coastal Trail and a public beach, park or recreation area. If no ~~the~~ responsible agency is available to ~~does not~~ accept the grant of easement at the time of recordation, then an offer to dedicate an easement shall be recorded. (See Coastal Zoning Ordinance Sec. 8181-12.)

Land Use Plan Coastal Trail Policy 3.2 shall be modified as follows:

When an existing prescriptive easement provides public access that may provide new segments that support or connect to the Coastal Trail network, such as vertical access between the Coastal Trail and the shoreline, the discretionary permitting process shall be used to provide, maintain or protect public access. For any area that may provide new segments that support or connect to the Coastal Trail network, new development shall be sited and designed to not interfere with the public's right of access where there is substantial evidence provided that prescriptive rights exist, unless it is not feasible and adequate mitigation is provided.

Land Use Plan Coastal Trail Policy 3.6 shall be modified as follows:

The County shall evaluate and, where appropriate, pursue the following opportunities to extend Coastal Trail routes or provide new access points to the Coastal Trail: (a) abandoned roadways and; (b) unaccepted offers to dedicate an easement. In addition, the County should not permanently close, abandon, or render unusable by the public any existing public road which would improve Coastal Trail access or provide an alternate Coastal Trail alignment. When pursued, such opportunities shall be carried out in compliance with Policy 3.1 ~~and 3.7~~. All new trail segments shall be subsequently added to the Coastal Trail map.

Land Use Plan Coastal Trail Policy 3.7 shall be modified as follows:

The County ~~should~~ shall not approve a coastal development permit to close, abandon, or render unusable by the public any existing coastal accessway that serves as or supports connections to the Coastal Trail network, except where there is no feasible alternative to protect or public road which would improve Coastal Trail access or provide an alternate Coastal Trail alignment unless the action is determined to be necessary for public safety.


Where feasible, the closure shall be temporary, alternate access provided in the interim period, and the accessway reopened once the public safety issue is resolved. Should the closure become permanent, the impact to coastal access shall be mitigated.

Coastal Trail Note on Figures 4.1-2, 4.1-3, 4.1-4, 4.1-5, 4.1-6, and 4.1-7 shall be modified as follows:

Note: ~~The Mapped Coastal Trail routes are~~ serves as a planning tool preliminary and may be subject to change modified based on a more detailed alignment study, such as through implementation of (see Coastal Trail Program 1)

All modifications proposed by the County to Land Use Plan North, Central, and South Coast Area Vertical Access Easement Policy 1 and Land Use Plan North, Central, and South Coast Area Lateral Access Easement Policy 2 shall be deleted, and the language of subject policies shall remain as previously certified.

Coastal Trail Segment N2-A (Seacliff Beach) on Figures 4.1-2 and 4.1-3 shall be modified to extend downcoast to Hobson County Beach Park, and shall be designated as a hiking/walking path that needs improvement. The Tabular Summary for the North Coast Subarea Trail (Figure 4.1-2) shall be modified as follows:

SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE ¹	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS ^{2,3}	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
N2-A	Single-Use (Type B-1)		0.3 <u>0.4</u>	Existing public access is a return to source-of-origin pathway on a rock revetment at Seacliff Beach <i>Location: Highway 101 Southbound Seacliff off-ramp</i>	Walkway is located on a rock revetment accessible from the north through a parcel owned by Caltrans, Through access to Hobson County Beach Park is periodically available by a seasonally accessible beach (at low tide).	No additional improvements identified. <u>Trail improvements are needed to extend the trail on the south end of the rock revetment.</u>	.

¹ ADA accessible trails and equestrian trails will be defined during future planning process.

² All trails listed in this column are accessible (i.e. open to the public).

³ Class 1 pathways and Class 2 bike lanes may not meet all Caltrans specifications. Class 1 pathways are multi-modal unless otherwise noted. Class 2 is a striped and signed/stenciled bike lane.

B. SUGGESTED MODIFICATION TO THE IMPLEMENTATION PLAN

2. Suggested Modification Number Two: Wireless Communication Facilities

Section 8175-5.20.5.1 of the Implementation Plan shall be modified as follows:

In the circumstances listed below, the applicant must demonstrate, through written documentation referenced in Section 8175-5.20.10(i) and (j) below or as otherwise requested by the Planning Director, to the satisfaction of the decision-making authority, that the County's authority to require compliance with the applicable standards and requirements ~~are~~ is preempted by federal ~~or state~~ law, including but not limited to the Federal Telecommunications Act of 1996:

- a. Development of a non-stealth wireless communication facility pursuant to Section 8175-5.20.3(b), or
- b. Any wireless communication facility in a non-preferred location pursuant to Section 8175-5.20.3(f), or
- ~~b.~~ c. Any wireless communication facility in a restricted location pursuant to Section 8175-5.20.3(g), or
- ~~e.~~ d. Any wireless communication facility that does not meet all applicable policies and standards of the LCP.

Part (i) of Section 8175-5.20.10 shall be modified as follows:

- i. Propagation Diagram: Propagation diagrams showing the type and extent of the signal coverage of the applicable regulated carrier shall be required if the proposed wireless communication facility would exceed 30 feet in height, and may be required at lower heights if the facility is proposed on or along a ridge, within the Santa Monica Mountains (M) overlay zone, or is visible from a public viewing area. Propagation diagrams shall be required ~~if either of the Telecommunications Act factors for facilities listed in subsections (a) or (b) of Section 8175-5.20.5.1 are asserted.~~ One or more propagation diagrams or other evidence may be required to demonstrate that the proposed wireless communication facility is the minimum height necessary to provide adequate service (i.e., radio frequency coverage) in an area served by the carrier proposing the facility. Existing obstacles such as buildings, topography, or vegetation that cannot adequately be represented in the propagation diagrams, yet may cause significant signal loss and therefore require additional facility height, should be clearly described and/or illustrated through additional visual analyses, such as line-of-sight or 3-D modeling diagrams.

All references to Section 8174-6.3.5 in the Public Works Land Use Category of Section 8174-5: Uses Permitted by Zone (Zoning Matrix) shall be deleted.

3. Suggested Modification Number Three: Civil and Administrative Penalties

Section 8183-5.7 of the Implementation Plan shall be modified as follows:

Civil administrative penalties may be imposed for final violations. For the purpose of this section, a violation, as defined in Section 8183-5.6, is “final” if the Notice of Violation issued pursuant to Section 8183-5.6 is not appealed in accordance with Section 8181-9 or, if properly appealed, the appeal process is complete and the Notice of Violation is upheld. All notices required by this section shall be sent by first class mail to the last known address of the violator(s), as defined by Section 8183-5.6, and shall be deemed served three days after the date of mailing. The *Planning Director* or his/her designees shall be Enforcement Officers authorized to impose civil administrative penalties as provided herein.

Civil administrative penalties for a violation of the public access policies of the LCP shall not be imposed if the California Coastal Commission has imposed penalties under Section 30821 of the Coastal Act for the same violation.

Section 8183-5 of the Implementation Plan shall be modified as follows:

The *Planning Director* or the *Planning Director's* designee is hereby designated as the enforcing agent of this Chapter. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by Section 836.5 of the California Penal Code, the *Planning Director* or the *Planning Director's* designee shall have the power of arrest without warrant whenever he or she has reasonable cause to believe that the *person* to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute that the *Planning Director* has a duty to enforce. (AM.ORD.4451-12/11/12)

The provisions of Article 13 are based on the independent police powers of the County, and as such, they are not based on any authority delegated by the Coastal Commission pursuant to or otherwise derived from Chapter 9 of the Coastal Act. Nothing in this article affects the California Coastal Commission's ability to pursue independent enforcement action pursuant to its authority under Chapter 9 of the Coastal Act or otherwise.

Section 8183-5.7.5 of the Implementation Plan shall be modified as follows:

If disputed, the amount of the penalty must first be contested by filing an administrative appeal, as provided herein and as required by Government Code Section 53069.4, before seeking judicial relief. Only the violator may challenge the amount of the penalty. ~~One~~ Only a Notice, or Amended Notice, of Imposition of Civil Penalties or a Notice, or Amended Notice, of Increase in Civil Penalties may be appealed.

The first sentence of Section 8183-5.7.6 shall be deleted.

V. FINDINGS FOR DENIAL OF THE LUP/IP AMENDMENT AS SUBMITTED, AND APPROVAL OF THE LUP/IP AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the proposed Land Use Plan and Implementation Plan Amendment as submitted, and approval of the Land Use Plan and

Implementation Plan Amendment if modified as indicated in Section IV (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

The County of Ventura (County) is requesting an amendment to the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP) with regard to the California Coastal Trail, wireless communication facilities, and civil administrative penalties. The proposed amendment also includes a new format and organization of the LUP, consisting of the addition of chapter and section numbers, the consolidation of existing land use information, and deletion of most language in the section titled General Statements as it is replicated elsewhere in the LCP. As described in further detail below, the proposed amendment would amend the text of the LUP, including the addition of objectives, policies, and programs, and would modify the IP to add development standards, permitting procedures, and provisions relating to the California Coastal Trail, wireless communication facilities, and civil and administrative penalties.

The proposed LCP amendment has been undertaken by the County as part of a series of amendments that are intended to clarify and standardize regulations, update coastal resource protection policies, and improve enforcement of new and existing coastal regulations. An additional objective of the subject amendment is to address issues that are not currently addressed within the certified LCP.

Formatting and Organization

The County proposes to continue the reformatting of the LUP that was initiated in Phase 2A, through the addition of new chapter and section numbers, a new LUP cover, and pagination modifications. The County has also proposed to relocate all existing land use information, including text and maps, into a new chapter. Furthermore, the County proposes to modify the introductory chapter to remove text from a section titled General Statements, as policies and provisions relating to the topic areas discussed in this section are repeated elsewhere in the LCP. The proposed new format and organization is intended to reduce redundancy and improve readability.

California Coastal Trail

The proposed amendment would add a new California Coastal Trail (CCT) section to the LUP that would establish a policy framework for a non-motorized, multi-modal trail network along 28-miles of unincorporated Ventura County coastline. Specifically, the proposed policies, maps, and figures would guide the alignment and design of the CCT. The County has also proposed to modify existing recreation and access policies in the LUP as they relate to the CCT. Additionally, the proposed amendment includes modifications to the IP consisting of the addition of definitions to Article 2- Definitions, as well as the addition of language to Article 11- Entitlements to clarify the ways that open space easements and public access easements are acquired through the direct dedication and Offer to Dedicate (OTD) process.

Wireless Communication Facilities

Policies relating to wireless communication facilities (WCF) are proposed within the visual resources section of the LUP, as there are currently no policies within the LUP that address WCF. These policies would ensure that WCF are sited and designed to minimize impacts to scenic resources, public access, and ESHA. Furthermore, the proposed IP amendment would add definitions relating to WCF in Article 2- Definitions, modify Article 4- Permitted Uses to define a wider range of permitting requirements, and add detailed development standards to Article 5- Development Standards/Conditions- Use. Specifically, the provisions proposed in Article 5 would define the types of facilities that would be allowed in certain areas of the Coastal Zone.

Civil and Administrative Penalties

The subject amendment would modify existing provisions in Article 13- Enforcement and Penalties of the IP to establish a process and procedure for the abatement of violations and the imposition, enforcement, collection, and administrative review of civil administrative penalties. Specifically, the proposed provisions would provide the County with the ability to ensure compliance with the Building Code, CZO, and terms and conditions of any approved Coastal Development Permit. The proposed process is the same as that which is currently implemented throughout portions of the County located outside of the Coastal Zone.

Background

The subject LCP amendment is Phase 2B of an ongoing comprehensive update to the County's LCP. As mentioned above, the County submitted LCP amendment LCP-4-VNT-16-0069-2 (Phase 2B) to the Commission on December 20, 2016. The amendment proposal was deemed complete and filed on January 5, 2016.

Phase 1 of the update (VNT-MAJ-2-12) was certified by the Commission in February of 2013. This amendment modified the IP portion of the LCP relating to non-controversial updates and clean-up changes to enhance implementation by making the IP more precise and user-friendly, and by accurately reflecting current policies and procedures. Phase 2A (LCP-4-VNT-16-0033-1) of the update was certified by the Commission at the December 2016 hearing, and included policies and provisions relating to signs, temporary film production, parking and loading, water efficient landscaping, tree protection, archaeological and paleontological resources, and public noticing. Phase 2A also included a new format and organization of the LUP, as well as the correction of grammatical and typographical errors. Phase 2C of the update is anticipated to include changes to the policies and provisions regarding Environmentally Sensitive Habitat Areas (ESHA). Furthermore, the County was awarded grant funding through Round 3 of the Local Coastal Program Local Assistance Grant to support the completion of a sea level rise vulnerability assessment, adaptation plan, and draft LUP policies.

Commission and County staffs coordinated extensively on the contents of the subject amendment. During amendment pre-submittal discussions, our respective staffs identified and addressed the key issues, worked out an approach to various procedures, and coordinated on specific language to be included in the subject amendment. As a result, the suggested

modifications reflect clarifications primarily, rather than any overarching issues within the amendment.

B. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

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

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

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.

Section 30221 of the Coastal Act states:

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

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30252 of the Coastal Act states:

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, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The protection, enhancement, and provision of public access and recreation is one of the strongest mandates of the Coastal Act. The above referenced Coastal Act sections mandate that maximum public access and recreational opportunities be provided.

Introduction

The California Coastal Trail (CCT) is a statewide trail alignment mapped along the entire 1,100 mile coast of California between Oregon and Mexico. The CCT has been designated a Millennium trail by the governor of California and has been officially established by Senate Bill

908. This bill provides for the construction of the CCT along the state's coastline from the Oregon Border to the border with Mexico, to the extent feasible. This bill also requires the CCT be developed in a manner that respects property rights, privacy of adjacent property owners, and the protection of coastal resources. Specifically, the CCT is designed to foster appreciation and stewardship of the scenic and natural resources of the coast and serves to implement aspects of Coastal Act policies promoting public access, recreation, and non-motorized transportation.

The subject amendment would add a new California Coastal Trail (CCT) section to the LUP that would establish a policy framework for a non-motorized, multi-modal trail network along 28-miles of unincorporated Ventura County coastline.

Trail Alignment, Design, and Maintenance

The County has proposed several policies that will be utilized to align, design, and construct the CCT. Proposed Policy 1.1 requires that the CCT be located as close to the ocean as feasible, preferably along the shoreline or within sight and sound of the sea, and Policy 2.1 requires that the CCT be designed to maximize ocean views and scenic coastal vistas.

The County has proposed a trail classification system to identify the different types of user groups that would utilize the different trail segments. Specifically, trails are either designated as single-mode or multi-modal routes. Single-mode routes are segregated facilities for hikers/walkers or cyclists, and typically consist of trails, beaches, and sidewalks for hikers/walkers, and Class 2 bike lanes (i.e. striped bike lanes) for cyclists. Multi-modal routes are typically located within the public right-of-way and are designed to accommodate both hikers/walkers and cyclists.

Proposed Policy 3.1 describes how segments of the CCT will be acquired through voluntary transactions with willing landowners and through the discretionary development process when an easement dedication is voluntary or when a legal basis exists to require the easement dedication as a condition of approval. As proposed, the subject policy would require dedicated easements to accommodate a mapped segment of the CCT. However, in order to ensure that public access opportunities are maximized, and that trail opportunities that are not mapped are not precluded from potential acquisition, **Suggested Modification Two (2)** allows for an alternate trail segment, or link between the mapped CCT and public beach, park, or recreation area to be acquired.

Proposed Policy 2.2 requires that the CCT be designed, at a minimum, to accommodate hikers/walkers and bicyclists, except for certain limited instances. Furthermore, proposed Policy 2.3 states that segregated multi-modal routes shall be provided whenever feasible, but where there are siting and design constraints, multi-modal routes may be provided for areas with low anticipated demand by hikers/walkers. As a continuous hiking/walking trail as close to the ocean as feasible is a top priority for development of the CCT, **Suggested Modification Two (2)** requires that separate hiking/walking and bicycling paths be provided where feasible, despite anticipated demand.

Additionally, proposed Policy 3.6 requires that the County evaluate and, where appropriate, pursue opportunities to extend the CCT or provide new access points to the CCT, including

opportunities through abandoned roadways and unaccepted offers to dedicate. In order maximize public access opportunities, and to ensure that the County does not permanently close, abandon, or render unusable by the public any existing public road that could also improve the CCT or that could provide an alternate trail alignment, **Suggested Modification Two (2)** requires that language initially proposed by the County in Policy 3.7 be relocated to Policy 3.6.

Furthermore, the County has proposed Policy 3.7, which would allow for the closure of a public accessway when necessary for public safety, without consideration of alternatives to avoid the restriction, and without the requirement for the restriction to be removed once the public safety issue has been resolved. Therefore, **Suggested Modification Two (2)** clarifies that the County shall not approve a coastal development permit to close a public accessway except where there is no feasible alternative to protect public safety and that where feasible, such closures shall be temporary and the accessway reopened once the public safety issue is resolved.

Prescriptive Rights

Along the California coast the general public has historically used numerous coastal areas. Trails to the beach, informal parking areas, beaches, and bluff tops have provided recreational opportunities for hiking, picnicking, fishing, swimming, surfing, diving, viewing and nature study. California law provides that under certain conditions, long term public access across private property may result in the establishment of a permanent public easement. This is called a public prescriptive right of access. As a component of the subject amendment, the County has proposed policies to protect these prescriptive rights. Specifically, proposed Policy 3.2 mandates that the discretionary permit process is utilized to provide, maintain, or protect public access when an existing prescriptive easement provides vertical access between the CCT and the shoreline. However, in addition to those areas where long term public access has resulted in the establishment of a public access easement, there are also areas with historic public use that have the potential to become a public access easement. In these areas, research may indicate that the public use is substantial enough to create potential prescriptive rights; however, the establishment of an easement may not have yet occurred. New development could threaten continued use of these historically-used areas and adversely impact public access. As such, **Suggested Modification Two (2)** requires that Policy 3.2 is modified to ensure that new development be sited and designed to not interfere with the public's right of access where there is substantial evidence that prescriptive rights exist. Furthermore, this suggested modification is required to ensure protection of all prescriptive easements that provide public access, and not just those that provide vertical access between the CCT and the shoreline. Additionally, the County has proposed Policy 1.3, which describes the areas in addition to those depicted on the CCT maps that are also considered part of the CCT network. Easements established via prescriptive rights have been identified as part of the CCT in Policy 1.3; however, **Suggested Modification Two (2)** is required to ensure that historic use trails where prescriptive rights exist are also protected and considered part of the CCT.

CCT Maps and Figures

Seven CCT maps are also proposed to be added to the LUP as a component of the subject amendment. These maps depict the location of the single-mode and multi-modal CCT routes,

connections to other public trails, shoreline access points, public parks, and existing public parking lots. As depicted on the subject maps, there is currently a multi-modal CCT route that traverses the entire length of the County's Coastal Zone. Tables which list each trail segment that is shown on the map, along with its classification, existing condition, and needed improvements are also proposed to be added.

The subject maps and tables are divided into segments of the North, Central, and South Coast areas of the County. The North Coast CCT Map includes figures 4.1-2 and 4.1-3, and illustrates three trail segments, N1, N2, and N3, that begin at the Santa Barbara/Ventura County Line, and extend downcoast to the City of Ventura. Several beaches, County Beach Park/Campgrounds, and existing public access trails, including the recently constructed Ventura-Santa Barbara 101 HOV multi-modal trail, are depicted on these figures. The segment of the CCT located at Seacliff beach is depicted as segment N2-A. This segment has been depicted by the County as an existing hiking/walking route that extends from a vertical accessway on the up-coast end of the community, down to a location near the downcoast end of the community. However, this trail was not depicted on the map as extending the full length of the community, which would be from the vertical accessway to the Hobson County Beach Park/Campground, as depicted on Exhibit 4.

On March 23, 1983, the Commission approved CDP No. 4-82-595 (Coast Ranch Family and Seacliff Land Company) for a 10 lot subdivision of a parcel located east of the easternmost house in the then 40-lot Seacliff Beach Colony subdivision. The subdivision of that parcel resulted in what are now the easternmost 10 lots in the Seacliff Beach Colony. At that time, the permittee held fee title to the entire Seacliff Beach Colony site, including the sandy beach, with the 40 existing homeowners leasing their sites from the permittee. The Commission approved this 10 lot subdivision with a special condition that required the permittee to record a deed restriction providing for two lateral public accessways (recorded as Instrument No. 93922 on August 26, 1983) within the deed restricted area located seaward of all 50 residential lots in the community. One lateral public accessway is located on the sandy beach between the Mean High Tide Line and the toe of the rock revetment within the Seacliff Beach Colony and includes all areas of the sandy beach between those two lines. The second lateral public accessway is located between the landward edge of the revetment and the seaward lot boundary of the residential lots, and generally follows an existing dirt path which runs the entire length of the revetment. The purpose of this second lateral public access path located between the homes and the revetment was to ensure that the public would still have access to and along this stretch of beach even during higher tidal events when all areas of the sandy beach seaward of the toe of the rock revetment become inundated. In addition, the deed restriction acknowledged that the applicant was solely responsible for reasonably maintaining these two accessways in a clear and safe condition. The location of the deed restricted area is depicted on Exhibit 4.

Furthermore, on June 11, 2008, the Commission approved CDP 4-07-154 (Seacliff HOA) which allowed for repair of the rock revetment, the removal of 19 existing unpermitted private beach access stairways between the public trail and the sandy beach, improvement of two existing beach access stairways for public use, and the demolition and reconstruction of one additional beach access stairway for public use. This CDP also included the removal of unpermitted landscaping, rock, and debris within the public trail and an offer to exercise the applicant's best

effort to remove an unpermitted privacy wall and landscaping (located on the adjacent parcel owned by Caltrans) which blocks access to the public trail on the subject site.

The Seacliff Beach Colony Homeowners Association (HOA) has disputed the placement of a CCT trail segment on the proposed CCT maps along this segment of the coast. Specifically, the HOA's representative asserts that the existing pathway is not located within the deed restricted area, but instead on the private property of individual Seacliff homeowners on the southernmost portion of the community, and that the CCT should therefore not be depicted as extending the full length of the community. In response to this assertion, the County Board of Supervisors (BOS) directed County staff at the BOS hearing to modify this section of the mapped trail to not extend the full length of the community. However, as described in detail above, the Commission required the recordation of a deed restriction that specifically provides for two lateral public accessways extending the full length of the Seacliff community, and this deed restriction was duly recorded. Therefore, in order to ensure that existing and/or future public access opportunities are accurately reflected on the proposed CCT maps and tables, **Suggested Modification Two (2)** requires that trail segment N2-A be modified to extend the full length of the Seacliff community. Furthermore, this suggested modification requires that the Tabular Summary for the North Coast Subarea Trail (Figure 4.1-2) be modified to increase the trail length, and to indicate that improvements may be needed on the southern portion of the trail segment.

Lastly, the County has proposed to add a note on all CCT maps, which indicates that the mapped CCT is preliminary, and may be subject to change. In order to clarify the appropriate use of the maps, **Suggested Modification Two (2)** requires that the proposed map note be modified to state that the subject maps are a planning tool, and that the routes may be modified based on a detailed alignment study.

Existing Public Access and Recreation Policies

The County has also proposed to modify the existing recreation and access sections of the LUP as they relate to the CCT. As a component of these modifications, the County has proposed to modify existing Vertical Access Easement Policy 1 and Lateral Access Easement Policy 2 in the North, Central, and South Area portions of the LUP. County staff has indicated that these proposed modifications were intended as minor grammatical edits to clarify the subject policies, and that the County would like to pursue a more comprehensive update to this section in the future. However, the proposed changes to these policies raise issue with the public access and recreation policies of the Coastal Act. Specifically, the County has proposed to add references to Coastal Act Section 30212, although has not proposed to make the subject policies fully consistent with Section 30212. However, in an effort to move forward with the subject amendment, and to allow the County the opportunity to comprehensively update the public access and recreation sections of the LUP with maximum public involvement, **Suggested Modification Two (2)** is recommended to delete all modifications to these policies proposed by the County, and retain the previously certified policy language.

In conclusion, for all of the reasons stated above, the Commission finds that (1) the Land Use Plan amendment, only as suggested to be modified, would remain consistent with the public

access and recreation policies of Chapter 3 of the Coastal Act; and (2) the Implementation Plan amendment, only as suggested to be modified, conforms with and is adequate to carry out the public access and recreation policies of the certified Land Use Plan, as amended.

C. SCENIC AND VISUAL RESOURCES

Coastal Act Section 30251 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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. This policy requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. New development must also minimize the alteration of natural landforms, and, where feasible, include measures to restore and enhance visual quality where it has been degraded.

Policies relating to wireless communication facilities (WCF) are proposed within the visual resources section of the LUP, as there are currently no policies within the LUP that address WCF. The placement of WCF can adversely impact coastal resources, if the type, location, and design are not regulated. Therefore, proposed WCF Policies 2 and 3 ensure that WCF are sited and designed to minimize impacts to scenic resources, public access, and environmentally sensitive habitat areas (ESHA). Furthermore, proposed WCF Policy 1 requires that WCF are sited and designed to minimize alteration of natural landforms, and that facilities blend with the surrounding environment.

The proposed amendment would modify Article 2- Definitions of the IP to add new definitions that describe the different types of WCF (stealth and non-stealth), as well as the various types of stealth and non-stealth facilities. Stealth facilities are defined as those that blend into the surrounding visual setting, such as a faux tree, slim-line pole, or facility flush mounted to an existing structure. Conversely, a non-stealth facility would not be disguised or concealed, and would be any facility that is over 80 feet in height. As proposed, only stealth facilities would be permitted within the Coastal Zone, unless, as described in further detail below, an applicant invokes a federal preemption of local authority.

Consistent with the above policies for protection of scenic and visual resources, the amendment includes new development standards for WCF that serve to minimize visual impacts from the

construction of new facilities. Specifically, Article 4- Permitted Uses and Article 5- Development Standards/Conditions- Uses would be modified as part of the subject amendment to reflect the proposed permitting structure and to add detailed WCF development standards. The proposed standards identify a hierarchy of siting locations where WCF may be located, which includes preferred, neutral, non-preferred, and restricted. WCF sites that are defined as preferred include those collocated on an existing WCF, flush-mounted on an existing structure, and within certain road right-of-ways. Non-preferred locations include on a ridge where the facility is not a silhouette, historical landmarks, slopes greater than twenty percent. Furthermore, in order to ensure that scenic and visual resources are protected to the maximum extent feasible, restricted locations include areas within ESHA or ESHA buffer, on lots between the mean high tide line and the first public road parallel to the sea, and on a ridge top or ridge where the facility is a silhouette. If a WCF is proposed in a non-preferred or restricted location, the applicant must submit an alternatives analysis which describes why a higher priority location is not feasible, and as described in further detail below, must invoke a federal preemption of local authority.

In addition to the requirements of the County's LCP, any proposed WCF is also subject to the Federal Telecommunications Act. In 1996, Congress amended the Communications Act of 1932 to establish federal regulation over the deployment of telecommunications facilities across the country. The amended Telecommunications Act allows local governments to regulate new WCF to some extent, but mandates that state and local governments shall not unreasonably discriminate among providers of functionally equivalent services, shall not prohibit or have the effect of prohibiting the provision of personal wireless services, and shall not regulate facilities on the basis of environmental effects of Radio Frequency emissions. Therefore, a new WCF must be approved if such development is necessary in order to fill a significant gap in the carrier's service and the applicant has provided evidence that there are no other feasible alternatives to avoid or minimize adverse impacts. However, the County may require that the facility be designed, located, and/or conditioned in a manner to ensure that the approved project will avoid or minimize adverse impacts to coastal resources to the extent feasible.

As mentioned above, the proposed policies and provisions require that WCF be sited and designed to be compatible with the existing setting and constructed of materials and colors that blend with the surrounding area in order to avoid or minimize adverse impacts to scenic and visual resources. Furthermore, Section 8175-5.20.5.1 provides that a facility that does not meet all of the applicable policies and standards of the LCP, a non-stealth facility, and a facility located in a restricted location may only be approved when the above mentioned Federal preemption is invoked. However, as described within section 8175-5.20.10(j), approval of a WCF in a non-preferred location would also require that a federal preemption be invoked. In order to correct this internal consistency and to clarify the instances where a federal preemption must be invoked, **Suggested Modification Two (2)** requires that WCF located in non-preferred locations be added to Section 8175-5.20.5.1.

In order to demonstrate a federal preemption, an application for a WCF in a restricted location or a non-stealth facility greater than 80 feet in height would require technical expert review of propagation diagrams and an alternatives analysis to demonstrate that the WCF is necessary to meet service coverage needs. Specifically, Part i of Section 8175-5.20.10 describes the content that must be included in, as well as the instances when the submittal of a propagation diagram is

required. However, this section incorrectly references Section 8175-5.20.5.1, which as described above, outlines when a federal preemption would be necessary for approval of a WCF. Therefore, **Suggested Modification Two (2)** corrects this inadvertent error, and modifies this reference to accurately reflect Section 8175-5.20.5.1.

As described above, Article 4- Permitted Uses would be modified as part of the subject amendment to reflect the proposed permitting structure and to add detailed WCF development standards. The public works land use category is proposed to be modified to reference WCF, and to delete an incorrect reference to Section 8174-6.3.4, which is an exemption provision for improvements to non-residential structures, other than public works facilities. Section 8174-6.3.5, which is an exemption provision for disaster replacement of structures, is also sited under the public works land use designation, however this section also explicitly does not apply to public works facilities. As such, **Suggested Modification Two (2)** corrects this error and deletes the reference to Section 8174-6.3.5 in the public works land use designation.

In conclusion, for all of the reasons stated above, the Commission finds that (1) the Land Use Plan amendment is consistent with the scenic and visual resource protection policies of Chapter 3 of the Coastal Act; and (2) the Implementation Plan amendment, only if modified as suggested, conforms with and is adequate to carry out the scenic and visual resource protection policies of the certified Land Use Plan, as amended.

D. IMPLEMENTATION PROCEDURES

The County proposes to modify existing provisions in Article 13- Enforcement and Penalties of the IP to establish a process and procedure for the abatement of violations and the imposition, enforcement, collection, and administrative review of civil administrative penalties. Specifically, the proposed provisions describe the required process for abating a violation; identify the factors to be considered when determining the amount of civil penalties; define the administrative appeal process for civil penalties; define how fines are collected; and clarify that costs for condition compliance inspections for a permit are the responsibility of the party holding the permit, and the cost for payment of fines associated with unabated violations is ultimately the responsibility of the property owner.

The proposed provisions are currently utilized by the County in areas outside of the Coastal Zone, and would provide the County with the ability to ensure compliance with the Building Code, CZO, and terms and conditions of any approved CDP in the Coastal Zone. In addition to those powers of the County, the Commission has the ability to pursue enforcement action pursuant to its authority under Chapter 9 of the Coastal Act, including the ability to issue Administrative Orders to require, among other things, compliance with the Coastal Act and, in certain cases, remedy violations of the Coastal Act by requiring the removal of unpermitted development and the restoration of sites, as well as other mitigation. Furthermore, the Commission also has the ability to seek judicial penalties, and in cases involving coastal public access, the Commission can impose penalties itself, administratively. Therefore, in order to ensure that the enforcement abilities of the Commission are in no way affected by the subject provisions, **Suggested Modification Three (3)** is recommended to clarify that Article 13 is

based on the independent police powers of the County, and that nothing in the subject article affects the Coastal Commission's ability to pursue independent enforcement action pursuant to its authority under Chapter 9 of the Coastal Act or otherwise.

Furthermore, as of July 1, 2014, the California Coastal Commission gained new authority to assess administrative penalties for violations that impact public access to the coast or in the coastal zone. The new authority results from the addition of Section 30821 to the Coastal Act, which authorizes the Commission to impose administrative civil penalties for violations of the public access provisions of the California Coastal Act. As the Commission's Enforcement Program is responsible for identifying potential 30821 cases, attempting to resolve them through cooperation and agreement, and, if no resolution is quickly reached, seeking the imposition of administrative penalties by the Commission at a public hearing, **Suggested Modification Three (3)** is recommended to ensure that civil administrative penalties are not imposed by the County if the Commission has imposed penalties under 30821 for the same violation. Lastly, in order to correct inadvertent errors, **Suggested Modification Three (3)** requires revisions to Sections 8183-5.7.5 and section 8183-5.7.6 to delete repetitive language and to clarify the intent of the proposed provisions.

As described above, the subject amendment includes targeted revisions to the enforcement provisions of the IP regarding the implementation of civil administrative penalties. Given that the County's LCP was certified in 1983, there are other portions of the County's certified enforcement section that staff recommends should be updated as part of the phased LCP update, including Section 8183-4.1 regarding agricultural exceptions and interpretation of the definition of "violator." Staff recommends that the County work with Commission enforcement staff to update and refine the enforcement requirements of the LCP consistent with the Coastal Act and with modern procedures as part of a future LCP Amendment.

In conclusion, the Implementation Plan amendment, only if modified as suggested, conforms with and is adequate to carry out the policies of the certified Land Use Plan.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code (PRC) - within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the California Natural Resources Agency found the Commission's LCP review and approval program to be functionally equivalent to the EIR process (see 14 C.C.R. Section 15251(f)), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for its actions on proposed LCP amendments. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission's regulations (see 14 C.C.R. Sections 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must

be based in part on a finding that it meets the CEQA requirements listed in PRC Section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed amendment is to the County of Ventura's certified Local Coastal Program Land Use Plan and Implementation Plan. For the reasons discussed in this report, the LUP amendment, as submitted, is inconsistent with the applicable policies of the Coastal Act, and the proposed amendment to the IP does not conform with the certified Land Use Plan, as amended. Additionally, feasible alternatives are available that would lessen potentially significant adverse effects that the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such potentially significant environmental impacts are minimized. As discussed in the preceding section, the Commission's suggested modifications and its balancing of the impacts of the different options brings the proposed amendment to the Land Use Plan into conformity with the Coastal Act, brings the Implementation Plan into conformity with the certified Land Use Plan, and incorporates all feasible mitigation measures and alternatives in a manner that substantially lessens any significant adverse effects of the LCP amendment on the environment. Therefore, the Commission finds that the LCP amendment, as modified, has no remaining significant environmental impacts and is consistent with CEQA.

RESOLUTION NO. 16-122

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF VENTURA APPROVING PHASE 2B AMENDMENTS TO THE
VENTURA COUNTY COASTAL AREA PLAN (PL12-0158)**

WHEREAS, the County of Ventura ("County") has prepared amendments to the objectives, policies and programs of the County's certified Coastal Area Plan ("CAP Amendments") as shown in Exhibits 3 (in legislative format) and 4 (in clean format) to the December 6, 2016 Ventura County Board of Supervisors letter, which constitute the County's Phase 2B amendments to its Local Coastal Program ("Phase 2B Amendments");

WHEREAS, on October 20, 2016, the Ventura County Planning Commission held a legally noticed public hearing regarding the Phase 2B Amendments, including the CAP Amendments, at which time it heard and received oral and written testimony from the general public and County staff, including the staff report and all exhibits;

WHEREAS, the County Planning Commission voted 3-2 to recommend that the County's Board of Supervisors approve and adopt the Phase 2B Amendments, including the CAP Amendments;

WHEREAS, the Board of Supervisors held a legally noticed public hearing regarding the Phase 2B Amendments, including the CAP Amendments, in Ventura, California, on December 6, 2016; and

WHEREAS, the Board of Supervisors considered the Planning Commission's recommendation, as well as all written and oral testimony from County staff and members of the public, regarding the Phase 2B Amendments, including the CAP Amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors directed that the following revisions be made to the proposed Phase 2B Amendments related to Segment N2-A of the Coastal Trail as set forth in the below-referenced portions of CAP Amendments:

1. Revise the Coastal Trail maps in Figures 4.1-2 and 4.1-3, as well as the Tabular Summary for Figure 4.1-2, to identify Segment N2-A as a return to source-of-origin trail which is accessible by the Caltrans-owned parcel located on the north end of the trail segment;
2. Remove item 'h' from Section 4.1.4-F, Program 3, which would have required removal of barriers to public access between Hobson County Beach Park and the existing pathway on the seawall at the Seacliff Beach Colony; and

3. Revise the description of the pathway on the existing rock revetment at the Seacliff Beach Colony, as well as the description of Segment N2 in the Coastal Trail Maps narrative in Section 4.1.4, to describe the pathway on the rock revetment at the Seacliff Beach Colony as a return to source-of-origin segment of the Coastal Trail.

BE IT FURTHER RESOLVED that the Board of Supervisors:

1. **FINDS** that the County's approval of the Phase 2B Amendments to the CAP is exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.9 and CEQA Guidelines section 15265;
2. **FINDS** that the Phase 2B Amendments to the CAP, inclusive of the above-stated revisions to the CAP Amendments regarding Segment N2-A of the Coastal Trail, are consistent with the California Coastal Act, including the policies stated in Chapter 3 thereof; are in the public interest, and are consistent with the goals, policies and programs of the Ventura County General Plan; and
3. **APPROVES** the Phase 2B Amendments to the CAP in Exhibit 4, inclusive of the above-stated revisions to the CAP Amendments regarding Segment N2-A of the Coastal Trail.

Upon a motion by Supervisor Bennett, and seconded by Supervisor Foy, duly carried (by a 5-0 vote), the foregoing Resolution was passed and adopted this 6th day of December, 2016.

Linda Parks
Supervisor Linda Parks
Chair, Board of Supervisors
County of Ventura

ATTEST:

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

By: Tom Gunnis
Deputy Clerk of the Board



ORDINANCE NO. 4498

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS AMENDING DIVISION 8, CHAPTER 1.1, ARTICLES 2, 4, 5, 11, 12 AND 13 OF THE VENTURA COUNTY ORDINANCE CODE, COASTAL ZONING ORDINANCE.

Section 1
ARTICLE 2 – DEFINITIONS

Article 2, Section 8172-1 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to revise existing definitions as follows:

Non-Commercial Antenna – A device for transmitting or receiving radio signals. *Non-commercial antennas* are used to operate amateur radios, such as HAM radios and citizen band *antennas*, for purposes of the non-commercial exchange of messages, including emergency response training and operations.

Roof Structures - Structures located on the roof of a building for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building; fire or parapet walls, safety rails, skylights, towers, flagpoles, chimneys, smokestacks, solar collectors, residential satellite, and digital T.V. dishes less than one meter in diameter, T.V. antennas and similar structures. A *wireless communication facility* is not included in the definition of *roof structures*.

Article 2, Section 8172-1 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by adding the following definitions in their appropriate alphabetical order:

Antenna – A whip (omni-directional *antenna*), panel (directional *antenna*), disc (parabolic antenna), or similar device used for transmission or reception of radio waves or microwaves. Devices used to amplify the transmission and reception of radio waves, such as remote radio units, are not included.

Class 1 Pathway – A right-of-way which is completely separated from the paved portion of the road (i.e. travel-way, parking and shoulder) for use by bicyclists, pedestrians, and other non-motorized forms of transportation (e.g. equestrians).

Class 2 Bike Lane – A striped lane within the road right-of-way for one-way travel by bicyclists. Also includes “Bike Lane” signage.

Lattice Tower – A structure, guyed or freestanding, erected on the ground, which generally consists of metal crossed strips or bars to support *antennas* and equipment.

Monopole – A structure composed of a single spire or pole used to support *antennas* and connecting appurtenances for a *non-commercial antenna* or a *wireless communication facility*.

Parkway – The portion of a public road right-of-way that is typically reserved for public utility facilities, street trees or landscaping, and pedestrian access facilities (e.g. sidewalks or trails). The *parkway* is located between the outside edge of the road right-of-way and the

road pavement (i.e. shoulder and travel-way), a boundary that is often defined by a curb and gutter.

Public Viewing Areas - Public areas that afford views of scenic resources. Such views may be fleeting or expansive as experienced from individual locations or along transportation corridors. *Public viewing areas* include, but are not limited to, beaches, coastal streams and waters used for recreational purposes, coastal trails and accessways, highways, public parklands, public roads, public sidewalks or trails, scenic overlooks, vistas and vista points.

T.V. Antenna - An *antenna* designed to receive only television broadcast signals.

Wireless Communication Facility (or Facilities) - A facility that transmits or receives signals for television, satellites, wireless phones and data, personal communication services, pagers, wireless internet, specialized mobile radio services, or other similar services. The facility may include, but is not limited to, *antennas*, radio transmitters, equipment shelters or cabinets, air vents, towers, masts, air conditioning units, fire suppression systems, emergency back-up generators with fuel storage, fences, and structures primarily designed to support *antennas*.

Wireless Communication Facility, Building-Concealed - A *stealth wireless communication facility* designed and constructed as an architectural feature of an existing building in a manner where the *wireless communication facility* is not discernible from the remainder of the building. Standard building architectural features used to conceal a *wireless communication facility* include, but are not limited to, parapet walls, windows, cupolas, clock towers, and steeples.

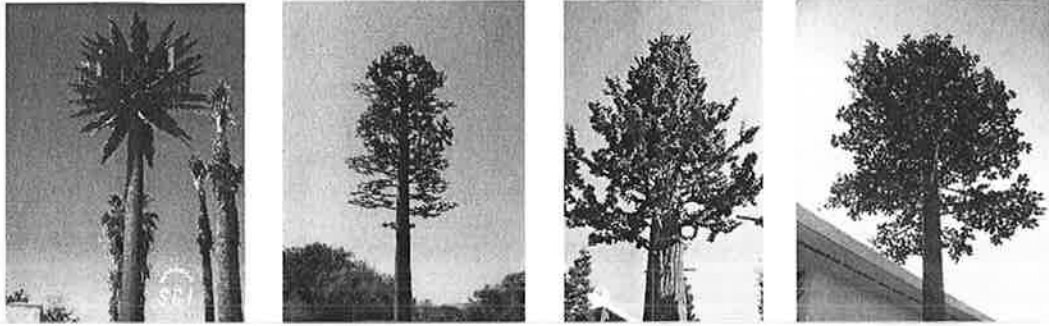


Examples of Building-Concealed Wireless Communication Facilities

Wireless Communication Facility, Collocation - The placement or installation of one or more *wireless communication facilities* on a single tower, mast/pole, structure, or building with one or more existing *wireless communication facilities*. *Collocated wireless communication facilities* may be separately owned and used by more than one public or private entity.

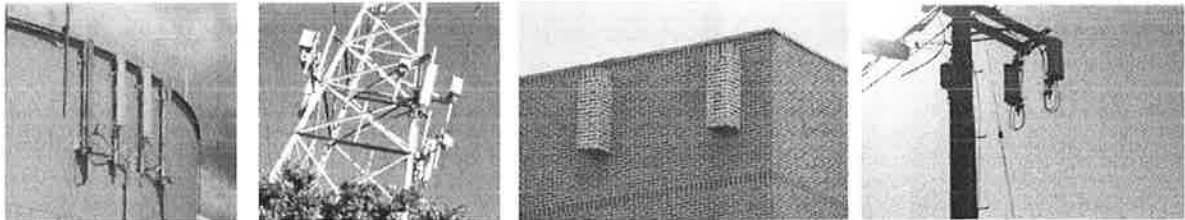
Wireless Communication Facility, Data Collection Unit - A *wireless communication facility* used by utility companies to collect data from gas, water or electricity meters. *Data collection units* typically consist of a telemetry device, solar panel, and whip *antennas*. *Wireless communication facilities* operated by a telephone corporation or a commercial mobile telecommunications phone service provider are excluded from this definition.

Wireless Communication Facility, Faux Tree - A *stealth, ground-mounted wireless communication facility* camouflaged to resemble a tree, including mono-broadleaves, mono-pines, and mono-palms.



Examples of Faux Trees (Wireless Communication Facilities)

Wireless Communication Facility, Flush-Mounted – A *stealth wireless communication facility antenna* that is attached directly to the exterior of a structure or building and that remains close and is generally parallel to the exterior surface of the structure or building.

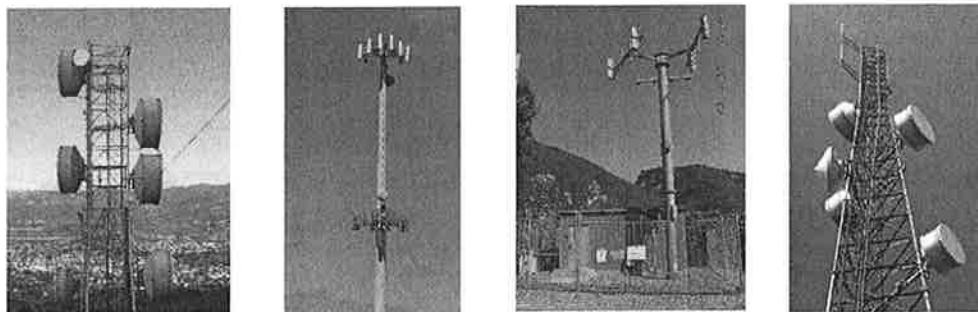


Examples of Flush Mounted Wireless Communication Facilities

Wireless Communication Facility, Ground-Mounted – A *wireless communication facility* that is placed on the ground, which consists of a *monopole, lattice tower, or any other freestanding structure that supports an antenna.*

Wireless Communication Facility, Modification – Any physical change to a *wireless communication facility* or a change to operational characteristics for that facility that are subject to existing permit conditions. Modifications do not include repair and maintenance.

Wireless Communication Facility, Non-Stealth – A *wireless communication facility* that is not disguised or concealed or does not meet the definition of a *stealth facility or building-concealed facility.* For the purpose of this ordinance, any facility that exceeds eighty-feet in height is defined as a non-stealth facility.



Examples of Non-Stealth Wireless Communication Facilities

Wireless Communication Facility, Prominently Visible – A *wireless communication facility* is considered to be prominently visible if it stands out as an obvious or noticeable feature within its setting when seen from a *public viewing area* without the aid of any magnifying equipment such as cameras, binoculars, etc.

Wireless Communication Facility, Propagation Diagrams – A set of maps showing the location of the service provider’s existing *wireless communication facilities*, existing service coverage area, and the proposed service coverage area at varied *antenna* heights for the proposed facility. A *propagation diagram* also includes a narrative description summarizing how service coverage area changes with height in layman’s terms.

Wireless Communication Facility, Roof-Mounted – A *stealth wireless communication facility* that is mounted directly on the roof of a building.

Antenna on roof, concealed behind a parapet



Faux smokestack



Examples of Roof-Mounted Wireless Communication Facilities

Wireless Communication Facility, Section 6409(a) Modification – A modification of an existing wireless tower or base station that involves the *collocation*, removal or replacement of transmission equipment that does not substantially change the physical dimensions of such wireless tower or base station. Such modifications qualify for approval pursuant to Section 6409(a) of the federal 2012 Middle Class Tax Relief and Job Creation Act (now codified at 47 U.S.C. §1455(a)).

Wireless Communication Facility, Slim-Line Pole – A *ground-mounted, stealth wireless communication facility* where the *antenna* is *flush-mounted* on a pole. This type of facility generally does not include a faux design, but rather utilizes distance from *public viewing areas*, location (e.g. facility is hidden by existing buildings or trees), coloration, low height, and slim structural profile to blend with the surrounding environment.



Examples of Slim-Line Poles

Wireless Communication Facility, Stealth – A *wireless communication facility* that blends into the surrounding visual setting. A *stealth* facility utilizes concealment elements such as design (size, height, color material, and *antenna* type) or siting techniques to camouflage, partially conceal, or integrate the *wireless communication facility* into the design of an

existing facility, structure or its surrounding visual setting. Examples of *stealth facilities* include but are not limited to the following:

1. Facilities disguised as other objects typically found within a setting, such as *faux trees*, monorocks, and water tanks (photos 1 and 2);
2. Panel *antennas flush-mounted* on existing utility facilities, water tanks, and integrated with building facades (see photos under *flush-mounted*);
3. Facilities that are camouflaged or partially concealed by objects within an existing setting, such as a cluster of trees or utility poles (photo 3); or,
4. Whip *antennas* and *slim-line poles* that use simple camouflage techniques, such as size and color, to render them virtually unnoticeable from *public viewing areas* (photo 4).



Photo 1



Photo 2



Photo 3



Photo 4

Examples of *Stealth Wireless Communication Facilities*

Section 2

ARTICLE 4

PERMITTED USES

Article 4, Section 8174-2.3 – Interpretation, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8174-2 – Interpretation

Sec. 8174-2.1

Each *use* is subject to all provisions of this Chapter.

Sec. 8174-2.2

Any *use* requested as an *accessory use* that is not listed as such in Sec. 8174-5, but is listed as a *principal use*, shall be subject to the indicated requirements of the *principal use*.

Sec. 8174-2.3

More than one *principal use* or *principal structure* may legally exist on a lot (e.g., *agriculture*, oil production, a *wireless communication facility* and/or a residence.)

Sec. 8174-2.4

For the purposes of this Article, any *use* listed in matrix form that is indented shall be construed as a subheading of the heading under which it is indented.

Article 4, Section 8174-5 – Permitted Uses by Zone, of the Ventura County Ordinance Code is hereby amended to read as follows:

	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
WIRELESS COMMUNICATION FACILITIES	See "Dwellings – Accessory Uses and Structures", "Antennas, Freestanding" for non-commercial antenna/amateur radios installed as an accessory to a dwelling.											
<i>Stealth</i> facilities, except in the public road right-of-way (see Sec 8175-5.20.3)	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
<i>Stealth</i> facilities exclusively located within the public road right-of-way (see Sec. 8175-5.20.3,4)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
<i>Non-Stealth</i> facilities (see Sec. 8175-5.20.3(b))	CUP	CUP									CUP	
<i>Data Collection Units</i> on existing utility poles within the public road right-of-way (see Sec. 8175-5.20.4)	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

Article 4, Sec. 8174-5 – Permitted Uses by Zone of the Ventura County Ordinance Code, under the heading "Dwellings – Accessory Uses and Structures," is hereby amended to read as follows:

	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
DWELLINGS – ACCESSORY USES AND STRUCTURES												
Non-Commercial Antennas, Freestanding, above 40 feet (see Sec. 8175-5.1i). See "wireless communication facilities" for all other antenna facilities.	PD	PD	PD	PD	PD	PD	PD	PD	PD			

Article 4, Sec. 8174-5 – Permitted Uses by Zone of the Ventura County Ordinance Code, under the heading “**PUBLIC WORKS FACILITIES**,” is hereby amended to read as follows:

	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
PUBLIC WORKS FACILITIES (See Sec. 8175-5.9)	See “ <u>Wireless Communication Facilities</u> ” for antenna installations.											
County Initiated	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW	PW
• If exempt per Sec. 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Non County-Initiated	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
• If exempt per Sec. 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC

E = Exempt*	PDP = PD Permit, Principally-Permitted**	Not Allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
ZC = Zoning Clearance*	PW = Public Works Permit					
PD = Planned Development Permit	CUP = Conditional Use Permit					

SECTION 3

ARTICLE 5:

DEVELOPMENT STANDARDS/CONDITIONS - USES

Article 5, Sec. 8175-4 – Exceptions To Lot, Setback and Height Requirements of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8175-4 - Exceptions To Lot, Setback and Height Requirements

Sec. 8175-4.1 - Accessory Structures in Setback Areas

Detached accessory structures that are not used for human habitation may be constructed to within three feet of interior and rear lot lines, provided that:

- a. In no case shall any such structure exceed 15 feet in height.
- b. In no case shall any such structure(s) occupy more than 40 percent of the rear setback area.
- c. Setback areas adjacent to the street shall be maintained.
- d. On through lots, said structures may be located no closer than ten feet (six feet in the RBH Zone) to the rear lot line, except as specified otherwise in Section 8175-4.15.

Sec. 8175-4.9 – Non-Commercial Antennas

Ground-mounted, *non-commercial antennas* that are limited to private, non-commercial uses and accessory to a dwelling, may be erected above the height limits for structures, to a maximum height of 75 feet from the existing *grade*, and may be supported by guy wires or similar mechanisms. See Section 8175-5.1i for standards.

Sec. 8175-4.10 – Wireless Communication Facilities

Wireless communication facilities may be erected above the height limits for structures, provided that the facility does not exceed the maximum height limits prescribed in Section 8175-5.20.3(g).

Sec. 8175-4.11 - Water Well Sites

A water well site or sites, each no more than 1200 square feet, may be created on a lot for the sole purpose of transferring, by lease or sale, possession of the well and so much of the land around the well as may be necessary for use of water from the well for agricultural purposes only.

Sec. 8175-4.12 - Park and Recreational Facilities

Any lot area reductions granted to subdividers before the effective date of this Chapter under the Community Park and Recreation Facilities provisions of the previous Zoning Ordinance and recorded with the final map shall remain in effect.

Sec. 8175-4.13 - Fire Stations

There shall be no minimum area in any zone during the period of time the lot is held by a public entity for present or future use as a fire station or is dedicated to a public entity for such use. Any lot in such zones or any subzones thereof that:

- a. was created by a conveyance of a portion of a larger lot to a public entity for present or future use as a fire station, or was created by a subdivision map that dedicated the lot to a public entity for such use; and
- b. would have been nonconforming at the time of such creation if it had not been conveyed or dedicated to a public entity; and
- c. does not conform to minimum area requirements applicable to other lots in the same zone or subzone that have not been conveyed or dedicated to a public entity, may not be used for any purpose other than a fire station site by the public entity or its successors in interest.

Sec. 8175-4.14 - Temporary Dwellings During Construction

A mobilehome or recreational vehicle that is used as a temporary dwelling during construction shall be set back at least five feet from the property line of the lot on which it is placed.

Sec. 8175-4.15 - Setbacks on Through Lots

Front and rear setbacks on through lots shall be determined as follows: The Planning Division, in consultation with the applicant, shall designate one street frontage as the front of the lot and the other as the rear. The entrance to any covered parking (garage or carport) shall be set back a distance at least equal to the minimum front setback, except that if a dwelling is constructed with a curved or "swing" driveway leading to the covered parking, with the entrance to such parking facing the side property line, the garage or carport may be located a minimum of ten feet (six feet in the RBH zone) from the rear property line.

Sec. 8175-4.16 - Swimming Pools and Spas

Swimming pools, spas, hot tubs and similar structures may be constructed to within three feet of rear and interior side lot lines, provided that they do not intrude into any front or street-side setback. On through lots, such construction is subject to the setback regulations given for structures in Section 8175-4.1d.

Article 5, Section 8175-5-5.1(i) – Non-Commercial Antennas of the Ventura County Ordinance Code is hereby amended to read as follows:

- i. Non-Commercial Antennas – Ground-mounted, *non-commercial antennas* may be installed as an accessory *use* to a dwelling. Such antennas are subject to the following standards:
 - 1. The crank-up type of *antenna* should be used.
 - 2. All *antennas* should be color-coordinated to harmonize with background material to reduce visual impacts.
 - 3. The most unobtrusive location for the *antenna* shall be used.
 - 4. Appropriate screening materials such as fencing or landscaping may be required.
 - 5. A site plan of the subject property, showing property lines, all structures, paved areas, walls, setbacks, major vegetation, nearby streets and proposed location of the installation is required. Also, elevations of the subject installation are required as well as elevations of affected buildings and architectural features. The height, nature, texture and color of all materials to be used for the installation, including landscape materials, are also required.
 - 6. The maximum height is 75-feet (see Sec. 8175-4.9).

Article 5, Section 8175-5.20 – Wireless Communication Facilities, of the Ventura County Ordinance Code is hereby added to read as follows:

Sec. 8175-5.20 – Wireless Communication Facilities

Sec. 8175-5.20.1 – Purpose

The purpose of this Section is to provide uniform standards for the siting, design, and permitting of *wireless communication facilities* in the coastal zone. Regulations within this chapter are designed to provide for the communication needs of residents and businesses in a manner that is consistent with visual resource policies, public access policies, sensitive habitat policies, and other provisions of the Local Coastal Program. These regulations are also intended to be consistent with state and federal

law, including the federal Telecommunications Act of 1996 and the Middle Class Tax Relief and Job Creation Act of 2012.

Sec. 8175-5.20.2 – Applicability

Sec. 8175-5.20.2.1 - Facilities and Activities Covered

All facilities, devices, and activities that meet the definition of a *wireless communication facility* (see Sec. 8172-1) are covered by Section 8175-5.20.

Sec. 8175-5.20.2.2 – Facilities and Activities Not Covered

The facilities, devices, and activities listed below are not covered by the provisions of Section 8175-5.20:

- a. *Non-commercial antennas* such as citizen band radios and amateur radio facilities that are an *accessory structure* to a *dwelling*. (See standards for *non-commercial antennas* in Sections 8175-4.9 and 8175-5.1(i).)
- b. Residential *T.V. antennas*, satellite and digital T.V. dishes less than one (1) meter in diameter.
- c. Repair and maintenance: Work performed by the operator to maintain a facility at its permitted condition with no change to the physical dimensions of the authorized development – including the repair, restoration or replacement of existing faux design elements, *antennas*, and equipment within an equipment cabinet. In all cases, the replacement of *antennas* or faux design elements shall be limited to reproductions of the originally permitted equipment. Repair and maintenance also includes testing and repair of operational features which do not alter the physical dimensions of the permitted *wireless communication facility* - such as backup generators, fire suppression systems, air ventilation systems, and cable modifications in cable conduits. Repair and maintenance does not include *modifications* (see Sec. 8175-5.20.12.1(d)), or the replacement of the supporting tower, pole, or base station.

Sec. 8175-5.20.2.3 – Wireless Communication Facilities on Government and Public Works Buildings

Any *wireless communication facility*, including a *non-commercial antenna*, located on a government building or public works facility, such as a police or fire station, shall be permitted as an *accessory use* if it is used exclusively for government operations or for public safety (e.g. police, fire and emergency management operations). Such facilities shall be processed as part of the underlying land use permit for the government building or public works facility. *Wireless communication facility* modifications shall be made pursuant to Section 8175-5.20.12 and in accordance with the development standards in Sections 8175-5.20.3 and 8175-5.20.4(a).

Sec. 8175-5.20.2.4 – Wireless Communication Facilities for Public Safety

Except when located in a restricted location (see Sec. 8175-5.20.3(g)), the applicable County decision-making authority may waive or modify one or more of the development standards in Sections 8175-5.20.3 and 8175-5.20.4(a) for a *wireless communication facility* that is exclusively used for the delivery of government services. In addition, such facilities shall be used primarily for public safety (e.g. public works, animal services, health care, and human services). Such waivers or modifications shall only be permitted when the application of a

development standard would effectively prohibit the installation of that facility. In order to waive or modify a development standard, the applicant shall demonstrate in writing that a waiver or modification of the standard is necessary for the provision of public safety services and that such waivers or modifications do not exceed what is necessary to remove the effective prohibition.

Sec. 8175-5.20.2.5 – Wireless Communication Facilities Located in the Public Rights-of-Way

Any *wireless communication facility* located within the public road rights-of-way requires authorization by a permit issued by the Planning Division and an encroachment permit issued by Caltrans (for State roadways) or the Transportation Department, Ventura County Public Works Agency (for County roadways). See Section 8175-5.20.4 for development standards for *wireless communication facilities* located in the public road right-of-way.

Sec. 8175-5.20.3 – Development Standards

The following development standards apply to all *wireless communication facilities*. In the event of a conflict between the standards prescribed in this section (Sec. 8175-5.20.3) and the standards prescribed for the public road rights-of-way (Sec. 8175-5.20.4), the standards that are most protective of coastal resources shall prevail.

- a. **Concealment Requirements:** To minimize visual impacts, the following standards shall apply:
1. Any facility that is 50 feet or less in height shall be designed as a *stealth* facility;
 2. Whenever technically feasible, any facility that is 51 to 80 feet in height shall be designed as a *stealth* facility; and
 3. Any facility that exceeds 80 feet in height shall be defined as a *non-stealth* facility but shall utilize all feasible concealment techniques in the facility design.

Any facility that is not designed as a *stealth* facility, or any facility that exceeds 80 feet in height, is subject to the requirements of Section 8175-5.20.3(b) below. Technical expert review of *propagation diagrams*, alternative sites analysis, and the information provided to satisfy each provision in Section 8175-5.20.3(b) below will be required for a *wireless communication facility* that exceeds 80 feet in height to demonstrate that the height is necessary to meet service coverage needs.

- b. **Exceptions to Stealth Facilities:** A *non-stealth wireless communication facility* shall only be authorized where such a facility is required pursuant to federal law as described in Section 8175-5.20.5. Applications for a *non-stealth* facility shall include an alternative sites analysis and written and graphic information that demonstrates each of the following:
1. One or more shorter *stealth facilities* would be technically infeasible (i.e. the applicant demonstrates that adequate service coverage cannot be met by one or more *stealth facilities*); and
 2. The proposed facility is designed to blend with the environment to the maximum extent feasible (see Sec. 8175-5.20.3(c)); and

3. A *stealth* facility consistent with the height limits in Section 8175-5.20.3(h) would be inconsistent with one or more key provisions of the federal Telecommunications Act (see Sec. 8175-5.20.5).
- c. **Making Wireless Communication Facilities Compatible with the Existing Setting:** *Wireless communication facilities* shall be located and designed to be compatible with the existing setting as follows:
1. Location: To the maximum extent feasible, facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility;
 2. Facility Design: Facilities shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting to the maximum extent feasible; and
 3. Interference with Access and Transportation: Facilities shall not interfere with public *access* to and along the coast, and shall not alter any method of transportation, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct clear line-of-sight triangles within the public right-of-way.
 4. Military Compatibility: Facilities should be sited and designed for compatibility with military security requirements and frequency spectrum needs to avoid interference with military operations.
- d. **Siting Criteria:** The order of priority for siting a *wireless communication facility* is as follows:
1. In a "preferred" location pursuant to subsection (e) below; or
 2. In a "neutral" location, which is defined as a site that is not identified as a "preferred", "non-preferred" or "restricted" location; or
 3. In a "non-preferred" location pursuant to subsection (f) below; or
 4. In a "restricted" location pursuant to subsection (g) below.
- With the exception of a "preferred" location, the applicant shall demonstrate, based on substantial evidence provided by an alternative sites analysis (see Sec. 8175.20.10(j)), that all higher priority locations are infeasible. In a restricted location, technical expert review of *propagation diagrams*, alternative sites analysis, and other information will be required for a *wireless communication facility* to demonstrate that the proposed facility is necessary to meet service coverage needs (see Sec. 8175-5.20.5.1).
- e. **Preferred Locations:** The following sites are defined as "preferred" locations:
1. *Collocated* on an existing *wireless communication facility* with adequate height and structure to accommodate additional *wireless communication facilities* (see Sec. 8175-5.20.6), with the exception of locations where a *collocated* facility would degrade the *visual quality* of the area.
 2. Flush-mounted on an existing structure, pole, or building when located in the COS, CA and CM zones.

3. Within the public road rights-of-way along existing developed roadways and mounted on existing overhead utility facilities, streetlight poles, or traffic signals, with the exception of facilities located on scenic or eligible scenic highways.
 4. In locations where the existing setting includes features of sufficient height and mass to effectively conceal the *wireless communication facility*, such as settings where the facility can be concealed in an existing building or nestled within an existing grove of trees.
 5. Located within, contiguous with, or in close proximity to existing *wireless communication facilities*, provided that the clustered facilities will be more protective of *coastal resources* when compared to a non-clustered facility configuration.
- f. **Non-Preferred Locations:** The following sites are defined as "non-preferred" locations:
1. On a ridge where the facility is not a silhouette from *public viewing areas*.
 2. On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8175-5.20.3(k)).
 3. On *slopes* greater than 20 percent;
- g. **Restricted Locations:** The following sites are defined as "restricted" locations:
1. Within an *ESHA* or within an *ESHA buffer zone* (see Sec. 8175-5.20.3(m)), except where a *wireless communication facility* is allowed within a developed public road right-of-way in a location that is also within an *ESHA buffer zone*, and then it may be processed as a preferred location pursuant to subsection (e) above, provided that no extension of fuel modification into *ESHA* results from the facility.
 2. On lots between the mean high tide line and the first public road parallel to the sea, with the exception of *building-concealed facilities*.
 3. On a ridgetop or a ridge where the facility is a silhouette from *public viewing areas*.
- h. **Height:**
1. **How to Measure:** Unless otherwise indicated in this section (Sec. 8175-5.20.3), the height of a ground-mounted *wireless communication facility* shall be measured from the adjacent, average existing *grade* to the highest point of the facility (i.e. *antenna*, equipment, concealment elements, *faux* structure, or other component of the facility).
 2. **Minimizing Visual Impacts:** The height of a *wireless communication facility* shall be limited to what is necessary to provide adequate service or coverage.
 3. **Building-Concealed Facility Height:**
Building-concealed wireless communication facilities shall not exceed the maximum building height limits of the zone in which the building is located (see Sec. 8175-2 for maximum building height limits and Sec. 8175-3.13 for measurement of building height) unless one of the following apply:

- (a) The height standard in Section 8175-5.20.3(h)(4)(d) applies when a *building-concealed facility* is located in a rooftop addition such as a cupola, faux chimney, or similar type of *roof structure* or architectural projection (see Sec. 8175-4.8). Architectural projections (e.g. steeples or bell towers) which are traditionally attached to assembly use buildings, such as community centers or churches, may extend above the height standard if the architectural projection is proportionate to the structure to which it is attached.
- (b) An existing building that exceeds the maximum building height limit (i.e. a legally non-conforming structure) may be used to conceal a *wireless communication facility*.

4. **Stealth Facility Height:** The maximum heights of specific types of *stealth facilities* are as follows:

- (a) The maximum height of a faux structure is defined in Table 1 below or, alternatively, the maximum height may be calculated as the average height of similar (representative) structures found in the local setting plus 5 feet, whichever is less.

Table 1
Maximum Height of Faux Structures

Type of Structure	Maximum Height
Faux Water Tank	50 feet
Faux Windmill	50 feet
Faux Flag Pole	50 feet
Faux Light Pole	40 feet
Faux Utility Pole	40 feet

- (b) *Faux trees* shall maintain a natural appearance and shall be similar in height to nearby trees (see i, ii, and iii below). The maximum allowable height of a *faux tree* shall be as follows:
 - i. **No Nearby Trees:** Maximum heights in Table 2 apply if there are no trees within a 150-foot radius of the *faux tree*.

Table 2
Maximum Height of Faux Trees¹

Type of Structure	Maximum Height
Mono-Broadleaves*	60 feet
Mono-Palm*	65 feet

¹ The maximum height limits for *faux trees* are based on the height of a mature tree for selected species, as established by the U. S. Department of Agriculture, Natural Resources Conservation Service's plants database.

Table 2
Maximum Height of Faux Trees¹

Type of Structure	Maximum Height
Mono-Pine*	80 feet

* See Sec. 8175-5.20.3(r) for tree planting height requirements and Sec. 8178-8.4.1.2 for restrictions on the types of trees which can be planted in the Coastal Zone.

ii. **Tree Canopy:** The maximum height of a *faux tree* located within, or adjacent to, a tree canopy may extend up to 15 feet above the height of the existing tree canopy when both of the criteria listed below are met:

- The applicant demonstrates, to the satisfaction of the Planning Director, that a lower *faux tree* height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and
- The average tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within 150 feet of the *faux tree*; and the *faux tree* is sited behind the canopy relative to *public viewing areas*.

Calculations for the height of the existing tree canopy may be increased to include the estimated growth of trees within the canopy at the end of the permit period, provided that such estimates are prepared by a certified arborist.

iii. **Surrounding Trees (non-canopy):** A *faux tree* may extend up to 5 feet above the maximum height of trees within a 150-foot radius. The maximum height of surrounding trees should be measured using existing tree heights, unless a certified arborist provides an estimated maximum height that includes average growth of the surrounding trees at the end of the permit period.

- (c) *Slim-line pole wireless communication facilities* shall not exceed 50 feet in height.
- (d) *Roof-mounted wireless communication facilities* shall not exceed six feet in height from the finished roof of the existing building.
- (e) *Flush-mounted wireless communication facilities* shall not extend above the finished building height. If mounted on a structure other than a building, such as a pole, then the *antenna* shall not extend more than six feet above the structure.

i. Setbacks:

1. All *wireless communication facilities* shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an *antenna* array shall extend beyond the property lines.
2. *Ground-mounted wireless communication facilities* shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any

offsite *dwelling* unit.

3. Whenever feasible, a new *ground-mounted wireless communication facility* shall be set back from a property line to avoid creating the need for *fuel modification zone* clearance on adjacent properties.
- j. **Retention of Concealment Elements:** No *modification* of an existing *wireless communication facility* shall be authorized that would defeat the concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:
1. A *stealth* facility is modified to such a degree that it results in a *non-stealth* facility; or
 2. The *stealth* facility no longer meets the applicable development standards for *stealth facilities* in Sections 8175-5.20.3 and 8175-5.20.4(a); or
 3. Equipment and *antennas* are no longer concealed by the permitted *stealth* design features; or
 4. Proposed modifications to a *stealth* facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.

k. **Additional Standards for Specific Types of Wireless Communication Facilities:**

1. **Building-Concealed Facilities:**

- (a) *Wireless communication facilities* shall not increase building width or create building features that protrude beyond the exterior walls of the building.
- (b) *Wireless communication facilities* concealed within a building addition shall be limited to the area/volume required for the wireless technology and shall not increase habitable floor area, include general storage area, or provide any *use* other than wireless technology concealment. Building additions shall only be approved where the addition would otherwise be allowed consistent with all other policies and provisions of the LCP, including zone standards.

2. **Roof-Mounted Facilities:**

- (a) Shall be hidden by an existing or newly created building or architectural feature (such as a parapet), or shall be concealed from *public viewing areas* using architectural features, screening devices, or by siting the facility so that it is concealed from offsite viewpoints.
- (b) Shall be compatible with the architectural style, color, texture, façade design, and materials and shall be proportional to the scale and size of the building. Newly created architectural features or wireless equipment shall not protrude beyond the exterior walls of the building.

3. **Flush-Mounted Facilities:** A *wireless communication facility* may be *flush-mounted* on a building or other structure pursuant to the following standards:

- (a) Shall be designed as a *stealth* facility and shall be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel *antennas* shall not interrupt architectural lines of building façades, including the length and width of the portion of the façade on which it is mounted. Mounting brackets, pipes, and coaxial cable shall be screened from view.
- (b) Any light pole, utility pole, or traffic signal with a *flush-mounted wireless communication facility* must exhibit a similar appearance to existing local light poles, utility poles, and traffic signals.
- (c) Should be attached to a vertical surface. However, when *flush-mounting* is infeasible, the facility may be mounted atop a light pole, atop a traffic signal pole, or hung from a utility pole on a horizontal antenna mount. Panel *antennas* shall be mounted no more than 18 inches from building surfaces or poles, and shall appear as an integral part of the structure. Panel *antennas* may be mounted a greater distance than 18 inches from *lattice towers*, utility poles, and other industrial structures provided that concealment elements are not defeated (see above Sec. 8175-5.20.3(j)).
- (d) Associated equipment for the *antenna* is located inside an existing building, on a rooftop, underground, at the ground level, or on a pole other than a *slim-line pole*.

4. **Faux Trees:**

- (a) Shall incorporate a sufficient amount of “structural branches” (including density and vertical height) and design materials (e.g. faux bark) so that the structure is as natural in appearance as technically feasible.
- (b) *Antennas* and *antenna* support structures shall be screened or colored to match the components (i.e. branches and leaves) of the faux tree.
- (c) Shall be the same type of tree (i.e. similar in color, height, shape, etc.) as existing trees in the surrounding area (i.e. within approximately a 150-foot radius of the proposed facility location). If there are no existing trees, see tree planting requirements in Section 8175-5.20.3(r).
- (d) Wireless communication facilities designed as a faux tree shall not resemble *non-native, invasive trees* (see Appendix L6, Invasive Plant List).

5. **Monorocks:**

- (a) Shall only be located in areas with existing, natural rock outcroppings.
- (b) Shall match the color, texture, and scale of rock outcroppings adjacent to the proposed project site.
- (c) Shall not destabilize or substantially alter existing, natural rock outcroppings.

6. **Other Stealth Facilities:**

- (a) Faux structure types, including but not limited to water tanks, flag poles, windmills, and light poles, may be used as a *stealth* facility when that type of structure is commonly found within the local setting of the *wireless communication facility*.

- (b) Any faux light pole or faux utility pole must exhibit a similar appearance (e.g. color, materials, shape, etc.) to existing light poles or utility poles within that vicinity.
 - (c) *Slim-line poles* may be utilized in settings which are deficient in existing structures or trees and where the planting of new trees is not feasible. Such *facilities* shall utilize *flush-mounted antenna* and shall not have mechanical equipment arms or *antenna* arrays extending from the sides. The pole diameter shall be the minimal width necessary to provide structural support, and shall not exceed 16 inches. Facility color and materials shall be selected to visually blend into the setting. Associated equipment for the *antenna* shall be located inside an existing building, on a rooftop, underground, or at the ground level but shall not be located on the pole.
7. **Other Concealment Techniques:** A *non-stealth* facility permitted in accordance with Section 8175-5.20.3(b) shall include technically feasible camouflage or concealment design elements that minimize visual impacts. Such elements may include the following:
- (a) Coloration, texture, location, and orientation techniques that blend the facility into the existing setting;
 - (b) Tree planting, concealment within a grove of trees, and other screening techniques listed in Section 8175-5.20.3(r).
- l. **Historical Landmarks/Sites of Merit:** A *wireless communication facility* shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior's (SOI) Standards. If the facility does not meet these standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.
- m. **Environmentally Sensitive Habitat Areas:** All *wireless communication facilities* and their accessory equipment in environmentally sensitive habitat areas shall be sited, designed, and conditioned as follows:
1. The placement of facilities within *ESHA* or an *ESHA buffer zone* shall be restricted (see restricted location regulations in Sec. 8175-5.20.3(g)).
 2. The facility shall be designed to minimize the size of the footprint and removal of vegetation, including all associated development and required fuel modification.
 3. Where feasible, the facility shall be located in an existing, legally disturbed area.
 4. *Wireless communication facilities* shall have daytime visual markers on guy wires to prevent collisions by birds.
 5. All impacts on *ESHA* due to the development of *wireless communication facilities* shall be mitigated.
- n. **Ridgelines:** All *wireless communication facilities* and associated accessory equipment on ridgelines shall be sited, designed, and conditioned as follows:

1. The placement of facilities on a ridgetop, or on a ridge where the facility is a silhouette above the ridgeline, shall be restricted (see restricted location regulations in Sec. 8175-5.20.3(g)).
 2. The placement of facilities on a ridge where the facility is not located on the ridgetop and is not a silhouette shall be avoided (see non-preferred location regulations in Sec. 8175-5.20.3(f)).
 3. Where a *wireless communication facility* is allowable on or along a ridgeline, the feasible alternative with the fewest and least significant impacts on coastal resources shall be selected and all impacts shall be fully mitigated
 4. Facilities sited on a ridgeline or hillside shall blend with the surrounding natural and man-made environment to the maximum extent possible. Blending techniques that should be utilized include the use of non-reflective materials, paint, or enamel to blend exterior surfaces with background color(s); the placement of facilities behind earth berms or existing vegetation; siting of associated equipment below ridgelines, and the use of small *stealth facilities* (such as *stealth slim-line poles* or *whip antennas*) that blend in with the surrounding vegetation.
- o. **Public Viewing Areas:** *Wireless communication facilities* that are *prominently visible* from public viewing areas, including a designated or eligible scenic highway shall be sited, designed, and conditioned to achieve the following:
1. Minimize visibility from public viewing areas by reducing mass and height or by siting the facility away from public viewing areas.
 2. Minimize grading, landform alteration, and clearance of vegetation.
- p. **Accessory Equipment:** All accessory equipment associated with the operation of a *wireless communication facility* shall be incorporated within existing structures, located underground, or placed at ground-level and screened to prevent the facility from being *prominently visible* from a *public viewing area* to the maximum extent feasible. If such locations are not feasible, then accessory equipment may be located on a utility pole or other structure, provided that the equipment meets the following standards:
1. The battery cabinet, amplifiers, microwave *antennas*, and equipment mounts shall be designed or painted to match the color of the support structure;
 2. The battery cabinets shall be located within three feet of the ground surface unless this placement would impede access pursuant to the Americans with Disabilities Act; and
 3. Cables shall be installed within steel poles when feasible. External cables shall be taut and loops of cable shall not be exposed.
- Also see Sec. 8175-5.20.4(a)(5) for equipment boxes and cabinets located on *wireless communication facilities* in the road right-of-way.
- q. **Colors and Materials:** All *wireless communication facilities* shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.
- r. **Landscaping for Screening:** If landscaping is used to screen a facility, the following standards apply:

1. The permittee shall plant, irrigate and maintain drought-tolerant landscaping during the life of the permit when such vegetation is deemed necessary to screen the *wireless communication facility* from being *prominently visible* from a *public viewing area*.
2. New landscaping of a sufficient height and density shall be planted to provide the desired effect within three (3) years of growth. Landscaping trees shall be planted at a sufficient height to reach 75 percent of the *faux tree's* height within five (5) years of growth.
3. If there are no existing trees within the surrounding area of a faux tree (i.e. within approximately a 150-foot radius of the proposed facility location), the vicinity of the facility shall be landscaped with newly planted *native*, or *non-invasive* trees (see Sec. 8178-8.4.1.2). The trees should be compatible with the *faux tree* design.
4. New trees required as part of a landscape plan for a *faux tree* shall be a minimum size of 36-inch box to help ensure survival of the tree. Palm trees shall have a minimum brown trunk height of 16 feet.

s. **Security:**

1. Each *wireless communication facility* shall be designed to prevent unauthorized *access*, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized *access* and vandalism. All security measures shall be evaluated as part of the *wireless communication facility* permit and shall be sited and designed in a manner that is most protective of *coastal resources*.
2. All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited except where the chain link fence is not visible from a *public viewing area*.

t. **Lighting:**

1. Any necessary security lighting shall be down-shielded and controlled using motion sensors to minimize glare and light directed at adjacent properties or environmentally sensitive habitats.
2. Other types of illumination may be permitted when required by the Federal Aviation Administration (FAA).
3. *Wireless communication facilities* greater than 200 feet in height shall not exceed FAA standards for pilot warning and obstruction avoidance lighting.

- u. **Signage:** A permanent, weather-proof identification sign, subject to the sign regulations in Section 8175-5.13, shall be displayed at eye level in a prominent location and shall be directly attached to the facility, on any utility pole which the facility is mounted, or on the gate or fence surrounding the *wireless communication facility*. The sign must identify the current facility operator(s), provide the operator's address, and specify a local or toll-free 24-hour telephone number at which the operator can be reached for response to a maintenance issue or during an emergency.

v. Access Roads:

1. Where feasible, *wireless communication facility* sites shall be accessed by existing public or private *access roads* and easements.
2. When the construction of a new access road cannot be avoided, the road shall be sited in a manner that is most protective of *coastal resources* and shall only be approved when consistent with all other policies and provisions of the LCP.

Sec. 8175-5.20.4 – Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way

Development standards for *wireless communication facilities* in the public road rights-of-way shall be used in conjunction with applicable standards in Section 8175-5.20.3 above. In addition to the permit issued by the Planning Division, a *wireless communication facility* in the public rights-of-way will also require an encroachment permit from the California Department of Transportation or the Ventura County Public Works Agency. This section allows for the placement of *wireless communication facilities* within public road rights-of-way along existing developed roadways and does not apply to undeveloped public road rights-of-way.

- a. Within the public road right-of-way, a *wireless communication facility* shall be designed as a *stealth* facility pursuant to Section 8172-1, and the facility shall meet the following standards:
 1. The preferred type of *stealth* facility is a *flush-mounted wireless communication facility* on an existing pole(s) (see height standards listed in Sec. 8175-5.20.3(h)(4)(e) and other standards in Sec. 8175-5.20.3(k)(3));
 2. In order to minimize impacts to *scenic resources*, facility size should be minimized, and physically smaller facilities should be selected over larger facilities when both options provide adequate coverage;
 3. Facility height shall be minimized, and the height of *ground-mounted, wireless communication facilities* shall be limited to the minimum height necessary to provide adequate service or coverage, or the height standards listed in Section 8175-5.20.3(h), whichever is less;
 4. *Antenna* shall be screened by radio frequency transparent materials, vegetation, existing signs or other elements within the existing setting, unless the screening would substantially increase the visual profile of the antenna or the support structure;
 5. Equipment boxes or cabinets shall be ground-mounted or located underground within the *parkway* segment of the public right-of-way, except when such locations would conflict with existing utilities, would conflict with Caltrans freeway on and off-ramps, or result in the removal of *ESHA*. In such cases, the equipment box or cabinet shall be mounted behind a sign or within an existing structure. Equipment boxes or cabinets also may be mounted on a structure, such as a utility pole, under the following circumstances: (a) the roadway is not identified as an eligible scenic highway, and (b) substantial evidence exists that mounting the equipment on the support structure will not result in visual impacts. Equipment boxes shall be mounted on the existing support structure (e.g. utility pole) pursuant to the standards in Section 8175-5.20.3(p); and

6. The *wireless communication facility* shall not interfere with public access to and along the coastline, or with the operation of any transportation facility, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct visibility within the public right-of-way.
- b. *Data collection units* may be mounted on an existing utility pole (e.g. light pole or electricity transmission line pole) within the public road right-of-way along existing developed roadways, provided that all of the following standards are met:
 1. Whip *antennas* do not exceed 36 inches in length;
 2. Solar panels do not exceed 6 square feet in area;
 3. Collection unit boxes do not exceed 1.5 cubic feet in volume;
 4. Each *data collection unit* is sited at least 300 feet from other *data collection units* within the same network; and
 5. The design (materials, colors, shape, etc.) for the *data collection unit* blends into the surrounding environment through the following methods:
 - (a) The collection unit box, non-photovoltaic surfaces of the solar panel, and equipment mounts are designed or painted to match the color of the support structure;
 - (b) Batteries are located on the ground or underground; and
 - (c) Cables are taut and loops of cables are not exposed.

Sec. 8175-5.20.5 – Compliance with Federal, State and Local Law and Regulations

The development and operation of wireless communication facilities must comply with all applicable federal, state and local laws, including all standards and regulations of the Federal Communications Commission (FCC).

Sec. 8175-5.20.5.1 Preemption Documentation Requirement

In the circumstances listed below, the applicant must demonstrate, through written documentation referenced in Section 8175-5.20.10(i) and (j) below or as otherwise requested by the Planning Director, to the satisfaction of the *decision-making authority*, that the County's authority to require compliance with the applicable standards and requirements are preempted by federal or state law, including but not limited to the Federal Telecommunications Act of 1996:

- a. Development of a *non-stealth wireless communication facility* pursuant to Section 8175-5.20.3(b), or
- b. Any *wireless communication facility* in a restricted location pursuant to Section 8175-5.20.3(g), or
- c. Any *wireless communication facility* that does not meet all applicable policies and standards of the LCP.

Sec. 8175-5.20.6 – Collocation

Any proposed *collocation* may be processed pursuant to a permit modification in Section 8175-5.20.12.1. *Collocations* which do not qualify for modification in Section 8175-5.20.12.1 or Section 8175-5.20.12.2 may alternatively be processed pursuant

to or Section 8175-5.20.12.3. *Non-stealth facilities* shall not be *collocated* onto *stealth facilities*.

Sec. 8175-5.20.7 – Maintenance and Monitoring

- a. **Periodic Inspection:** The County reserves the right to undertake periodic inspection of a permitted *wireless communication facility* in accordance with Section 8183-5.
- b. **Maintenance of Facility:** The permittee shall routinely inspect each *wireless communication facility*, as outlined in the approved maintenance and monitoring plan, to ensure compliance with the standards set forth in Sections 8175-5.20.3 and 8175-5.20.4(a) and the permit conditions of approval. The permittee shall maintain the facility in a manner comparable to its condition at the time of installation. If repair and maintenance is not sufficient to return the facility to its physical condition at the time of installation, the permittee shall obtain all required permits and replace the facility to continue the permitted operation or shall abandon the facility in compliance with the requirements of Sections 8175-5.20.16 through 8175-5.20.18.
- c. **Graffiti:** The permittee shall remove graffiti from a facility within 10 working days from the time of notification. For facilities located within the public rights-of-way, graffiti removal shall occur within 48 hours of notification.
- d. **Landscape and Screening:** All trees, foliage, or other landscaping elements approved as part of a *wireless communication facility* shall be maintained in good condition during the life of the permit in conformance with the approved landscape plan (see Sec. 8178-8). The permittee shall be responsible for replacing any damaged, dead, or decayed landscape vegetation.
- e. **Hours of Maintenance:** Except for emergency repairs, backup generator testing and maintenance activities that are audible to an off-site, noise-sensitive receptor shall only occur on weekdays between the hours of 8:00 a.m. and 8:00 p.m.
- f. **Transfer of Ownership:**
 1. In the event that the permittee sells or transfers its interest in a *wireless communication facility*, the succeeding operator shall become the new permittee responsible for ensuring compliance with the permit for the *wireless communication facility*, including all conditions of approval, and all other relevant federal, state and local laws and regulations.
 2. The permittee (or succeeding permittee) shall file, as an initial notice with the Planning Director, the new permittee's contact information such as the name, address, telephone/FAX number(s), and email address.
 3. The permittee shall provide the Planning Director with a final written notice within 30 days after the transfer of ownership and/or operational control has occurred. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new permittee agreeing to comply with all conditions of the County permit, including updates to signage with current operator information (see Sec. 8175-5.20.3(u)).

Sec. 8175-5.20.8 – Technical Expert Review

The County may contract for the services of a qualified technical expert to supplement Planning Division staff in the review of proposed *wireless communication*

facilities. Technical expert review may include, but is not limited to, the permittee's compliance with the development standards listed in Sections 8175-5.20.3 and 8175-5.20.4(a), technical documents related to radio frequency emissions, alternative site analyses, *propagation diagrams*, and other relevant technical issues.

The use of a qualified technical expert shall be at the permittee's expense, and the cost of these services shall be levied in addition to all other applicable fees associated with the project. The technical expert shall work under a contract with and administered by the County. If proprietary information is disclosed to the County or the hired technical expert, such information shall remain confidential in accordance with applicable California laws.

Sec. 8175-5.20.9 – Temporary Wireless Communication Facilities

A temporary *wireless communication facility*, such as a "cell-on-wheels" (COW), shall be processed as an *accessory use* under a County permit. A temporary *wireless communication facility* may be used during each of the following events or activities: (1) temporary events, (2) public emergencies, and (3) while an existing facility is relocated or rebuilt. Once the event or activity is complete, or once the emergency permit expires, the temporary facility shall be removed from the site within three business days.

Sec. 8175-5.20.10 – Permit Application Requirements

In addition to meeting standard application requirements of Section 8181-5, the applicant requesting a new or modified *wireless communication facility* permit shall be required to submit the following information.

- a. **Project Description:** A written project description for the proposed *wireless communication facility* that includes, but is not limited to, a general description of the existing land *use* setting, the type of facility, visibility from *public viewing areas*, proximity to *ESHA*, proximity to coastal access and public trails, *stealth* design features, *propagation diagrams*, on and off-site *access*, grading, fuel modification requirements, landscaping, and facility components (support structure, *antennas*, equipment shelters or cabinets, emergency back-up generators with fuel storage, security measures, etc.).
- b. **Visual Impact Analysis:** A visual impact analysis includes photo simulations and other visual information, as necessary, to determine visual impact of the proposed *wireless communication facility* on the existing setting or to determine compliance with design standards established by this Section. At least three (3) photo simulations shall include "before" and "after" renderings of the site, its surroundings, the proposed facility and *antennas* at maximum height, and any structures, vegetation, or topography that will visually screen or blend the proposed facility into its setting when viewed from a *public viewing area*. The visual impact analysis should include views from the closest or most prominent *public viewing areas* to the proposed facility. For building-mounted *wireless communication facilities* that cannot be seen from a *public viewing area*, include a close-in simulation which shows the relationship between the proposed facility and surrounding buildings or architectural features. All photo simulations and other graphic illustrations shall include accurate scale and coloration of the proposed facility.
- c. **Authorization and License Information:** A letter of authorization from the property owner and the communications carrier that demonstrates knowledge

and acceptance of the applicant's proposed project's structures and *uses* on the subject property. This information shall also include a copy of the FCC radio spectrum lease agreement or the FCC registration number (FRN).

- d. **FCC Compliance:** Documentation prepared by a qualified radio frequency engineer that demonstrates the proposed *wireless communication facility* will operate in compliance with applicable FCC Regulations. Documentation of FCC compliance shall be required for all *wireless communication facility* permits, including permit modifications.
- e. **Site Plan and Design Specifications:** This documentation shall fully describe the project proposed, all on- and off-site improvements, and include information such as: scale, property information, facility dimension/orientation, a vicinity map, a project information list, delineated physical site features, grading statistics, elevation plans, manufacturer equipment specifications, and components required to address fire prevention, water conservation, and satisfy other regulatory requirements.
- f. **Maintenance and Monitoring Plan:** A maintenance and monitoring plan shall describe the type and frequency of required maintenance activities to ensure continuous upkeep of the facility and other components of the project.
- g. **Noise/Acoustical Information:** This documentation shall include manufacturer's specifications for all noise-generating and noise attenuating equipment, such as air conditioning units and back-up generators, as well as a scaled diagram or site plan that depicts the equipment location in relation to adjoining properties.
- h. **Hazardous Materials:** This documentation shall include the quantity, type, purpose, and storage location for containment of hazardous materials, such as the fuel and battery back-up equipment, proposed for the *wireless communication facility*.

The Planning Division may require that the applicant submit the following additional application materials and information as well:

- i. **Propagation Diagram:** *Propagation diagrams* showing the type and extent of the signal coverage of the applicable regulated carrier shall be required if the proposed *wireless communication facility* would exceed 30 feet in height, and may be required at lower heights if the facility is proposed on or along a ridge, within the Santa Monica Mountains (M) overlay zone, or is visible from a *public viewing area*. *Propagation diagrams* shall be required if either of the Telecommunications Act factors in subsections (a) or (b) of Section 8175-5.20.5.1 are asserted. One or more *propagation diagrams* or other evidence may be required to demonstrate that the proposed *wireless communication facility* is the minimum height necessary to provide adequate service (i.e., radio frequency coverage) in an area served by the carrier proposing the facility. Existing obstacles such as buildings, topography, or vegetation that cannot adequately be represented in the *propagation diagrams*, yet may cause significant signal loss and therefore require additional facility height, should be clearly described and/or illustrated through additional visual analyses, such as line-of-sight or 3-D modeling diagrams.
- j. **Alternative Site Analysis:** An alternative site analysis shall be required if the *wireless communication facility* is proposed as a *non-stealth* facility (Sec. 8175-

5.20.3(b) or is sited outside a "preferred" location (Sec. 8175-55.20.3(e)). An alternative sites analysis also may be required, as needed, to determine that the facility is sited in a manner that is most protective of *coastal resources*. The alternative site analysis shall include the following documentation:

1. Substantial Evidence that the applicant has attempted to site the facility in accordance with the preferred, neutral, non-preferred, and restricted location "siting criteria" in Section 8175-5.20.3(d), (e), (f), and (g);
2. Analysis of alternative sites and facility configurations, including potential *collocation* and locations outside of the coastal zone, that would provide coverage of the subject area as demonstrated on a series of alternative *propagation diagrams*;
3. Analysis and conclusions, prepared by an applicable qualified professional, that describes how each alternative site will avoid or minimize impacts on *coastal resources* (e.g. *ESHA*, *public access*, *scenic resources*, etc.) to the maximum extent feasible, consistent with the provisions of the LCP;
4. Demonstrated efforts to secure alternative sites or *collocate* the proposed facility on an existing facility – including copies of correspondence sent to other landowners, carriers, or *wireless communication facility* owners requesting a site lease or *collocation* on their facilities. If alternative sites or *collocation* are not feasible, the applicant shall demonstrate to the satisfaction of the Planning Division that technical, physical, or legal obstacles render alternative sites or *collocation* infeasible.

Lack of ownership, leases, or permits for alternate sites shall not suffice as a valid consideration regarding the feasibility of alternate sites unless the applicant demonstrates that substantial efforts were made to obtain ownership, leases or permits for alternate sites.

The table provided below generally summarizes when an alternative sites analysis is required and how the information will be used to verify that the *wireless communication facility* is necessary:

Siting Criteria (Sec. 8175-5.20.3(d)) and Facility Type (Sec. 8175-5.20.3(b))	Alternative Sites Analysis (Sec. 8175-5.20.10(j))	Federal Telecommunications Act Preemption (Sec. 8175-5.20.5)	Technical Expert Review (Sec. 8175-5.20.3(a))*
Preferred Location			
Neutral Location	X		
Non-Preferred Location	X	X	
<i>Non-Stealth</i> Facility <= 80 feet in height	X	X	
Restricted Location	X	X	X
<i>Non-Stealth</i> Facility > 80 feet in height	X	X	X

*Sec. 8175-5.20.8 states that the County may contract for technical expert review for any proposed *wireless communication facility*.

- k. **Landscape Documentation Package:** When a *landscape documentation package* is required, it shall be prepared pursuant to the water efficient

landscaping requirements of Section 8178-8. See appendix L1 for *landscape plan* requirements.

- i. **Geotechnical Requirements:** A geotechnical report, prepared by a California licensed engineer or a California certified engineering geologist with experience in soils engineering, shall include information such as: soils and geologic characteristics of the site, foundation design criteria, *slope* stability analysis; grading criteria and other pertinent information that evaluates potential geologic, fault, and liquefaction hazards, recommendations to minimize any hazards, and proposed mitigation.
- m. **Consent to Future Collocation:** A written statement shall be provided that states whether or not the applicant consents to the future *collocation* of other *wireless communication facility* carriers on the proposed facility (see Sec. 8175-5.20.6).
- n. **Additional Information:** Additional information determined by the Planning Division as necessary for processing the requested *wireless communication facility* entitlement.

Sec. 8175-5.20.11 – Permit Requirements

All new *wireless communication facilities*, except *data collection units* mounted on an existing utility pole (see Sec. 8175-5.20.4(b)), require a Conditional Use Permit approved by the *decision-making authority* specified in Table 8174-5.

Sec. 8175-5.20.12 – Permit Modifications

Proposed *modifications* to an existing *wireless communication facility* shall be processed in accordance with Section 8181, except that the type of permit modification required shall be authorized as follows:

Sec. 8175-5.20.12.1 – Facility Modifications Subject to a Zoning Clearance

The following *modifications* to an existing *wireless communication facility* may be processed with a *Zoning Clearance*:

- a. Replacement of *wireless communication facility* equipment mounted on an existing support structure when no modifications are made to the support structure and the design and physical dimensions of the equipment decreases or remains the same. The replacement of equipment does not include replacement of the tower, pole, or base station.
- b. *Collocations* that are included in and authorized by the existing permit.
- c. *Collocation* on an existing *building-concealed facility* that is subject to an existing County permit, or an increase to the size of existing *antennas* within a *building-concealed facility* that is subject to an existing County permit, when the proposed *modifications* do not result in changes to the external features of the *building-concealed facility* (such as a building's architectural features) and when the proposed *wireless communication facility* equipment remains hidden within the *building-concealed facility*.
- d. *Modifications* to equipment located within, and visually hidden by, an existing equipment shelter or cabinet, such as replacing parts and other equipment accessories provided that the size of the equipment does not exceed the size of existing equipment. *Modification* or replacement of an existing back-up

generator shall be in compliance with maximum noise levels specified by the permit. These *modifications* to equipment and operations do not include replacement of the tower, pole, or base station.

Sec. 8175-5.20.12.2 – Section 6409(a) Determination

The County shall review *Section 6409(a) Modification* requests to determine whether such requests meet Section 6409(a) criteria. A *Section 6409(a) Modification* shall be approved and may not be denied if the Planning Division determines that the application is complete and that the requested modification meets Section 6409(a) criteria (See "*Section 6409(a) Modification*" definition in Section 8172-1 and the standards in Section 8175-5.20.3(j)).

Eligible *Section 6409(a) Modifications* shall be permitted with a *Zoning Clearance*. Decisions granting *Section 6409(a) Modifications* are final when rendered and are not subject to appeal pursuant to Section 8181-9. Other County-issued permits and/or authorizations (e.g. building permits, encroachment permits, etc.) may be required to implement approved *Section 6409(a) Modifications*.

Sec. 8175-5.20.12.3 – Facility Modifications Subject to a Discretionary Permit

Modifications to a *wireless communication facility* that cannot be processed with a *Zoning Clearance*, pursuant to Section 8175-5.20.12.1 above, shall be processed through one of the following discretionary permits:

- a. Site Plan Adjustment - Any change to a *wireless communication facility* or the permit for that facility that would not alter any of the findings made pursuant to Section 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project, and would not have any adverse impact on the subject site or surrounding properties, including any adverse impact on *coastal resources*, may be deemed a Site Plan Adjustment and acted upon by the Planning Director without a hearing. Additionally, these minor changes shall not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must be consistent with all other provisions of the LCP. In addition to the preceding, the proposed *modification* shall satisfy **each** of the following criteria as applicable:
 1. Alterations to the approved landscaping plan that comply with standards in Section 8175-5.20.3(r) and may result in replacement vegetation or additional vegetation for screening purposes; and
 2. Modifications that do not result in noise generating equipment which would exceed originally permitted levels; and
 3. Replacement, *modification*, or a series of replacements or *modifications* to a *wireless communication facility* that do not cumulatively constitute an increase in physical dimensions of 10 percent or more in any one or more of the following, and excluding the replacement of the tower, pole, or base station:
 - Height or width of the *antenna* or associated equipment;
 - Circumference of the *antenna*, mast, or pole;
 - Distance of the *antenna* array from the support structure;

- Volume of equipment, including but not limited to the fuel tank, equipment sheds, guy wires, pedestals and cables;
 - Equipment area that is enclosed by structural elements or screening devices such as fences and walls; or
 - Lease area or building coverage included in the approved permit; and
4. *Modifications* to the facility design and operation that are consistent with the facility's original design and permitted conditions of approval. Proposed changes to a *stealth* facility shall retain the necessary features to ensure the facility remains *stealth*, as stated in Section 8175-5.20.3(j). For example, a modified *faux tree* shall continue to appear like and simulate the original *faux tree*, or a *slim-line pole* shall retain its original profile.
- b. Minor and Major Modification - *Modifications* to an existing *wireless communication facility* shall be processed as either a Minor or Major Modification pursuant to Section 8181.10.4.2 if the proposed *modification* cannot be processed through a *Zoning Clearance* (see Sec. 8175.5.20.12.1) or Site Plan Adjustment (see Sec. 8175.5.20.12.3(a)). All extensions of the effective period of a discretionary permit shall be processed as a Minor or Major Modification of the existing permit.

Sec. 8175-5.20.13 – Permit Period and Expiration

No Conditional Use Permit for a *wireless communication facility* shall be issued for a period that exceeds ten (10) years. At the end of the permit period, the permit shall expire unless the permittee submits, in accordance with all applicable requirements of this Chapter, an application for a permit modification which includes an extension of the effective period of a discretionary permit (see Sec. 8175-5.20.14). A request for an extension of the effective period of the discretionary permit is a modification which shall be submitted prior to the permit expiration date, in which case the permit shall remain in full force and effect to the extent authorized by Section 8181-5.6.

Sec. 8175-5.20.14 – Extensions to the Effective Period of a Discretionary Permit (Time Extensions)

- a. **Conditional Use Permits:** Time extensions shall be limited to ten (10) years and shall be processed as follows:
1. A time extension that includes no *modifications* to the facility, and no other permit modifications, shall be processed as a Minor Modification.
 2. A time extension that includes *modifications* to the facility, or other permit modifications, shall be processed as either a Minor or Major modification pursuant to Section 8181.10.4.2.
 3. For proposed permit time extensions to a nonconforming *wireless communication facility*, see Section 8175-5.20.15.2.
- b. **Wireless Communication Facility Technology Upgrades:** Whenever a permit time extension is requested for a *wireless communication facility*, the permittee shall replace or upgrade existing equipment when feasible to reduce the facility's visual impacts and improve land use compatibility.

Sec. 8175-5.20.15 – Nonconforming Wireless Communication Facilities

Any *wireless communication facility* rendered nonconforming solely by the enactment or subsequent amendment of the development standards stated in Sections 8175-5.20.3 and 8175-5.20.4(a) shall be considered a legal nonconforming *wireless communication facility* subject to the following provisions.

Sec. 8175-5.20.15.1 – Modifications to Nonconforming Wireless Communication Facilities

If a *modification* is proposed to a legal, nonconforming *wireless communication facility*, then the *modification* may be authorized through a permit modification processed pursuant to Section 8175-5.20.12, provided that all of the following apply:

- a. No modifications are proposed that would increase the level of nonconformance with development standards in Sections 8175-5.20.3 or 8175-5.20.4(a) ; and
- b. A Major Modification is not required.

Permit modifications granted pursuant to this Section may include conditions requiring the permittee to upgrade the legal, nonconforming *wireless communication facility* in order to reduce the level of nonconformance with current development standards.

Sec. 8175-5.20.15.2 – Permit Time Extension for Nonconforming Wireless Communication Facilities

An existing permit for a legal, nonconforming *wireless communication facility* may be granted a one-time time extension not to exceed ten (10) years provided that it satisfies the conditions in 8175-5.20.15.1 above, and all of the following apply:

- a. The facility was operated and maintained in compliance with applicable County regulations;
- b. The facility height (Sec. 8175-5.20.3(h)) and setbacks (Sec. 8175-5.20.3(i)) are less than a 10 percent deviation from current standards; and
- c. The facility is *stealth*, as required by Sections 8175-5.20.3 and 8175-5.20.4(a).

Sec. 8175-5.20.16 – Abandonment

A *wireless communication facility* that is not operated for a period of 12 consecutive months or more from the final date of operation, or a nonconforming *wireless communication facility* that is not operated for a period of 180 consecutive days from the final date of operation, shall be considered an abandoned facility. The abandonment of a *wireless communication facility* constitutes grounds for revocation of the land *use* entitlement for that facility pursuant to Section 8181-10.

Sec. 8175-5.20.17 - Voluntary Termination

When the *use* of a *wireless communication facility* is terminated, the permittee shall provide a written notification to the Planning Director within 30 days after the final day of *use*. The permittee must specify in the written notice the date of termination, the date the facility will be removed, and the method of removal.

Sec. 8175-5.20.18 - Site Restoration

Within one-hundred and eighty (180) days of permit revocation, permit expiration or voluntary termination, the permittee shall be responsible for removal of the *wireless communication facility* and all associated improvements and development, and for restoring the site to its pre-construction condition. If the permittee does not comply with these requirements, the property owner shall be responsible for the cost of removal, repair, site restoration, and storage of any remaining equipment.

Section 4

**ARTICLE 11:
ENTITLEMENTS – PROCESS AND PROCEDURES**

Article 11, Section 8181-3.3 – Conditional Use Permit, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8181-3.3 - Conditional Use Permit

A Conditional Use Permit or modification thereto is issued through a public hearing and discretionary decision by the Planning Director, Planning Commission or Board of Supervisors. Except for projects initiated by a County agency or department, applications for Board of Supervisors-approved Conditional Use Permits shall first be reviewed by the Planning Commission.

Article 11, Section 8181-10.4 – Modification of Permits, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8181-10.4 - Modification of Permits (Applicant Initiated)

An application for modification of a permit pursuant to this Section may be filed by any person or entity listed in Section 8181-5.1. An application for modification of a permit for a *wireless communication facility* shall be subject to the provisions of Section 8175-5.20.12.

Article 11, Section 8181-12 – Procedures for Open Space Easements and Public Access Documents, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8181-12 – Procedures for Open Space Easements and Public Access Documents

All development permits subject to conditions of approval pertaining to public access and open space, conservation, or trail easements shall be subject to the following procedures:

Sec. 8181-12.1

For When any easement pertaining to open space, conservation, public trails, or public access to the beach required pursuant to this Chapter is not directly granted to a public or private non-profit agency prior to the issuance of the final Zoning Clearance or recordation of the map, the permittee shall cause to be recorded an irrevocable offer to

dedicate (OTD) to the people of California an easement. Said offer shall run for 21 years from the date of recordation.

If an OTD is accepted for the purpose of opening, operating, and maintaining access, the accessway shall be opened within five (5) years of acceptance unless unusual circumstances are demonstrated to the satisfaction of the Planning Director. If the accessway is not opened within this period, and if another public agency or qualified nonprofit organization expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. When a Coastal Development Permit includes an offer to dedicate public access as a term or condition, the recorded offer to dedicate shall include a requirement that the easement holder transfer the easement to another public agency or private association that requests such transfer, provided that the easement holder has not opened the accessway to the public within five (5) years of accepting the offer.

Section 5

ARTICLE 12: NONCONFORMITIES AND SUBSTANDARD LOTS

Article 12, Section 8182-2 – Nonconforming Structures Due Only to Changed Standards, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8182-2 – Nonconforming Structures Due Only to Changed Standards

Where structures have been rendered nonconforming due only to revisions in development standards dealing with lot coverage, lot area per structure, height or setbacks, and the use therein is permitted or conditionally permitted in the zone, such structures are not required to be terminated under this Article and may be continued and expanded or extended on the same lot, provided that the structural or other alterations for the expansion or extension of the structure are in conformance with the regulations in effect for the zone in which such structures are located.

Sec. 8182-2.1 - Carports

Existing nonconforming carports may be enclosed, provided that no additional living space is thereby created and a Zoning Clearance is obtained.

Sec. 8182-2.2 – Wireless Communication Facilities

Notwithstanding any other provision of this Article, any *wireless communication facility* rendered nonconforming solely by the enactment or subsequent amendment of development standards stated in Section 8175-5.20.3 shall be governed by Section 8175-5.20.15.

Section 6

**ARTICLE 13:
ENFORCEMENT AND PENALTIES**

Article 13, Section 8183 – Enforcement and Penalties, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8183-1 – Purpose

This Article establishes procedures for enforcement of the provisions of this Chapter. The enforcement procedures set forth are intended to assure due process of law in the abatement or correction of nuisances and violations of this Chapter.

Sec. 8183-2 – Pending Violations

No prosecution or action resulting from a violation of zoning regulations heretofore in effect shall be abated or abandoned by reason of the enactment of any ordinance amendment, but shall be prosecuted to finality under the former provisions, the same as if the amendment had not been adopted and, to this end, the former provisions shall remain in effect and be applicable until said prosecution or action has been terminated. Any violation that occurred prior to the effective date of the amendment, for which prosecution or legal action has not been instituted prior to the effective date of the amendment, may be hereafter subject to prosecution or action as if the amendment had not been adopted and, to this end, the former provisions shall remain in effect and be applicable until said prosecution or action has been terminated. (AM.ORD.4451-12/11/12)

Sec. 8183-3 – Penalties

Any *person* who violates any provision or fails to comply with any of the requirements of this Chapter or of any term or condition of, or applicable to any permit, variance or amendment thereto is guilty of a misdemeanor/infraction as specified in Section 13-1 of the Ventura County Ordinance Code and, upon conviction thereof, shall be punishable in accordance with Section 13-2 of the Ventura County Ordinance Code. Each such *person* shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by such *person*, and shall be punishable therefor as provided in Section 13-2.

Sec. 8183-4 – Public Nuisance

Except as otherwise provided in Section 8183-3 in addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and may be summarily abated as such, and each day that such condition continues shall be regarded as a new and separate public nuisance.

Sec. 8183-4.1 - Exception - Agricultural Operations Protection

No agricultural activity, operation, or facility that is consistent with this Chapter and the General Plan, and is conducted or maintained for commercial purposes in a manner

consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than one year if it was not a nuisance at the time it began.

This exception shall not apply if the agricultural activity, operation, or facility, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

- a. Exception - This exception shall not apply if the agricultural activity, operation, or facility, obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.
- b. Definition - For the purpose of Section 8183-4.1, the term "agricultural activity, operation or facility" shall include, but not be limited to, the cultivation and tillage of the soils, dairying, the production, irrigation, frost protection, cultivation, growing, pest and disease management, harvesting and field processing of any agricultural commodity, including timber, viticulture, apiculture, or horticulture, the raising of livestock, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or market, or delivery carriers for transportation to market.

(AM. ORD. 4151 - 10/7/97)

Sec. 8183-5 – Enforcement

The *Planning Director* or the *Planning Director's* designee is hereby designated as the enforcing agent of this Chapter. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by Section 836.5 of the California Penal Code, the *Planning Director* or the *Planning Director's* designee shall have the power of arrest without warrant whenever he or she has reasonable cause to believe that the *person* to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Code or any other ordinance or statute that the *Planning Director* has a duty to enforce. (AM.ORD.4451-12/11/12)

Sec. 8183-5.1 – Procedure

In any case in which a *person* is arrested pursuant to this Section and the *person* arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the *person* on the *person's* promise to appear as prescribed by Chapter 5C (commencing with Section 853.5) of Chapter 5 of Title 3 of the California Penal Code. The provisions of that Chapter shall thereafter apply with reference to any proceedings based upon the issuance of a written notice to appear pursuant to this Section. (AM.ORD.4451-12/11/12)

Sec. 8183-5.2 - Rights of Entry Upon Land

In the performance of their functions, designated personnel may, with either the consent of the occupant or other authorized *person*, or with a valid inspection warrant, enter upon property and make examinations and surveys in a manner consistent with the consent or the inspection warrant. In cases where no inspection warrant is obtained, designated personnel in the performance of their functions may enter upon property open to the general public and may enter upon property by way of a route normally accessible to visitors or tradespeople, or other *persons* having legitimate business with the occupants, in order to seek consent to inspect the property.

Sec. 8183-5.3 - Enforcement of Performance Standards

Following the initiation of an investigation, the *Planning Director* may require the owner or operator of any *use* that may be in violation of performance standards to submit, in a reasonable amount of time, such data and evidence as is needed by the *Planning Director* to make an objective determination. Failure to submit data required shall constitute grounds for revoking any previously issued approvals or permits and ceasing of operations until the violation is remedied, as provided for in Sec. 8181-8 of this Chapter. (AM.ORD.4451-12/11/12)

Sec. 8183-5.4 - Monitoring and Enforcement Costs

The County may impose fees and charges on persons, as established by resolution adopted by the Board of Supervisors, or as established by conditions of the entitlement, to cover the full costs incurred by the County or its contractors for enforcing activities related to confirmed violations of the Coastal Zoning Ordinance or permit conditions, or for the monitoring of permits, issued pursuant to this Chapter, to ensure compliance with permit conditions and the requirements of this Chapter.

Where costs are related to condition compliance work or enforcement of violations associated with a permit, the party holding the permit (the permittee) shall be initially responsible for the costs incurred by the County. If the permittee fails to pay the costs billed to him, then the property owner shall become responsible for the costs, since the property owner is the ultimate permittee because the permit goes with the land. Parties purchasing property with outstanding permit monitoring costs, or on which notices of violation are recorded, are responsible for the unpaid County costs associated with the property.

Enforcement activities shall be in response to confirmed violations and may include such measures as drafting and implementing compliance agreements, inspections, public reports, penalty hearings, forfeiture of sureties and suspension or modification of permits. The recovery of costs for the abatement of confirmed violations shall be in accordance with the provisions of this Chapter, adopted charge rates, applicable compliance agreement terms and other authorized means such as, but not limited to, small claims court and liens on property.

Sec. 8183-5.5 - Frequency of Monitoring Inspections

To ensure compliance with permit conditions and the provisions of this Chapter, all permits issued pursuant to this Chapter may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. The *Planning Director* may institute a more frequent monitoring schedule when he/she determines that the intensity of the *use* or failure to comply with applicable requirements could have a significant effect on the environment, surrounding properties and the public; or there have been violations that suggest the permittee is not assuming responsibility for monitoring his/her own compliance. (AM.ORD.4451-12/11/12)

Sec. 8183-5.6 - Notice of Violation and Notice of Noncompliance

For purposes of this section and section 8183-5.7, the following definitions apply:

- a. "Violation" means the lack of compliance with a provision of Division 8, Chapter 1.1 of the Ventura County Ordinance Code or any term or condition of any permit entitlement, variance or amendment thereto issued pursuant to this Chapter or any term or condition imposed and adopted as mitigation measures pursuant to the California Environmental Quality Act, including restrictive covenants;

- b. "Violator" means the owner of the property on which the violation exists and, if applicable, a permittee responsible in whole or in part for the violation.

All notices required by this section shall be sent by first class mail to the last known address of the violator and shall be deemed served three days after the date of mailing.

Sec. 8183-5.6.1 - Notice of Violation

Whenever the *Planning Director* determines that a violation exists, the *Planning Director* shall send the violator a Notice of Violation. The Notice of Violation shall:

- a. State the violation(s);
- b. State how the violation(s) may be corrected;
- c. Advise that if the violation(s) is not corrected by the specified deadline, a Notice of Noncompliance may be recorded against the property in the Office of the Recorder;
- d. Advise that all enforcement costs are recoverable pursuant to Section 8183-5.4;
- e. Advise that civil penalties may be imposed pursuant to Section 8183-5.7; and
- f. Advise that the determination that a violation exists may be appealed, but that the appeal must be filed in accordance with Section 8181-9.

Sec. 8183-5.6.2 – Recorded Notice of Noncompliance

If the violation is not corrected pursuant to the Notice of Violation as determined by the *Planning Director* within the time allotted, or if the violation is upheld after an appeal pursuant to Section 8181-9, then a Notice of Noncompliance may be recorded in the Office of the County Recorder. The Notice shall describe the property and specify the Ordinance section(s) or permit terms or conditions violated. The *Planning Director* shall record a Release of Notice of Noncompliance with the Office of the County Recorder only if and after the violations have been fully corrected and all County enforcement costs and fees have been paid to the satisfaction of the *Planning Director*. The violator must pay a fee for recordation of the Release of Notice of Noncompliance as determined in the adopted schedule of fees.

Sec. 8183-5.7 - Civil Administrative Penalties

Civil administrative penalties may be imposed for final violations. For the purpose of this section, a violation, as defined in Section 8183-5.6, is "final" if the Notice of Violation issued pursuant to Section 8183-5.6 is not appealed in accordance with Section 8181-9 or, if properly appealed, the appeal process is complete and the Notice of Violation is upheld. All notices required by this section shall be sent by first class mail to the last known address of the violator(s), as defined by Section 8183-5.6, and shall be deemed served three days after the date of mailing. The *Planning Director* or his/her designees shall be Enforcement Officers authorized to impose civil administrative penalties as provided herein.

Sec. 8183-5.7.1 - Notice of Impending Civil Penalties

Once a violation is confirmed, a Notice of Impending Civil Penalties shall be served upon a violator separately, or as a Notice of Violation. The Notice of Impending Civil Penalties shall:

- a. State the violation(s);
- b. State the range of the amount of the impending daily civil penalty per violation;

- c. State the date by which the violation must be corrected, which date shall not be less than 30 days from the date of service of the notice; and
- d. Advise that the civil penalties will begin accruing on a daily basis if the violation is not corrected by the date established in the notice.

If the *Planning Director* determines that a violation creates an immediate danger to health or safety, penalties may be imposed after a period of time that is less than 30 days.

The date upon which the daily penalty will begin to accrue may be extended by the *Planning Director* upon a showing that the time frame allotted in the Notice of Impending Civil Penalties is not a reasonable period of time to correct the violation.

Sec. 8183-5.7.2 - Notice of Imposition of Civil Penalties

Once a violation is final, and if it has not been corrected by the date stated on the Notice of Impending Civil Penalties or an amendment thereto, then a Notice of Imposition of Impending Civil Penalties shall be served upon the violator.

The Notice of Impending Civil Penalties describe the property and state the following for each violation:

- a. The amount of the penalty that will accrue daily per violation as determined pursuant to Section 8183-5.7.4;
- b. The date the penalty will begin accruing; which may be the same date the notice is served;
- c. That the daily penalty will continue to accrue until the violation is corrected as determined by the *Planning Director*;
- d. That the amount of the daily penalty may be increased in the future if the violation is not corrected;
- e. That the accrued penalties are immediately due and owing and that a lien will attach to the property for all unpaid penalties; and
- f. That the amount of the daily penalty may be administratively appealed, in accordance with Section 8183-5.7.5, within ten days of the date of service of the Notice of Imposition of Civil Penalties.

Sec. 8183-5.7.3 - Notice of Increase in Civil Penalties

Notwithstanding an appeal of a previously imposed penalty pursuant to Section 8183-5.7.5, the Enforcement Officer may increase the amount of the penalty if the violation continues uncorrected and the circumstances warrant an increase considering the factors set forth in Section 8183-5.7.4. To impose the increase, the Enforcement Officer must first serve a Notice of Increase in Civil Penalties upon the violator that shall state:

- a. The amount of the increase of the daily civil penalty;
- b. The effective date of the increase, which date shall not be less than 30 days from the date of service of the notice; and
- c. That the amount of the increase, if contested, may be appealed, but only in accordance with Section 8183-5.7.5.

The amount of the penalty then in effect prior to the increase may not be appealed.

Sec. 8183-5.7.4 – Factors Considered in Determining the Amount of Civil Penalties

The amount of the penalty imposed for each separate violation may be up to, but not exceed, \$1,000 per day. In determining the amount of the penalty, the Enforcement Officer shall consider the known relevant circumstances in light of various factors which include, but are not limited to, the following: (1) the actual or potential extent of the harm caused; (2) the likelihood to cause harm; (3) the seriousness or gravity of the violation (i.e. the level of threat to property, health, or safety of people and animals or the environment); (4) whether the violation is subject to correction by obtaining a permit or cannot be corrected by permit; (5) the culpability of the violator in causing the violation; (6) the length of time over which the violation occurs; (7) the history of past violations, either of a similar or different nature, on the same or different property under the same ownership; (8) the cooperation of the violator resolving the existing and past violations; (9) the financial burden of the violator; and (10) all other relevant circumstances.

Once imposed, the daily penalty will continue to accrue until the violation is corrected to the satisfaction of the *Planning Director*. The *Planning Director* may stay the imposition of penalties or decrease the amount of penalties, either temporarily or permanently, if the *Planning Director* determines that:

- a. Substantial progress is being made toward correcting the violation and that decreasing the penalties would further the goal of correcting the violation; and
- b. Circumstances exist that were either beyond the control of the violator or were unknown at the time the penalties were imposed and warrant the reduction or suspension of the penalties.

If the amount of the civil penalties is modified or suspended, the Notice of Imposition of Civil Penalties shall be amended stating the modified terms and shall be served on the violator.

The daily civil penalty imposed for a violation that is prosecuted as an infraction by the District Attorney shall not exceed the amount of the maximum amount of fines or penalties for infractions set forth in Government Code sections 25132 subdivision (b) and 36900 subdivision (b).

Sec. 8183-5.7.5 – Administrative Appeal of Civil Penalties

If disputed, the amount of the penalty must first be contested by filing an administrative appeal, as provided herein and as required by Government Code Section 53069.4, before seeking judicial relief. Only the violator may challenge the amount of the penalty. Once a Notice, or Amended Notice, of Imposition of Civil Penalties or a Notice, or Amended Notice, of Increase in Civil Penalties may be appealed.

If an appeal is not timely filed, then the imposition of the penalties pursuant to the Notice, or Amended Notice, of Imposition of Civil Penalties or the Notice, or Amended Notice, of Increase of Civil Penalties, as the case may be, shall be final and no longer subject to appeal either administratively or judicially.

Appeals may be heard by a Hearing Officer selected by the Board of Supervisors or the County Executive Officer.

- a. Pre-Appeal Procedures and Requirements – An appeal must be filed with and received by the Planning Division no later than ten days from the date of service

of the notice or amended notice from which the appeal is taken. An appeal form shall be provided by the Planning Division upon request. In order to be deemed timely submitted, the appeal form must include the following:

1. The violation case number and date stated on the notice or amended notice being appealed;
2. The facts and bases supporting the appellant's position that the amount of penalties should be reduced;
3. The name and address of the appellant; and
4. The filing fee established by the Board of Supervisors.

At least ten days prior to the date of the hearing, the appellant shall be notified by first class mail at the address stated on the appeal form of the location, time and date of the hearing. A continuance may be requested in writing to the Hearing Officer which must be received no later than ten days before the date of the hearing. If timely filed, the hearing date will be continued to the next scheduled hearing date and the appellant and Planning Division will be so notified.

- b. Hearing and Hearing Officer's Final Administrative Order – The jurisdiction of the Hearing Officer is limited solely to reviewing the amount of the penalty determined by the Enforcement Officer. Both parties (appellant(s) and the County) may present relevant evidence in support of their contention of the proper amount of the penalty. The content of the County's files submitted to the Hearing Officer which may include, but is not limited to, the Notice of Violation, the Notice of Noncompliance, the Notice of Impending Civil Penalties, the Notice of Imposition of Civil Penalties, and the Notice of Increase in Civil Penalties (if applicable), and any amendments thereto, shall constitute prima facie evidence of the facts stated therein.

If the appellant or the appellant's representative does not appear at the hearing, the Hearing Officer shall only consider, on behalf of the appellant, the evidence submitted with the appeal form and the evidence submitted by the appellant to the Hearing Officer ten days prior to the date of the hearing.

The Hearing Officer must evaluate the evidence presented in light of the factors set forth in Section 8183-5.7.4 and, based thereon, shall either affirm or reduce the amount of the daily penalty imposed by the Enforcement Officer for each day the penalties have accrued and may continue to accrue into the future. The amount of the daily penalty determined by the Hearing Officer shall continue to accrue until the violation is corrected, as determined by the *Planning Director*, or until the amount of the daily penalty is increased in accordance with Section 8183-5.7.3.

The Hearing Officer's determination shall be set forth in a written order served upon the appellant by first class mail at the address stated on the appeal form submitted by the appellant. The order shall be considered the Final Administrative Order for purposes of Government Code Section 53069.4.

Penalties shall continue to accrue while the appeal is pending. If some or all of the penalties have been paid, and the Hearing Officer orders a reduction in the amount of the penalty that exceeds the total amount due and owed to the

County, including enforcement costs, then the County shall refund the difference to the person who paid the penalty unless penalties are continuing to accrue.

- c. Appeal of Hearing Officer's Final Administrative Order – Pursuant to Government Code Section 53069.4 subdivision (b)(1), if the Final Administrative Order is contested, review must be sought in the Superior Court as a limited civil case with twenty days after the date of service of the Final Administrative Order. A copy of the Notice of Appeal must be served on the County of Ventura, *Planning Director* either in person or by first class mail.

If no notice of appeal is timely filed with the Superior Court, the Final Administrative Order issued by the Hearing Officer shall be deemed confirmed and final.

Sec. 8183-5.7.6 – Enforcement

A penalty that is final either by termination of appeal rights or by completion of the appeal process may be collected by any lawfully authorized means including but not limited to filing a civil action to recover the amount of unpaid penalties.

A penalty that is final either by termination of appeal rights or by completion of the appeal process may be collected by any lawfully authorized means including but not limited to filing a civil action to recover the amount of unpaid penalties.

In addition, the County shall have a lien against the subject property in the amount of the unpaid penalties accrued and to be accrued until the violation is corrected. The lien may be recorded in the Office of the County Recorder by the recording of the Notice, or Amended Notice, of Imposition of Civil Penalties or the Notice, or Amended Notice, of Increase in Civil Penalties, whichever is applicable.

The lien shall remain in effect until released and shall run with the land.

Upon correction of the violation(s) and payment of penalties and costs associated with the imposition, enforcement and collection of the penalties, the *Planning Director* shall record a release of lien pertaining to the paid penalties.

This Ordinance shall become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED this 6th day of December, 2016 by the following vote:

AYES: Supervisors Bennett, Long, Foy
Zaragoza, Parks

NOES: none.

ABSENT: none.

Linda Parks
CHAIR, BOARD OF SUPERVISORS

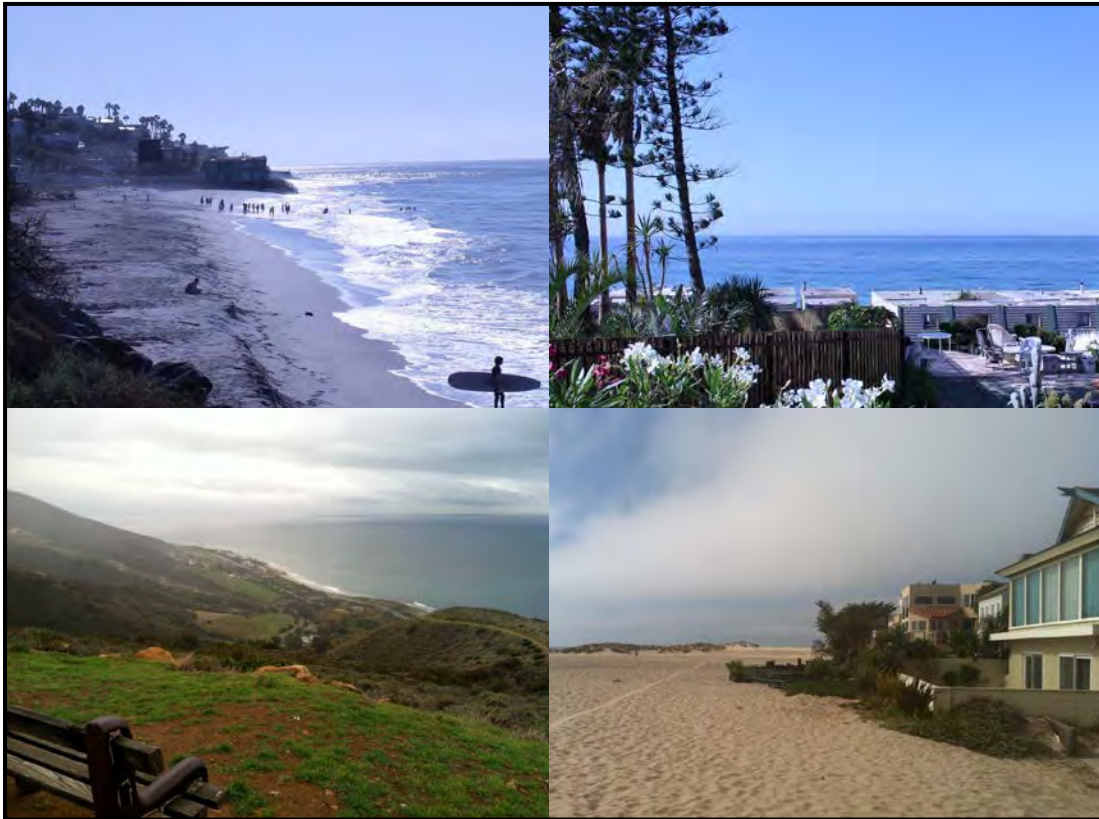
ATTEST:

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



By Leon Garrison
Deputy Clerk of the Board

VENTURA COUNTY GENERAL PLAN COASTAL AREA PLAN



Last Amended ____ - ____ -2016

Ventura County Planning Division

Exhibit 3
LCP-4-VNT-16-0069-2
Legislative Format of Proposed LUP

(This page intentionally left blank.)

ACKNOWLEDGEMENTS

The following persons are acknowledged for their contribution to the preparation of the Ventura County Coastal Area Plan. Without their dedication and hard work, the preparation of this land use plan – and the implementation program – would not have been possible. Ventura County is grateful for their many hours of service and contribution to this planning effort.

2013-2017

Ventura County Board of Supervisors

Steve Bennett	First District
Linda Parks	Second District
Kathy Long	Third District
Peter C. Foy	Fourth District
John C. Zaragoza	Fifth District

Ventura County Planning Commission

Carin Kally	First District
Nora Aidukas	Second District
W. Stephen Onstot	Third District
Maggie Kestly	Fourth District
Richard Rodriguez	Fifth District

Resource Management Agency

Christopher Stephens, Director

Planning Division

Kim Prillhart, Planning Director
Rosemary Rowan, Planning Manager
Jennifer Welch, Senior Planner
Aaron Engstrom, Associate Planner

This Plan was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under provisions of the Federal Coastal Zone Management Act of 1972. Amendments dated 2013 through 2017 were prepared with financial assistance from the U.S. Department of the Interior Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Coastal Impact Assistance Program (CIAP).

For Copies/More Information:

To purchase the Ventura County Coastal Area Plan:

Call 805/654-2805

or go to the Resource Management Agency receptionist
3rd floor of the Government Center Hall of Administration
800 S. Victoria Avenue, Ventura, CA

This Coastal Area Plan is also available on the Planning Division website:

<http://www.ventura.org/rma/planning/programs/local-coastal/index.html>

Table of Contents

[NOTE: The Table of Contents is not shown in legislative format. See individual chapters, which indicate all new or revised text – including titles and chapter headings or numbers.]

Abstract	xi
Preamble.....	xii
History of Ventura County's Local Coastal Program	xiii
Chapter 1	1-1
INTRODUCTION.....	1-1
1.1 Legislative History	1-1
1.2 Federal Lands and Activities	1-2
1.3 Relationship to Other County General Plan Documents.....	1-3
Chapter 2	1-12-1
SUMMARY OF COASTAL ACT POLICIES	2-1
2.1 Locating and Planning New Development	2-1
2.2 Environmentally Sensitive Habitats.....	2-2
2.3 Archaeological and Paleontological Resources	2-4
2.4 Shoreline Access	2-4
2.5 Recreation.....	2-7
2.6 Agriculture	2-7
2.7 Hazards	2-9
2.8 Energy.....	2-10
2.9 Oil and Gas Development	2-10
2.9 Tanker Facilities.....	2-13
2.10 Refineries and Petrochemical Facilities	2-14
2.11 Beach Erosion and Shoreline Structures	2-14
2.12 Public Works.....	2-14
Chapter 3	3-1
LAND USE PLAN.....	2-1
3.1 Land Use Designations	3-1
3.2 Zoning Compatibility.....	3-3
3.3 Land Use Maps.....	3-5
3.3.1 North Coast.....	3-5
3.3.2 Central Coast	3-9
3.3.3 South Coast	3-13
Chapter 4	4-1
Objectives GOALS, POLICIES AND PROGRAMS	4-1
4.1 The Coastal Zone	4-1
4.1.1 Archaeological Resources	4-1
4.1.2 Paleontology	4-3
4.1.3 ESHA (placeholder only)	4-4
4.1.4 Coastal Trail.....	4-4
4.1.5 Tree Protection	4-35
4.1.6 Sea Level Rise (placeholder only).....	4-38
4.1.7 Visual Resources.....	4-38
4.1.8 Water Efficient Landscaping.....	4-39

4.2 The North Coast	4-42
4.2.1 North Coast Subarea Policies	4-43
4.2.2 Recreation and Access	4-45
4.2.3 Agriculture	4-53
4.2.4 Hazards	4-54
4.2.5 Energy and Industrial Facilities	4-57
4.2.6 Public Works	4-63
4.2.7 Locating and Planning New Development	4-63
4.2.8 Potential Conflicts	4-65
4.2.9 Environmentally Sensitive Habitats	4-66
4.3 The Central Coast	4-86
4.3.1 Central Coast Subarea Policies.....	4-86
4.3.2 Recreation and Access	4-90
4.2.3 Agriculture	4-97
4.3.4 Hazards	4-99
4.3.5 Beach Erosion.....	4-101
4.3.6 Energy and Industrial Facilities	4-102
4.3.7 Public Works	4-108
4.3.8 Locating and Planning New Development	4-109
4.3.8 Potential Conflicts	4-109
4.3.9 Environmentally Sensitive Habitats Areas (ESHA)	4-111
4.4 The South Coast	4-127
4.4.1 South Coast Area Policies.....	4-128
4.4.2 Recreation and Access	4-135
4.4.3 Agriculture	4-144
4.4.4 Hazards	4-145
4.4.5 Beach Erosion.....	4-147
4.4.6 Energy and Industrial Facilities	4-148
4.4.7 Public Works	4-152
4.3.8 Locating and Planning New Development	4-153
4.3.9 Potential Conflicts	4-154
4.3.10 Environmentally Sensitive Habitats Areas (ESHA).....	4-154

List of Figures

Figure 33 3-1 Zoning Compatibility Matrix	3-4
Figure 46.2 3-2 Local Coastal Area Plan – Land Use Map: North Coast	3-7
Figure 46.4 3-3 Building Intensity/Population Density Standards (North Coast Area)	3-7
Figure 26.2 3-4 Local Coastal Area Plan – Land Use Map: Central Coast	3-11
Figure 26.4 3-5 Building Intensity/Population Density Standards (Central Coast Area)	3-12
Figure 32.4 3-6 Local Coastal Area Plan – Land Use Map: South Coast	3-15
Figure 32 3-7 Building Intensity/Population Density Standards (South Coastal Area)	3-16
Figure 4.1-1 <u>California Coastal Trail, Overview Map</u>	4-15
Figure 4.1-2 <u>California Coastal Trail, North Coast, Segments N1 and N2 (partial)</u>	4-16
Figure 4.1-3 <u>California Coastal Trail, North Coast, Segments N2 (continued) and N3</u>	4-18
Figure 4.1-4 <u>California Coastal Trail, Central Coast, Segment C1 (partial)</u>	4-20
Figure 4.1-5 <u>California Coastal Trail, Central Coast, Segment C1 (continued)</u>	4-22
Figure 4.1-6 <u>California Coastal Trail, Central Coast, Segment C2, C3, C4, and S1 (partial)</u>	4-24
Figure 4.1-7 <u>California Coastal Trail, South Coast, Segment S1 (continued)</u>	4-26
Figure 4 4.2-1 Environmentally Sensitive Habitats on the North Coast	4-68
Figure 2 4.2-2 Rincon Creek	4-69
Figure 3 4.2-3 North Coast Recreation and Parking Facilities	4-70
Figure 4 4.2-4 Recreational Areas on the North Coast	4-71
Figure 5 4.2-5 North Coast Access Inventory	4-72
Figure 6 4.2-6 Agricultural Preserves and Prime Soils on the North Coast	4-73
Figure 7 4.2-7 Hazards on the North Coast	4-74
Figure 8 4.2-8 Pitas Point Quadrangle (Portion) Special Studies Zones	4-75
Figure 9 4.2-9 Existing OCS and Tideland Leases and Oil Facilities on the North Coast	4-76
Figure 40 4.2-10 Energy Facilities on the North Coast	4-77
Figure 44 4.2-11 Rincon Point Residential Community	4-78
Figure 42 4.2-12 La Conchita Residential Community	4-79
Figure 43 4.2-13 Mussel Shoals Residential Community	4-80
Figure 44 4.2-14 Sea Cliff Residential Community	4-81
Figure 45 4.2-15 Faria Residential Community	4-82
Figure 46 4.2-16 Solimar Residential Community	4-83
Figure 16.1 <u>Summary Table Building Intensity/Population Density Standards (North Coast Area)</u> ..	4-84
Figure 16.2 <u>Local Coastal Area Plan – Land Use Map: North Coast</u>	4-85
Figure 47 4.3-1 Environmentally Sensitive Habitats on the Central Coast	4-115
Figure 48 4.3-2 Santa Clara River Mouth	4-116
Figure 49 4.3-3 McGrath Lake	4-117
Figure 20 (Reserved for future use)	4-118
Figure 24 4.3-4 Recreational Areas on the Central Coast	4-119
Figure 22 4.3-5 Central Coast Access Inventory	4-120
Figure 23 4.3-6 Agricultural Preserves and Prime Soils on the Central Coast	4-121
Figure 24 4.3-7 Central Coast Restricted Development Area (Map of Pt. Mugu NAS)	4-122
Figure 25 4.3-8 Existing OCS and Tideland Leases and Oil Facilities on the Central Coast	4-123
Figure 26 4.3-9 Energy Facilities on the Central Coast	4-124

Figure 26.1 Summary Table Building Intensity/Population Density Standards (Central Coast Area)	4-125
Figure 26.2 Local Coastal Area Plan – Land Use Map: Central Coast	4-126
Figure 27 4.4-1 Environmentally Sensitive Habitat on the South Coast	4-161
Figure 28 4.4-2 Recreational Areas on the South Coast	4-162
Figure 29 4.4-3 South Coast Access Inventory	4-163
Figure 30 4.4-4 Agricultural Preserves and Prime Soils on the South Coast	4-164
Figure 34 4.4-5 Hazards on the South Coast	4-165
Figure 32 Summary Table Building Intensity/Population Density Standards (South Coastal Area)	4-166
Figure 32.1 Local Coastal Area Plan – Land Use Map: South Coast	4-167
Figure 33 Zoning Compatibility Matrix	4-168

Coastal Area Plan Appendices

The following CAP Appendices are contained in a separate document available at:

http://vcrma.org/planning/pdf/plans/CAP_Appendices.pdf

- Appendix 1 Statewide Interpretive Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats (1981)
- Appendix 2 Archaeological Guidelines (1980)
- Appendix 3 Paleontological Guidelines (1980)
- Appendix 4 Guidelines for Implementation of the California Land Conservation Act of 1965 (The Williamson Act) (2000)
- Appendix 5 California Department of Navigation and Ocean Development, Survey of Ventura County Beaches (1977)
- Appendix 6 Policy for the Location of Onshore Oil Facilities (1968)
- Appendix 7 (T-1) Tree Removal, Alteration, and Planting Standards (2017)
- Appendix 8 (L-1) Landscape and Irrigation Plan Requirements (2017)

Ventura County Coastal Area Plan Digital Maps

Some of the maps in the Ventura County Coastal Area Plan (listed below) have been updated in digital format. Because these maps reflect more current data, they may not exactly reflect the corresponding map in the Coastal Area Plan. **These maps are not the official maps.** These maps are available for viewing at <http://vcrma.org/planning/programs/local-coastal/coastal-plan-map-gallery.html>

Land Use Maps

Figure 3-2: North Coast Land Use Map

Figure 3-4: Central Coast Land Use Map

Figure 3-6: South Coast Land Use Map

North Coast

Figure 24.2-2: Rincon Creek

Figure 64.2-6: Agricultural Preserves and Prime Soils

Figures ~~11-16~~4.2-11- 4.2-16: Existing Communities (Rincon Point, La Conchita, Mussel Shoals, Sea Cliff, Faria, Solimar)

Figure ~~16.2~~: Land Use Map

Central Coast

Figure ~~18.3-2~~4.3-2: Santa Clara River Mouth

Figure ~~19.3-3~~4.3-3: McGrath Lake

Figure ~~23.3-6~~4.3-6: Agricultural Preserves and Prime Soils

Figure ~~26.2~~: Land Use Map

Figure 4.3-10 Land Use Map: Harbor

South Coast

Figure ~~30.4-4~~4.4-4: Agricultural Preserves and Prime Soils on the South Coast

Figure ~~32.1~~: Land Use Map

The following maps themes were not assigned figure numbers but are available for viewing at <http://vcrma.org/planning/programs/local-coastal/coastal-plan-map-gallery.html>

- Hazards – Tsunami Inundation
- Hazards – Faults
- Hazards – Non-Earthquake Induced Landslides
- Hazards – Earthquake Induced Landslides
- Hazards – Liquefaction Areas
- Hazards – Groundshaking Acceleration

(This page intentionally left blank.)

Abstract

The essence of Ventura County's Local Coastal Program, mandated by the California Coastal Act of 1976, is the Land Use Plan for the unincorporated portions of the coastal areas of Ventura County, which is known as the Coastal Area Plan (CAP). It addresses the County's significant coastal issues with a combination of land use designations, resource protection, and development policies.

Ventura County's coastal zone is approximately 43 miles long and is bounded on the north by Santa Barbara county line and to the south by Los Angeles county line and is further defined by the following geographical areas:

- North Coast Subarea (Figure ~~16-23-2~~, North Coast Planning Area): The steep slopes of the Ventura foothills abut the northern portion of the coastal zone between Rincon Point and the Ventura River. Within this subarea, there are approximately 2,265 acres designated agriculture, 1,257 acres designated Open Space, 350 acres designated industrial, and 0.54 acres designated commercial. Emma Wood State Beach, Faria and Hobson County Parks, six residential communities, Rincon Parkway, U.S. Highway 101 and the Southern Pacific Railroad occupy the narrow strip of land at the base of the mountains that forms this section of the coastal zone.
- Central Coast Subarea (Figure ~~26-23-4~~, Central Coast Planning Area): The central part of the coastal zone is situated between the cities of Ventura, Oxnard and Port Hueneme. Within this subarea, there is approximately 1,425 acres designated agriculture, 248 acres designated Open Space, and 3.0 acres designated commercial. McGrath State Beach, the wetlands of Ormond Beach, and the residential beach communities of Hollywood and Silverstrand are located along the coastline.
- South Coast Subarea (Figure ~~32-13-6~~, South Coast Planning Area): The southern portion of the coastal zone begins at the south end of Navy Base Ventura County. Within this subarea, there is approximately 710 acres designated agriculture, 13,545 acres designated Open Space, and 4.0 acres designated commercial. Within the Santa Monica Mountains is Point Magu and Leo Carrillo State Parks. The residential communities of Solmar and Crowne Pointe Estates are located on the west and east side of Highway 1, respectfully.

Overall, the coastal zone comprises approximately 24,745 acres (or 39 square miles), not including the cities of Ventura, Oxnard and Port Hueneme, Channel Islands Harbor, and Naval Base Ventura County.

Specific issues evaluated in each sub-area include environmentally sensitive habitats, recreation and access, agriculture, hazards, beach erosion, energy and industrial facilities, public works, and locating and planning of new development. Objectives are offered for each issue along with County Policies to achieve each objective.

During the 2016 Local Coastal Program (LCP) Update, a reorganization of the CAP was initiated by consolidating the abstracts, objectives, policies and programs for general coastal resource issues under the heading "Coastal Zone Objectives, Policies and Programs". Within this new section, subjects may also be addressed by geographic subarea. This new format replaces the segregation of general costal resource issues by geographic subarea and will be utilized for future amendments to the CAP.

Preamble

In Ventura County, the coastal zone is governed by the terms and conditions of the Coastal Area Plan (CAP), the Coastal Zoning Ordinance (CZO), and the County's two adopted Categorical Exclusion Orders (i.e. Categorical Exclusion Order E-83-1 and amendment E-83-1A), all of which are subject to the California Coastal Act (Pub. Res. Code § 30000 et seq.) and corresponding Coastal Regulations (14 Cal. Code of Regs. § 13000 et seq.). These planning tools are used to guide development in the coastal zone and are further described below:

1. Ventura County's Coastal Area Plan is intended to serve as the County's "land use plan" and "local coastal element" applicable to the unincorporated portions of the coastal zone as required by the California Coastal Act of 1976, Public Resources Code Section 30000 et seq.

The Coastal Area Plan is also an Area Plan for the unincorporated coastal portions of Ventura County and, as such, is part of the County's General Plan. The purpose of the County's General Plan is to meet the local government General Plan requirements of Division I of the Planning and Zoning Law, Government Code Section 65000 et seq.

2. The purpose of the County's CZO is to implement the policies of the County's Coastal Area Plan.
3. A Categorical Exclusion Order is an independent document adopted by the Coastal Commission in accordance with § 30610 of the Coastal Act. It exempts certain categories of development from Coastal Development Permit requirements because they have no possibility of causing environmental impacts. Categorical Exclusion Orders are adopted separately from the CZO, and the policies and specifics within those orders apply regardless of whether or not they are adopted by the local jurisdiction into its zoning ordinance. While the language of a Categorical Exclusion Order may be incorporated into a zoning ordinance, the order itself remains independent from the local zoning ordinance and cannot be amended or altered without approval of the Coastal Commission.

The Goals, Policies and Programs of the Ventura County General Plan are cumulative and, as such, individual goals, policies and programs should be used and interpreted in context of other applicable goals, policies and programs. In the case of overlapping goals, policies and programs, the more restrictive shall govern.

All components of the Ventura County General Plan (as they apply to the coastal zone), including the Coastal Area Plan, are intended to be consistent with the provisions of the California Coastal Act of 1976 as amended. Any ambiguities in the General Plan, as they apply to the coastal zone, including the Coastal Area Plan, shall be resolved in favor of the interpretation most likely to implement the mandated goals, policies and programs of the Coastal Act.

History of Ventura County's Local Coastal Program

Federal and State Legislation

Date	Source and Statute	Description
October 27, 1972	U. S. Congress: Title 16 U.S.C. 1451-1464	Established a federal coastal zone management policy and created a federal coastal zone. Congress declares that it is a national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone." Coastal states are provided a policy and source of funding for the implementation of federal goals.
November 7, 1972	Voter Initiative: California Coastal Zone Conservation Act (Proposition 20)	A temporary measure that set up six regional Coastal Commissions with permit authority and a directive to prepare the California Coastal Zone Conservation Plan to the California State Legislature for its adoption and implementation.
January 1, 1977,	California State Legislature: California Coastal Act (Public Resources Code Division 20)	Coastal Act establishes a permanent coastal management program for California. Permanent enacting law that establishes a set of policies that regulate land uses in the designated coastal zone. Further, it provides for the transfer of permitting authority, with certain limitations reserved for the State, to local governments through adoption and certification of Local Coastal Programs (LCP) by the Coastal Commission.

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
November 18, 1980 Resolution 222		Adoption of the Land Use Plan (Coastal Area Plan) of the Local Coastal Program.
December 19, 1980		Ventura County Resource Management Agency (RMA) submits the Local Coastal Program (LCP) Land Use Plan (CAP) to the South Central Regional Commission.
	February 20, 1981 Regional Commission Hearing #1	Regional Commission raises ten specific issues with respect to the adequacy of the County's Plan.
March 3, 1981		Board postpones second Regional Commission hearing in order to provide time for County and Commission staffs to

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
		meet and negotiate the ten issues.
April 14, 1981 Resolution 222 Amendment No. 1 to the LCP		Denial of that portion of the plan covering Channel Islands Harbor; Adopted amendments to the previously approved Land Use Plan (CAP) to address comments from Coastal Commission staff regarding housing and agricultural grading, adding energy facilities as a permitted use in Coastal Open Space (COS), deleting the Union Oil storage tank facility from the Central Coast subarea land use map and identification of all access points on the land use maps,
	May 16, 1981 Regional Commission Hearing #2	Disapproval of County's Local Coastal Program (LCP); All ten issues were not resolved, added a new issue, agricultural grading; Upheld County's recommendation to designate the Seacliff agricultural land (Hoffman Property) as Coastal Open Space (COS); the Cliff House as Coastal Commercial (CC) and the Coastal Lemon property Coastal Industrial (CM)
June 2, 1981		Board decides to appeal the Regional Commission's disapproved portions of the Plan to the State Coastal Commission.
	July 16, 1981 State Coastal Commission Hearing #1	Substantial Issues Raised: Planning for federal lands and questions regarding the need for new policies to address Santa Monica Mountains
	August 20, 1981 State Coastal Commission Hearing #2	Conditional Certification: Requested equivalent language for policies related to agriculture, environmentally sensitive habitats, grading ocean-front visitor-serving recreational facilities, access and recreation, housing and Santa Monica Mountains.
November 10, 1981 Resolution 222		Approval of Coastal Commission's Conditional Certification. Changes made to LCP Land Use Plan (LUP)/Coastal Area Plan (CAP). Two major issues still unresolved: Planning for federal lands and minimum lot size for non-prime agricultural land.
December 1, 1981 Resolution 222	January 19, 1982	Resolution approving Coastal Commission's conditional certification with modifications that required specific policy language and text changes to LCP Land Use Plan (LUP)/Coastal Area Plan (CAP).
March 30, 1982 Resolution 222 Amendment No. 2 to the LCP	Certified June 18, 1982 Certified April 28, 1983	Designate Mussel Shoals Cliff House Coastal Commercial (CC). Deletion of the "housing" sections in the north, central and south coast subareas. Authorize the Director of Resource Management Agency (RMA) to submit Local Coastal Program (LCP) Coastal Area Plan (CAP) to California Coastal Commission (CCC) for certification.
July 26, 1983 Ordinance 3654		Chapter 1 of Division 8 (Planning and Zoning) of the Ventura County Ordinance Code is hereby amended by adding 1.1

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
		(to be known as the Zoning Ordinance for the Coastal Zone)
September 6, 1983 Ordinance 3656	October 26, 1983	Adoption of Ventura County official zoning maps for the coastal zone and rezoning all property in conformance with LCP Land Use Plan and Coastal Zoning Ordinance (CZO). County assumes permit authority in the coastal zone.
October 15, 1985 Ordinance 3745 GPA 85-3 Z-2755/2756		CZO Amendment. Rezone from Residential Beach Harbor (RBH) zone to Coastal Commercial (CC) zone; 0.43 acres on the east side of Ocean Drive, 70 feet south of the intersection of Los Altos Street and Ocean Drive
October 29, 1985 Ordinance 3743	LCP No. 1-85 (Major) December 19, 1985 (Minor) February 7, 1986	CZO Amendment. Regulations for satellite dish antennas in the Residential Beach Harbor (RBH) zone in response to Emergency Ord. 3732 which placed a 45-day moratorium on the construction of new satellite antennas in the RBH zone.
May 13, 1986 Ordinance 3772		CZO Amendment. Re-codification of the Coastal Zoning Ordinance (format and structure to be consistent with NCZO, addition of specific uses to certain coastal zones, clarification of permit requirements).
August 26, 1986 Ordinance 3787	LCP No. 1-86 (Major and Minor) July 8, 1986 LCP No. 2-86 (Minor) December 10, 1986 LCP No. 3-86 (Minor) January 14, 1987	CZO Amendment. Add and modify definitions in Article 2, provide detailed regulations for kennels and building height measured in the Residential Beach Harbor (RBH) zone, disallow athletic fields in the Coastal Open Space (COS) zone, clarify discretionary permits are appealable to the Coastal Commission, clarify most repair and maintenance is exempt from coastal development permit requirements, update provisions for lot mergers and the use of non-conforming lots.
December 20, 1988 Ordinance 3883 Z-2822 GPA 88-4	LCP No. 2-88 (Minor) January 11, 1989 LCP No. 1-89 (Major) May 10, 1989	CZO Amendment. Camp Hess Kramer (APN 700-0-060-14 and APN 700-0-060-30) developed camp areas rezoned from Coastal Open Space (COS) Santa Monica Mountains Overlay (M) to Coastal Rural Exclusive CRE-10 acres and CRE 20 acres. Solrmar (APN 700-0-070-05) rezone from COS (M) to Coastal Rural Exclusive (CRE) 5-acres.
June 20, 1989 GPA 89-1	LCP No. 2-89-A (Minor) October 10, 1989 LCP No. 2-89-B (Minor) October 11, 1989 LCP No. 2-89-C (Major) October 10, 1989	CAP Amendment. Correct clerical errors, clarifications, add tables that show intensity of land use permitted in each land use designation with total area, building intensity, population and employment capacity, and population and employment density for each subarea of the Coastal Plan as required by State law, add a land use designation/zoning classification compatibility matrix, replace four outdated appendices (The Guidelines for Orderly Development, State of California Interpretive Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats, Guidelines for Implementation of the California Land Conservation Act of 1965 (aka Land Conservation Act Guidelines), and

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
		Conditional Use Permit Conditions for Oil Operations), and replace out-of-date material in the Local Coastal (Area) Plan. The amendments do not involve changes or redefinitions of coastal land use designations.
July 10, 1990 Ordinance 3946		CAP Amendment. Incorporating State mandated requirements for implementation of Ventura County's Hazardous Waste Management Plan.
Amended Ordinance 3964 December 11, 1990 Z-2843 GPA 90-4	LCP No. 1-90 (Minor) September 11, 1990 LCP No. 1-91 (Major and Minor) March 15, 1991	CZO Amendment. Silverstrand (APN 206-0-171-26) rezoned from Coastal Commercial (CC) to Residential Beach Harbor (RBH)
Adopted October 19, 1993 Ordinance 4042 Z-2857 GPA 93-3	LCP No. 1-93 (Major) February 16, 1994	CZO Amendment. Lazy-J Ranch Camp (APN 701-0-030-100) rezoned from Coastal Open Space (COS) Santa Monica Overlay (M) to Coastal Rural Exclusive (CRE) 40-acres.
Adopted February 1, 1994 Ordinance 4055		CZO Amendment. Clarify zone suffix designation, lot coverage per building, setbacks, off-street parking, recycling facilities, nonconformities and substandard lot, administrative penalties and procedures. minimum lot sizes per zoning designation, etc.
	LCP No. 1-95 (De-Minimis) December 13, 1995	Ventura County de Minimis LCP Amendment No. 1-95
Adopted December 10, 1996 Ordinance 4127 Z-2909 GPA 96-3	LCP No. 1-97 (Major) April 10, 1997 LCP No. 2-96 (Major) July 9, 1997	CZO Amendment. (Rural Intensity and La Conchita), La Conchita (APNs 060-0-050-090; -130; -155; -165; -180; -195; -205; -235; -255) rezoned from Coastal Rural (CR) 1-acre to Coastal Open Space (COS) 10-acres
	LCP No. 2-97 (Major) September 9, 1997	Approved Ventura County LCP Amendment No. 2-97 (Hollywood Beach) Designation of APN 206-0-233-165) from Residential Beach Harbor (RBH) to Coastal Residential, Planned Development (CRPD).
Adopted May 25, 1999 Ordinance 4186	LCP No. 1-99 (Minor) August 13, 1999	CZO Amendment. Addition of Section 8178-3.6 Standards for Off-Site Parking Spaces
Adopted December 5, 2000 Ordinance		CZO Amendment. Add definitions and establish procedures for emergencies and divided jurisdictional authority, modernize standards relating to oil and energy facilities, change symbols in the use matrix

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
4219		
	Time Extension March 13, 2001	Extend time for action on Ventura County LCP Amendment No. VNT-MAJ-1-00 Time Extension: Text and appendices to County's LCP to achieve consistency with General Plan and NCZO
		Approval of Ventura County LCP Amendment No. VNT-MAJ-1-00 (Part A): Amendments to energy development
Adopted November 20, 2001 Ordinance 4249 GPA 00-3	LCP No. 1-00-A (Major) LCP No. 1-00-B (Major) January 11, 2002	County: CZO Amendment. Add definitions and establish procedures for emergencies and divided jurisdictional authority, modernize standards relating to oil and energy facilities, change symbols in the use matrix. CCC: Approval of Ventura County LCP Amendment No. VNT-MAJ-1-00 A & B Certification review
Adopted May 14, 2002 Ordinance 4263 Z-2943	LCP No. 1-02 (Minor) LCP No. 2-02 (Minor) July 11, 2002	CZO Amendment. Hollywood Beach (APN 206-0-254-210) rezone from Coastal Residential Planned Development (CRPD) to Residential Beach Harbor (RBH).
Adopted May 14, 2002 Ordinance 4264 Z-2943	LCP No. 1-02 (Minor) LCP No. 2-02 (Minor) July 11, 2002	CZO Amendment. Hollywood Beach (APN 206-0-254-200) rezone from Coastal Residential Planned Development (CRPD) to Residential Beach Harbor (RBH)
Adopted June 3, 2003 Ordinance 4283		CZO Amendment. Amend standards related to second dwelling units
	LCP No. 1-03 (De Minimis) January 14, 2004	Approved Ventura County LCP Amendment No. 1-03: Permitting secondary housing units
Adopted October 10, 2006 Ordinance 4351 ZN04-0002 GPA-06-1		CZO Amendment. Crown Pointe Estates Tract 5457: Subdivide Lot 10 of Tract 4483 to create five lots: four lots zoned Coastal Rural (CR) 1-acre and one commercial lot (Neptune's Net) zoned Coastal Commercial (CC).
	Time Extension August 8, 2007	Time Extension: County of Ventura LCP Amendment No. 1-2007 (Crown Pointe Estates) Time Extension: Rezone Residential and Neptune's Net
Adopted January 29, 2008 Ordinance 4378		LCP Amendment. Convert existing official zoning maps from hard copy to official zoning data, GIS format and to omit hyphens in existing zoning classification abbreviations.
	LCP No. 1-07 (Major) April 9, 2008	Approved with Modifications Ventura County LCP Amendment No. 1-07 (Crown Pointe Estates)

Ventura County's Local Coastal Program

Board of Supervisors' Action or Adoption	California Coastal Commission Certification	Amendment Description
Amended September 16, 2008 LCP 1-2007		CZO Amendment. Crown Pointe Estates Tract 5457 Rezone from Coastal Commercial (CC) to Coastal Rural (CR) 1-acre and a required mitigation fee of \$557,084 to offset the loss of the 2.9 acres of commercial zoned property to residential.
Adopted September 23, 2008 Ordinance 4391	LCP No. 1-07 (Major) October 16, 2008	Approved Ventura County LCP Amendment No. VNT-MAJ-01-07 (Crown Pointe Estates) Certification Review
Adopted June 28, 2011 Ordinance 4435		CZO Amendment. Amend sections related to special needs housing and reasonable accommodation
Adopted January 24, 2012 Ordinance 4443		CZO Amendment. Crown Pointe Estates Rezone APN 700-0-260-140 from Coastal Rural Exclusive (CRE); Santa Monica Mountains Overlay (M) to Coastal Rural Exclusive (CRE) 2-acres (M) Overlay.
	LCP No. 1-12 (Major) June 14, 2012	Approved Ventura County LCP Amendment No. MAJ-1-12: Crown Pointe Estates
	LCP No. 2-12 (Major) November 15, 2012	Approved with Modifications Ventura County LCPP Amendment No. MAJ-2-12 (Phase I Update): Amend CZO with code updates, land use clarifications, permit processing procedures, spelling and grammar corrections
Adopted December 11, 2012 Ordinance 4451		CZO Amendment. Adoption of a resolution to accept California Coastal Commission Modifications to County Coastal Zoning Ordinance ZN12-0002, Text Amendments
	LCP No. 2-12 (Major) February 7, 2013	Approved Ventura County LCP Amendment No. VNT-MAJ-2-12 (Phase I Update) Certification Review.

Chapter 1

INTRODUCTION

1.1 Legislative History

On October 27, 1972, the United States Congress passed the Coastal Zone Management Act (CZMA). The CZMA directed coastal states to develop and implement coastal management programs with the goal of preserving, protecting, developing and, where possible, restoring and enhancing valuable natural coastal resources. Passage of the CZMA was a recognition of the importance of balancing competing uses of and impacts to the environment. The U.S. Congress found that it was a national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as to the need for compatible economic development (16 U.S.C. 1452b)."

On November 7, 1972 the state of California enacted The Conservation Act (also referred to as Proposition 20). The Conservation Act of 1972 established the California Coastal Zone Conservation Commission and six regional commissions. Their purpose was to prepare a comprehensive coastal plan that was to be adopted into law by the State Legislature. The commissions were also granted permit authority over coastal development. Four years later, the commissioners presented a plan that was passed into law called the California Coastal Act.

The California Coastal Act of 1976 (Public Resources Code (PRC), Division 20) established a set of policies, a coastal boundary line, and a permit procedure. It also directed the transfer of permitting authority to local governments through adoption and certification of local coastal programs (LCPs). For areas with certified LCP's, the Coastal Commission retains permit authority over developments occurring on tidelands, submerged lands, and public trust lands. The Coastal Commission also retains appeal jurisdiction over local government coastal development permits approved by the County, and is responsible for reviewing amendments to a local agency's LCP. Under the CZMA, the Commission is also responsible for federal consistency reviews of federal agency, federally permitted, and federally funded activities.

Pursuant to Coastal Act Section 30001.5, the State's fundamental goals for coastal management are as follows:

- (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

To accomplish its goals the Coastal Act details a comprehensive set of policies in Chapter 3 - Coastal Resources Planning and Management Policies. Other chapters provide definitions, address the composition and authority of the Coastal Commission and regional commissions, detail development controls, enforcement and penalty procedures, and, in general, set forth specific criteria to be met by all LCPs. Together, the goals and policies of the Coastal Act provide a framework for protection of coastal lands and the orderly management of development. As stated in Coastal Act Section 30222, some types of development have priority over others, with primary consideration given to agriculture and coastal-dependent industry.

1.2 Federal Lands and Activities

The Federal Coastal Zone Management Act (CZMA) authorizes states with federally approved coastal management programs (CCMPs) to review for consistency federal license and permit activities that affect land or water uses in the coastal zone. The CZMA regulations governing the federal consistency review process define "Federal license and permit activity" as "any authorization, certification, approval, or other form of permission which any Federal agency is empowered to issue to an applicant". Under the regulations, in order to review federal licenses and permits, a state must either include a list of such licenses/permits in its approved program or, for other federal licenses and permits, must request and obtain permission from the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resources Management (OCRM) to review the activity.

The California Coastal Commission's CCMP (approved by NOAA, 1978) includes a list of Federal Licenses and Permits. In Ventura County, federal agency licenses and permits subject to the certification process for consistency with the State CCCMP (approved by NOAA in 1978) includes the Department of Defense (i.e. Navy Base Ventura County) and the Environmental Protection Agency (i.e. Santa Monica Mountains National Recreation Area). For activities on this list, the Federal agency may not issue the license/permit until the applicant for the license/permit submits a consistency certification to the California Coastal Commission and receives Commission concurrence with that certification. If the California Coastal Commission objects, the Federal agency may not issue the license/permit unless the applicant appeals the objection to the Secretary of Commerce, and the Secretary overrides the Commission's objection.

The County is responsible for reviewing and commenting, in an advisory capacity, on federal activities which affect the coastal zone. Policies are provided in this CAP to assist the County in this advisory role and to advise the Coastal Commission and federal agencies of the County's policy positions. Examples of such activities for which the County may review and comment upon any consistency determinations include the following:

- Purchases or disposition of land
- New development which could significantly increase the amount of water usage or the disposal of waste water
- Changes in use of the Mugu Lagoon
- Major flood control measures

- Institution of dual civilian/military use of the Point Mugu airport
- Recreational development in the Santa Monica Mountains (e.g., development of a General Management Plan for the Santa Monica Mountains National Recreation Area)
- Major changes in Natural Resources Conservation Service programs.

1.3 Relationship to Other County General Plan Documents

The Ventura County General Plan is the general land use plan by which the unincorporated portions of Ventura County may develop in the future.

The Ventura County General Plan consists of:

- (a) Countywide Goals, Policies and Programs
- (b) Technical appendices which contain background information and data in support of the Countywide Goals, Policies and Programs, and
- (c) Area Plans, including the CAP, which contain Goals, Policies and Programs for specific geographic areas of the County.

The Coastal Area Management Act requires that the 61 cities and 15 counties in coastal California have a certified local land use plan in accordance with Chapter 3 of the Coastal Act and guidelines established by the California Coastal Commission. The County's CAP is a collection of Goals, Policies, and Programs that focus on the coastal zone within unincorporated Ventura County. The CAP also includes land use maps that define the type and intensity of allowable development within the coastal zone. It is therefore amended, by resolution of the Board of Supervisors, as an amendment to the Ventura County General Plan. All Objectives, Policies and Programs set forth in the Coastal Area Plan must be consistent with the Ventura County General Plan.

General Statements

[Staff Explanation. Most items within the following section are proposed for deletion for one or more of the following reasons:

- 1. The text provides background information on the development of the CAP during the 1980s, but that information is outdated or is no longer relevant;*
- 2. The statement is unnecessary because the issue is adequately addressed by other provisions of the LCP; and*
- 3. Because the statement is located in the Introduction, it has no regulatory function. If a statement was deemed important, it was retained but placed in a section of the LCP that does have a regulatory function.*

The only statements retained within this section are those not covered elsewhere in the Coastal Area Plan. In particular, some statements related to environmentally sensitive areas will be retained until Phase 2C amendments to the LCP are processed in 2017.]

~~The following general statements provide, in part, the framework for the CAP, and for the more specific objectives and policies found at the end of each section. These statements or requirements apply to all areas of the County's coastal zone:~~

- ~~1. The Coastal Area Plan has been developed with brevity and clarity so that everyone can understand what the Plan entails.~~

[Staff Explanation. This statement provides background information on the development of the CAP during the 1980s.]

- ~~2. The maximum amount of prime agricultural land is preserved for agricultural use.~~

[Staff Explanation. This statement provides background information on the development of the land use map during the 1980's.]

- ~~13. Development within environmentally sensitive areas, archaeologically sensitive, and hazardous areas is discouraged. Existing County procedures and ordinances are not adequate to protect environmentally sensitive habitats to the extent required by the Coastal Act. Consequently, an overlay designation will be developed as part of the Open Space zone with additional requirements for the protection of such habitats. This overlay will cover areas designated in the Plan as "Environmentally Sensitive Habitats" and buffer areas where necessary. Permitted uses within such habitats will be limited to those consistent with the Coastal Act. Examples of such uses include nature study, habitat enhancement and restoration, and other uses dependent on habitat values. Also In particular, uses allowed in buffer areas will be more limited than those allowed in the "C-O-S" (Coastal Open Space) zone, and feasible mitigation measures will be required consistent with Sections 30230 and 30231 of the Act.~~

[Staff Explanation. Most of the statements above are addressed elsewhere within the LCP. For example, recently adopted LCP amendments address archaeological resources, and require that new development be sited and designed to avoid adverse impacts to such resources. Existing Hazards Policy 2 (see Chapter 4) also requires that new development be sited and designed to minimize risks to life and property in areas of high geologic, flood and fire hazards. Existing policies for environmentally sensitive areas discourage development in areas with sensitive coastal resources, and specialized policies were previously developed for the Santa Monica Mountains (M) Overlay zone. In addition, the LCP restricts development within environmentally sensitive areas to coastal dependent uses (see CZO §8174-4). However, the current LCP does not address buffer areas for ESHA, and the buffer statement was therefore retained until new ESHA policies are brought forward in 2017.]

- ~~4. While recreational opportunities in the Ventura County coastal zone are sufficient, the County encourages the California Department of Parks and Recreation to acquire those coastal areas currently proposed for acquisition. The County also encourages the State to consider additional coastal areas for acquisition, or less than fee acquisition.~~

[Staff Explanation. This statement contains out-of-date information. State Parks is not proposing to acquire new land. The current focus of State Parks is to maintain existing services, address deferred maintenance and repairs, and develop new revenue generating programs.]

- ~~5. No significant visual or scenic problems were identified in most of the unincorporated parts of the County during the issue identification phase of the LCP, thus no specific scenic or visual policies are included, except in the Santa Monica Mountains.~~

[Staff Explanation. This statement should be deleted because it contains incorrect and out-of-date information. Also, it is not consistent with Public Resources Code Section 3025, which requires that the scenic and visual qualities of coastal areas be protected as a resource of public interest. Examples of scenic resources include rocky shorelines,

sandy beaches, coastal lagoons, and ridgelines. The lack of visual resource policies in the County's LCP is a gap the Planning Division is gradually filling with new policies or standards in the Phase 2 update of the LCP, which includes visual resource policies for specific subject areas, such as signage.]

- ~~6. Additional studies, initiation of new programs, or the acquisition of land or easements required by Coastal Area Plan policies will only be developed as staff and funding are available.~~

[Staff Explanation. This statement is unnecessary, as programs are not mandatory and their timing is subject to regular review by the Board of Supervisors through the Annual Report process.]

Energy Facilities

- ~~7. For all new oil and gas development activities within areas covered by existing Conditional Use Permits which do not contain specified time limits for expiration, a permit is required. However, if the applicant has been granted a claim of vested rights on the subject property by the California Coastal Commission, no such permit is required.~~

[Staff Explanation. This statement is proposed for deletion because it does not reflect current legal opinion regarding the many oilfield Conditional Use Permits (CUPs) that were issued in the 1950s or 1960s. The County has limited ability to impose new conditions on antiquated oilfield permits due to the vested rights doctrine and associated procedural and substantive due process protections. Specifically, the County can impose new, narrowly tailored conditions on these permits only when a compelling public necessity, such as public safety, public nuisance, or significant violations exist, and not through an ordinary exercise of the police power for the general welfare.]

- ~~8. All oil operators with existing Conditional Use Permits are expected to follow best available oil field safety practices for all existing well operations and new wells drilled under the existing permits.~~

[Staff Explanation. This statement does not reflect the fact that oil field safety practices are regulated by the State of California (Department of Conservation's Division of Oil, Gas, and Geothermal Resources, or DOGGR). DOGGR establishes uniform limitations, safeguards and controls for oil and gas exploration and production facilities and other industrial operations within the coastal portions of the County. This statement also covers issues addressed by existing provisions of the LCP. For example, existing CAP policies for Energy and Industrial Facilities state that the DOGGR permit be issued simultaneously with the County's Conditional Use Permit (CUP). Further, CAP policy 4 requires that a Development Plan accompany the CUP application, and it must include oil spill prevention and control measures, fire prevention procedures, and compliance with the State General Industrial Activities Storm Water Permit and Storm Water Prevention Plan requirements.]

- ~~9. All drilling/production facilities, oil and gas transportation facilities, access roads, as well as all accessory facilities, will be consolidated to the maximum extent feasible.~~

[Staff Explanation. Issues addressed by this statement are covered by existing provisions of the CAP, specifically Energy and Industrial Facilities policy 4 (see North, Central, and South Coast sections). Policy 4, for example, specifies that drilling and other production facilities be consolidated to the maximum extent feasible. In addition, Policy 10 specifies that construction and ground surface disturbance in sensitive resource areas

must be confined to a narrow work corridor and the minimum area necessary for storage areas.]

- ~~10. Major oil and gas processing facilities and electrical generating facilities, which require a "Coastal Industrial" (C-M) zone, are restricted to locations within areas designated as "Industrial" by this Plan.~~

[Staff Explanation. Issues addressed by this statement are covered by existing provisions of the CAP. Energy and Industrial Facilities policy 2 states: "No new major facilities, which require a "Coastal Industrial" (CM) zone, or expansion of existing facilities will be permitted, unless located in an area designated Industrial." In addition, CAP Figure 3-1 (Zoning Compatibility Matrix) specifies that the Coastal Industrial (CM) zone can only be applied when the CAP classifies that land as 'Industrial'. This combination of existing regulations guarantees that no new major facilities would be located outside areas designated 'Industrial' by the CAP.]

Industrial Facilities

- ~~11. All industrial facilities which require a "Coastal Industrial" (C-M) zone are restricted to locations within areas designated "Industrial" by this Plan.~~

[Staff Explanation. Issues addressed by this statement are covered by existing provisions of the CAP. As stated above, CAP Figure 3-1 (Zoning Compatibility Matrix) specifies that the Coastal Industrial (CM) zone is only applied when the CAP land use designation is 'Industrial'.]

Commercial Facilities

- ~~12. All commercial facilities which require a "Coastal Commercial" (C-C) zone are restricted to locations within areas designated "Commercial" by this Plan.~~

[Staff Explanation. Issues addressed by this statement are covered by existing provisions of the CAP. CAP Figure 3-1 (Zoning Compatibility Matrix) specifies that the Coastal Commercial (CC) zone is only applied when the CAP land use designation is Commercial. Furthermore, that policy is implemented by regulations within the CZO, which stipulate that commercial facilities can only be developed in the CC zone.]

Access Management

- ~~13. The County will accept offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.~~

[Staff Explanation. Issues addressed by this statement are covered by existing provisions of the CAP. Existing CAP access policies 1 and 2 require that applicants proposing new development adjacent to the Pacific Ocean grant a vertical and lateral access easement unless findings are made that the proposed access is inconsistent with public safety or military security needs, fragile coastal resources will be impacted, adequate access is nearby, or agriculture would be affected. However, only a few vacant oceanfront parcels remain undeveloped, which means that few opportunities remain to obtain access easements.]

- ~~14. The County will actively encourage other private or public agencies to accept offers of dedication, to assume liability and maintenance responsibilities, and initiate legal action to pursue beach access.~~

[Staff Explanation: Issues addressed by this statement are covered by the Coastal Trail and the Recreation and Access sections of the CAP (see Section 4.1.4, Program 3.4, and Access policies 1 and 2 in Sections 4.2.2, 4.3.2, and 4.4.2). However, please note that it can be difficult to convince a public or nonprofit entity to take on the operation, maintenance, and liability for a public easement area (often, in addition to the construction costs). The complexity of Offers to Dedicate (OTDs) is articulated in the Coastal Commission's Public Access Plan (December 2100), which notes that in Ventura County, a total of 6 vertical accessways have been recorded pursuant to Coastal Commission actions since 1973. Of those 6 accessways, only 3 (or 50%) were constructed and opened for public use. The remaining 3 (50%) are yet to be opened.

In order to effectuate an Offer to Dedicate (OTD) and open the accessway or stairway for public use, it must be accepted for management by a responsible agency and then improved and opened. Several steps must then be taken to turn the easement into a useable public accessway. If these steps are not taken within a proscribed period (generally 21 years), the opportunity to use the easement goes away, forever. The most important action that needs to happen is that the OTD must be accepted by a government agency (city, county, state) or a nonprofit organization. Potential state agencies include the State Lands Commission, the California Department of Parks and Recreation, the Coastal Conservancy, and the Santa Monica Mountains Conservancy.]

~~15. The County will continue to seek funding sources to improve existing access points.~~

~~16. The County will coordinate and supervise programs with other private and public organization to improve existing access, provide additional access, provide signing, parking, pedestrian and bicycle facilities, and the like.~~

[Staff Explanation. The two statements above are addressed by existing or proposed policies in the Recreation and Access section of the CAP. The Phase 2B LCP Update includes amendments to the CAP (please see Recreation and Access, Access policies 1 and 2 in Sections 4.2.2, 4.3.2, and 4.4.2) that address the issue of shoreline access, and a new section for the Coastal Trail in 4.1.4. A coordinated set of actions will be developed to encourage improving additional public access to the shoreline from the Coastal Trail, as well as provisions for restrooms and trash and recycling receptacles. In addition, recently adopted amendments to the CAP (Phase 2A) included CAP policies that will help maintain public views of and access to the beach and shoreline. For example, Phase 2A includes updated parking regulations that encourage the use of alternative modes of transportation, such as bicycles, to access the shoreline.]

~~17. Consistent with the availability of staff and funds, the County will initiate action to acquire easements to and along beaches and along access corridors for which potential prescriptive rights exist.~~

[Staff Explanation. Existing provisions of the LCP already address this issue. The County initiates action to acquire a vertical or lateral easement through CAP Access policies 1 and 2 (see North, Central and South Coast sections of the CAP). With respect to prescriptive rights, the Coastal Public Access Program includes a prescriptive rights element whereby the Coastal Commission researches and inventories the historic public use of areas with the potential for significant public access benefits. Where research indicates that the public use is substantial enough to create potential prescriptive rights, the Attorney General's Office may proceed with legal actions necessary to protect those areas. However, in other instances, legal standards require that a clear connection exists between acquiring a trail easement and the potential impacts of the applicant's project (Dolan v. City of Tiggard).]

Grading Operations

~~18. Grading plans shall minimize cut and fill operations. If it is determined a project is feasible with less alteration of the natural terrain than is proposed, that project shall be denied.~~

~~*[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.1).]*~~

~~19. All development shall be designed to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.~~

~~*[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.2).]*~~

~~20. For permitted grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land shall be precluded during the winter rainy season (November 15 – April 15) and all measures for removing sediments and stabilizing slopes shall be in place prior to or concurrent with any on-site grading activities.~~

~~*[Staff Explanation. Existing provisions of the CZO already address this issue (see Sections 8175-5.17.2 and 8175-5.17.3).]*~~

~~21. Where appropriate, best management practices (BMPs) for erosion control (including, but not limited to, sediment basins, debris basins, desilting basins, or silt traps) shall be installed on the project site prior to or concurrent with the initial grading operations and maintained by the applicant through the development process to remove sediment from runoff waters. All sediment shall be retained on-site unless removed to an appropriate approved dumping location.~~

~~*[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.4).]*~~

~~22. Where construction will extend into the rainy season, temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion. The appropriate methods shall be prepared by a licensed landscape architect, and approved by the County.~~

~~*[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.5).]*~~

~~23. Cut and fill slopes shall be stabilized at the completion of final grading. To the greatest extent feasible, planting shall be of native grasses and shrubs or appropriate non-native plants using accepted planting procedures. Such planting shall be adequate to provide 90% coverage within 90 days, and shall be repeated if necessary to provide such coverage. This requirement shall apply to all disturbed soils.~~

~~*[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.6).]*~~

~~24. Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Where feasible and appropriate, water runoff shall be retained on-site to facilitate groundwater recharge, unless to do so would require significant grading or brush removal not otherwise necessary and the cumulative impacts of such on-site~~

~~retention would be greater than the cumulative impacts of not facilitating recharge, within the same drainage area.~~

[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.7).]

- ~~25. Degradation of the water quality of groundwater basins, nearby streams, wetlands or coastal waters shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and stormwater runoff that has not met the requirements of the State and County NPDES permits/regulations and other harmful waste shall not be discharged into or alongside coastal streams or wetlands either during or after construction.~~

[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.10).]

- ~~26. The Soil Conservation Service (SCS) and the State Department of Fish and Game shall be consulted for grading of hills.~~

[Staff Explanation. This statement contains out-of-date information regarding the names of agencies and the procedures used when processing grading permits. In 1994, the Soils Conservation Service name was changed to the Natural Resources Conservation Service (NRCS). The NRCS is responsible for the application of soils information into all NRCS program activities and the development of a state subset of the National Soil Information System (NASIS) data. Similarly, in 2012, the California Department of Fish and Game (CDFG) name was changed to the California Department of Fish and Wildlife (CDFW). As the lead agency for grading permits, the County's Public Works Agency requires that a soils report be submitted with a grading permit application. Although both the NRCS and CDFW can provide input on grading of hills, the County defers to a licensed soils engineer to provide a soils report for construction purposes, and the licensed soils engineer will refer to NASIS in their report. CDFW would be consulted if proposed work falls within their jurisdiction.]

~~Grading (Hillside)~~

- ~~27. Hillside (defined as land with slopes over 20%) grading and brush clearance shall be regulated to maintain the biological productivity of coastal water, protect environmentally sensitive areas and park and recreation areas, and to minimize the alteration of natural land forms.~~

[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.8).]

- ~~28. For all substantial hillside grading (over 50 cu. yds. of cut or fill) or brush clearance (greater than 1/2 acre), including that related to agricultural activities, a development permit shall be required. The application for the permit shall contain an erosion control plan. Such plan shall be prepared by a licensed engineer qualified in soil mechanics and hydrology and approved by appropriate County agencies to ensure compliance with this Coastal Area Plan and all other County ordinances. Additionally, for agricultural related activities such plan shall also be reviewed by the Resource Conservation District.~~

[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8175-5.17.9).]

Environmentally Sensitive Habitats

Buffer Areas

~~29. Within a buffer zone, no new principal structures will be permitted unless prohibition of the structure from the buffer will preclude the utilization of the larger parcel for its designated use. When it is necessary to allow structures within the buffer they shall be located as far from the habitat resources as possible and mitigations shall be required to eliminate or reduce their impacts to an insignificant level. If a principal structure exists as of the adoption of this Plan, it may be rebuilt within the buffer zone if it is destroyed by fire or a natural disaster. If it is an otherwise non-conforming use it shall not be rebuilt within the buffer.~~

[Staff Explanation. Existing provisions of the CZO already address this issue (see Section 8174-4).]

~~230. New development in buffer zones shall be limited to access paths, fences necessary to protect environmentally sensitive areas, and similar uses which have either beneficial effects on wildlife or no significant adverse effects.~~

[Staff Explanation. No existing provisions of the LCP addressed this issue, so it will be retained until amendments for ESHA are processed in 2017.]

Land Use Plan Designations

[Staff Explanation. Text within the Land Use Designations section below was retained but moved to Chapter 3 – Land Use Plan.]

~~The land use designations in the Coastal Area Plan are designed to reflect the policies, existing and proposed land uses, existing General Plan land use designations, and zoning categories. This was done to preclude a significant amount of changes to the General Plan and Zoning Code. In some cases only one or two zoning categories are consistent with a land use designation. All existing zoning categories applied to the coastal zone have been modified as necessary to meet the policies in the Plan.~~

~~The land use categories listed below describe the type and intensity of land use permitted within each category. Summary Tables ([Figures 16.1](#), [26.1](#) & [32](#)) list each land use designation and its total area, building intensity, population and employment capacity, and population and employment density. The purpose of each of the land use categories is described below.~~

~~The following are descriptions of each land use designation and the principal permitted uses for each.~~

- ~~• **Open Space** – The purpose of this designation is to provide for the preservation and enhancement of valuable natural and environmental resources while allowing reasonable and compatible uses of the land. Also to protect public safety through the management of hazardous areas such as flood plains, fire prone areas, or landslide prone areas. Principal permitted uses are one dwelling unit per parcel, agricultural uses as listed as principal permitted uses in "Agricultural" designation and passive recreational uses that do not alter physical features beyond a minimal degree and do not involve structures. Minimum lot size in the "Open Space" designation is 10 acres.~~
- ~~• **Agriculture** – The purpose of this designation is to identify and preserve agricultural land for the cultivation of plant crops and the raising of animals. Lands placed in this designation include those in existing agricultural use, existing agricultural preserves (Land Conservation Act Contracts), and land with prime soils. Principal permitted uses are: crops for food and fiber; orchards and vineyards; field or row crops; drying~~

and storage of crops, hay, straw, and seed; growing and harvesting of flowers, ornamentals, and turf; and animal breeding, pasturing, or ranching. Minimum lot size in the "Agriculture" designation is 40 acres.

- ~~**Recreation**~~ – This designation identifies those facilities in the Coastal Zone which provide recreational opportunities or access to the shoreline. Principal permitted uses are active and passive recreation including parks with facilities for picnicking, camping, riding, and hiking, on a day use or longer use basis. Structures or other facilities are limited to those necessary to support the recreational uses.
- ~~**Residential Designations**~~ – The building intensities listed below indicate the maximum number of dwelling units allowed on a given parcel of land. These intensities are reflective of existing lot sizes and zoning categories. Principal permitted uses in all residential areas, in addition to those listed below, are churches, fire stations, public parks and playgrounds, and home occupations.

~~**Rural Intensity**~~ – The lowest intensity residential designation with one dwelling unit per two acres. Principal permitted uses are a single family dwelling and those uses listed under "Agriculture" except animal breeding, pasturing, or ranching.

~~**Low Intensity**~~ – Principal permitted use is single family dwelling. The intensity is 1–2 dwelling units per acre.

~~**Medium Intensity**~~ – Again, the principal permitted use is a single family dwelling. The intensity is 2.1 to 6 dwelling units per acre.

~~**High Intensity**~~ – The majority of residential development in the unincorporated Coastal Zone is within this intensity. Principal permitted uses are one and two-family dwellings per parcel. The intensity is 6.1 to 36 dwelling units per acre.
- ~~**Commercial**~~ – Mainly used for neighborhood commercial uses, but because of certain locations close to beach or other recreational areas this land use designation may also serve visitor needs. Generally property under this designation contains small lots suitable only for small neighborhood serving uses. Principal permitted uses are grocery stores, delicatessens, meat markets, bakeries, drug stores, fruit and vegetable stores, hardware stores, restaurants and cafes, shoe repair shops, and other uses normally considered as neighborhood serving. Also, dwelling units above the stores occupied only by the proprietor are permitted if the entire ground floor is retail business.
- ~~**Industrial**~~ – The main intent of this designation is to recognize industrial uses found in the unincorporated Coastal Zone or areas where expansion of existing industrial uses is logical. Most of the uses now found in this designation are coastal dependent such as the Rincon and La Conchita oil and gas processing facilities that service offshore oil. Any vacant parcels shown as "Industrial" should be annexed prior to any development. Principal permitted uses are oil processing facilities or expansion of said facilities, associated administrative or executive offices, and oil and gas exploration, production, and temporary storage.
- ~~**Stable Urban Boundary Line**~~ – This line on the land use maps generally separates areas intended for agricultural use from areas intended for uses more urban in nature.

Zoning Compatibility

[Staff Explanation. The Zoning Compatibility section below was retained but moved to Chapter 3 – Land Use Plan. Modifications to existing text are shown in Chapter 3.]

The specific land use regulations are established by zoning. The Zoning Compatibility Matrix ([Figure 33](#)) identifies which zones are compatible with the various Land Use Designations.

Chapter 2

SUMMARY OF COASTAL ACT POLICIES

Integrating the Coastal Act policies with County needs is an important aspect of developing the Coastal Area Plan (CAP). County policies must be aligned with mandated State policies so the course of coastal development is clear, balanced, and in concert with the intent of the Act as stated below.

In order to ensure that policies in the CAP are interpreted in a manner consistent with the Coastal Act, the policies of the Coastal Act (Sections 30200 through 30265.5) are incorporated herein by this reference as policies of the CAP. Relevant sections of the Coastal Act, as may be amended from time to time by the State, are provided on the following pages for informational purposes. Note that, in many instances, Coastal Act policies apply to more than one coastal issue area, and all applicable policies should be taken into consideration during the review of a proposed development. For purposes of this CAP, the definitions found in the Coastal Act and/or the CZO apply. In this regard, terms stated below that are italicized are specifically defined in the CZO; these definitions can be found in Article 2 of the CZO.

The California legislature recognized that there is a potential for conflicts between the Coastal Act policies. Section 30007.5 states that when conflicts do arise, they will be resolved by taking a balanced direction that is most protective of significant coastal resources.

2.1 Locating and Planning New Development

§ 30001.5 Legislative Findings and Declarations; Goals

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

§ 30250 Location; Existing Developed Area

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas

are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

- (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.
- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

§ 30251 Scenic and Visual Qualities

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

§ 30255 Priority of Coastal-Dependent Developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

2.2 Environmentally Sensitive Habitats

§ 30230 Marine Resources; Maintenance

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

§ 30231 Biological Productivity; Water Quality

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

§ 30233 Diking, Filling, or Dredging; Continued Movement of Sediment and Nutrients

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
 - (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
 - (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
 - (6) Restoration purposes.
 - (7) Nature study, aquaculture, or similar resource dependent activities.
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

- (d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before

issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

§ 30236 Water Supply and Flood Control

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

§ 30240 Environmentally Sensitive Habitat Areas, Adjacent Developments

- (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.

§ 30607.1 Wetlands Dike and Fill Development; Mitigation Measures

Where any dike and fill development is permitted in wetlands in conformity with Section 30233 or other applicable policies set forth in this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or the replacement site shall be purchased before the dike or fill development may proceed. The mitigation measures shall not be required for temporary or short-term fill or diking if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

2.3 Archaeological and Paleontological Resources

§ 30244 Archaeological and Paleontological Resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

2.4 Shoreline Access

§ 30210 Access, Recreational Opportunities; Posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

§ 30211 Development Shall Not Interfere with Coastal Access

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

§ 30212 New Development Projects

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- (b) For purposes of this section, "new development" does not include:
 - (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.
 - (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
 - (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
 - (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.
 - (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.
- (c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

§ 30212.5 Public Facilities; Distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

§ 30213 Lower Cost Visitor and Recreational Facilities; Encouragement and Provision; Overnight Room Rentals

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

§ 30214 Implementation of Public Access Policies, Legislative Intent

- (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
 - (1) Topographic and geologic site characteristics.
 - (2) The capacity of the site to sustain use and at what level of intensity.
 - (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
 - (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.
- (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.
- (c) **In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.**

§ 30252 Maintenance and Enhancement of Public Access

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, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

§ 30530 Legislative Intent

It is the intent of the Legislature, consistent with the provisions of Chapter 9 (commencing with Section 31400) of Division 21, that a program to maximize public access to and along the coastline be prepared and implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by federal, state, and local agencies responsible for acquisition, development, and maintenance of public coastal accessways. There is a need to coordinate public access programs so as to minimize costly duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another and are incorporated within an integrated system of public accessways to and along the state's coastline. The Legislature recognizes that different public agencies are currently implementing public access programs and encourages such agencies to strengthen those programs in order to provide yet greater public benefits.

2.5 Recreation

§ 30220 Protection of Certain Water-Oriented Activities

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

§ 30221 Oceanfront Land; Protection for Recreational Use and Development

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

§ 30222 Private Lands; Priority of Development Purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

§ 30223 Upland Areas

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

§ 30234.5 Economic, Commercial, and Recreational Importance of Fishing

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

2.6 Agriculture

§ 30222.5 Oceanfront Lands; Aquaculture Facilities; Priority

Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

§ 30241 Prime Agricultural Land; Maintenance in Agricultural Production

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

§ 30241.5 Agricultural Land; Determination of Viability of Uses; Economic Feasibility Evaluation

- (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:
 - (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.
 - (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

- (b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

§ 30242 Lands Suitable for Agricultural Use; Conversion

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

§ 30411 Wildlife Fishery and Management Programs; Wetlands; Aquaculture

- (a) The Department of Fish and Game and the Fish and Game Commission are the principal state agencies responsible for the establishment and control of wildlife and fishery management programs and the commission shall not establish or impose any controls with respect thereto that duplicate or exceed regulatory controls established by these agencies pursuant to specific statutory requirements or authorization.
- (b) The Department of Fish and Game, in consultation with the commission and the Department of Boating and Waterways, may study degraded wetlands and identify those which can most feasibly be restored in conjunction with development of a boating facility as provided in subdivision (a) of Section 30233. Any such study shall include consideration of all of the following:
 - (1) Whether the wetland is so severely degraded and its natural processes so substantially impaired that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.
 - (2) Whether a substantial portion of the degraded wetland, but in no event less than 75 percent, can be restored and maintained as a highly productive wetland in conjunction with a boating facilities project.
 - (3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with a boating facility or whether there are other feasible ways to achieve such values.
- (c) The Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in Chapter 4 (commencing with Section 825) of Division 1. The Department of Fish and Game may identify coastal sites it determines to be appropriate for aquaculture facilities. If the department identifies such sites to the commission, it shall do so by October 1, 1980, and shall by the same date transmit information identifying such sites to the commission and the relevant local government agency. The commission, and where appropriate, local governments shall, consistent with the coastal planning requirements of this division, provide for as many coastal sites identified by the Department of Fish and Game for any uses that are consistent with the policies of Chapter 3 (commencing with Section 30200) of this division.
- (d) Any agency of the state owning or managing land in the coastal zone for public purposes shall be an active participant in the selection of suitable sites for aquaculture facilities and shall make the land available for use in aquaculture when feasible and consistent with other policies of this division and other provision of law.

2.7 Hazards

§ 30232 Oil and Hazardous Substance Spills

“Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.”

§ 30253 Minimization of Adverse Impacts

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.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

2.8 Energy

§ 30001.2 Legislative Findings and Declarations; Economic Development

The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

§ 30260 Location or Expansion

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

2.9 Oil and Gas Development

§ 30232 Oil and Hazardous Substance Spills – See Hazards section.

§ 30262 Oil and Gas Development

- a) Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

- (1) The development is performed safely and consistent with the geologic conditions of the well site.
- (2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
- (3) Environmentally safe and feasible subsea [sic] completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.
- (4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
- (5) Such development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.
- (6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.
- (7)
 - (A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.
 - (B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.
 - (C) The following guidelines shall be used when applying subparagraphs (A) and (B):
 - (i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:
 - Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.
 - Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.
 - (ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is

upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).

- (iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.
 - (iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.
- (8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624.
 - (9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.
- b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.
 - c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

§ 30265 Legislative Findings and Declarations; Offshore Oil Transportation

The Legislature finds and declares all of the following:

- (a) Transportation studies have concluded that pipeline transport of oil is generally both economically feasible and environmentally preferable to other forms of crude oil transport.
- (b) Oil companies have proposed to build a pipeline to transport offshore crude oil from central California to southern California refineries, and to transport offshore oil to out-of-state refiners.
- (c) California refineries would need to be retrofitted if California offshore crude oil were to be used directly as a major feedstock. Refinery modifications may delay achievement of air quality goals in the southern California air basin and other regions of the state.

- (d) The County of Santa Barbara has issued an Oil Transportation Plan which assesses the environmental and economic differences among various methods for transporting crude oil from offshore California to refineries.
- (e) The Governor should help coordinate decisions concerning the transport and refining of offshore oil in a manner that considers state and local studies undertaken to date, that fully addresses the concerns of all affected regions, and that promotes the greatest benefits to the people of the state.

§ 30265.5 Coordination of Activities Concerning Offshore Oil Transport and Refining

- (a) The Governor, or the Governor's designee, shall coordinate activities concerning the transport and refining of offshore oil. Coordination efforts shall consider public health risks, the ability to achieve short- and long-term air emission reduction goals, the potential for reducing California's vulnerability and dependence on oil imports, economic development and jobs, and other factors deemed important by the Governor, or the Governor's designees.
- (b) The Governor, or the Governor's designee, shall work with state and local agencies, and the public, to facilitate the transport and refining of offshore oil in a manner which will promote the greatest public health and environmental and economic benefits to the people of the state.
- (c) The Governor, or the Governor's designee, shall consult with any individual or organization having knowledge in this area, including, but not limited to, representatives from the following:
 - (1) State Energy Resources Conservation and Development Commission
 - (2) State Air Resources Board
 - (3) California Coastal Commission
 - (4) Department of Fish and Game
 - (5) State Lands Commission
 - (6) Public Utilities Commission
 - (7) Santa Barbara County
 - (8) Santa Barbara County Air Pollution Control District
 - (9) Southern California Association of Governments
 - (10) South Coast Air Quality Management Districts
 - (11) Oil industry
 - (12) Public interest groups
 - (13) United States Department of the Interior
 - (14) United States Department of Energy
 - (15) United States Environmental Protection Agency
 - (16) National Oceanic and Atmospheric Administration
 - (17) United States Coast Guard
- (d) This act is not intended, and shall not be construed, to decrease, duplicate, or supersede the jurisdiction, authority, or responsibilities of any local government, or any state agency or commission, to discharge its responsibilities concerning the transportation and refining of oil.

2.9 Tanker Facilities

§ 30261 Tanker Facilities; Use and Design

Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

2.10 Refineries and Petrochemical Facilities

§ 30263 Refineries or Petrochemical Facilities

- (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.
- (b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from in plant processes where feasible.

2.11 Beach Erosion and Shoreline Structures

§ 30235 Construction Altering Natural Shoreline

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

2.12 Public Works

§ 30254 Public Works Facilities

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new

development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

(This page intentionally left blank.)

Chapter 3

LAND USE PLAN

[Staff Explanation: Chapter 3 is a new chapter that provides existing land use text and maps, previously dispersed throughout the CAP, into one chapter. The purpose of the proposed reorganization is to make it easier to find land use information.]

The County's land use plan for the coastal zone reflects the goals, policies and programs outlined in Chapter 4. Information within this chapter includes a description of land use classifications ("designations"), followed by a table that describes which zones are compatible with each land use designation. This chapter also contains land use information for the three subareas that form the coastal zone (i.e. North, Central and South Coast) - namely, a brief description of the subarea, land use maps, and a summary table of building intensity / population density.

3.1 Land Use Designations

[Staff Explanation: The text in this section is currently located in the CAP Introduction. It contains a list of land use designations used in the coastal zone]

The land use designations in the Coastal Area Plan are designed to reflect the policies, existing and proposed land uses, existing General Plan land use designations, and zoning categories. This was done to preclude a significant amount of changes to the General Plan and Zoning Code. In some cases only one or two zoning categories are consistent with a land use designation. All existing zoning categories applied to the coastal zone have been modified as necessary to meet the policies in the Plan.

The land use categories listed below describe the type and intensity of land use permitted within each category. Summary Tables ([Figures 3-1, 3-5 & 3-7](#)) list each land use designation and its total area, building intensity, population and employment capacity, and population and employment density. The purpose of each of the land use categories is described below.

The following are descriptions of each land use designation, ~~and~~ including the principal permitted uses for each designation.

- **Open Space** - The purpose of this designation is to provide for the preservation and enhancement of valuable natural and environmental resources while allowing reasonable and compatible uses of the land. ~~Also~~ Another purpose is to protect public safety through the management of hazardous areas such as flood plains, fire prone areas, or landslide prone areas. Principal permitted uses are one dwelling unit per parcel, agricultural uses as listed as principal permitted uses in "Agricultural" designation and passive recreational uses that do not alter physical features beyond a minimal degree and do not involve structures. Minimum lot size in the "Open Space" designation is 10 acres.
- **Agriculture** - The purpose of this designation is to identify and preserve agricultural land for the cultivation of plant crops and the raising of animals. Lands placed in this designation include those in existing agricultural use, existing agricultural preserves (Land Conservation Act Contracts), and land with prime soils. Principal permitted uses are: crops for food and fiber; orchards and vineyards; field or row crops; drying

and storage of crops, hay, straw, and seed; growing and harvesting of flowers, ornamentals, and turf; and animal breeding, pasturing, or ranching. Minimum lot size in the "Agriculture" designation is 40 acres.

- **Recreation** - This designation identifies those facilities in the Coastal Zone ~~that~~ ^{which} provide recreational opportunities or access to the shoreline. Principal permitted uses are active and passive recreation including parks with facilities for picnicking, camping, riding, and hiking, on a day use or longer use basis. Structures or other facilities are limited to those necessary to support the recreational uses.
- **Residential Designations** - The building intensities listed below indicate the maximum number of dwelling units allowed on a given parcel of land. These intensities are reflective of existing lot sizes and zoning categories. Principal permitted uses in all residential areas, in addition to those listed below, are churches, fire stations, public parks and playgrounds, and home occupations.

Rural Intensity - The lowest intensity residential designation with one dwelling unit per two acres. Principal permitted uses are a single-family dwelling and those uses listed under "Agriculture" except animal breeding, pasturing, or ranching.

Low Intensity - Principal permitted use is single-family dwelling. The intensity is 1 - 2 dwelling units per acre.

Medium Intensity - Again, the principal permitted use is a single-family dwelling. The intensity is 2.1 to 6 dwelling units per acre.

High Intensity - The majority of residential development in the unincorporated Coastal Zone is within this intensity. Principal permitted uses are one- and two-family dwellings per parcel. The intensity is 6.1 to 36 dwelling units per acre.

- **Commercial** - Mainly used for neighborhood commercial uses, but because of certain locations close to beach or other recreational areas this land use designation may also serve visitor needs. Generally property under this designation contains small lots suitable only for small neighborhood-serving uses. Principal permitted uses are grocery stores, delicatessens, meat markets, bakeries, drug stores, fruit and vegetable stores, hardware stores, restaurants and cafes, shoe repair shops, and other uses normally considered as neighborhood serving. Also, dwelling units above the stores occupied only by the proprietor are permitted if the entire ground floor is retail business.
- **Industrial** - The main intent of this designation is to recognize industrial uses found in the unincorporated Coastal Zone or areas where expansion of existing industrial uses is logical. Most of the uses now found in this designation are coastal-dependent such as the Rincon and La Conchita oil and gas processing facilities that service offshore oil. Any vacant parcels shown as "Industrial" should be annexed prior to any development. Principal permitted uses are oil processing facilities or expansion of said facilities, associated administrative or executive offices, and oil and gas exploration, production, and temporary storage.
- **Stable Urban Boundary Line** - This line on the land use maps generally separates areas intended for agricultural use from areas intended for uses more urban in nature. In 1995, 1998 and 2001, the Save Open Space and Agricultural Resources (SOAR) ordinance/initiative was adopted by the County of Ventura, the cities of San Buenaventura and Oxnard. The SOAR ordinances and initiatives establish "City Urban Restriction Boundary" (CURB) lines around each city and require city voter approval before any land located outside the CURB lines can be developed under the city's jurisdiction for urban purposes. Voter approval is also required for certain changes to

the CAP involving the "Agricultural," "Open Space" or "Rural" land use map designations, or any change to a CAP goal or policy related to those land use designations. The SOAR Ordinance for Ventura County remains in effect until December 31, 2020 unless extended by a vote of the people.

[Staff Explanation. The text above was updated to reflect the S.O.A.R. Ordinance and will be revised, as needed, to reflect changes to the S.O.A.R. Ordinance that may result from voter initiatives on the November 2016 ballot for Ventura County.]

3.2 Zoning Compatibility







(Staff Explanation: The text in this section was moved from the CAP Introduction. Minor updates were made to the existing text.)

The specific land use regulations are established by zoning. The Zoning Compatibility Matrix ([see Figure 3-1](#)) identifies which zones are compatible with the various General Plan and Coastal Area Plan Land Use Designations. The Zoning Compatibility Matrix is located on the following page.

(Staff Explanation: The Zoning Compatibility Matrix on the following page was updated to add in the General Plan land use designations. The purpose of adding in the General Plan land use designation is to ensure that zoning is compatible with both the Area Plan and General Plan land use designations for the coastal zone. Internal consistency between the General Plan, Area Plan, and Zoning is required by State law.)

**Figure 33 3-1
Zoning Compatibility Matrix**

PLAN MAP LAND USE DESIGNATIONS		ZONES										
		COS (10 AC. Min.)	CA (40 AC. Min.)	CR (1 AC. Min.)	CRE (10,000 S.F. Min.)	CR-1 (7,000 S.F. Min.)	CR-2 (3,500 S.F./DU)	RB (3,000 S.F. Min.)	RBH *	CRPD	CC	CM
General Plan	Coastal Area Plan											
<u>Open Space</u>	Open Space (10 Ac. Min.)	○	○									
<u>Agriculture/ Open Space</u>	Agriculture (40 Ac. Min.)		○									
<u>Open Space</u>	Recreation	○										
<u>Rural</u>	Rural (Residential 2 Ac. Min.)			○ 2 AC	○ 2 AC							
<u>Existing Community or Urban</u>	Low (Residential 1-2 DU/Ac.)			○	○							
	Medium (Residential 2.1-6 DU/Ac.)					○				○ 6 U		
	High (Residential 6.1-36 DU/Ac.)							○	○	○	○ 36 U	
	Commercial										○	
	Industrial											○
<u>State/ Federal Facility</u>	Open Space (40 Ac. Min.)	○										

-  Not compatible with Plan
-  Compatible with Plan
-  Compatible only with zone suffix equal to or more restrictive than that shown in circle.
-  = X acre minimum lot size
-  = X thousand square feet minimum lot size
-  = X units per acre maximum

Footnotes:

* 1,750 S.F. per single-family dwelling / 3,000 S.F. per two-family dwelling.

3.3 Land Use Maps

3.3.1 The North Coast

Area Summary

[Staff Explanation: The text below was moved from The North Coast section of the CAP. No changes were made to existing, certified text with the exception of reference numbers or spelling/grammatical corrections.]



The North Coast spans 12 miles from the northern County line at Rincon Point southward to the Ventura River. It encompasses coastal cliffs, formed by eroding marine terraces, a portion of the Santa Inez Mountains, narrow sandy beaches, rocky tidepools, and a perennial *stream*.

Approximately 90 percent of the area inland of Highway 101 is open space or *agriculture*. Most of the land is owned in large *parcels* of 20 to 40 acres, or more. Oil wells and related facilities are scattered throughout the area. U.S. Highway 101 and the tracks of the Southern Pacific Railroad wind along the narrow strip of land at the base of the mountains.

Six residential (1-6 below) and two (7 and 8 below) industrial "Existing Communities," as designated by the County in 1978, are located on the North Coast (Figures 4.2-11- 4.2-16). The purpose of the "Existing

Community" designation is to recognize the existing urban *development* along the coast, and to allow those specific areas to infill using prevailing zoning categories. The communities are:

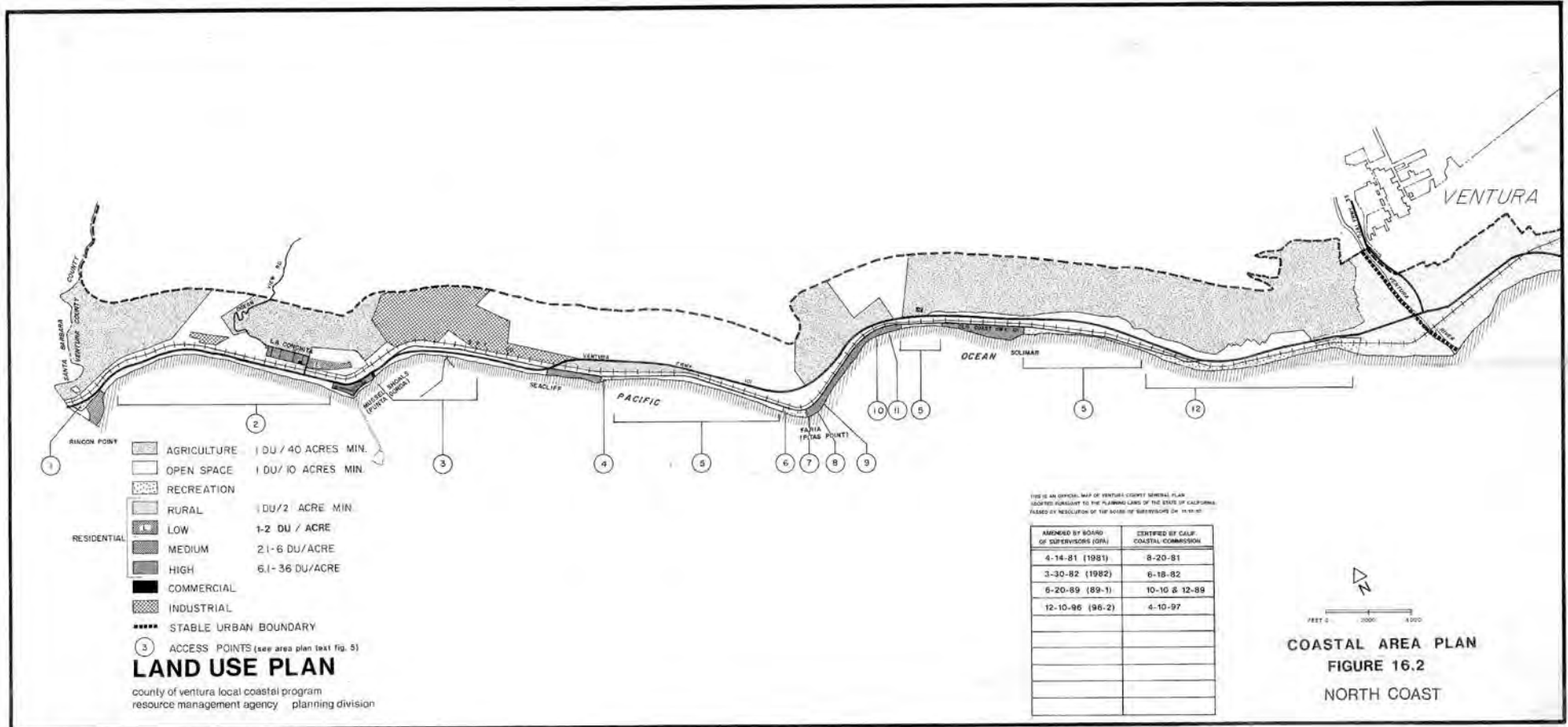
1. Rincon Point - A 9.4-acre residential area with controlled *access*. It is zoned "C-R-1" (Coastal *One-Family* Residential, 7,000 square foot minimum *lot* size).
2. La Conchita - An older residential community, about two miles south of the Santa Barbara-Ventura County Line, east of U.S. Highway 101, that encompasses 19.0 acres and is zones "R-B" (Residential-Beach) and "C-C" (Coastal Commercial).
3. Mussel Shoals - A 5.6 acre mixed-density residential area. It is located west of U.S. Highway 101 and the Old Coast Highway, and is zoned "R-B" (Residential-Beach) and "C-C" (Coastal Commercial).
4. Seacliff - An area of 11.34 acres bounded on the north by freeway right-of-way, east by the Old Coast Highway, and to the south by Hobson County Park. The homes are *single-family* and zoning is "R-B".
5. Faria - A residential area west of U.S. Highway 101 and about 5.5 miles north of the City of San Buenaventura. It encompasses 20.7 acres. The area is zoned "R-B".
6. Solimar - Also zoned "R-B", this residential community is located between Old Coast Highway and the beach, approximately 3.75 miles north of the City of San Buenaventura.

7. Rincon - One of two industrial communities on the North Coast, it is approximately 395 acres in size, with 158 acres still potentially developable. It contains two processing facilities: the Rincon oil and gas processing facility and, what has been historically called, the Chanslor-Western/Coline facility. The major portion of *development* is inland of the freeway, and is zoned "C-M" (Coastal Industrial).
8. La Conchita - The oil and gas processing plant at La Conchita is the second industrial community. It encompasses 9.8 acres that are fully developed under "C-M" (Coastal Industrial) zoning.

Portions of the North Coast are set aside for recreation. Emma Wood State Beach, about seven miles south of Solimar, has 150 overnight campsites and also includes the popular surfing area at Rincon Point, Hobson County Park Faria County Park, and the Rincon Parkway have additional opportunities for camping and beach *access*. A fire station is located north of, and immediately adjacent to, the community of Seacliff.

(The land use map for the North Coast is located on the following page.)

Figure 16.2 3-2
Local Coastal Area Plan – Land Use Map: North Coast Figure 16.4 3-3



Summary Table Building Intensity/Population Density Standards (North Coast Area)

Open Space/Agriculture/Recreation

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Open Space	1,590.1	5% ³	0.100	159	1.68	267	0.168
Agriculture	2,620.4	5% ³	0.025	65	1.68	109	0.042
Recreation	112.2	5%	N/A	N/A	N/A	N/A	N/A
TOTALS	4,322.7			224		376	

Residential

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Low	12.6	29%	2.00	25	1.68	42	3.33
Medium	10.2	42%	6.00	61	1.68	102	10.00
High	79.5	65%	36.00	2,862	1.68	4,808	60.48
TOTALS	102.3			2,948		4,952	

Commercial/Industrial

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Projected Floor Area (X 1,000 SF)	Average Number Of Employees Per 1,000 SF	Employees	Average Employees/Acre
Commercial	0.6	40%	13.1	1.0	13	21.67
Industrial	361.2	40%	238.3	2.0	476	1.32
TOTALS	361.8		251.4		489	

Footnotes:

¹ Excludes *second dwelling* units per Section 65852.2 of the State Government Code.

² Year 2000 Forecast for Ventura Nongrowth Area.

³ Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.

N/A - Not Applicable.

3.3.2 Central Coast

Area Summary

[Staff Explanation: The text in this section is currently located in the CAP Introduction. It contains a list of land use designations used in the coastal zone.]



The Central Coast is the sandy edge of the extensive Oxnard Plain. The cities of San Buenaventura, Oxnard and Port Hueneme share 16.5 miles of coast with *agriculture*, sand dune, fresh and saltwater marsh ecosystems, Southern California Edison's Mandalay and Ormond Beach power plants, wastewater treatment plants, harbors, and a variety of heavy industry and oil operations.

Unincorporated lands within the Central Coast are varied. Several *parcels* are surrounded by the City of San Buenaventura just north of the Santa Clara River. Further south (down Harbor Boulevard), inland from McGrath Lake and Mandalay Beach are approximately 1,400 acres of unincorporated land used for *agriculture* and/or oil production. Edison Canal, which separates the agricultural land, supplies water to the Edison Mandalay generating station.

Further south is Hollywood Beach, an unincorporated beach residential area zoned "R-B-H" (Residential Beach Harbor - minimum *lot* size 1,750 square feet) with some "C-C" (Coastal Commercial) development. The City of Oxnard borders the beach community on three sides. The adjacent sandy beach has been designated Hollywood Beach County Park.

Interposed between Hollywood Beach and Silver Strand is Channel Islands Harbor. Jurisdiction over the harbor is shared between the County and the City of Oxnard. Silver Strand, including Hollywood-by-the-Sea, is another unincorporated beach residential area. On the north side of Silver Strand is the City of Oxnard, while on the south and east is the U.S. Naval Construction Battalion Center, which is within the City of Port Hueneme. Zoning is also primarily "R-B-H" with a limited amount of "C-C". The County's Silver Strand Beach Park extends the length of the shoreline and has public parking facilities at each end.

Remaining unincorporated segments of the Central Coast are found at Ormond Beach east of Perkins Road, south of Hueneme Road, and near the southernmost boundary of Oxnard's city limits. While some heavy and light industrial *development* has occurred within the City of Oxnard, the unincorporated land remains open and is used for *agriculture*.

Much of the unincorporated lands in Ormond Beach contain portions of coastal *wetlands* that include saltmarsh and freshwater ponds. Endangered species closely identified with saltmarshes have been verified in the vicinity by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Further south are two waterfowl ponds. One of the ponds, the privately-owned Ventura County Game Preserve, zoned "COS" (Coastal Open Space), is partially within the County's coastal zone. The Point Mugu Game Preserve, also privately owned, is outside the coastal zone. The Point Mugu Ponds

are recognized by the U.S. Fish and Wildlife Service as a highly valuable waterfowl wintering *habitat* (USFWS 1979).

(The land use map for the Central Coast is located on the following page.)

**Figure 26.2 3-4
Local Coastal Area Plan – Land Use Map: Central Coast**

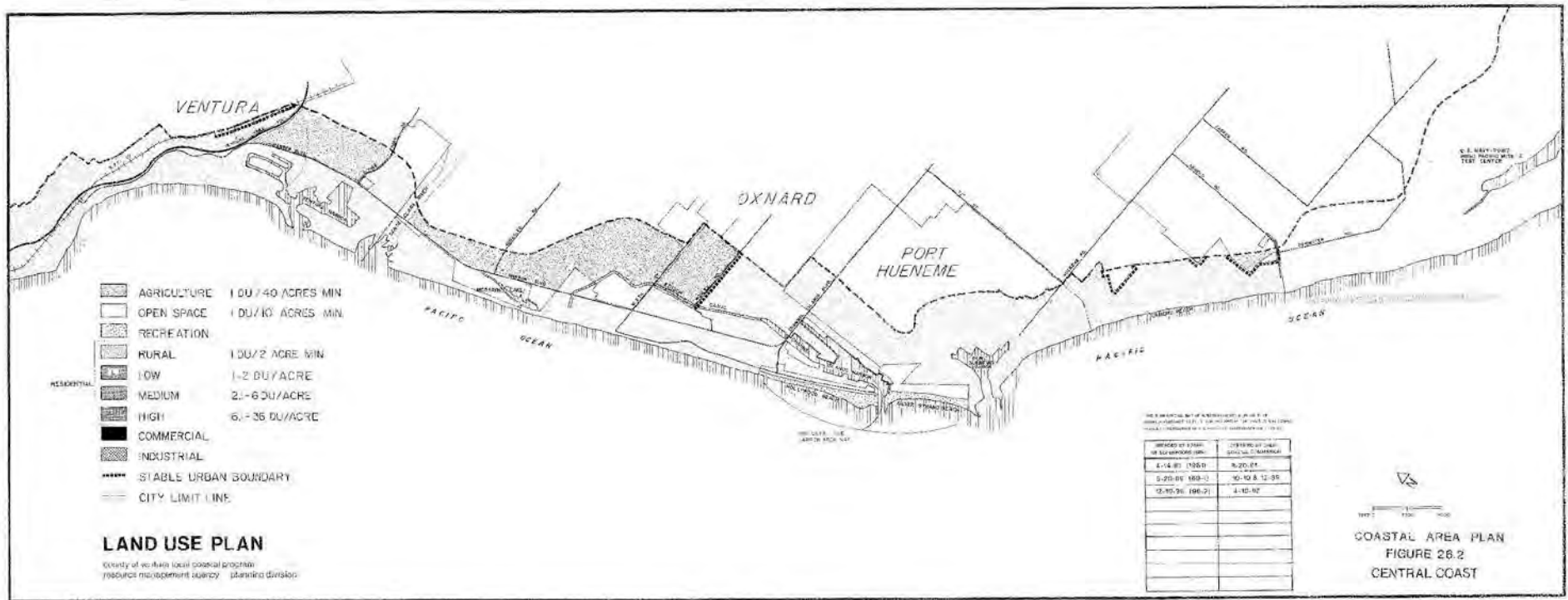


Figure 26-1 3-5
Summary Table Building Intensity/Population Density Standards (Central Coast Area)
Open Space/Agriculture/Recreation

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Open Space	266.0	5% ³	0.100	26	2.76	71	0.267
Agriculture	1,486.3	5% ³	0.025	37	2.76	102	0.069
Recreation	28.0	5% ³	N/A	N/A	N/A	N/A	N/A
TOTALS	1,780.3			63		173	

Residential

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
High	97.2	65%	36.00	3,499	2.76	9,657	99.35

Commercial

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Projected Floor Area (X 1,000 SF)	Average Number Of Employees Per 1,000 SF	Employees	Average Employees/Acre
Commercial	3.1	40%	69.5	1.0	69	22.26

Footnotes:

¹ Excludes *second dwelling* units per Section 65852.2 of the State Government Code.

² Year 2000 Forecast for Oxnard Growth Area.

³ Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.

N/A - Not Applicable.

3.3.3 South Coast

Area Summary

[Staff Explanation: The text in this section is currently located in the CAP Introduction. It contains a list of land use designations used in the coastal zone.]



The South Coast encompasses about 18,600 acres of some of the most striking and diverse coastal terrain in the County. Included along its 13.1-mile length (only eight miles are under State or local jurisdiction) are Mugu Lagoon and surrounding coastal marshes, and approximately seven miles of the coastal Santa Monica Mountains. The sub-area's northern boundary is the Point Mugu Pacific Missile Test Center, with the Los Angeles County line as the sub-area's southern end point.

Most of the federally-owned land in the County *coastal zone* is located in the South Coast; however, it is excluded from Coastal Commission or County jurisdiction. The U.S. Navy Pacific Missile Test Center at Point Mugu is adjacent to Oxnard at Arnold Road. Mugu Lagoon, one of the largest and most important estuaries and tidal marshes in California, is within base boundaries.

A small community area is located immediately north of the Ventura - Los Angeles County line along a narrow coastal terrace. The area is designated "Existing Community" in the General Plan, allowing it to be developed to prevailing zoning.

A significant portion of the Santa Monica Mountains are within Ventura County's coastal zone, which extends up to five miles inland in this sub-area. While much of the area is undeveloped, there are two segments that are developed: one at Deals Flat, and another along branches of the Deals Flat *access road*. The latter *development* includes one to five acre ranchettes. Increased density in the area is controlled by this Coastal Area Plan which allows one *dwelling* per 10+ acres (subject to Hazards Section *Policy 7*: i.e., *slope/density formula*).

The Santa Monica Mountains are becoming significant for their recreation potential. Point Mugu State Park, about 7,400 acres of which are in the coastal zone, is the South Coast's major recreation and preserve area. The park stretches from the sandy beach to the inland mountains. A portion of Leo Carrillo Beach extends into Ventura County near the Malibu Bay Club. The California Department of Parks and Recreation has acquired an additional 12.5 acres of beach between Yerba Buena Road and Whaler's Village. Both Leo Carrillo and Point Mugu are included in the potential Point Mugu State Seashore (Resources Code Section 5001.6).

Another federal facility will be located in the South Coast: the National Park Service is in the process of consolidating a Santa Monica Mountains National Recreation Area. Land acquisition is in its incipient stages; however, the coastal property between Point Mugu State Park and Leo Carrillo State Beach Park has been identified for priority acquisition.

Several other South Coast properties are slated for probable fee or less than fee acquisition, or some other recreational arrangement.

Private youth camps, totaling 1,788 acres, are located near Yerba Buena Road and Little Sycamore Canyon.

(See land use map for the South Coast on the next page.)

Figure 32.1 3-6
Local Coastal Area Plan – Land Use Map: South Coast

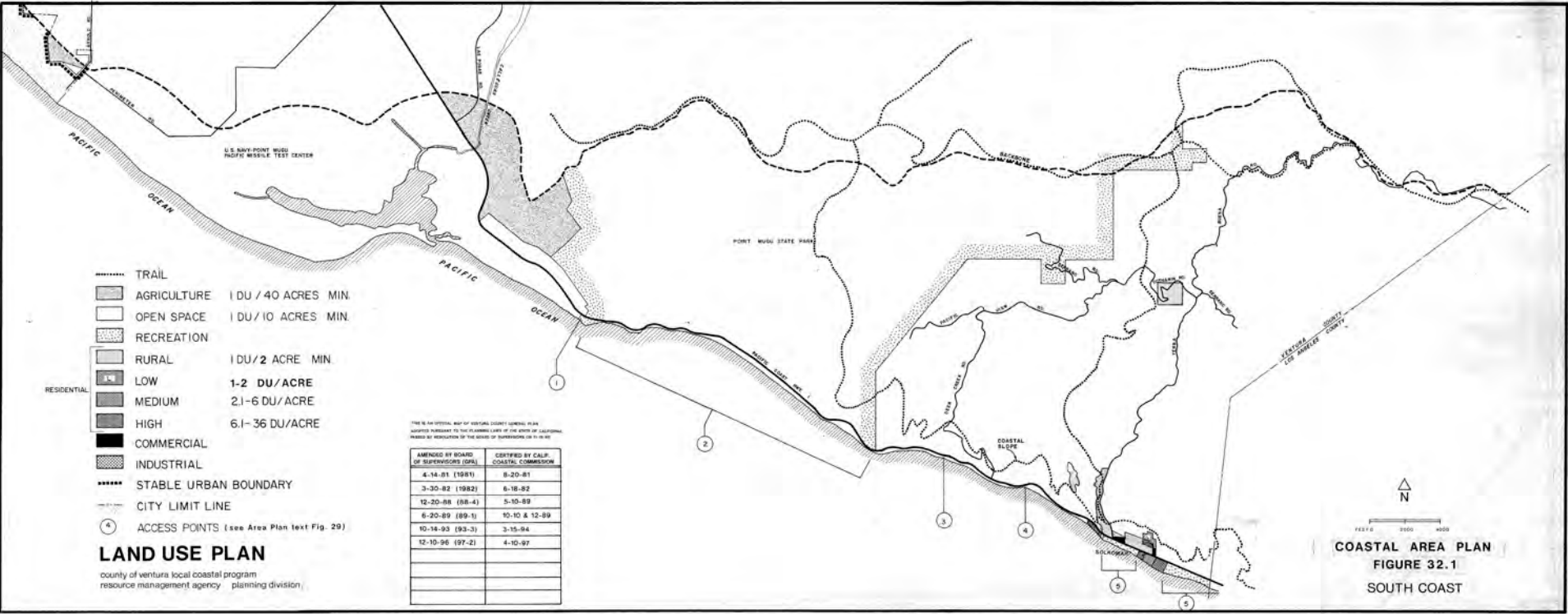


Figure 32 3-7
Summary Table Building Intensity/Population Density Standards (South Coastal Area)
Open Space/Agriculture/Recreation

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Open Space	10,142.7	5% ³	0.100	1,014	1.82	1,845	0.182
Agriculture	649.8	5% ³	0.025	16	1.82	29	0.045
Recreation	6,999.8	5%	N/A	N/A	N/A	N/A	N/A
TOTALS	17,792.3			1,030		1,874	

Residential

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Rural	102.2	25% ⁴	0.50	51	1.82	92	0.90
Low	6.7	29%	2.00	13	1.82	23	3.43
Medium	7.5	42%	6.00	45	1.82	81	10.80
High	25.2	65%	36.00	907	1.82	1,650	65.48
TOTALS	141.6			1,016		1,846	

Commercial/Industrial

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Projected Floor Area (X 1,000 SF)	Average Number Of Employees Per 1,000 SF	Employees	Average Employees/Acre
Commercial	3.7	40%	80.6	1.0	80	21.62

Footnotes:

¹ Excludes *second dwelling* units per Section 65852.2 of the State Government Code.

² Year 2000 Forecast for Thousand Oaks Nongrowth Area.

³ Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.

⁴ Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 4.6 square feet of *lot area* over 5,000 square feet.

N/A - Not Applicable.

Chapter 4

~~Objectives~~ Goals, Policies and Programs

4.1 THE COASTAL ZONE

The section below, titled "Coastal Zone – Goals ~~Objectives~~, Policies and Programs", was added to the Coastal Area Plan (CAP) in 2016. This section contains information organized by topic, and the coastal-resource based topics contained within this section include:

- Archaeological and Paleontological Resources
- Coastal Trail
- Coastal Tree Protection
- Visual Resources (~~Signs~~), and
- Water Efficient Landscaping
- Wireless Communication Facilities.

The original CAP, adopted in 1980, was organized by geographic area (north, central and south) rather than by topic. However, that organizational structure frequently resulted in the same objectives, policies and programs repeated within each of the three geographic areas. The format established within the "Coastal Zone Objectives, Policies and Programs" section will therefore serve as a model for future CAP amendments.

"Coastal Zone Objectives, Policies and Programs" is a new section in the CAP. Currently the Coastal Area Plan (CAP) is organized by geographic areas, specifically the north, central and south coasts. The abstracts, objectives and policies developed for coastal resources are repeated in each geographic area creating redundancy to the plan. The 2016 LCP amendments initiate a new format for the CAP, consolidating the abstracts, objectives and policies by coastal resource instead of by geographic area. Archaeological and Paleontological Resources introduces this new format under the heading Coastal Resource Policies. Coastal Tree Protection, Visual Resources, and Water Efficient Landscaping, have been added under this new section. As funds become available, the remaining coastal resources will be consolidated following the new format that will improve the Plan's readability.

4.1.1 Archaeological Resources

The Ventura County coast is archaeologically and culturally significant to a variety of different groups. Earlier, it was the site of one of the densest Native American populations in North America. The native people of the Central Coast from Malibu to just west of Ventura were the Ventureño Chumash (Grant 1978a; King 1984; Landberg 1965). The archaeological record in Chumash territory reflects cultural continuity over a long span of time, possibly indicating that people ancestral to the Chumash arrived in the area as early as 13,000-10,000 years ago.

Chumash subsistence relied primarily on fishing, hunting, and gathering vegetal foods, notably acorns. In the spring, groups harvested grasses, roots, tubers, and bulbs. Hunting marine mammals became important during the times when seals and sea lions congregated at their rookeries. In late summer, coastal groups harvested large schooling fish such as tuna. During the fall, acorns were harvested and pine nuts were collected in

the mountains. Winter months were spent in villages, where residents relied primarily on stored foodstuffs as well as occasional fresh fish (Landberg 1965:102-104; Grant 1978b, 1978c, 1978d; Hudson and Blackburn 1982, 1983).

Later came active maritime and mission periods. Contact with early Spanish and Portuguese explorers began with the expedition of Cabrillo and Ferrelo in A.D. 1542-1543. Old World diseases such as small pox, measles, typhoid fever, malaria, dysentery, and many others, ravaged native populations in Southern California during two centuries or more before Spanish occupation began in the 1770s (Erlandson and Bartoy, 1995, 1996; Preston, 1996). Drastic changes to Chumash lifeways resulted from the Spanish occupation that began with the Sacred Expedition, led by Gasper de Portolà and Junípero Serra, in A.D. 1769-1770. Mission history was established between 1772 through 1804 with nearly the entire Chumash population incorporated into the mission system (Grant 1978c). Beginning in 1782, coastal Ventureño Chumash from Malibu to Carpinteria were removed from their traditional settlements and relocated to the San Buenaventura mission facilities. In 1821, the Mexican Revolution brought an end to Spanish rule and the emerging government moved immediately to establish control in the provinces, including the modern American states of California, Nevada, Arizona, Utah, western Colorado and southwestern Wyoming. The territory passed to American control after the Mexican-American War and ceased to exist with the creation of the State of California in 1850.

In the 21st century, Native American communities exhibited continual growth and revival, playing a larger role in the American economy. Tribal cultural resources are an important part of the lives of Native Americans. The County recognizes that tribes that are traditionally and culturally affiliated with Ventura County have expertise with regard to their tribal history and practices. Early consultation on discretionary projects with Native American representatives should occur with regard to scope of required environmental review, the status of tribal cultural resources, the potential of a project to impact tribal cultural resources, and the identification of project alternatives and mitigation measures that may be recommended by the tribe.

Much of the County's coastal zone, while archaeologically sensitive, has not been well surveyed (S. Callison, pers. comm.). Research indicates that knowledge of the distribution and location of earlier human habitation sites will add yet another dimension to our understanding of climatic and environmental cycles (Euler et al. 1979) since villages throughout the southwest were closely associated with water sources, many of which are now dry (Euler et al. 1979).

Objective Archaeological Resource Goal 1

To recognize archaeological sites in the County's *coastal zone* as important to an understanding of human history and prehistoric societies and to protect archaeological resources from disturbance by human activities.

Policies

1. Discretionary *development* shall be reviewed to identify potential locations for sensitive archaeological resources.
2. New *development* shall be sited and designed to avoid adverse impacts to archaeological resources to the maximum extent *feasible*. If there is no *feasible* alternative that can eliminate all impacts to archaeological resources, then the alternative that would result in the fewest or least significant impacts to resources shall be selected. Impacts to archaeological resources that cannot be avoided through siting and design alternatives shall be mitigated. When impacts to

archaeological resources cannot be avoided, mitigation shall be required and shall be designed in accordance with established federal, state and/or County standards and shall be consistent with the policies and provisions of the LCP.

3. Archaeological, historical and ethnographic interpretation of native peoples in Ventura County should be incorporated into existing interpretive programs at public recreation facilities as *feasible* and into future interpretive programs as funds become available.
4. The location of all *coastal zone* archaeological sites shall be kept confidential to avert disturbance or destruction of the resource.
5. Native American tribal groups approved by the Native American Heritage Commission for the area shall be consulted when *development* has the potential to adversely impact archeological resources.
6. Protect and preserve archaeological resources from destruction, and avoid impacts to such resources where *feasible*.
7. The unauthorized collection of archaeological artifacts is prohibited.

4.1.2 Paleontology

The geological and biological history of the Ventura County coast is significant. The *coastal zone* contains areas of marine fossils that are among the best in Southern California (Bruce J. Welton, personal communication, then Assistant Curator of Vertebrate Paleontology, Los Angeles County Museum of Natural History, 1980). Records in the Los Angeles County Museum of Natural History show extensive fossil sites in Ventura County. The *coastal zone* has yielded many "type" specimens, which are used as the example specimens against which all other finds of the same animal are compared. Groups of fossils in the marine terraces are used by geologists to unravel patterns of seismic and sea level movement in the area (J. Valentine, personal communication).

Except for geologic formations that are visible at the surface, paleontological resources typically are buried beneath the surficial deposits of the Quaternary Period (11,500 years to the present). However, fossil productivity of most Quaternary units should still be evaluated for each project, based on grain size, fossil record from the surrounding region, and proposed depth of earthwork. Many quaternary units, even those regarded as Holocene in age, were demonstrated to be highly productive elsewhere, especially at comparatively shallow depths, where many such units are of Pleistocene age (Bruce Lander, Paleontologist, 2014).

Unlike archaeological sites that can be destroyed by grading and construction, grading can uncover subterranean formations with the potential to reveal additional rock layers and increase the potential for new finds.

Objective Paleontology Goal 1

To recognize the importance of coastal fossils and prehistoric organism evolution, to protect *important paleontological resources* from human activities, to preserve significant paleontological sites to the fullest extent possible, and to take steps to preserve the information a site may yield.

Policies

1. Discretionary *development* shall be reviewed to determine the geologic unit(s) to be impacted and paleontological significance of the geologic rock units containing them.

2. New *development* shall be sited and designed to avoid adverse impacts to paleontological resources to the maximum extent *feasible*. If there is no *feasible* alternative that can eliminate all impacts to paleontological resources, then the alternative that would result in the fewest or least significant impacts to resources shall be selected. Impacts to paleontological resources that cannot be avoided through siting and design alternatives shall be mitigated. When impacts to paleontological resources cannot be avoided, mitigation shall be required that includes procedures for monitoring grading and handling fossil discoveries that may occur during development.
3. Protect and preserve paleontological resources from destruction, and avoid impacts to such resources where *feasible*.
4. The unauthorized collection of paleontological artifacts is prohibited.

4.1.3 Environmentally Sensitive Habitat Areas (ESHA)

(Reserved section for updated ESHA goals, policies and programs.)

[Staff Explanation: The Planning Division is currently processing a comprehensive update for ESHA goals, policies and programs in the CAP. Existing ESHA text is located within Sections 4.2, 4.3 and 4.4 of the CAP (i.e. the North Coast, Central Coast, and South Coast subareas).]

4.1.4 Coastal Trail

A. Introduction

The California Coastal Trail (Coastal Trail) is envisioned as a continuous, interconnected trail system that generally lies along the shoreline or is within sight or sound of the Pacific Ocean. It is designed for pedestrians, bicyclists and a variety of other coastal users (e.g., equestrians and the mobility impaired). The Coastal Trail encompasses multiple terrains – such as the beach, blufftops, and hillsides – which provide scenic vantage points. While the Coastal Trail includes a continuous route aligned primarily within existing public rights-of-way (e.g. the Pacific Coast Highway), multiple segments of the Coastal Trail provide hikers/walkers with opportunities for a different type of trail experience and direct access to the Ventura County coastline.

While travel along the Coastal Trail is, on its own merits, a form of recreation, the Coastal Trail will also provide continuous access to the coastline and its multitude of resources and recreational opportunities. The Coastal Trail defined herein is a multi-modal trail system that accommodates pedestrians (hikers/walkers) and bicyclists who either intend to pass through the entire Ventura County coastline or use limited trail segments with access to parking facilities or public transportation.

The California Coastal Act, and Public Resources Code sections 31408¹¹ and 31409, require planning for access and development of the California Coastal Trail along the entire California coastline. This section of the Coastal Area Plan (CAP) is a response to the statewide call for a coastal trail, and it builds-upon the recommendations of a report titled “Completing the California Coastal Trail”, which was prepared by the California

Footnotes:

¹¹ Public Resources Code section 31408 also requires the Coastal Conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail.

Coastal Conservancy in January 2003 ("Coastal Trail Report"). The report includes recommendations for action for the unincorporated Ventura County portion of the trail.

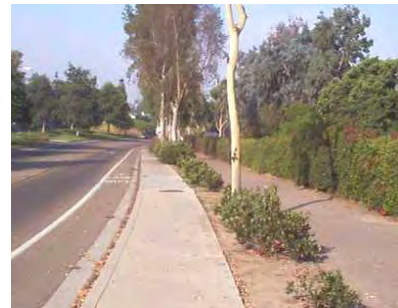
This section includes three key components: Coastal Trail Classifications; Coastal Trail Maps and Implementation; and Goals, Policies and Programs. The set of Coastal Trail maps following section 4.1-4-C identify a continuous, multi-modal trail route as well as additional, single-mode routes which are generally walking/hiking trails (e.g. beach trails, mountain hiking trails). The Goals, Policies and Programs sections in 4.1-4-E and 4.1-4-F provide a framework for the improvement and development of the Coastal Trail within unincorporated Ventura County. The Coastal Trail is consistent with and governed by other sections of the CAP, including the Recreation and Access sections. For related policies, please see the Recreation and Access policies in sections 4.2.5, 4.3.2, and 4.4.2 (North Coast, Central Coast and South Coast).

B. Coastal Trail Classifications

In Ventura County, the Coastal Trail will accommodate hikers/walkers and bicyclists within trail facilities designed exclusively for non-motorized user groups. Over time, limited segments of the Coastal Trail could also be designed to accommodate a wider variety of user groups – such as equestrians, mountain bikers, and individuals with disabilities. Coastal Trail routes are classified as multi-modal routes ("Multi-Modal Routes") or single-mode routes ("Single-Mode Routes") as follows:

Type A - Multi-Modal Route: A Multi-Modal Route is one that accommodates more than one user group. There are two types of Multi-Modal Routes:

- **Type A-1: Shared Routes:** This type of trail segment accommodates, at a minimum, hikers/walkers and bicyclists in one trail facility. Shared, multi-modal facilities may be located within a public easement, public park, or near the outer edge of a public right-of-way. When located within a public right-of-way, the route should be horizontally separate from the paved portion of the road (i.e. travel-way, parking, and shoulder). The standard term used to describe such facilities is a *Class 1 Pathway*. Shared routes also may be located on public trails, which typically will be located in public parks or public beaches. Shared trail routes in high demand should include some type of physical separation between bicyclists and hikers/walkers to avoid potential conflicts between those user groups. Also, trail segments located on flat or gently sloping terrain should be designed to accommodate individuals with disabilities when the trail segment is located near coastal access parking or transit stops.
- **Type A-2: Separate Routes within a Public Right-of-Way:** This type of trail segment also accommodates, at a minimum, hikers/walkers and bicyclists. However, separate facilities are provided for bicyclists and other user groups within a public right-of-way. Similar to Type A-1 routes, hikers/walkers are provided a *Class 1 Pathway*, walking trail, or sidewalk at/near the outer edge of a public right-of-way. A separate and paved, striped lane is reserved for bicyclists (see Type B, Class 2 bicycle facility



description below). Although hikers/walkers and bicyclists are provided separate trail routes, both types of trails are located within the public right-of-way and, when combined, form a multi-modal trail segment.

- **Type A-3: Equestrian and Mountain Bike Routes:**

Portions of the Coastal Trail will be designed for use by equestrians and mountain bikers. In most cases, this type of shared-use trail will be unpaved and designed to accommodate both user groups. For other multi-modal trail segments, equestrian or mountain bike use could be combined with a walking/hiking trail. Typically, trail routes for equestrians and mountain bikers will be located away from public roads, but such trail routes could be incorporated into the outer edge of a public right-of-way with low vehicular traffic. Each user group requires detailed planning for specific safety considerations. For instance, equestrians require a minimum 6-foot wide firm tread surface, and engineered structures (such as bridges and decks) should be designed to support a 1,000 pound plus horse. Mountain-bikers require additional line of sight distance (100-foot average site distance), depending on anticipated speed and reaction time.



[Staff Explanation: The proposed text would clarify that the Coastal Trail includes facilities for equestrians and mountain bikers. The text is consistent with proposed Policy 2.5, which calls for Coastal Trail routes to be designed to accommodate equestrians and mountain bikers. In addition to the newly proposed text, some of the images showing local examples of trail segment classifications were replaced by improved images.]

Type B – Single-Mode Routes: A Single-Mode Route is one that accommodates one user group. There are two types of Single-Mode Routes:

- **Type B-1 - Walking/Hiking Routes:**

These trail segments are designed to accommodate walkers or experienced hikers and may be paved or unpaved. This type of route may also be an ADA accessible route that accommodates the physically challenged. Walking/hiking facilities can be located in a variety of locations. For example, a walking/hiking trail route can be a Class 1 Pathway located within a public right-of-way (e.g. a sidewalk), a wide beach with a walkable surface at low tide, or a hiking trail. A natural surface trail, as shown in the image above, would be one of the least expensive options for trail construction and maintenance. When public trails are located in state parks with steep terrain, such as Point Mugu State Park, most of the trail segments will only accommodate hikers. However, trail segments located on flat or gently sloping terrain can accommodate walkers and, when located near coastal access parking or transit stops, such trail segments should also be designed to accommodate individuals with disabilities.



- **Type B-2 Bicycle Routes:** Bicycle-only facilities can be a Class 1 Pathway or a Class 2 bike lane, which is a paved, striped lane reserved for bicycles. Bike lanes are typically 5 feet wide and located outside and adjacent to the vehicular travel-way. Used in urban or rural areas, Class 2 bike lanes are identified by a solid stripe and

“Bike Lane” signage. In order to provide a multi-modal trail segment, a bicycle-only facility may be combined with a walking/hiking facility (see image on the right), or it may stand alone if there is a parallel secondary route for walkers/hikers. In limited circumstances, bicycle facilities may rely on a Class 3 bike route (i.e. bicyclists share the road with vehicles) for short trail segments where the roadway has low traffic volumes.



When located in an urban area, Coastal Trail routes classified as a Class 1 Pathway will have a hardscape surface. When located in a rural area, the trail will typically be unpaved and designed for compatibility with the rural context. Although a Class 1 Pathway can be located on both sides of the public right-of-way, when located in rural areas such pathways will typically be located on one side of the public right-of-way. For the Coastal Trail, Class 1 Pathways should be at least 10 feet wide, and 12 feet when feasible, and may be slightly higher or lower than the travel-way/road shoulder.

C. Coastal Trail Maps

Maps for the Coastal Trail are shown on Figures 4.1-1 through 4.1-7. An overview map of the existing Multi-Modal Route in Ventura County is provided in Figure 4.1-1. This map also serves as a guide for the detailed maps of the North, Central and South Coast segments of the trail, which are provided in Figures 4.1-2 through 4.1-7. The Coastal trail map tables provide more detailed information on each segment of the Coastal Trail – such as access points, existing trail conditions, and areas where trail improvements are needed. The Coastal Trail maps and tables describe the general condition of each trail segment as of 2017. The degree to which improvements are required to officially designate and open each segment of the Coastal Trail will vary considerably. For example, signage may be the only improvement required for an existing Class 1 Pathway identified as a multi-modal segment of the Coastal Trail. For a different Coastal Trail segment, required trail improvements may include a Class 2 Bike Lane and a separate pedestrian trail route.

The network of Coastal Trail routes generally consists of a continuous, Multi-Modal Route combined with alternative, Single-Mode Routes. These routes, described below, form an interconnected and complementary Coastal Trail network within Ventura County’s coastal zone. The continuous Multi-Modal Route is primarily located within public rights-of-way due to the unique conditions and physical constraints described below:

- Access to the coastline within the North Coast subarea is limited by the close proximity of U.S. Route 101 and the Union Pacific rail line to the ocean. Intermittent strips of land lie between U.S. Route 101 and the coastline, but that land is occupied by existing residential development, small County beach parks, and short intermittent segments of the Pacific Coast Highway. A steep cliff abuts the narrow strip of coastline that is highly susceptible to landslides.
- The central portion of Ventura County’s coastline is generally occupied by the cities of Ventura, Oxnard, and Port Hueneme. Unincorporated areas within the Central Coast subarea primarily consist of active agricultural fields located away from the coastline. Unincorporated areas adjacent to the shoreline is limited to a state beach park, two existing residential neighborhoods, and a secure naval base.

- The South Coast subarea consists of mountainous terrain (the Santa Monica Mountains). A narrow strip of land lies between the Santa Monica Mountains and the ocean, land that is primarily occupied by the Pacific Coast Highway.

Due in large part to these physical constraints, currently identified trail routes are limited to publicly owned lands (e.g. public parks, public beaches), land with an existing public access easement, and public rights-of-way.

Multi-Modal Route

The Multi-Modal Route accommodates hikers/walkers and bicyclists. When all multi-modal segments are combined, they traverse the entire coastal zone of unincorporated Ventura County and form the backbone of the Coastal Trail. The Multi-Modal Route also provides key connections to Single-Mode Routes to ensure a continuous, interconnected trail system for pedestrian use. In addition, the Multi-Modal Route is designed to provide connections to coastal access points, such as bus stops or parking lots. Although the Multi-Modal trail route is typically a shared route for both walkers/hikers and bicyclists, two separate but parallel Single-Mode Routes may, when combined, be used to form a multi-modal segment of the Coastal Trail.

As shown in Figure 4.1-1, the Multi-Modal Route is divided into eight segments located within the North, Central and South Coast subareas. Each segment is unique and is illustrated within the following illustrative maps:

- North Coast (N): Figures 4.1-2 through 4.1-3
- Central Coast (C): Figures 4.1-4 through 4.1-6
- South Coast (S): Figure 4.1-7.

In order to enhance the trail experience for hikers and walkers on shared trail routes (Multi-Modal Route, Type A-1), several segments of the Multi-Modal Route should be upgraded to more clearly and safely accommodate hikers/walkers. For instance, in the Central and South Coast subareas, roadway enhancements are planned for bicyclists (bike lane striping and signage projects) and additional improvements are needed to accommodate hikers/walkers of the Coastal Trail.

Single-Mode Routes

Figures 4.1-2 through 4.1-7 illustrate the location of all Single-Mode Routes. These routes are limited in length and include a connection to the continuous, Multi-Modal Route. Ultimately, Single-Mode Routes may be the preferred route for persons hiking or walking the Coastal Trail because they provide views of or access to the ocean and a more pleasant trail experience. However, as described previously, Coastal Trail maps do not include a Single-Mode Route for walkers/hikers that traverses the entire coastal zone due to physical constraints.

Single-Mode Routes typically include trail alignments for hikers/walkers along beaches or public hiking trails (e.g. La Conchita Beach, public trails in Point Mugu State Park). The location of Single-Mode Routes are designed to emphasize ocean views and access to beaches, bluffs, or other coastal open spaces and habitats. Single-Mode Routes run parallel to the Multi-Modal Route, are connected to it, and provide a through route or a return to source-of-origin route for designated segments of the Coastal Trail. The accessibility of some shoreline Single-Mode routes will vary with seasonal fluctuations in beach sand. Single-Mode Routes may also provide specialized trail facilities and access to public parking, transportation, and recreation.



This Multi-Modal Route (N1) includes a path constructed by Caltrans as part of the Ventura to Santa Barbara Highway 101 HOV project.

Coastal Trail Maps

Detailed Coastal Trail maps for unincorporated Ventura County (Figures 4.1-2 – 4.1-7) depict seven segments of the trail located in the North Coast, Central Coast, and Southern Coast geographic subareas.

North Coast Subarea: The Multi-Modal Route through this subarea (Figures 4.1-1, 4.1-2, and 4.1-3) is approximately 12 miles in length. It extends from Rincon Point on the north (at the Santa Barbara County line) to Emma Wood State Beach on the south (at the City of Ventura boundary). Half of this trail segment is a stand-alone bike path (Segments N1 and N3), and the remainder (Segment N2) is located within the public right-of-way for Old Pacific Coast Highway. This subarea includes Single-Mode Routes for hikers and walkers along La Conchita Beach, Punta Gorda Beach, and the path on the rock revetment at Seacliff Beach (a return to source-of-origin route). Additional Single-Mode Routes would provide a more suitable and enjoyable trail experience for walkers and hikers than is provided by the Multi-Modal Route.

The Multi-Modal Routes in the North Coast Subarea (see Figures 4.1-1, 4.1-2, and 4.1-3) are labeled N1, N2 and N3 as follows:

- **N1** - Segment N1 is a 4.0-mile-long improved, multi-modal pathway constructed by Caltrans as part of the Ventura to Santa Barbara Highway 101 HOV Lane project (see illustration above). This trail segment is a stand-alone bike path that can accommodate hikers/walkers. No needed improvements were identified for this segment of the Coastal Trail as of 2017. Existing or planned walking/hiking routes for this trail segment include La Conchita Beach and Punta Gorda Beach.
- **N2** - Segment N2 is currently limited to a 7.1-mile-long Class 2 striped bike lane along Old Pacific Coast Highway, which is maintained by Caltrans. Because the existing bike lane is not ideal for hikers/walkers, a parallel trail route better suited for hikers/walkers should be constructed for this trail segment. (Also see Program 1 for an optional N2 Primary Route along Hobson Road and Frontage Road). Existing Single-Mode Routes for walking/hiking include the return to source-of-origin route on the rock revetment at Seacliff Beach and seasonally accessible beaches such as Faria Beach and Solimar Beach.
- **N3** - Segment N3 is a 1.0-mile-long improved multi-modal pathway operated by the California State Department of Parks and Recreation. Maintenance may be needed for this trail segment but no substantial improvements were identified as of 2016. The only Single-Mode Route along this trail segment is the seasonally accessible shoreline at Emma Wood State Beach

Central Coast Subarea: The Multi-Modal Route through this subarea is nearly 9 miles in length. It includes three trail segments (C1, C2 and C3), shown on Figures 4.1-4, 4.1-5 and 4.1-6. Central Coast trail segments will connect to trails in the cities of Ventura, Oxnard and Port Hueneme. Existing roadways within these urban areas are used to provide Multi-Modal Route linkages that circumvent a military installation and traverse existing development, rivers, and harbors. As a result, a portion of the Coastal Trail lies outside the coastal zone. However, broad beaches are common in the Central Coast Subarea, and existing or potential Single-Mode Routes are available so that hikers/walkers can utilize beaches within the County (e.g. Hollywood Beach, Silverstrand Beach) or near jurisdictional boundaries (e.g. McGrath State Beach, Mandalay Beach).

Coastal Trail segments in the Central Coast Subarea are described below:

- **C1** - Segment C1 (see Figure 4.1-4) is a 3.1-mile-long, partially completed Class 2 striped bike lane along Harbor Boulevard that can accommodate hikers/walkers, which is maintained by the County. A Single-Mode Route is also available for hikers/walkers along McGrath State Beach. Future trail planning efforts (see Program 1) should include a more detailed analysis of the feasibility of pedestrian improvements along Harbor Boulevard, as McGrath State Beach may provide a reasonable option for providing facilities for walkers/hikers on segment C1.
- **C2** - Segment C2 (see Figure 4.1-5) is a 3.1-mile-long multi-modal segment along Hueneme Road, which is maintained by the County. Future plans for this roadway include widening to four lanes with Class 2 bike lanes. Limited areas in Ormond Beach are publicly accessible from Arnold Road and Perkins Road. Access to Ormond Beach is restricted from the southeast by the Naval Base Ventura County - Point Mugu (NBVC-Point Mugu). However, a Single Use Route for hikers/walkers will be included in the final restoration and access plans for the Ormond Beach Restoration Area. Until that route is accessible, a through pathway designed for long-distance hikers is planned along Hueneme Road.



Hollywood Beach, shown here, and other broad beaches provide excellent opportunities for Coastal Trail routes within the Central Coast Subarea.

- **C3** - Segment C3 (see Figure 4.1-6) is a 2.1 mile-long multi-modal segment along Naval Air Road. It includes a Class 2 bike lane on Naval Air Road, a frontage road owned and used by the U.S. Navy that lies outside of, and parallel to, the NBVC - Point Mugu fenceline.¹² However, the bike lane ends where Naval Air Road intersects with Main Road Gate, and an existing pedestrian bridge at Main Road Gate provides access from Naval Air Road to the north side of the Pacific Coast Highway. At this

Footnotes:

¹² The proposed Coastal Trail route along Naval Air Road is permissible within the existing striped bike lane in its current configuration and usage. However, the U.S. Navy's long-range plans may require usage and reconfiguration of Naval Air Road to achieve compliance with Antiterrorism/Force Protection Standards.

point, the Coastal Trail alignment shifts from Naval Air Road to Pacific Coast Highway (see Segment C4).

- **C4** – Segment C4 (see Figure 4.1-6) is a 0.5 mile-long trail segment with substantial trail planning challenges. It could provide a shared, multi-modal trail route next to Pacific Coast Highway, which functions as a four-lane freeway in this location. Alternatively, it could be located further from the freeway, along the boundary of privately-owned land used for agriculture (row crops). While locating this particular trail segment away from Pacific Coast Highway would provide a more pleasant trail experience, it would also require a voluntary public access easement on private land and may not be feasible. Additional trail planning challenges occur at the highway interchange at Las Posas Road and Pacific Coast Highway, where improvements to the bridge over Calleguas Creek will be required. Determining the alignment for trail Segment C4 will therefore be subject to a more extensive, future trail planning effort (see Program 1).

South Coast Subarea: The Multi-Modal Route in this subarea is approximately 10.7 miles long. It includes one trail segment (S1) that follows the Pacific Coast Highway from Las Posas Road to the Los Angeles County line. Within the South Coast Subarea, the Pacific Coast Highway is primarily a two-lane roadway that runs parallel to the Pacific Ocean and provides shoreline views. This Coastal Trail segment includes a connection to the Coastal Slope Trail, an existing hiking trail that traverses portions of the Santa Monica Mountains and provides scenic views of the ocean as well as a nature-based trail experience within the Santa Monica Mountains National Recreation Area. Additional Single-Mode Routes for Walker/Hikers are provided along local beaches - including Thornhill Broome Beach, Sycamore Canyon Beach, and Yerba Buena Beach. Other beaches along this trail segment are seasonally accessible.



The Pacific Coast Highway should be upgraded to provide a multimodal trail route for bicyclists and walkers/hikers.



This trail route through Point Mugu State Park, which constitutes a portion of the planned Coastal Slope Trail, provides an excellent trail experience for experienced hikers.

The Coastal Trail segment in the South Coast Subarea (see Figure 4.1-7) is described below:

- **S1** – Segment S1 (see Figure 4.1-7) is a planned, multi-modal trail segment, approximately 10.3 miles long, along Pacific Coast Highway, which is maintained by Caltrans. This trail segment will include Class 2 bike lanes and a Class 1 pathway or natural surface trail for hikers/walkers. Due to the high anticipated demand for most of this segment of the Coastal Trail, future planning efforts (see Program 1) should

consider accommodations for the broad range of user groups who visit this area. For example, ADA access improvements could be provided at coastal access points to popular beaches and at scenic resources, such as Point Mugu Rock. Segment S1 also includes several Walking/Hiking Routes, such as an existing hiking trail in Point Mugu State Park and beaches located within the South Coast Subarea.

Coastal Trail Access and Destination Points

The Coastal Trail maps in Figures 4.1-2 through 4.1-7 identify existing coastal access points, coastal access parking locations, and prominent destinations that would be accessible from either the Multi-Modal or Single-Mode Routes. Accessibility to and along the coastline is required by the California Coastal Act, and the various shoreline connections shown on these maps will encourage trail usage by visitors and local residents. Coastal Trail maps also illustrate the location of existing trails and depict how the Coastal Trail network could connect to other trails or to shoreline beaches. In particular, the maps illustrate connections between the Coastal Trail and hiking trails in local state parks, bike paths in the Countywide Bicycle Master Plan, and connections to shoreline access points.

Listed below are notable access points and connections to the Coastal Trail:

- **Campsites:** Hobson County Beach Park, Faria County Beach Park, the Rincon Parkway, McGrath State Beach, and Point Mugu State Park provide overnight accommodations along the Coastal Trail for campers;
- **Rincon Point:** The City of Carpinteria plans to connect a segment of its Coastal Trail located at the North end of Rincon Point to Segment N1. At the south end of Rincon Point, State Parks is the process of redesigning the beach access trail to improve ADA access;
- **Shoreline Beaches:** Ten beaches, which are generally accessible year-round, include two or more points of access that allow these beaches to function as a pass-through walking/hiking trail rather than a return to source-of-origin trail route;
- **Nature Viewing Areas:** McGrath State Beach, Ormond Beach, and the Santa Monica Mountains National Recreation Area all provide nature viewing areas;
- **Bicycle and Pedestrian Paths:** The Coastal Trail is connected to existing bike and pedestrian paths in the cities of Ventura, Oxnard, and Port Hueneme – which in turn include connections to inland extensions of the bicycle trails and sidewalks;
- **Inland Hiking Trails:** The Coastal Trail is connected to existing hiking trails and pathways within inland areas, such as the Ventura River Trail (which extends to the Ojai Valley) and the Santa Monica Mountains Backbone Trail (which extends from inland areas and into the City of Los Angeles); and
- **Harbors:** The Coastal Trail includes a connection to Channel Islands Harbor, which provides parking, restaurants, and recreational resources such as beaches, and a waterfront promenade.

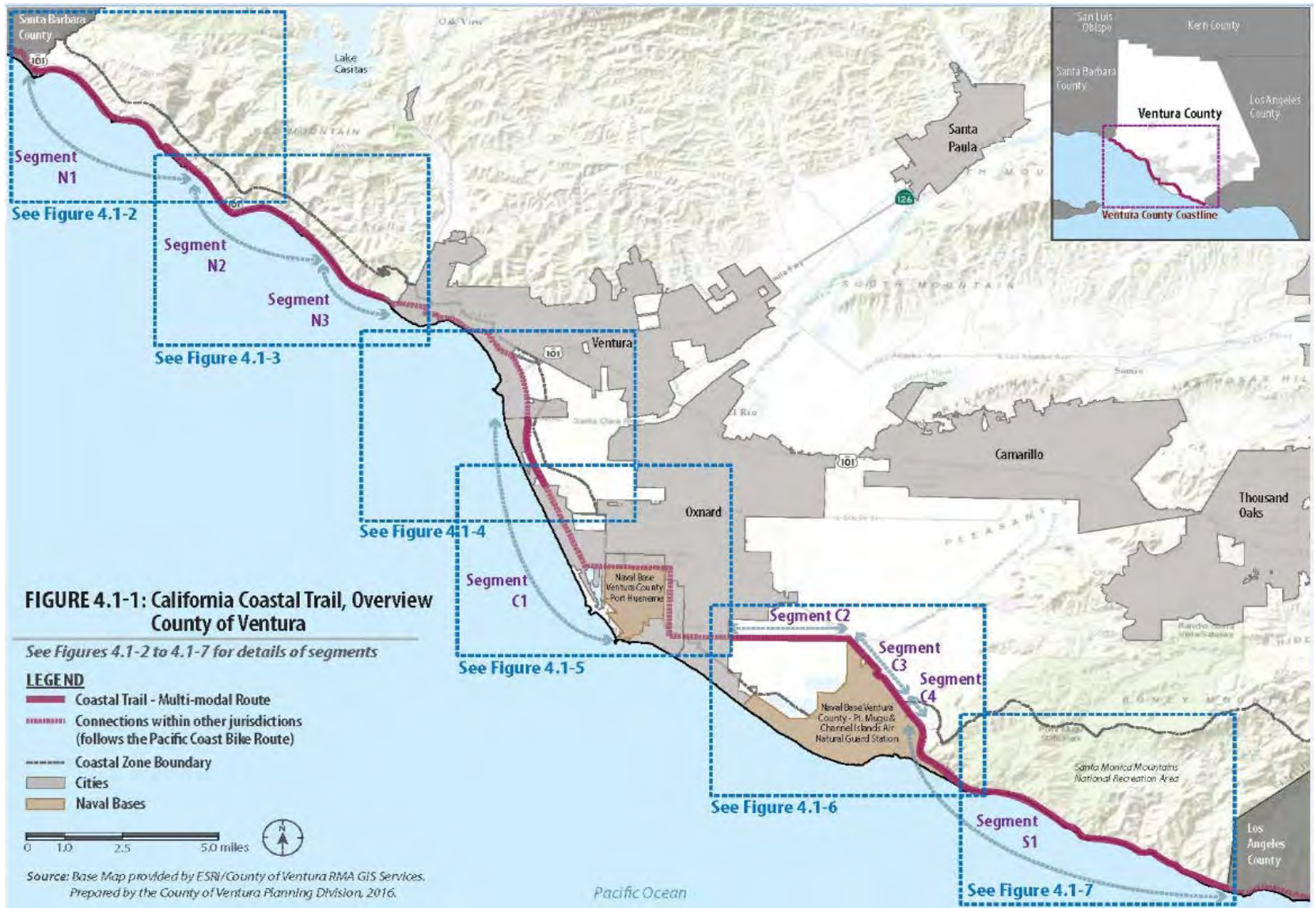
D. Coastal Trail Implementation

Coastal Trail maps will periodically be updated (through a Local Coastal Program amendment) to reflect changes or improvements to the Multi-Modal Route or the addition of new Single-Mode Routes. In addition, a more definitive trail alignment, implementation procedures, trail funding or management strategies, and development standards will be established for the Coastal Trail as part of a future trail planning effort (see Program 1). That planning effort should also include an evaluation of the following routes and trail connections:

1. **North Coast Subarea:** Currently, only Multi-Modal Route segments N1 and N3 (Figures 4.1-2 and 4.1-3) are complete Class 1 Pathways. Future efforts should consider the use of underutilized Hobson Road and Frontage Road as a Class 1 Pathway that would replace segment N2 along Old Pacific Coast Highway and provide a seamless, shared pathway through the North Coast Subarea.
2. **Central Coast Subarea:** Routes which accommodate physically disabled persons should be considered for McGrath State Beach (see segment C1 in Figure 4.1-4) and the restoration of Ormond Beach (see segment C2 in Figure 4.1-6). These routes would increase access for disabled individuals to the shoreline and nature preserves. Also, a Single-Mode Route for hikers/walkers should be evaluated for segment C-3, along with all trail connections that occur between segment C3 and S1 at the intersection of Los Posas Road and Pacific Coast Highway.
3. **South Coast Subarea:** The completion of a missing connection should be considered within the Coastal Slope Trail between Point Mugu State Park and Leo Carrillo State Park (see segment S1 and "Yellow Hill Trail" on Figure 4.1-7). The Coastal Slope Trail is shown on existing land use maps, is addressed by existing CAP policies, and included in National Park Service plans. The Coastal Slope Trail could potentially serve a broad range of users groups – including hikers, equestrians, and mountain bikers. Also, a more detailed look at the location and design of segment S1 of the Coastal Trail which is aligned along Pacific Coast Highway, is warranted (see Figure 4.1-6 and Program 1).






The potential Coastal Trail modifications identified above would provide an improved trail experience for walkers/hikers on certain segments of the Coastal Trail.

(This page was left intentionally blank.)





Tabular Summary for North Coast Subarea Trail (Figure 4.1-2)

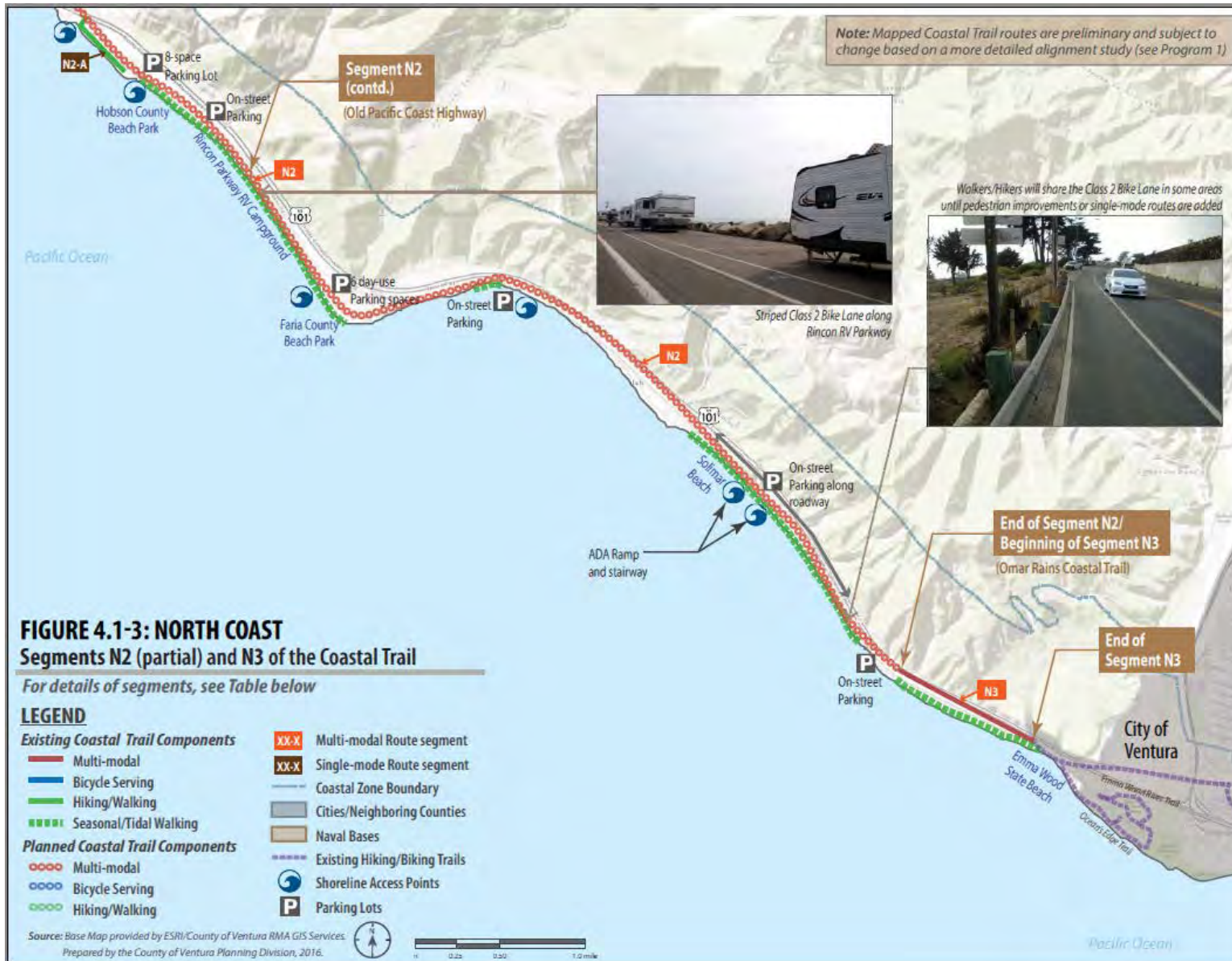
SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE ¹	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS ^{2,3}	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
N1	Multi-Modal (Type A-1)		3.5	Ventura-Santa Barbara Highway 101 HOV Project <i>Location: Rincon Beach Parking Lot to Mobile Pier Rd.</i>	Class 1 pathway is shielded from Highway 101. Accessible.	None – accommodates hikers, walkers, and bicyclists.	Additional future secondary routes should be considered.
N1-A	<i>Single-Use</i> (Type B-1)		0.8	La Conchita Beach	Shoreline beach access for walkers/hikers. Through-Access. ⁴	No additional improvements identified. Beach is generally suitable for walkers/hikers.	
N1-B	<i>Single-Use</i> (Type B-1)		0.3	Beacon's Beach	Shoreline beach access for walkers/hikers. Through-Access. ⁴	Trail improvements are needed to improve beach access from Mobile Pier Road.	
N2	Multi-Modal (Type A-2)		7.1	Old Pacific Coast Highway <i>Location: Ventura-Santa Barbara Highway 101 HOV Project to the Omar Rains Trail</i>	Class 2 bike lane. Accessible.	Trail improvements are needed to accommodate walkers/hikers.	Specific improvements, and potential replacement route for walkers/hikers, to be determined during future planning process (see Program 1).
N2-A	<i>Single-Use</i> (Type B-1)		0.3	Existing public access is a return to source-of-origin pathway on a rock revetment at Seacliff Beach <i>Location: Highway 101 Southbound Seacliff off-ramp</i>	Walkway is located on a rock revetment accessible from the north through a parcel owned by Caltrans. Through access to Hobson County Beach Park is periodically available by stairs leading to a seasonally accessible beach (at low tide).	No additional improvements identified.	

¹ ADA accessible trails and equestrian trails will be defined during future planning process.



² All trails listed in this column are accessible (i.e. open to the public).

³ Class 1 pathways and Class 2 bike lanes may not meet all Caltrans specifications. Class 1 pathways are multi-modal unless otherwise noted. Class 2 is a striped and signed/stenciled bike lane.

⁴ Coastal Trail segments listed as "through-access" are Single-Mode Routes which provide access to or from the Multi-Modal Route at both ends of the trail segment.



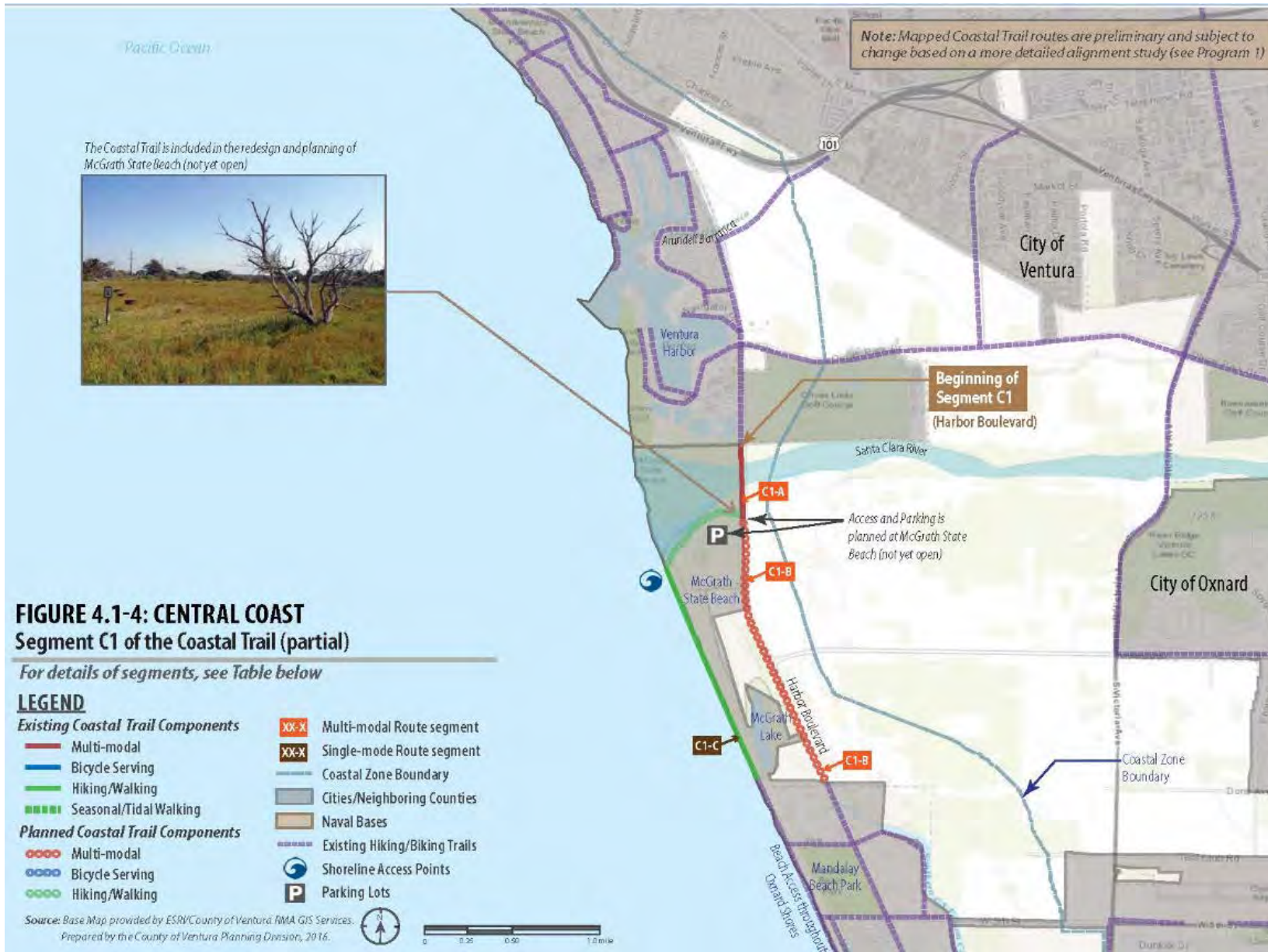
Tabular Summary for North Coast Subarea Trail (Figure 4.1-3)

SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE ²	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS ^{6,7}	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
N2	Multi-Modal (Type A-2)		7.1	Old Pacific Coast Highway <i>Location: Ventura-Santa Barbara Highway 101 HOV Project to the Omar Rains Trail</i>	Class 2 bike lane. Accessible.	Trail improvements are needed to accommodate walkers/hikers.	Specific improvements, and potential replacement route for walkers/hikers, to be determined during future planning process (see Program 1).
N3	Multi-Modal (Type A-1)		1.0	Omar Rains Trail <i>Location: Terminus of Pacific Coast Highway at State Beaches Ramp to City of Ventura</i>	Class 1 pathway. Accessible.	Minor improvements needed, such as resurfacing, striping, and signage.	Additional future alternate routes should be considered.


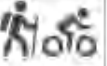
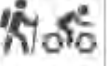

² ADA accessible trails and equestrian trails will be defined during future planning process (see Program 1).

⁶ All trails listed in this column are accessible (i.e. open to the public)

⁷ Class 1 pathways and Class 2 bike lanes may not meet all Caltrans specifications. Class 1 pathways are multi-modal unless otherwise noted. Class 2 is a striped and signed/stenciled bike lane.

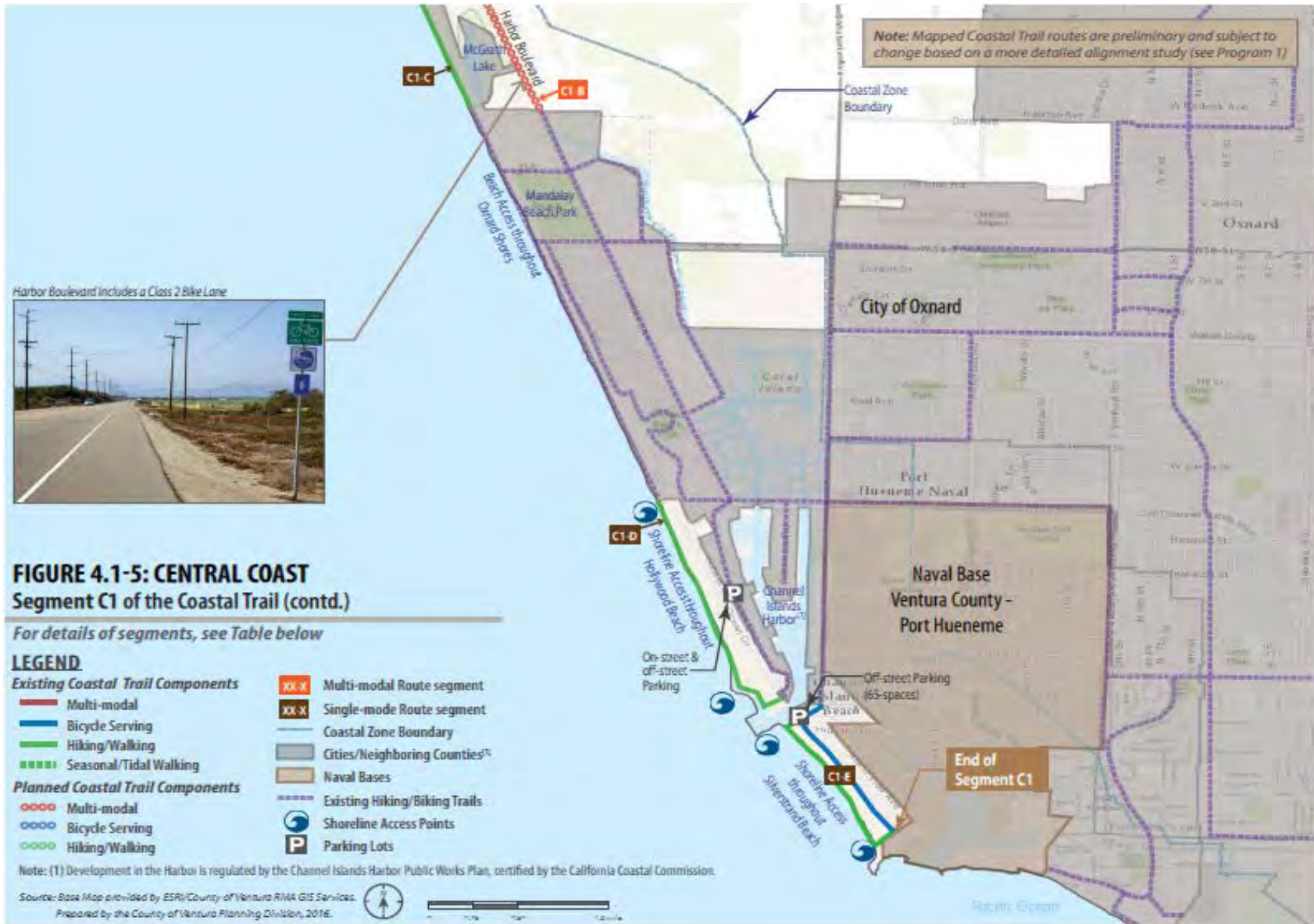


Tabular Summary for Central Coast Sunarea Trail (Figure 4.1-4)



SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE ²	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS ⁴	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
C1	Multi-Modal (Type A-2)		2.0	Harbor Boulevard <i>Location: Santa Clara River Bridge to the Reliant Energy Plant</i>	Class 2 and 3 bicycle facilities. Accessible.	Varies (see below)	Each segment shares an interjurisdictional boundary with the Cities of Ventura and Oxnard.
C1-A	Multi-Modal (Type A-1)		0.4	Santa Clara River Bridge <i>Location: Harbor Boulevard, straddling the cities of Oxnard and Ventura</i>	Class 1 Pathway. Accessible.	Minor improvements may be needed, such as resurfacing and signage.	Pathways are provided on both sides of the bridge.
C1-B	Multi-Modal (Type A-2)		1.5	Harbor Boulevard <i>Location: South Side of Santa Clara River Bridge McGrath State Beach to the Reliant Energy Plant</i>	Class 2 and 3 bicycle facilities. Accessible. Potentially locate hiking / walking portion within McGrath State Beach Park. This is a County-maintained road.	Additional Class 2 bike lane improvements and sidewalks or pathways for walkers/hikers are needed.	Pedestrians can use McGrath State Beach to access alternative shoreline route trail segment C-1C.
C1-C	Single-Use (Type B-1)		1.8	McGrath State Beach Park	Shoreline beach access for walkers/hikers. Not currently accessible. Potentially combine with bike lane (segment C1-B) to form a multi-modal trail segment.	McGrath State Beach is closed and is currently being redesigned.	Beach path through McGrath State Beach continues through Mandalay Beach, in Oxnard, to Hollywood Beach.

² ADA accessible trails and equestrian trails will be defined during future planning process.

⁴ Class 1 pathways and Class 2 bike lanes may not meet all Caltrans specifications. Class 1 pathways are multi-modal unless otherwise noted. Class 2 is a striped and signed/stenciled bike lane.



Tabular Summary for Central Coast Subarea Trail (Figure 4.1-5)







SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE ¹⁰	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS ^{11,12}	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
C1-D	Single-Use (Type B-1)		1.3	Hollywood Beach	Shoreline beach and harbor access for walkers/hikers. Accessible.	No additional improvements identified. Generally suitable for walkers/hikers.	Not a through route, but provides access to Channel Islands Harbor. In northerly direction, could provide access through Mandalay Beach to McGrath State Beach.
C1-E	Single Use (Type B-1)		1.0	Silverstrand Beach and Ocean Drive	Shoreline beach access for walkers/hikers. Ocean Drive includes a Class 2 bike lane and partial sidewalks. Accessible. Ocean Drive is a County-maintained road.	No additional improvements identified. Generally suitable for walkers/hikers and bicyclists.	Not a through route, but provides access to Silverstrand Beach, a swimming area in the harbor known as Kiddie Beach Park, and other beach/harbor-related uses.

¹⁰ ADA accessible trails and equestrian trails will be defined during future planning process (see Program 1).

¹¹ All trails listed in this column are accessible (i.e. open to the public).

¹² Class 1 pathways and Class 2 bike lanes may not meet all Caltrans specifications. Class 1 pathways are multi-modal unless otherwise noted. Class 2 is a striped and signed/stenciled bike lane.



Tabular Summary for Central Coast Sugarloaf Trail (Figure 4.1-5)							
SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE ¹³	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS ^{14,15}	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
C2	Multi-Modal (Type A-2)		3.1	Hueneme Road <i>Location: Edison Drive to Pacific Coast Highway</i>	Partially complete Class 2 bike lanes. Accessible.	Class 2 bike lane and pedestrian pathway improvements needed.	Primarily a through route for hikers, with low expected demand by walkers.
C2-A	Single-Use (Type B-1)		1.7	Ormond Beach Restoration Area. ¹⁶ <i>Location: Trail would connect Ormond Beach to Hueneme Road</i>	Limited areas of Ormond Beach are publicly accessible. No pedestrian connection exists from Ormond Beach to Arnold Road.	Walking/hiking pathway or trail should connect Ormond Beach with Coastal Trail Segment C2 on Hueneme Road. Trail connection would generally run parallel to Arnold Road.	The Coastal Trail will be integrated into the Ormond Beach restoration and public access plan in a manner that minimizes adverse impacts to sensitive habitat areas.
C3	Multi-Modal (Type A-2 modified)		2.1	Naval Air Road <i>Location: Hueneme Road to Main Road Gate/Pedestrian Bridge at NBVC-Point Mugu</i>	Class 2 bike lane for 2.1 miles to Main Road Gate. Accessible. Portions of road are County-maintained.	Class 2 bike lane improvements needed. If feasible, establish pedestrian pathway for hikers.	Accessibility of Naval Air Road subject to future changes by U.S. Navy. Alternative routes should be considered during future planning efforts (Program 1).
C4	Multi-Modal (Type A-2)		0.5	Pacific Coast Highway <i>Location: Main Road Gate/Pedestrian Bridge at NBVC-Point Mugu to Bridge over Calleguas Creek</i>	Highway. Pedestrians and cyclists are not permitted on the Highway under existing conditions.	Provide Class 1, multi-modal pathway adjacent to Pacific Coast Highway or provide alternate alignment on private land through a voluntary public access easement.	Trail alignment, and connection between trail segments C3 and S1, requires future, detailed evaluation (Program 1).
S1	Multi-Modal (Type A-1 or A-2)		9.9	Pacific Coast Highway <i>Location: Bridge over Calleguas Creek to Los Angeles County Line</i>	No existing bicycle facilities (Class 1, 2). No existing pedestrian trail.	Provide Class 2 bike lanes along PCH. Also provide a Class 1 walking / hiking pathway along one side of PCH. (Type A-2)	Alternatively, construct a shared, Class 1 trail facility (Type A-1) on one side of PCH to accommodate all user groups (similar to Segment N-1).
S-1A	Single-Use (Type B-1)		0.1	Point Mugu Beach	Shoreline beach for walkers/hikers. Through-access. ¹⁷	Stairways, and other access improvements needed for walkers/hikers at SE end.	Requires coordination with State Parks.

¹³ ADA accessible trails and equestrian trails will be defined during future planning process (see Program 1).

¹⁴ All trails listed in this column are accessible (i.e. open to the public).







¹⁵ Class 1 pathways and Class 2 bike lanes may not meet all Caltrans specifications. Class 1 pathways are multi-modal unless otherwise noted. Class 2 is a striped and signed/stenciled bike lane.

¹⁶ The Coastal Trail segment that connects Ormond Beach to Hueneme Road (Segment C2-A) will be subject to a restoration and public access plan. This plan will require a coordinated effort between Ventura County, the California Coastal Conservancy, The Nature Conservancy, and the City of Oxnard.

¹⁷ Coastal Trail segments listed as "through-access" are Single-Mode Routes which provide access to or from the Multi-Modal Route at both ends of the trail segment.



Tabular Summary for South Coast Subarea Trail (Figure 4.1-7)

SEGMENT NUMBER	TYPE OF ROUTE	TRAVEL MODE ¹⁸	LENGTH (MILES)	NAME AND LOCATION OF TRAIL SEGMENT	EXISTING CONDITIONS ¹⁹	PRELIMINARY LIST OF IMPROVEMENTS NEEDED	NOTES
S-1B	Single-Use (Type B-1) and Multi-Modal (Type A-3)	  	9.5	Coastal Slope Trail <i>Location: Existing Trails in Point Mugu State Park extend from Chumash Trailhead to Sycamore Canyon Campground</i>	Walking/hiking is allowed on most portions of this trail segment. Equestrians and mountain bikers are allowed on specific segments of the trail. This trail provides through-access. ²⁰	La Jolla Canyon Trail is currently closed due to unsafe conditions. No additional improvements identified for the existing segment of the Coastal Slope Trail.	Substantially higher degree of difficulty for hikers due to length and terrain than the planned trail route along Pacific Coast Highway. Requires coordination with State Parks.
S-1C	Single-Use (Type B-1)		1.0	Thornhill Broome Beach	Shoreline beach for walkers/hikers. Through-access. ²⁰	Stairways, and other access improvements needed for walkers/hikers at SE end.	Requires coordination with State Parks.
S-1D	Single-Use (Type B-1)		0.3	Sycamore Cove Beach	Shoreline beach for walkers/hikers. Through-access. ²⁰	Stairways, and other access improvements needed for walkers/hikers at SE end.	Requires coordination with State Parks.
S-1E	Single-Use (Type B-1)		0.4	Yerba Buena Beach	Shoreline beach for walkers/hikers. Through-access. ²⁰	Stairways, and other access improvements needed for walkers/hikers at NW end of trail segment.	Requires coordination with State Parks.

¹⁸ ADA accessible trails and equestrian trails will be defined during future planning process (see Program 1).

¹⁹ All trails listed in this column are accessible (i.e. open to the public).

²⁰ Hiking only is allowed on the Chumash Trail, Mugu Peak Trail, and La Jolla Canyon Trail. Hikers and equestrians are allowed on the Ray Miller Trailhead, the Backbone Trail, Overlook Trail and the Fireline Trail. Mountain Bikes are allowed on the Overlook Trail and in Sycamore Canyon. Coastal Trail segments listed as "through-access" are Single-Mode Routes which provide access to or from the Multi-Modal Route at both ends of the trail segment.

E. Coastal Trail Goals and Policies

Coastal Trail Goal 1 – Trail Alignment and Access

To provide a continuous trail route along coastal areas of Ventura County that forms a part of the statewide California Coastal Trail system and provides access to other trails, the shoreline, public recreational opportunities, and coastal points of interest.

Policies

[Staff Explanation: Policies 1.1 through 1.13 below provide a framework that will be used to develop a more specific and detailed Coastal Trail map as well as future implementation measures or development standards for the Coastal Trail. (See Program 1 for more details.)]

1.1 The California Coastal Trail (Coastal Trail) shall be provided through unincorporated Ventura County, and shall be located as close to the ocean as feasible, preferably along the shoreline or within sight or sound of the sea.

1.2 The County's Coastal Trail includes both Multi-Modal and Single-Mode Routes, and the Multi-Modal Route (Figure 4.1-1) shall connect to Coastal Trails segments in Santa Barbara County, Los Angeles County, and the cities of Ventura, Oxnard and Port Hueneme. Additional routes may be identified that are parallel to specific segments of the Multi-Modal Route to improve access and connectivity.

1.3 The Coastal Trail maps (Figures 4.1-1 – 4.1-7) shall be used to determine the general alignment of the Coastal Trail through unincorporated Ventura County. However, the provision of additional trail routes shall not be precluded on the basis that the trail route is not shown on the Coastal Trail maps. In addition to the Coastal Trail routes shown on Figures 4.1-1 – 4.1-7, the Coastal Trail may include the following:

- Alternative alignments established through public trail easements acquired through voluntary conveyance, acquisition, conveyance to satisfy conditions of approval of a coastal development permit, or other means; and
- Easements that provide a link between the mapped Coastal Trail and shoreline beaches or recreation areas – such as recorded vertical access easements, easements established via prescriptive rights, and public access rights reserved as offers to dedicate.

1.4 Mapped Coastal Trail routes shall be located on public land or within existing or acquired easements authorizing public use.

[Staff Explanation: The currently mapped primary Coastal Trail is located on public land or existing public easements and some right-of-way improvements may be required to accommodate all planned modes of travel (i.e. bicyclists, walkers/hikers, etc.). A more detailed planning process will be required to determine whether any existing public roads or public easements need to be widened to accommodate the trail.]

1.5 The Coastal Trail shall provide access to the County's recreational, natural, scenic, and historic resources or sites. Wherever feasible, ensure that trail segments are accessible to all members of the public, including citizens with disabilities.

- 1.6 Wherever possible, provide connections between the mapped Coastal Trail (Multi-Modal and Single-Mode Routes) and other existing or planned trail systems, vertical shoreline access points, transit stops, and coastal access parking or trail staging areas. (See Figures 4.1-1 – 4.1-7).
- 1.7 Sea level rise shall be considered when establishing the alignment of, and design standards for, the Coastal Trail.
- 1.8 Additional routes may be located further from the ocean where such routes provide ocean views, offer recreational opportunities, serve specific user groups, connect to other trail networks or public lands, or allow the trail to be moved landward in response to sea level rise.
- 1.9 Coastal Trail routes shall avoid Environmentally Sensitive Habitats (ESHA) to the maximum extent feasible. However, routes for hikers/walkers are considered a resource dependent use and may be located in ESHA and ESHA buffer zones where sited and designed to protect ESHA against any significant disruption of habitat values.
- [Staff Explanation: The currently mapped, Multi-Modal Coastal Trail route is not located within ESHA. However, Single-Mode trail routes may traverse beaches, wildlife preserves, or public parks that contain ESHA (public recreation trails are an allowable use in ESHA). Such trails should be limited to trail types that minimize impacts to ESHA. Walking/hiking trails typically have fewer impacts than bicycle or equestrian trails.]*
- 1.10 Coastal Trail routes should provide specialized trail segments for specific user groups or an alternative trail experience and enhanced access to the County's coastal beaches, coastal upland areas, public parks, or natural and scenic features.
- 1.11 Coastal Trail routes shall remain free from impediments such as gates, guardhouses, and other structures that block access to or along the Coastal Trail.
- 1.12 Organized group events, such as a bicycle race, on segment C-3 (Naval Air Road) shall not restrict NBVC-Point Mugu gate access or otherwise impede military training and operational missions. Such events require prior authorization from the U.S. Navy.

Coastal Trail Goal 2 – Trail Design

To ensure the design and construction of a Coastal Trail that provides a safe, pleasant and memorable user experience and that allows recreational travel to occur by various modes of non-motorized transportation.

Policies

- 2.1 The Coastal Trail shall be designed to maximize ocean views and scenic coastal vistas.
- 2.2 The Multi-Modal Route shall be designed, at a minimum, to provide access to both hikers/walkers and bicyclists, unless equivalent replacement segments are established that, at a minimum, provide the following:

- A Single-Mode trail segment for hikers/walkers that includes a walkable surface at all times of the day/year as well as a trail alignment that provides a more pleasant trail experience;¹ and
 - A Single-Mode trail segment for bicyclists that is a *Class 1 Pathway* or a *Class 2 bike lane*.
- 2.3 Segregated Multi-Modal Routes (Type A-2) shall be provided, whenever feasible, but where there are siting and design constraints, a shared Multi-Modal Route (Type A-1) may be provided for areas with low, anticipated demand by hikers/walkers or in locations with severe siting constraints.
- 2.4 Coastal Trail segments located in areas with high user demand (e.g. near public parking lots, staging areas, popular beaches, or nature viewing areas) should be designed for both active and passive use (e.g. casual walkers, beach cruiser bikes, long-distance hikers or bicyclists) and, where feasible, shall be compliant with the requirements of the Americans with Disabilities Act of 1990 (ADA).
- 2.5 Coastal Trail routes may be designed to accommodate specific user groups such as hikers, equestrians, and mountain bikers. The design of such routes should be tailored to suit the terrain or natural features of the area in which the trail is located as well as the needs of each targeted user group.
- 2.6 Trail classifications illustrated in Figures 4.1-1 through 4.1-7 shall be utilized during the preparation of detailed design and construction plans for the Coastal Trail. (See Program 1.)
- 2.7 All segments of the Coastal Trail shall be designed for user safety, including but not limited to the following standards:
- a. Coastal Trail segments planned for Multi-Modal use that currently provide existing, Class 2 bike lanes shall be enhanced to provide a *Class 1 Pathway* or a separate walking/hiking trail. An exception to this policy may be provided for the trail segment C3 and C4 located on Naval Air Road, where a separate, natural surface trail for walkers/hikers may not be feasible due to its location on a federal military installation.
 - b. Trees, landscaping, benches, restrooms, trash cans, lighting and/or other amenities shall be used, where appropriate, as design features to improve the safety and comfort of individuals using the Coastal Trail.
- 2.8 When the Multi-Modal Route is located within a public road right-of-way, its design features should include the following:
- a. *Walkers/Hikers*: Coastal Trail facilities for hikers/walkers should be *Class 1 Pathways, sidewalks, or natural surface trails that are separated from vehicular traffic. In areas with high user demand (e.g. near public parking areas, popular beaches, or nature viewing areas), hiking/walking trails should be physically separated from bicycle traffic where feasible. In areas with limited user demand, trail facilities may be limited to the side of the roadway closest to the ocean.*
 - b. *Bicyclists*: Coastal Trail facilities for bicyclists should be a trail segment located outside the road travel way on one (or both) sides or the roadway (i.e. a *Class 1 Pathway*) or should be a dedicated bicycle lane (*Class 2 bike lane*), located

Footnotes:

¹ Unless a boardwalk is provided, beaches are not considered walkable at all times of the day/year.

on both sides of the roadway with striping and signage. Facilities located on only one side of the roadway shall be located on the side of the roadway closest to the ocean whenever feasible.

- 2.9 Provide directional and educational signage along Coastal Trail Routes. At a minimum, directional signs shall be located where the Coastal Trail connects to other trails, public recreation areas, and coastal access points. Educational and access signs should be located at historical sites, within ESHA, and at visual vantage points as needed.
- 2.10 Where the Coastal Trail traverses ESHA, raised trail segments, wildlife permeable fencing, and other design methods to keep walkers/hikers on the pathway and minimize impacts on ESHA may be required.
- 2.11 When appropriate or when required, utilize permeable surfaces that minimize impacts on the environment due to storm-water runoff and erosion.
- 2.12 Coastal Trail alignments and designs shall minimize changes in existing natural landforms and blend into the natural environment.
- 2.13 Coastal Trail segments should be designed to accommodate the travel modes allowed on adjoining trails in neighboring jurisdictions.
- 2.14 When private land is located next to the Coastal Trail, low-profile trail design features – such as rocks, low fencing, or a low landscape hedge – should be employed to identify the trail boundary and minimize conflicts between private property owners and trail users. However, such features shall not adversely impact coastal resources, public views to and along the shoreline, or other scenic resources, and shall be consistent with the policies and provisions of the LCP.
- 2.15 Single-Mode Routes – such as shorter trail loops that traverse public parks or coastal beaches – should be designed to provide a variety of linear distances and elevation changes for trail users with different activity levels, except where the Single-Mode Route serves as a replacement segment for the hiking/walking portion of a Multi-Modal Route (see Policy 2.2).
- 2.16 Coastal Trail routes located outside urbanized areas shall either exclude artificial lighting or use the minimum amount necessary for wayfinding or to ensure public safety at coastal access parking locations. When such lighting is required, artificial light shall be directed away from ESHA and neighboring development.
- 2.17 Coastal Trail improvements shall be designed to minimize adverse impacts on views of scenic resources (e.g. coastline, mountains) from public viewing areas.
- 2.18 The Coastal Trail shall be located, designed, and maintained in a manner that will avoid or minimize impacts to Native American cultural resources.

Goal 3 - Coastal Trail Implementation and Management

Construct and maintain the Coastal Trail in a manner consistent with all policies and provisions of this LCP while maintaining respect for public rights and the rights of private landowners.

Policies

- 3.1 Segments of the Coastal Trail shall be acquired and developed as follows:
 - a. Whenever feasible, the Coastal Trail will be located on public land or land with a public access easement acquired through voluntary transactions with willing landowners.

- b. Where existing public roads or public easements must be widened to accommodate improvements associated with the Coastal Trail, the lead agency should utilize methods at its disposal (e.g. purchase easements, discretionary permit approvals, etc.) to expand an existing public corridor.
- c. When necessary, Coastal Trail easements may be established through the discretionary development process when the easement dedication is voluntary or when a legal basis exists to require the easement dedication as a condition of approval. Dedicated easements shall be used to accommodate a mapped segment of the Coastal Trail (see Figures 4.1-1 through 4.1-7). If the responsible agency does not accept the grant of easement, then an offer to dedicate an easement shall be recorded. (See Coastal Zoning Ordinance Sec. 8181-12.)

[Staff Explanation: The policies listed above would allow public access easements to be obtained for the Coastal Trail using a variety of techniques.]

- 3.2 When an existing prescriptive easement provides vertical access between the Coastal Trail and the shoreline, the discretionary permitting process shall be used to provide, maintain or protect public access.
- 3.3 Individual trails segments may be developed, constructed, and opened without concurrently amending the Coastal Trail Map.
- 3.4 In order to minimize costs associated with the Coastal Trail, utilize private and non-profit organizations and volunteers, whenever possible, to assist with trail acquisition, construction, maintenance and operation.

[Staff Explanation: Sources of continuous funding for ongoing access management and maintenance are difficult to obtain. Typically, maintenance for new facilities must be absorbed into existing budgets. Assistance from partnerships, volunteers and outside agencies would help cover funding gaps.]

- 3.5 The Coastal Trail is a permitted use in all zones, and land mapped as a Coastal Trail Route shall be protected from conflicting development or uses that would adversely impact or preclude its future development and use as an operational segment of the Coastal Trail. An exception to this policy may be permitted when a replacement Coastal Trail alignment is established that is deemed equivalent to the originally planned trail alignment and that meets all other policies and provisions of the LCP.

[Staff Explanation: This policy addresses the potential for development to conflict with a mapped segment of the Coastal Trail. It also provides flexibility for establishing an alternate trail alignment that takes advantage of available land or easements.]

- 3.6 The County shall evaluate and, where appropriate, pursue the following opportunities to extend Coastal Trail routes or provide new access points to the Coastal Trail: (a) abandoned roadways and (b) unaccepted offers to dedicate an easement. When pursued, such opportunities shall be carried out in compliance with Policies 3.1 and 3.7. All new trail segments shall be subsequently added to the Coastal Trail map.

[Staff Explanation: This policy provides a framework for pursuing opportunities to add new Coastal Trail segments.]

- 3.7 The County should not close, abandon, or render unusable by the public any existing accessway or public road which would improve Coastal Trail access or provide an alternate Coastal Trail alignment unless the action is determined to be necessary for public safety.

F. Coastal Trail Programs

The following programs identify actions that are required to more fully design and implement the Coastal Trail in Ventura County. The timing for all Coastal Trail programs is dependent upon available staff resources and funding.

1. **Program 1 - Coastal Trail Master Plan:** The RMA/Planning Division will seek grant funding and Board of Supervisors authorization for the preparation of a Coastal Trail Master Plan, and an associated LCP amendments package, which would include the following components and activities:
 - a. **Public Outreach Program and Interagency Coordination:** Conduct a public outreach and interagency coordination effort to discuss optional trail routes, trail design, trail access (e.g. parking, transit), and trail implementation. Public outreach would include coastal residents and businesses as well as key stakeholder groups (e.g. Surfrider Foundation, Sierra Club, and equestrians). Interagency coordination would include appropriate Ventura County agencies; the cities of Oxnard, Ventura, and Port Hueneme; the Channel Islands Harbor Department; Caltrans; the U.S. Navy; the California Department of Parks and Recreation; the California Coastal Conservancy; and the Ventura County Transportation Commission.
 - b. **Existing Conditions Inventory:** An existing conditions assessment and inventory that addresses specific user groups, physical suitability and constraints analysis, opportunities for connectivity, and a GIS-based field inventory. This inventory should also include the identification of abandoned roadways, existing or planned Coastal Trail access parking, and opportunities for new or alternate Coastal Trail alignments.
 - c. **Master Plan Document:** This document should include the following components:
 - Purpose and vision statement;
 - Updated Coastal Trail map(s), including potential changes or additions identified for the North, Central, and South Coast subareas (see Section C - Coastal Trail Implementation);
 - Design guidelines or standards for trail classifications (multi-modal, single-use) and user groups (e.g. walkers, hikers, equestrians, persons with disabilities, etc.);
 - Recommendations for Coastal Trail access (e.g. transit stops, parking lots, signage, and parking regulations).
 - Public outreach and inter-agency coordination summary; and
 - Implementation Plan that includes cost estimates, potential funding sources for trail design/construction, implementation strategies, a maintenance plan, and recommended agency roles needed for trail coordination and management.
 - d. **LCP Amendments.** In order to incorporate the Coastal Trail Master Plan into the County's LCP, the Planning Division will process necessary updates to the Coastal Trail section of the CAP (i.e. Coastal Trail maps, trail classifications, and goals, policies and programs). The LCP amendments will include a new section of the

CZO that addresses development standards, permitting procedures or requirements, and other measures necessary measures needed to implement the Coastal Trail.

- e. **Public Hearings.** Adoption of the Coastal Trail Master Plan and its associated LCP amendments will require Planning Commission, Board of Supervisors, and Coastal Commission hearings.

Responsible Agency: RMA/Planning Division

Timeline: Years 0 through 5 following certification of LCP amendments for the Coastal Trail. Project timing is dependent on available funds/grant awards.

[Staff Explanation: Coastal Trail provisions in the CAP constitute a strong first step towards making the Coastal Trail a reality within Ventura County. However, the proposed CAP amendments are limited to a conceptual trail alignment and policies that will be difficult to implement without a more detailed plan and a more robust planning effort. Potential funding sources for this program include the Coastal Conservancy, Caltrans, and SCAG.]

- 2. **Program 2 – Discretionary Project Reviews:** As discretionary projects are reviewed, the RMA/Planning Division will request that all mapped portions of the Coastal Trail be incorporated into projects subject to discretionary permits. For example, the Coastal Trail will be reviewed with the following projects:

- a. State beach park upgrades: Work with State Parks to help ensure that the Coastal Trail is incorporated into the redesign of McGrath State Beach;
- b. Road improvement projects: Ensure that pedestrian routes and bicycle facilities described the Coastal Trail map tables are implemented during road improvement projects. For example, road improvement projects for the Pacific Coast Highway within the South Coast Subarea should include Coastal Trail improvements (e.g. a shared, *Class 1 Pathway*) on the ocean-side of the roadway, as well as marked crosswalks and pedestrian traffic controls at intersections between the Coastal Trail and landside trail heads or coastal access parking lots;

Responsible Agency: RMA/Planning Division

Timeline: Ongoing

[Staff Explanation: A key method for implementation of the Coastal Trail will occur through the discretionary permitting process. For example, specific Coastal Trail segments may be located within planned upgrades to McGrath State Beach. While bicycle lane improvements are currently planned on Pacific Coast Highway, planned road improvements would also need to accommodate walkers/hikers in order to be consistent with Coastal Trail maps proposed for the South Coast subarea.]

- 3. **Program 3 – Coastal Trail Distribution and Interagency Coordination.** Prepare and distribute a cover letter and copy of the certified Coastal Trail maps and policies to relevant federal, state or local agencies and request that agency planning documents be updated to include mapped portions of the Coastal Trail. Meet with agency personnel to explain the Coastal Trail and discuss how it may fit into their physical development plans or agency mission. Examples of relevant inter-jurisdictional agency documents, or potential locations for the Coastal Trail, include the following:

- a. State Parks: Integrate Coastal Trail into plans for McGrath State Beach and Point Mugu State Park; integrate Coastal Trail into Santa Monica Mountains Interagency Trail Management Plan (SMMNRA) and updates to the General Management Plan.
- b. Ventura County Cities: Identify potential trail connections to segments of the Coastal Trail located in unincorporated Ventura County.
- c. Ventura County Transportation Commission (VCTC): Integrate mapped segments of the trail into the Comprehensive Transportation Plan, Countywide Bicycle Master Plan, and future transportation corridor plans for the Coastal Zone;
- d. SCAG/Caltrans: Integrate Coastal Trail into the next Regional Transportation Plan (SCAG);
- e. Caltrans: Integrate Coastal Trail improvements into Transportation Concept Reports and the District System Management Plans.
- f. City of Oxnard: in the Central Coast Subarea, there is potential to develop a shoreline trail extending from the Santa Clara River to Channel Islands Harbor; but only a few parcels adjacent to the shoreline are within the county's jurisdiction. The City of Oxnard is currently updating its LCP, which could identify a walking/hiking route that extends along the beach between McGrath State Beach and Channel Islands Harbor (see Figures 4.1-4 and 4.1-5.) A Coastal Trail route will also be incorporated into the restoration and public access plan for Ormond Beach. The restoration plan will require a coordinated effort between Ventura County, the Coastal Conservancy, The Nature Conservancy, and the City of Oxnard.
- g. Ventura County Public Works / Transportation Division: Seek direction from the Board of Supervisors to integrate Coastal Trail improvements into the Strategic Master Plan and/or upcoming CIP project plans.

Responsible Agencies: RMA/Planning Division (all); PWA/Transportation (Item g)

[Staff Explanation: A coordinated trail planning effort will be necessary to develop an interconnected Coastal Trail in Ventura County, and additional inter-jurisdictional coordination is included as an action item in Program 1. On a more immediate basis, Coastal Trail alignments certified by the Coastal Commission should be incorporated into relevant, regional planning documents. That action is supported by Public Resources Code 31408 (Assembly Bill 1396, October, 2007), which requires transportation planning agencies, whose jurisdiction includes a portion of the California Coastal Trail or property designated for the Coastal Trail, to coordinate with specified agencies regarding development of the Coastal Trail and to include provisions for the Coastal Trail in their regional transportation plans. SB 908 (October 2001) also requires the Coastal Conservancy, Coastal Commission, State Parks and other agencies to coordinate development of the Coastal Trail.]

4.1.5 Tree Protection

Trees are an important component of coastal biological *habitats*. *Trees* also contribute to the visual beauty of coastal areas, serve as windscreens to reduce erosion within agricultural areas, and provide historic landmarks that recall important eras or events in Ventura County's history. *Trees* are part of our living heritage and provide multiple benefits. They can sooth and relax us and help us connect to nature and our

surroundings. They provide color, flowers, fruit, and interesting shapes and visual forms. They also play a crucial role in life. *Trees* absorb carbon dioxide and release oxygen, provide a canopy and *habitat* for wildlife, and reduce *runoff* and erosion. *Trees* increase real property values by preserving and enhancing the aesthetic qualities of residential or commercial areas. They screen unattractive views and provide shade that breaks up urban "heat islands" and glare. Flowering *trees* announce the arrival of different seasons or help define the character of a particular residential area.

The multiple benefits provided by *trees* are lost when unnecessary *tree removal* takes place or when we fail to plant new replacement *trees*. For example, *tree* reductions can result in an increase in carbon dioxide release. As *tree* coverage declines and impervious surfaces increases, average temperatures rise. Taken together, the loss of *trees* in Ventura County can influence global warming and extreme weather events.

Conversely, *invasive trees* displace *native vegetation* thus reducing native wildlife *habitat* and altering ecosystem processes. *Invasive trees* owe their success by being able to tolerate a variety of adverse *habitat* conditions, reproduce via multiple pathways, release chemicals that inhibit the growth or kill surrounding native plants, and outcompete native plants for water and sunlight. Only in instances where an *invasive tree* is historic, provides a butterfly, colonial bird roosting or *raptor* nesting site and/or provides *habitat* for other sensitive wildlife species, would it require protection.

Goals ~~Objectives~~ and policies within the CAP are designed to retain the important functions of *trees* and avoid adverse effects that result from *tree removal*, certain types of *tree alteration*, and the planting of *invasive trees*. More specifically, policies within the CAP identify when existing *trees* must be preserved and when *tree removal* or alteration must be mitigated through the planting of replacement *trees* or through another form of mitigation.

Objective Tree Protection Goal 1

Protect *trees* that function as important biological, watershed, visual and *historic resources* within coastal areas of Ventura County.

Policies

All Trees

1. With the exception of *emergency tree removal*, the *alteration* or *removal* of any *tree* in the *coastal zone* shall not be conducted during the designated bird *breeding and nesting season* (i.e. January 1 through September 15), unless the County receives a bird survey prepared by a *qualified biologist* or *ornithologist* indicating that no breeding or nesting birds were found within the *tree* to be *altered* or *removed*, that no *raptor* breeding or nesting activities are present within 500 feet of the subject *tree*, and that no breeding or nesting behaviors are present within 300 feet of the subject *tree* for all other types of birds.

Protected Trees

2. The following types of *trees* shall be classified as *protected trees* when located within the *coastal zone* of Ventura County:
 - *Trees* that contribute to the function and *habitat* value of an *Environmentally Sensitive Habitat Area* (referred to as *ESHA*);
 - *Native trees*;
 - *Historical trees*; and

- *Heritage trees.*

Unless a *tree* is classified as one of the groups listed above, *non-native trees* shall not be classified as a *protected tree*.

3. The *removal* of a *protected tree* that is *ESHA*, or *tree alteration* that damages *ESHA*, shall be prohibited except where the *tree* poses an imminent hazard to life, health, existing *structures*, or essential public services and where approved through an Emergency Permit.
4. For *protected trees* not classified as *ESHA*, new *development* shall be sited and designed to avoid the *removal* of the *protected tree* or *alteration* that damages a *protected tree*. If there is no *feasible* project alternative that avoids such impacts to *protected trees*, then the project alternative shall be selected that would minimize damage to *protected trees* in the following order of priority: *native trees*, *historical trees*, and *heritage trees*. *Protected tree removal* or *alteration* shall be undertaken in the following manner:
 - i. *Principal Permitted Use/Structure*. *Protected tree removal* or damage may be permitted where no *feasible* alternative exists to provide a reasonable economic *use* of the property, as evidenced by the alternatives analysis; and
 - ii. *Accessory Uses/Structures*: With the exception of *non-native heritage trees*, removal of a *protected tree* shall be prohibited to increase the footprint of an existing *use/structure* or the placement of a new *use/structure* not previously approved with the original discretionary permit. Any approved *development* (e.g. paving, *fence* posts), including grading or excavation, that *encroaches* into the *tree's protected zone* shall be the minimum necessary to provide *access*, utility service, security, or privacy to the property.
5. Fire Clearance: With the exception of *non-native heritage trees*, new *development* shall be located and designed to minimize fire clearance and *fuel modification* maintenance that requires the *removal* of a *protected tree*. New accessory *buildings* or *uses* that extend fire clearance and *fuel modification* maintenance in a manner that requires the *removal* of a *protected tree* shall be prohibited.
6. Pruning: Pruning of a *protected tree* may be conducted in accordance with the Tree Ordinance Appendix T-1, provided that such actions are taken to protect public safety, maintain *access*, or maintain the health of the *tree*.
7. Mitigation Measures: When new *development* will result in the loss or degraded health of a *protected tree*, mitigation measures shall be required that include (but are not limited to) the planting of replacement *native trees* in the following manner:
 - Replacement *tree* planting shall occur within suitable, onsite areas at ratios that ensure success of the planted species; and
 - A monitoring program shall be implemented to ensure the successful establishment of replacement *trees*.

Offsite mitigation, or contribution to an established in-lieu fee program, may be permitted when on-site mitigation is not *feasible*.
8. Discretionary *development* shall be conditioned to ensure *tree* protection during construction, including but not limited to measures such as protective fencing, flagging, *use* of hand tools, and biological monitors to avoid damage to the *protected zone* of *protected trees*.

Non-Native Invasive Trees

9. The planting of *invasive trees* shall be prohibited.
10. During the discretionary *development* process, encourage the removal of existing, *non-native invasive trees* except when such *trees* are classified as a *protected tree*.

Tree Protection Programs

1. Prepare regulations within the CZO that implement *tree* protection provisions for offsite mitigation and in-lieu fees to ensure compensatory *native tree* mitigation on a project-by-project basis. Implementation standards shall be treated as an LCP amendment and shall be subject to the approval of the Coastal Commission.
2. Periodically review and update existing regulations or standards related to *protected trees* in order to bring them into alignment with new advances in *tree* protection and management, pursuant to a LCP amendment.

4.1.6 Sea Level Rise

(Placeholder for future section only)

4.1.7 Visual Resources

The Ventura County *coastal zone* contains *scenic resources* of regional and national importance.

Objective Visual Resource Goal 1

Maintain and enhance the County's scenic and visual resources for the current and future enjoyment of its residents and visitors, ~~and maintain and enhance public safety.~~

Policies

Signs:

1. *Signs* shall be located in areas that minimize impacts to *scenic resources* that protect views to and along the ocean and scenic coastal areas.
2. *Signs* shall be visually compatible with surrounding areas.
3. Off-site commercial advertising signs are prohibited.

Wireless Communication Facilities:

1. *Wireless communication facilities shall be sited and designed to minimize alteration of natural land forms and to blend with the surrounding area in a manner that is consistent with community character, the natural environment, and existing development.*

[Staff Explanation: This policy is based on the Board-adopted General Plan policy 4.5.2-4, which requires that WCF minimize visual impacts and blend with existing development and the natural environment.]

2. *Wireless communication facilities shall be sited and designed to protect views from public viewing areas to the ocean or to scenic resources.*

[Staff Explanation: As an example of how this policy would be applied, a faux tree is

proposed near an overlook located next to Pacific Coast Highway. The visual analysis for the proposed Section shows that it would block travelers' views of a nearby coastal lagoon. This policy would require the relocation of the faux tree to an area where it would not obstruct the view, such as the opposite side of the highway. Another option would be to replace the faux tree with a smaller facility that does not obstruct the view.]

3. Wireless communication facilities – including accessory equipment, lighting, utility lines, security measures and access roads – shall be sited and designed to minimize adverse impacts on public access, ESHA and ESHA buffer zones.

[Staff Explanation: This policy is designed to protect coastal access and ESHA when accommodating WCF, which is consistent with the Coastal Act.]

4.1.8 Water Efficient Landscaping

Waters of the state of California are of limited supply and are subject to ever increasing demands. On average, approximately 53 percent of urban water is used to irrigate landscaped areas in California.¹ While landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development, water conservation through landscaping offers the greatest single opportunity for water savings in the urban area.

The Water Conservation in Landscaping Act of 2006 (AB 1881) requires the Department of Water Resources (DWR) to adopt the State model water efficient landscape ordinance (State WELO). Local agencies may either adopt the State WELO or adopt a local water efficient landscape ordinance that is as effective at conserving water as the State WELO. The State WELO is set forth at California Code of Regulations at Chapter 2.7, Division 2 of Title 23. Section 8178-8 of the County's Coastal Zoning Ordinance incorporates the substantive requirements of the State WELO, and represents the County's local water efficiency landscape ordinance for the coastal zone that is as effective at conserving water as the State WELO.

Water-efficient landscaping, which must be designed, installed and maintained in accordance with an approved landscape plan, is required in new development and modification of existing development, as specified in Section 8178-8 of the CZO. The landscape plans must incorporate water conservation measures including the use of drought-tolerant native plants, irrigation systems that incorporate low water usage plumbing fixtures, proper soil preparation, maintenance, and watering schedule.

Objective Water Efficient Landscaping Goal 1

Require landscape design, installation, maintenance and management to be water efficient.

Policies

1. Landscaping shall be sited and designed to protect *coastal resources*, including *environmentally sensitive habitat areas* (ESHA), *scenic resources*, water quality, and water supply.

Footnotes:

¹ California Single-Family Water Use Efficiency Study, California Department of Water resources, Irvine Ranch Water District, 2011.

2. Landscaping shall be used to screen views of utilities, *trash enclosures*, large blank walls or *building facades*, and parking areas as seen from *public viewing areas*. Screening shall not be used as a substitute for project alternatives such as re-siting or reducing *height* or bulk of *structures*.
3. Residential projects that include a model home(s) shall provide at least one model home with landscaping and irrigation that demonstrates the principles of water conservation.
4. Landscaping adjacent to ESHA, designated open space and parkland areas shall preserve, protect and, where *feasible*, enhance such areas.
5. Landscape design shall be compatible with the character of the surrounding rural, urban, and environmental setting. Compatibility shall be established by minimizing landform alterations and by utilizing new vegetation that is similar in type, size and scale to the surrounding environment.
6. Landscaping visible from *public viewing areas*, including eligible or designated *scenic highways* shall not obstruct public views of *scenic resources* and shall not detract from the area's scenic value.
7. Landscaping shall not encroach or block *coastal access* or *access* to roads, water supplies, or *emergency* facilities.
8. When a *landscape plan* is required for a discretionary project, the plant palette shall be limited to native, drought-tolerant vegetation except as follows:
 - Non-native, non-invasive vegetation may be used when located within the approved *building envelope*.
 - Drought tolerant and *fire resistant non-native plants*, as approved by the Ventura County Fire Protection District, may be used in the *fuel modification zone*, except when the *fuel modification zone* is within an ESHA buffer.
 - When located in areas not conducive to native plant establishment.
9. Irrigation for landscaping shall incorporate water conservation measures such as low water usage plumbing fixtures, emitters, *micro-spray*, and other measures designed to reduce water usage.
10. When a *landscape plan* is required for a discretionary project, no *invasive plant* shall be included in the *landscape plan*.
11. Temporary vegetation, seeding, *mulching*, or other suitable stabilization methods shall be used to protect soils subject to erosion that were disturbed during grading or development. Any plants or seeds used in these stabilization efforts shall be non-invasive.
12. Projects that include large areas of landscaping, such as maintained parks, shall use recycled/*reclaimed water* for irrigation when such systems are available.
13. In order to protect the *scenic resources* in the coastal zone, landscaping, when mature, shall not impede public views of *scenic resources*. Existing natural features shall remain undisturbed to the maximum extent *feasible*.

Water-Efficient Landscaping Programs

1. Every five years, the Planning Division will review and, if needed, update existing regulations or standards within the Local Coastal Program (LCP) related to water

efficient landscaping in order to incorporate new advances in water conservation and climate-appropriate plants. The primary purpose of regulatory updates is to ensure that the County's water efficient landscape regulations comply with State requirements, including the Water Conservation in Landscaping Act (Government Code §§ 65591 et seq.) and its implementing regulations and requirements such as the model Water Efficient Landscape Ordinance (see Cal. Code Regs. tit. 23, §§ 490 et seq.).

4.2 THE NORTH COAST

[Staff Explanation: The existing Area Summary section below was moved, without modifications, to Chapter 3, Land Use Plan.]

Area Summary

The North Coast spans 12 miles from the northern County line at Rincon Point southward to the Ventura River. It encompasses coastal cliffs, formed by eroding marine terraces, a portion of the Santa Inez Mountains, narrow sandy beaches, rocky tidepools, and a perennial *stream*.

Approximately 90 percent of the area inland of Highway 101 is open space or *agriculture*. Most of the land is owned in large *parcels* of 20 to 40 acres, or more. Oil wells and related facilities are scattered throughout the area. U.S. Highway 101 and the tracks of the Southern Pacific Railroad wind along the narrow strip of land at the base of the mountains.

Six residential (1-6 below) and two (7 and 8 below) industrial "Existing Communities," as designated by the County in 1978, are located on the North Coast (Figure 1). The purpose of the "Existing Community" designation is to recognize the existing urban *development* along the coast, and to allow those specific areas to infill using prevailing zoning categories. The communities are:

1. Rincon Point—A 9.4-acre residential area with controlled access. It is zoned "C-R-1" (Coastal One-Family Residential, 7,000 square foot minimum lot size).
2. La Conchita—An older residential community, about two miles south of the Santa Barbara Ventura County Line, east of U.S. Highway 101, that encompasses 19.0 acres and is zoned "R-B" (Residential Beach) and "C-C" (Coastal Commercial).
3. Mussel Shoals—A 5.6-acre mixed-density residential area. It is located west of U.S. Highway 101 and the Old Coast Highway, and is zoned "R-B" (Residential Beach) and "C-C" (Coastal Commercial).
4. Seacliff—An area of 11.34 acres bounded on the north by freeway right-of-way, east by the Old Coast Highway, and to the south by Hobson County Park. The homes are *single-family* and zoning is "R-B".
5. Faria—A residential area west of U.S. Highway 101 and about 5.5 miles north of the City of San Buenaventura. It encompasses 20.7 acres. The area is zoned "R-B".
6. Solimar—Also zoned "R-B", this residential community is located between Old Coast Highway and the beach, approximately 3.75 miles north of the City of San Buenaventura.
7. Rincon—One of two industrial communities on the North Coast, it is approximately 395 acres in size, with 158 acres still potentially developable. It contains two processing facilities: the Rincon oil and gas processing facility and, what has been historically called, the Chanslor Western/Coline facility. The major portion of *development* is inland of the freeway, and is zoned "C-M" (Coastal Industrial).
8. La Conchita—The oil and gas processing plant at La Conchita is the second industrial community. It encompasses 9.8 acres that are fully developed under "C-M" (Coastal Industrial) zoning.

Portions of the North Coast are set aside for recreation. Emma Wood State Beach, about seven miles south of Solimar, has 150 overnight campsites and also includes the popular

~~surfing area at Rincon Point, Hobson County Park Faria County Park, and the Rincon Parkway have additional opportunities for camping and beach access. A fire station is located north of, and immediately adjacent to, the community of Seacliff.~~

4.2.1 North Coast Subarea Policies

1. All zoning and *development* shall be in conformance with the Land Use Plan map (~~Figure 16.2~~)(Figure 3-2), which has been designed to reflect these goals and policies. The Zoning Compatibility Matrix (~~Figure 33~~)(Figure 3-1) indicates the zones which are consistent with the various land *use* categories.
2. In case of reasonable doubt as to the precise alignment of land *use* boundaries on the Land Use Plan Maps, the *Planning Director* is authorized to determine the precise boundary locations. Such determinations must comply with the goals and policies which are set forth in the written text of the Coastal Area Plan. Determinations shall be graphically portrayed on the adopted Land Use Plan Map. In granting the *Planning Director* such powers, it is understood that any interested party may appeal the Director's decision to the Planning Commission and subsequently to the Board of Supervisors (Ventura County Ordinance Code, Division 8, Chapter 1.1, Article 11) and, upon exhaustion of these local appeals, as follows:
 - a. The dispute or question of determination may be appealed to the Executive Director of the Coastal Commission. The Executive Director shall expediently transmit to the interested parties his or her determination as to the precise boundary location.
 - b. Where the Executive Director's determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate boundaries for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting consistent with its Administrative Regulations Section 13569.

Environmentally Sensitive Habitats

[Staff Explanation: The existing Environmentally Sensitive Habitats section below was moved, without modification, to Section 4.2.8.]

A. Tidepools and Beaches

~~Tidepools occur at Faria, Mussel Shoals, Seacliff and Emma Wood State Beach (Figure 1). Subtidal rock outcrops provide anchorage for kelp, which in turn provides *habitat* for a multitude of organisms. Intertidal and subtidal diversity creates feeding *habitat* for a variety of water birds. The sandy beach adjacent to the rocky areas serves as resting *habitat* for shorebirds, and is important for shellfish and as grunion spawning grounds.~~

Objective

~~The protection of tidepools.~~

Policies

1. ~~Shoreline interpretive programs will be coordinated by all appropriate agencies for existing recreation sites, including Hobson and Faria County Parks, and Emma Wood State Beach. Coastal ecology should be included into interpretive programs as they are developed for new State recreation areas and parks.~~

- ~~2. Provisions will be made for the proper disposal of recreation generated wastewater effluent and solid waste at public sites along the North Coast. County Service Area (CSA) 29 will help provide an acceptable wastewater disposal system for portions of the North Coast.~~
- ~~3. Shoreline protection structures, such as revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal dependent land uses, and public beaches. Any structures built under these conditions will incorporate mitigation measures that reduce intertidal or nearshore habitat losses and impacts on local shoreline and sand supply.~~
- ~~4. Placement of any fill or dredged material along the North Coast beach intertidal area shall be carried out in consultation with the State Department of Fish and Game, in order to ensure that the timing and location of such activities does not disrupt the life cycles of intertidal or sandy beach species.~~
- ~~5. An applicant for any coastal project, including shoreline protective devices, will show that their proposal will not cause long term adverse impacts on beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated waste water or oil, and runoff from streets and parking areas. Findings to be made will include, but not be limited to, proper waste water disposal.~~
- ~~6. Policies 2 through 5 are also applicable to projects involving alterations to existing shoreline protection structures.~~
- ~~7. The adopted State "Guidelines for Wetlands and Other Wet, Environmentally Sensitive Habitats" will be used when analyzing any projects that may impact or alter tidepools.~~

~~B. Creek Corridors~~

~~Rincon Creek is the only perennial riparian corridor on the North Coast (Figure 2). However, other stream or creek corridors are considered to be watercourses, either perennial or intermittent, as shown on USGS quadrangle maps, as measured between the high water mark, or the break in each bank. Maintenance of native vegetation will help diffuse floods and runoff, minimize soil erosion, and retard sedimentation.~~

~~Objective~~

~~To maintain creek corridors in as natural a state as possible while still accommodating the needs of public health and safety.~~

~~Policies~~

- ~~1. All projects on land either in a stream or creek corridor or within 100 feet of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.~~
- ~~2. Substantial alterations (channelizations, dams, etc.) to river, stream, or creek corridors are limited to:
 - ~~a. necessary water supply projects;~~~~

- b. ~~flood control projects where no other method for protecting existing structures in the flood plan is *feasible*, and where such protection is necessary for public safety or to protect existing development; or~~
 - c. ~~developments where the primary function is the improvement of fish and wildlife *habitat*.~~
3. ~~Projects allowed per the above policies will incorporate the best mitigation measures *feasible*.~~
 4. ~~Criteria set forth in the adopted Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and Other *Environmentally Sensitive Wet Habitats*" will be used in evaluating projects proposed within the Rincon Creek corridor.~~

C. Film Production, Temporary

Policies

1. ~~*Temporary film production activities* shall not result in substantial adverse impacts to ESHA or ESHA buffer, including indirect effects from outdoor lighting or noise.~~

D. Signs

Policies

1. ~~*Signs* are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent *feasible*.~~

4.2.2 Recreation and Access

A. Recreation

There are several developed, accessible recreation areas on the North Coast. (Figure 3) [Figure 4.2-3](#) is a chart depicting both developed and undeveloped recreation and parking facilities, and (Figure 4) [Figure 4.2-4](#) is a map showing the location of these facilities. A parking lot and broad accessway, maintained as an extension of Emma Wood State Beach, is located at Rincon Point. The area's waves attract a large number of surfers. Excellent rocky tidepools are another of the Point's attractive resources. The major segment of Emma Wood State Beach is found between Solimar and the Ventura River. The County maintains two park areas, Hobson and Faria County Parks. Both Hobson and Faria parks provide sewer and water hookups for overnight recreational vehicles. ~~have sanitation difficulties and an acceptable way of disposing liquid waste from recreational vehicles must be found.~~ Other popular North Coast recreation sites include the Highway 101 bike path between Rincon Point and the Mobile Pier Road undercrossing, and beaches along Mussel Shoals, Faria, and Solimar and segments of U.S. Highway 101. ~~There are no public conveniences or parking at Mussel Shoals, and many popular sections of Parking along the U.S. 101 right-of-way at Mussel Shoals~~ was are not officially designated replaced by a 210-space parking lot with bike racks at Punta Gorda (located between Mussel Shoals and Mobil Pier Road) as a result of the Highway 101 HOV lane project for use and therefore are not maintained. ~~Trash and sanitation are major problems, and Illegal camping, restrooms, litter, and parking continue to be challenging issues are frequent.~~

[Staff Explanation: The amendments shown above are proposed to correct factual information. For example, sewer and water service was previously provided in Hobson and Faria County parks, and parking that was previously allowed along Highway 101 has been replaced by a new parking lot at Punta Gorda.]

Parking and camping facilities are ~~more than adequate~~ available for only 12 shoreline miles. Day use facilities, both marked and unmarked ~~but now utilized~~, are sufficient to accommodate over 850 vehicles. Also, ~~over~~ nearly 500 camping spaces are ~~now~~ available within or adjacent to the North Coast subarea, with approximately 40 percent located in the unincorporated area and the remainder are located within the City of Ventura with the recent addition of 289 overnight spaces along the Rincon Parkway.

[Staff Explanation: In the early 1980's, Rincon Parkway's number of camping spaces were reduced to allow space for day-use parking. There are 127 RV spaces on Rincon Parkway, 73 total spaces in Faria and Hobson Park, approximately 193 spaces at the Ventura RV Park, and 90 campsites at Emma Wood State Beach, totaling 483 spaces. The Ventura RV Park and Emma Wood campsites are located within the City of Ventura.]

Over 70 percent of the shoreline (8.6 miles) is now owned and controlled by either the State (8.3 miles) or the County (0.3 miles). All the developed facilities shown on [Figure 4.2-3](#) have adopted development plans which have already been carried out or are being carried out. The State should augment existing facilities as deemed necessary and provide new facilities when and where appropriate.

Recreation Goal 1 Objective

To provide direction to the State, and local agencies as appropriate, for improving and increasing public recreational opportunities on the North Coast consistent with public health and safety, and the protection of private property rights.

Policies

General

1. Any state plans to augment existing facilities or develop new recreational facilities in unincorporated territory must first be submitted to the County for review and approval.

U.S. Highway 101

2. Camping should be restricted to areas where proper facilities are available.
3. Caltrans should provide trash cans where needed, and increase the frequency of trash pick-up along areas of the highway being used for recreational access to the beach.
4. Caltrans should provide at least one portable toilet along the segment of the highway that extends from Rincon Point to Punta Gorda.

Rincon Point ~~State Surfer~~ Access

5. Encourage the California Department of Fish and ~~Wildlife Game~~ to work with ~~State Parks~~ the California Department of Parks and Recreation to place a modest interpretive tidepool exhibit and collection prohibition sign in the parking lot or along the accessway at Rincon Point.

Punta Gorda, Hobson County Beach Park, and Faria County Beach Park Public Restrooms

6. ~~Both parks—Punta Gorda, Hobson County Beach Park, and Faria County Beach Park~~ are in County Service Area 29. ~~Both County parks have sewer service. The 210-space parking lot at Punta Gorda does not have restrooms, but Caltrans is required to provide a restroom in this area as a condition of the Highway 101 HOV lane project but at this time, are not scheduled for connection to the sewer system.~~ Future consideration should be given to connecting a new restroom at the Punta Gorda parking lot to the sewer system ~~if on-site or self-contained systems prove infeasible.~~

[Staff Explanation: Policy would be amended to update language regarding sewer service extensions to facilitate the construction of public restrooms at popular access-ways.]

7. ~~Because of their extensive use by non-County residents, the County will continue to pursue transfer of both parks to the State Parks system.~~

[Staff Explanation: These facilities generate needed revenue for County Parks, and this policy is proposed for deletion because the County prefers to retain these facilities rather than transfer them to the state parks system. Since the 2007-2008 fiscal year, camping has increased over 30 percent in these parks¹.]

Old Coast Highway (Rincon Parkway)

- ~~7.8.~~ The State County should continue to ~~implement~~ manage the Rincon Parkway under the Rincon Parkway Plan ~~adopted by the Board of Supervisors, a Memorandum of Agreement between the County and Caltrans that allows the County to manage the Rincon Parkway as a 24-hour metered parking zone with stays up to five days in duration.~~

[Staff Explanation: The text above was modified to correct factual information. The “Rincon Parkway Plan” is really a Memorandum of Agreement adopted by the Board of Supervisors in 1982. The agreement allows the County to manage the Rincon Parkway as a “24-hour metered parking zone”. The plan is essentially a maintenance agreement between the County and Caltrans.]

Emma Wood State Beach

9. ~~The Property Administration Agency will continue to work with State Parks toward an agreement that extends the boundaries of Emma Wood State Beach to include the Rincon Parkway.~~

[Staff Explanation: This policy is proposed for deletion because the County’s General Services Agency (formerly the Property Administration Agency) no longer maintains Emma Wood and does not have the authority to execute an agreement which would extend the park boundary. As noted above, the General Services Agency has an agreement with Caltrans pertaining to the Rincon Parkway, which generates revenues used to maintain various parks.]

Footnotes:

¹ Ron VanDyck, and Theresa Lubin, Ventura County Parks Department, personal conversations on April 26, 2016 and August 31, 2015.

~~8. 10. State Parks~~ The California Department of Parks and Recreation should construct additional camping spaces as planned in the Emma Wood State Beach General Plan.

B. Access

The narrowness of the North Coast shoreline, its vulnerability to coastal processes, plus consideration of private rights, ~~prescribe~~ constrain public access opportunities in ~~to~~ the area. People make their way to the beach primarily through Hobson and Faria County Parks, Emma Wood State Beach, the ~~S~~state-managed parking lot and accessway at Rincon Point, and the Rincon Parkway. Pedestrian undercrossings for Highway 101 are located at La Conchita and at Punta Gorda.

[Staff Explanation: Proposed modifications would clarify the opening sentence and update the discussion to include the coastal accessways recently constructed in the Rincon Caltrans Highway 101 HOV/Bikepath project.]

Public shoreline access is available ~~considerable~~ on the North Coast. (~~Figure 5~~) Figure 4.2-5 is an inventory of access. Again, over 70 percent of the shoreline (8.6 miles) is now accessible via ~~S~~state or County-owned land. Additionally, good vertical access (within 1/2 mile) exists to the shoreline in front of all residential areas. These residential areas have very tight boundaries and cannot be expanded without an amendment to this Plan.

Improved accessways are located at Rincon, La Conchita, Punta Gorda, Solimar, and Emma Wood beaches. Unimproved access points exist throughout the North Coast. Over the years, public access has improved at County parks and along Old Pacific Coast Highway due to the installation of ladders, stairways and ramps. Funding sources for these improvements include grants from ~~The County has received two grants through the Coastal Conservancy Accessway Program to improve access on the north coast. The first was for the purchase and installation of six galvanized steel ladders over the two seawalls along the Old Coast Highway, and one concrete stairway over the riprap at the edge of one of the seawalls. The second grant was for construction of another concrete stairway over the riprap at the edge of the other seawall. As other necessary improvements to existing accessways are identified, the County will seek funding to complete those improvements. Funding sources include the Coastal Conservancy and the California Conservation Corps.~~

[Staff Explanation: This detailed information was consolidated because it pertains to small access projects which occurred decades ago. Also, two paragraphs were combined in order to form one cohesive paragraph discussing access improvements.]

Access Goals Objective

1. To maximize public access to coastal recreational areas in the North Coast sub-area consistent with private property rights, natural resources protection and processes, and the Coastal Act. Also, to maintain and improve existing access, as funds become available.

[Staff Explanation: The proposed modifications to this objective are intended to clarify the intent of the existing text.]

2. To maintain or increase public access to *coastal resources* through increased parking capacity for vehicles and bicycles within the coastal zone.

Policies

Vertical Access Easements from New Development:

1. For all "new development" (as defined by section 30212 of the Coastal Act) between the first public road and the ocean, ~~granting of an easement shall be provided~~ to allow vertical access to the mean high tide line ~~shall be mandatory unless one or more of the following apply:~~
 - a. Adequate public access is already available within a reasonable distance of the site measured along the shoreline, or
 - b. Access at the site would result in unmitigable adverse impacts on areas designated as "environmentally sensitive habitats" or tidepools by the land use plan, or
 - c. Findings are made, consistent with Section 30212 of the Coastal Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or
 - d. The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner, or.

Lateral Access Easements from New Development:

2. For all "new development" (as defined by section 30212 of the Coastal Act) between the first public road and the ocean, ~~granting of lateral easements to allow for public access along the shoreline shall be mandatory provided unless findings are made pursuant to subsection (a) below is found.~~ In coastal areas, where the bluffs exceed five feet in height, all beach and rocky areas seaward of the base of the bluff to the ambulatory mean high tide line shall be dedicated for public recreational use. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure, except where a protective structure (e.g. a seawall) provides adequate separation. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access are prohibited and shall be removed as a condition of development approval.
 - a. Findings are made, consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected.

[Staff Explanation: The proposed modifications to this policy were made for clarity and ensure consistency with the Coastal Act. In addition, the exception to the required 10-foot setback for public easements was added to maintain consistency between the CAP and existing, certified text in the CZO, which includes this exception (no change is proposed to the existing CZO regulation).]

Access to Environmentally Sensitive Habitats:

3. The applicant of a proposed recreational facility in, or adjacent to, areas designated "environmentally sensitive habitats" shall develop a management program to control the kinds, intensities, and locations of uses to preserve the habitat resources to the maximum extent feasible. This program shall be part of development approval.

Rincon Point State Surfer Access:

4. While the parking lot provided by ~~State Parks~~ the California Department of Parks and Recreation is adequate at this time, it is full at the peak of surfing times. ~~State Parks~~ The California Department of Parks and Recreation should anticipate the additional parking burden on the area as recreational demands increase ~~in the next few years~~, and make appropriate accommodations. Long-range potential for the extension of bus service from Ventura and Oxnard along the Rincon Parkway to Rincon Point should also be explored by the California Department of Parks and Recreation and South Gold Coast Area Transit.

[Staff Explanation: Minor amendments were included to remove the reference to the "next few years" because capital improvement projects such as additional parking areas are typically planned many years ahead and are included on a list of projects awaiting funding. The name of "South Coast Area Transit" was changed to "Gold Coast Transit".]

U.S. Highway 101:

5. Caltrans should provide trash containers and sufficient pick-up, and at least one toilet for day-use.
6. ~~When funds become available, the County will work with Caltrans to resolve the access problems from the communities of La Conchita and Mussel Shoals.~~

[Staff Explanation: This policy is proposed for deletion because the required action was completed by Caltrans. The Caltrans Highway 101 Bike Path provides access between these areas.]

Mussel Shoals Access:

7. ~~As new funds are available for continuing maintenance, the County will assume responsibility for the lateral accessway dedications attached to existing that are currently being held by the State Coastal Development Permits issued by the Coastal Conservancy and the State Lands Commission in Mussel Shoals.~~

[Staff Explanation: No policy change. Minor grammatical corrections were included to improve readability and to correct factual information.]

Emma Wood State Beach Access:

8. ~~Access to Emma Wood State Beach should be extended to include the Rincon Parkway so that access is maintained for the maximum number of people.~~

[Staff Explanation: The extension of Emma Wood State Beach is proposed for deletion because the County cannot require the California Department of Parks and Recreation to change the boundaries of its facilities.]

General Access:

9. In accordance with ~~Sec.~~ section 30214(a) of the Coastal Act, the time, place, and manner of access will depend on individual facts and circumstances; including topographic and site characteristics, the capacity of the site to sustain use at the intensity proposed, management of the access areas ~~proximity to adjacent residential uses~~, protect the privacy of adjacent owners, and the feasibility to provide for litter collection.

~~109.~~ In accordance with ~~Sec. section~~ section 30214(b) of the Coastal Act, the requirement of access shall be reasonable and equitable, balancing the rights of the individual property owner ~~and the public with the public's right of access.~~

[Staff Explanation: No policy change. The amendments proposed provide legal clarification.]

Access for Film Production, Temporary:

11. *Temporary film production activities* shall result in negligible impacts to *coastal resources*, public recreation facilities, and public *access* to such facilities.
12. During the peak summer season (Memorial Day through Labor Day weekend), *temporary film production activities*:
 - Shall not preclude the general public from use of a public beach; and
 - Shall not occupy public parking spaces to the extent the general public is restricted from using such spaces to access a public beach or public recreation facilities.
13. No new permanent *structures* shall be erected for *temporary film production activities*, and the *film permit area* shall be returned to pre-permit conditions following *film production striking*.

Parking and Loading Access:

14. New development, and intensifications in *use*, shall be designed to include the number of off-street parking spaces necessary to satisfy any new parking demand.
15. In order to support the preservation of existing, neighborhood-serving commercial areas within the coastal zone, exceptions to off-street parking requirements may be allowed, provided that the project applicant contribute to a program aimed at increasing *coastal access parking*.
 - No additions or expansion to the structure are proposed and all existing on-site parking is retained;
 - Business hours of operation are in the evening when beach recreational uses are low or non-existent;
 - The primary customer base is nearby residents or beachgoers that do not generate additional parking demand;
 - Shared parking, pursuant to Sec. 8176-4.6, is not available to meet parking requirements; and
 - Other transportation incentives programs listed in Sec. 8176-4.8.1(b), are not feasible, or will not lessen the number of parking spaces required.
16. To promote the efficient *use* of parking areas and reduce the amount of paved or impervious surfaces, shared parking may be allowed for commercial or *mixed-use developments* that accommodate multiple *uses* at different peak parking periods. Where *feasible*, such *parking lots* should accommodate public *coastal access parking*.
17. Restrictions on public parking that would impede public *coastal access* shall be prohibited except where such restrictions are demonstrated to be necessary for the provision of public safety.

18. New *development* that requires the removal of existing public parking shall provide an equivalent number of replacement public parking spaces in the immediate vicinity except where the provision of such parking is infeasible or alternatives are identified that offset the need for additional parking facilities.
19. Where *feasible*, new commercial, *multi-family* residential, or *mixed-use development* shall minimize the demand for public parking by providing on-site bus stops, bicycle storage, sidewalks, or other facilities or programs that support alternative modes of transportation.

Signs and Coastal Access:

The primary purpose of the *sign* policies in this section is to utilize *signs* to protect and improve *access* to the coastline or other *coastal resources*.

20. *Coastal access* signage shall be posted in conspicuous areas and located so that *access* is maintained and visitors are directed to publicly available *coastal access* parking, beach *access* points, and public trails.
21. For the California Coastal Trail, *coastal access* signage should include distinctive *signs* incorporating the California Coastal Commission *coastal access* logo (foot and wave) or markers, consistent with visual resources.
22. *Signs* shall be located in areas that maintain *coastal access* except where there is no *feasible* alternative to protect public safety. In such cases, the impact to *coastal access* shall be mitigated and, where *feasible*, the *sign* shall be removed once the public safety issue is resolved,
23. With the exception of *road* or *informational signs*, placement of *signs* within the public right-of-way shall be prohibited.
24. No *signs* shall be posted on a public beach unless authorized by a coastal *development* permit. *Signs* on a public beach which purport to identify the boundary between State *tidelands* and private property, or which indicate that public *access* to State *tidelands* or public *lateral access* easement areas is restricted, shall not be permitted.

C. Recreation and Access Programs

Parking and Loading

1. The Public Works Agency, in coordination with the Planning Division, will prepare a parking study that evaluates existing parking facilities and parking *use* where *coastal access parking* concurrently serves visitor-serving coastal recreation, commercial development, and residential neighborhoods. The parking study will also identify strategies aimed at the following: (1) increasing the amount of available *coastal access parking* (for example, by identifying potential locations for additional public parking or by restriping existing parking areas to increase the number of spaces), (2) more efficiently using available parking (for example, by establishing a time restricted parking program), and (3) reducing parking demand (for example, by extending bus or shuttle services to coastal beach areas). The study areas for this program include Hollywood Beach (Los Altos Street and Ocean Drive), and Silverstrand (Roosevelt Boulevard and Panama Drive). (Pending available funding).

4.2.3 Agriculture

The Coastal Act states that a maximum of *prime agricultural land*, as originally defined by the California Land Conservation Act of 1965, will be preserved in the coastal zone. According to the U.S. Soil and Conservation Service, there are approximately 1,130 acres of prime soils on the North Coast (Figure 4.2-6).

Much of the sub-area is agricultural. According to the County Assessor's 1978 land use data and a site survey by staff, there are approximately 3,350 acres of agricultural land. Because many of the *parcels* are split by the *coastal zone* boundary, this figure is an estimate of the acres falling within the boundary. Agricultural *uses* include orchards and avocados, flowers, row crops, and pasture and range.

About 70 percent, or 2,300 acres, of the North coast agricultural lands are in four agricultural preserves under the California Land Conservation Act (a.k.a., the Williamson Act). The four preserves are:

- Rincon Del Mar Preserve - Consists of three preserves, 409 acres of which are in the zone. The steep *slopes* have been *graded* to accommodate avocado orchards. The area is zoned "C-A" (Coastal Agricultural, 40 acre minimum *lot* size).
- La Conchita Preserve - Immediately inland from the community of La Conchita, 342 acres of this preserve are in the coastal zone. The property has steep *slopes*, and avocado production is the primary agricultural *use*. The zoning for the 342 acres is "C-A".
- Faria Family Partnership - Consists of a single *parcel* of 249.76 acres almost entirely within the coastal zone. A portion of the land is used for nursery and field crops, with the rest open field and hilly terrain. The zoning for the portion of the property within the *coastal zone* is "C-A".
- Claeyssen (Taylor) Ranch Preserve - Seven *parcels* with *coastal zone* portions ranging in size from 15 to 290 acres, totaling about 1,320 acres. Grazing and row crops near the Ventura River are the primary agricultural *uses*. The zoning for the lands within the *coastal zone* is "C-A". On its southern boundaries, the Claeyssen Ranch is adjacent to the City of San Buenaventura. Both the City and the County have agreed to maintain a stable urban boundary at the Ventura River levee.

There is approximately 1,000 acres of non-preserve agricultural lands located in the North Coast area. Prime soils occur on about 130 of the 1,000 acres (Figure 4.2-6). Most of the 130 acres is zones "C-A" (Coastal Agricultural, 40 acre minimum). The rest of the non-preserve agricultural acreage is primarily zoned "COS" (Coastal Open Space, 10 acre minimum). These other agricultural lands occur in *parcel* sizes of seven to 65 acres.

Agriculture Goal 1 Objective

To preserve agricultural lands on the North Coast to the maximum extent *feasible*.

Policies

1. Soils will be conserved and erosion minimized by the *use* of best grading management practices as set forth by the Soil Conservation Service.
2. Land divisions in, or adjacent to, agricultural areas, will not be allowed to affect agricultural productivity.

3. The Local Agency Formation Commission (LAFCO) should exclude agricultural lands outside of the Coastal Area Plan's "stable urban boundary" line (see [Figure 4.2-6](#)), from any new or expanded service districts that could negatively impact agricultural viability.
4. New or expanded *public works facilities* will be sited or designed to mitigate environmental impacts on agricultural lands.
5. As *aquaculture* develops it will be considered as a potential agricultural *use* in appropriate areas.
6. *Non-prime agricultural land* defined as agricultural land, other than *prime agricultural lands* (as defined in Public Resources Section 30113), used or suitable for crops or grazing shall be designated as *Agriculture* with a minimum acreage size of 200 acres (1 DU/200 acres).

4.2.4 Hazards

A. General Hazards

The North Coast skirts the edge of a geologically complex and active area. Within *coastal zone* boundaries is a portion of the Santa Ynez Mountains, formed by thrust faulting and east-west fold. Sedimentary Miocene marine terraces reach from the mountains to the ocean, where they have been eroded to prominent sea cliffs.

Underlying the area is the Red Mountain Thrust Fault and its branches, including the Padre Juan Fault ([Figure 4.2-7](#)). There has been seismic activity in this fault zone within the past 20,000 years. Under the Alquist-Priolo Act of 1972, the California Division of Mines and Geology designated the Red Mountain Fault as a "special studies zone" ([Figure 4.2-8](#)). This means that engineering geology reports may be required for some new *coastal zone development* within the designated area. Included within the special studies zone is a portion of the La Conchita Community, the La Conchita oil and gas processing facility, and the Rincon oil and gas processing facility. Ventura County has adopted an ordinance that implements the Act.

Short periods of low to moderate groundshaking are a potential North Coast hazard. Low coastal terraces could be subject to liquefaction where groundwater is less than 15 feet from the surface. Tsunamis could occur along the North Coast where elevations are less than 30 feet above mean sea level. Landslides and mass earth movement pose severe hazard potential where *slopes* are greater than 25 percent ([Figure 4.2-7](#)). Construction, grading, seismicity, irrigation, septic tanks and intense rainfall all contribute to erosion and *slope* failure. Moderate to highly expansive soils interlaced throughout the area also contribute to *slope* instability. Slides closed the North Coast northbound segment of Highway 101 during the winter storms of 1978 and 1980.

Five creeks wind through the steep canyons and empty into the ocean on the North Coast. Rincon Creek is the only perennial *stream*. Madriano, Javon, Padre Juan and Line Creeks are intermittent. The flood plain of the Ventura River forms the eastern boundary of the area. The Ventura County Flood Control District does not have any proposals for flood control projects in this portion of the coastal zone.

Nevertheless, the drainages present some hazards, including erosion and *slope* failure along *stream* banks, rapid *runoff* and sheet flooding, and seepage along lower coastal terraces.

Also of concern as a hazard is the fire-adapted chaparral vegetation of some steep *slopes*. Particularly during the summer droughts, many of the plants dry out and become dormant. If the dead plant material is allowed to accumulate over a number of years the stage is set for explosive wild fire (Barbour and Major 1977). *Emergency access* to the more mountainous areas is extremely limited. A major portion of the area around the North Coast's Rincon and Red Mountains is recognized as an "extreme" fire hazard area in the County's General Plan Hazards Appendix.

The General Plan Hazards Appendix provides extensive information on various hazards, including fault zones, fire hazard areas, landslides, and flood plains. It is one of the principal documents consulted by Planning and the Public Works Agency when formulating an Initial Study on a proposed project to determine the need for an EIR. Should an EIR be required, the General Plan Goals, Policies and Programs (Chapter 2) and Hazards Appendix are used in evaluating the various impacts of the projects.

Hazards Goal 1 Objective

To protect public safety and property from naturally-occurring and human-induced hazards as provided in County ordinances.

Policies

1. The County's existing General Plan Goals, Policies and Programs (Chapter 2) and Hazards Appendix provides direction for geologic, seismic, flood and fire hazard.
2. New *development* shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards.
3. All new *development* will be evaluated for its impacts to, and from, geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. *Feasible* mitigation measures shall be required where necessary.
4. The County may require the preparation of a geologic report at the applicant's expense. Such report shall include *feasible* mitigation measures which will be used in the proposed development.
5. *Structures* for human habitation (regularly, habitually, or primarily occupied by humans) shall be set back a minimum of 50 feet from an active fault. This *setback* may be increased when geologic conditions warrant.
6. New *development* shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works.
7. The North Coast portion of the Santa Ynez Mountains requires special attention, and the following formula and minimum *lot* sizes will be utilized as new land divisions are proposed in the "Open Space" or "Agricultural" designations:

- a. The following *slope/density formula* will be used to compute the *average slope* of property proposed to be subdivided:

$$S = \frac{(100)(I)(L)}{A}$$

where:

$$S = \text{average slope (\%)}$$

- I = contour interval (ft.)
- L = total length of all contour lines (ft.)
- A = total area of the *lot* (sq. ft.)

b. Once the *average slope* has been computed, the following table will be used to determine a minimum *lot* size for newly proposed *lots*:

0% - 15%	=	10 acres
15.1% - 20%	=	20 acres
20.1% - 25%	=	30 acres
25.1% - 35%	=	40 acres
35.1% & above	=	100 acres

8. A landscaping plan for fire and erosion control will be submitted for any new *development* located in *high fire hazard areas*. As many native plants as *feasible* should be used. Information on kinds and sources of these plants are available through the County.

B. Beach Erosion

The North Coast beaches are highly vulnerable to erosion and wave damage. Dredging operations in Santa Barbara Harbor alter sand transport down coast. Without adequate replacement sand, high tides and waves erode the beaches. Beachside designated "Existing Communities" are losing beach front during these times, and seawalls are being undermined, critically endangering residences. Affected areas are:

- Mussel Shoals: Exhibits seasonal fluctuations in the amount of sand. A seawall had to be constructed during the 1978 winter storms. Erosion is gradual now, but may accelerate later. The California Department of Navigation and Ocean Development (DNOD) has noted the area to be "Present Use Critical," which means that existing shoreline facilities are subject to erosion from wave action (Appendix 5).
- Seacliff: Homes flood during storms and high tides. Construction of the U.S. Highway 101 overpass north of the colony obstructed sand transport and beach replenishment. To retard erosion at Seacliff and Hobson County Park, Caltrans built a seawall that is now deteriorating. Current zoning allows for the construction of further beach residential units. However, unless the seawall is reviewed for structural adequacy, more flooding may occur.
- Hobson County Park: Severe *beach erosion* prompted Caltrans to build a revetment. The intensity of wave action in the area has led to concerns about the wall's structural adequacy - it may need additional improvements.
- Faria Beach Park: Has been severely damaged by erosion at the rate of about 1.3 feet of shoreline per year and the park has been closed several times because of storm debris (U.S. Army Corps of Engineers 1978). The Department of Navigation and Ocean Development has also classified this area as "Present Use Critical". At the current rate of erosion, protective *structures* will be needed to preserve the recreation area. The County's Property Administration Agency is in the process of initiating these improvements.
- Faria Beach Colony: Erosion and flooding at high tide are continuing problems. Seawalls are being undermined. The Department of Navigation and Ocean Development sees this area as "Future Use Critical".

- Solimar Beach Colony: Erosion is weakening the existing seawalls. If homes are to be protected, then improvements will have to be made. This area is "Present Use Critical".
- Old Coast Highway: Waves top the revetment and create intermittent hazards for motorists.
- Emma Wood State Beach: The beach is eroding 0.6 feet annually, and recent winter storms have caused extensive damage and led to closure. The Department of Navigation and Ocean Development recognizes a portion of the park as "Future Use Critical" and another segment as "Present Use Critical".

Hazards Goal 2 Objective

To protect public safety and property from *beach erosion* as provided in existing ordinances, and within the constraints of natural coastal processes.

Policies

1. Proposed *shoreline protective devices* will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253.
2. All shoreline protective *structures* which alter natural shoreline processes will be designed to eliminate or mitigate adverse impacts on local shoreline sand supply.
3. A *building* permit will be required for any construction and maintenance of protective shoreline *structures*, such as seawalls, jetties, revetment, groins, breakwaters and related arrangements.
4. The County's Building and Safety Department will routinely refer all permits for seawalls, revetments, groins, retaining walls, pipelines and outfalls to the Flood Control and Water Resources Division of the Public Works Agency to be evaluated not only for structural soundness, but environmental soundness as well whenever necessary. This includes a survey of potential environmental impacts, including (but not limited to) the project's effects on adjacent and downstream *structures*, net *littoral drift*, and downcoast beach profiles.
5. If the potential environmental impacts of the proposed *structure* are considered significant by the Public Works Agency, the applicant will then be required to obtain an engineering report that specifies how those impacts will be mitigated.
6. Permitted shoreline *structures* will not interfere with public rights of *access* to the shoreline.

4.2.5 Energy and Industrial Facilities

A. Oil and Gas Facilities:

Three onshore oil fields in production on the North Coast of Ventura County are either within or very close to the *coastal zone* (Figure 4.2-9):

- Rincon Field - Located north of Pitas Point, with both onshore and offshore portions. The onshore portion comprises about 75 percent of the proven acreage of the field. While the Rincon Field is one of the largest producing fields in the County, its production has declined in recent years, as has the production of all County fields.

- San Miguelito Field - Located south of Pitas Point, and extending into the mountainous area outside the coastal zone. There have been various operators in this field over time. Only a portion of this lease is within the coastal zone. There is a seawater treatment facility within this field, south of Pitas Point adjacent to the 101 Freeway which is in the coastal zone.
- Ventura Field - The Ventura Field is entirely outside the *coastal zone* boundary, but nevertheless close to the sub-area.

Ventura County has issued several Conditional Use Permits for oil drilling and related activities on the North Coast (Figure 4.2-10). Existing and anticipated future onshore oil drilling/production activities within the *coastal zone* are confined to the known limits of the above oil fields. It is not the intention of the Plan to preclude *oil and gas exploration* and *development* outside the limits of these fields, except as otherwise noted in the energy policies.

There are six separation and treatment facilities on the North Coast, one of which is outside the coastal zone. Two, the Rincon Oil and Gas Processing Facility and the La Conchita Oil and Gas Processing Facility, are used exclusively to process production from Outer Continental Shelf (OCS) leases. These facilities are within the North Coast "Existing Community" designation, which allows expansion of the facilities per the existing zoning on the sites (Figures 4.2-9 and 4.2-10).

- Rincon Oil and Gas Processing Facility - This separation treatment facility has a net design capacity of 110,000 barrels of oil per day (BOPD) and 15 million cubic feet of natural gas per day (MMCF/D). Currently, there is about 98,000 BOPD and 7 MMDF/D of unused capacity. Approximately 15 acres adjacent to the existing 32-acre facility could be utilized for plant expansion with a minimum of grading. The site is zoned "C-M" (Coastal Industrial). Also located on the site is a 268,000 barrel storage tank.
- La Conchita Oil and Gas Processing Facility - Also a separation treatment facility, it covers a total of 16 acres, 11 of which are developed. The site is zoned "C-M" (Coastal Industrial). Net design capacity is 27,000 BOPD and 22 MMCF/D. Currently, there are about 3,000 BOPD and 20 MMCD/D of unused capacity. About five acres of the site can be used for expansion.

The other separation treatment facilities on the North Coast are located at the base of the mountains below the Rincon Oil and Gas Processing Facility, inland of the U.S. Highway 101. Historically, these facilities have been called the Mobil-Ferguson, Cabot-Rincon, and Chanslor/Coline facilities. These facilities' expansion possibilities are extremely limited due to the size of the sites and the marginal amount of usable land.

The coastal onshore oil and gas fields have been experiencing declining production in recent years, thus there is sufficient capacity within existing separation/treatment facilities to handle onshore production. Additionally, the current unused capacity of the Rincon and La Conchita oil and gas processing facilities is projected to be sufficient to accommodate all anticipated future production from known reserves in the eastern Santa Barbara Channel. Furthermore, the Rincon facility has enough available land to expand its throughput to accommodate all projected future production in the Channel. Therefore, no new separation/treatment facilities are necessary on the North Coast.

B. Pipelines

There are two offshore pipelines and landfall sites on the North Coast. These are the Dos Cuadros Pipeline that transports OCS oil and gas to the Rincon facility. The landfall site

is just north of the Seacliff Community in the Rincon area. The other offshore pipeline is the Carpinteria OCS Pipeline with a landfall site about 0.25 miles northwest of the community of La Conchita.

In addition to the two offshore pipelines there are six onshore pipelines. Five of these are "private carriers" while the sixth is a "common carrier" and subject to regulation by the PUC. The "common carrier" is a pipeline that connects the La Conchita oil and gas processing facility with the Rincon oil and gas processing facility.

The Ventura County Coastal Zoning Ordinance sets forth the regulations for pipelines and facilities in the Coastal Zone.

C. Other Facilities

During the exploratory drilling phase of offshore oil development, temporary service bases, known as staging areas, are needed areas for shipping equipment, supplies, and personnel to offshore sites. All are small operations that require limited acreage and are leased on a short-term basis. Staging areas should be allowed in all areas subject to industrial zoning and a CUP to ensure compliance with this Plan. No existing industrial or energy facilities, except pipelines, are located between the U.S. Highway 101 and the shoreline. In addition, no electrical facilities are sited on the North Coast. Southern California Edison Company identified a potential need back in the early 1980's for an electrical generating substation, near La Conchita. There is a relatively flat *parcel* of sufficient size for a substation just northerly of La Conchita.

D. Industrial Facilities

The Coastal Act offers only limited guidance in siting coastal-dependent industrial facilities in "Urban" versus "Rural/Open Space" areas. For purposes of this Plan, new industrial *development* requiring a "Coastal Industrial" (C-M) zone, will be considered urban development. Oil drilling activities have not been considered "Urban" in nature, and are therefore allowed in most County areas by Conditional Use Permit. Additionally, industrial facilities are permitted in unincorporated areas if they are within "Existing Community" areas designated by the Board of Supervisors. The only industrial facilities on the North Coast are those energy-related facilities previously described.

Energy and Industrial Facilities Goal 1 Objective

To allow continued exploration and production of oil and gas in most of the North Coast sub-area, and to allow the necessary expansion of major, existing processing facilities while meeting Coastal Act and County objectives and maintaining environmental quality.

Policies

1. All land between U.S. Highway 101 (Ventura Freeway) and the shoreline; or land designated "Residential," "Recreational," or shown as "*Environmentally Sensitive Habitat*," will be considered as unacceptable for new energy and industrial facilities of any kind. Pre-existing facilities and oil/gas/communication pipelines, and repair of such will be considered acceptable.
2. Within the land area between U.S. Highway 101 (Ventura Freeway) and the landward *coastal zone* boundary, oil drilling and directly related facilities are permitted by Conditional Use Permit consistent with Section 30260 of the Coastal Act. No new major facilities, which require a "Coastal Industrial" (C-M) zone, or expansion of existing facilities will be permitted, unless located in an area designated "Industrial."

3. All surface activities, including those regulated by the Division of Oil, Gas and Geothermal Resources related to the *development* of onshore oil and gas resources in the *coastal zone* are considered to be projects that require a Conditional Use Permit (CUP) and a Coastal Development Permit. Both permits will be issued simultaneously through one CUP process. See the Coastal Zoning Ordinance (including, but not limited to Section 8175-8.7) for a list of standard oil *development* design and operational criteria applied to all new permits for expanded or new oil activities. Additional conditions may be required depending on the specific request and the location.
4. A Development Plan shall accompany the application for a CUP for those activities stated in Policy 3, and shall include:
 - a. The location of drilling and/or production sites, storage tanks, pipelines and *access roads*.
 - b. Plans for the consolidation, to the maximum extent *feasible*, of drilling and/or production facilities, as well as accessory facilities.
 - c. A phasing plan for the staging of *development* that indicates the approximate anticipated timetable for project installation, completion and decommissioning.
 - d. A plan for eliminating or substantially mitigating adverse impacts on *habitat areas, prime agricultural lands, recreational areas, scenic resources* and archaeological sites due to siting, construction, or operation of facilities.
 - e. Grading plans for all facilities requiring the movement of greater than 50 cubic yards of dirt. For any *development* requiring a grading permit, either (1) a Storm Water Pollution Control Plan (SWPCP) shall be prepared and submitted in accordance with the Ventura County Municipal Storm Water Permit, Order No. 00-108, Part 4 - Special Provisions, D. Programs for Construction Sites, or (2) a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted in accordance with the State General Permit for Stormwater Discharges Associated with Construction Activity, whichever is applicable.
 - f. A description of means by which all oil and gas will be transported off-site to a marketing point. Pursuant to Policy 7 (below), transshipment of crude oil and gas shall be through on-shore pipeline.
 - g. A description of the procedures for the transport and disposal of all solid and liquid wastes.
 - h. Oil spill prevention and control measures.
 - i. Fire prevention procedures.
 - j. Emission control equipment.
 - k. Procedures for the abandonment and restoration of the site, including a timeline, and clarification as to whether or not the abandonment will be in place or the infrastructure will be removed.
 - l. Compliance with any other requirement of the Ventura County Zoning Ordinance for the Coastal Zone related to oil and gas development.
 - m. All facilities supporting oil and gas *development* must comply with the terms and requirements of the State General Industrial Activities Storm Water Permit, including the *development* and submittal of a Storm Water Pollution Prevention Plan.

5. All energy and industrial facilities in the Plan shall be so sited and designed to eliminate or reduce, to the maximum extent *feasible*, impacts to biological, geological, archaeological, agricultural, visual and recreational resources.
6. All anticipated future offshore oil and gas production in the eastern Santa Barbara Channel to be processed in Ventura County shall utilize the Rincon or La Conchita oil and gas processing facilities for onshore separation/treatment, unless it is not technically or economically *feasible*.
7. Transshipment of crude oil through an onshore pipeline for refining shall be a condition of approval for expansion of existing processing facilities or construction of new facilities.
8. When *feasible*, pipelines shall be routed to avoid important *coastal resources*, including recreation, *environmentally sensitive habitats* and archaeological areas. Unavoidable routing through recreation, *habitat*, or archaeological areas, or other areas of significant *coastal resource* value, shall be done in a manner that minimizes the impacts of a spill, should it occur, by considering spill volumes, duration, and projected path. Where new liquid pipeline segments pass through sensitive resource areas, recreation areas or archaeological areas, the segment shall be isolated, in the case of a break, by automatic shutoff valves.
9. The County shall determine whether spacing of automatic shutoff valves at intervals less than the maximum set by the U.S. Department of Transportation - Office of Pipeline Safety (DOT-OPS), or the California State Fire Marshall is required to protect sensitive *coastal resources*, and if so, shall require spacing at intervals which provide appropriate protection.
10. In sensitive resource areas the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas.
11. All offshore to onshore pipelines shall, where *feasible*, be located at existing pipeline landfall sites, and shall be buried from a point offshore commencing where wave action first causes significant bottom disturbance. In addition, landfall sites are prohibited from areas designated as "Residential" or shown as "*Environmentally Sensitive Habitat*."
12. Except for pipelines exempted from coastal *development* permits under Section 30610 of the Coastal Act as defined by the State Coastal Commission's Interpretive Guidelines, a survey shall be conducted along the route of any pipeline in the *coastal zone* to determine what, if any, *coastal resources* may be impacted by construction and operation of a pipeline and any *feasible* mitigation measures. The costs of this survey shall be borne by the applicant, and may be conducted as part of environmental review if an Environmental Impact Report or Mitigated Negative Declaration is required for a particular project.
13. Owners/operators shall notify both the County of Ventura Planning Division and any other designated affected State agencies (e.g. DOGGR, CSFM, SLC, LARWQCB) of any intent to decommission and/or remove any pipelines and/or facilities. Upon completion of pipeline construction or removal of pipelines and/or facilities, the site shall be restored to the approximate previous *grade* and condition. Upon removal or decommissioning of pipelines and/or facilities, an assessment of the surrounding soils shall be conducted by a qualified licensed expert, e.g. a licensed geologist or registered professional civil engineer, to determine whether or not those soils are contaminated. If the soils are found to be contaminated, a soil remediation plan

delineating the method and timing of remediation shall be prepared and submitted to the County Planning Division and the Los Angeles Regional Water Quality Control Board for their review and approval. All excavated materials shall be replaced in reverse order with topsoil replaced at *grade* level and compacted if necessary. All sites previously covered with *native vegetation* shall be re-seeded with the same or recovered with the previously removed vegetation materials and shall include other measures as deemed necessary to prevent erosion until the vegetation can become established.

14. Geologic investigations shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential fault zones, seismically active areas, or moderately high to high risk landslide areas. This report shall investigate the potential risk and recommend such mitigation measures as pipeline route changes and/or engineering measures to help assure the integrity of the pipeline and minimize erosion, geologic instability, and substantial alterations of the natural topography. New pipeline corridors shall be consolidated with existing pipeline or electrical transmission corridors where *feasible*, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns.
15. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near *habitat*, recreational, or archaeological resources, whenever *feasible*. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas re-vegetated with plants similar to those in the area to the extent safety and economic considerations allow.
16. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, under grounding shall be required where it is technically and economically *feasible* unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.
17. Pursuant to section 307(f) of the Coastal Zone Management Act of 1972 (16 USC § 1456(f)), the adopted Ventura County Air Quality Management Plan shall be used as a criterion in determining consistency of federal actions on the Outer Continental Shelf (OCS) with the California Coastal Management Program (CCMP). Pursuant to Section 328 of the Federal Clean Air Act (42 USC § 7627), all activities on the OCS must comply with the Outer Continental Shelf Air Regulations as specified in 40 CFR Part 55.
18. Experimental *uses* that provide energy from alternative sources, such as wind or solar, may be permitted by Conditional Use Permit in areas designated "Open Space."
19. Upon decommissioning of off-shore facilities that contain on-shore facilities and/or pipelines (or "components"), a phasing plan shall be submitted delineating the timeline for disposition of the on-shore facilities.
20. Coastal Act sections 30101, 30101.3, 30255, and 30260, will be used as the criteria by the County to determine, on a case-by-case basis, whether onshore or offshore oil and gas *development* and an energy-related industrial facility supporting such *development* is defined as "*coastal-dependent development*" or "*coastal-related development*", based on the specific geographic, technological, and economic characteristics of the project being proposed.

4.2.6 Public Works

The North Coast has a variety of service constraints. While the Casitas Municipal Water District can provide water to the area for at least the next 20 years, sanitation is a significant problem. Subsurface sewage disposal at Faria Beach, Seacliff, Solimar, and Mussel Shoals is limited by soils, inadequate *lot* sizes for leach field expansion, out-dated facilities that do not meet current septic tank design standards, high groundwater, high rate septic tank failure, and increased pumping rates. The Board of Supervisors has authorized the formation of County Service Area No. 29, and a sewer system is being designed for those portions of the North Coast.

Transportation issues include providing adequate, safe *access* to and from U.S. Highway 101 for the communities of La Conchita and Mussel Shoals, and road construction or improvement that does not adversely impact agricultural lands. Ocean View Road is the only public *access* to agricultural lands along the bluff tops. It is a County road, but does not meet design and fire standards. On July 12, 1979, the Board of Supervisors approved a Public Works Agency recommendation to develop an assessment district to finance proposed improvements, and a County Service Area for road maintenance.

If traffic continues to increase on U.S. Highway 101 as projected in the Los Angeles Regional Transportation Study, then some of the North Coast communities will have even more restricted *access*, particularly where the Southern Pacific Railroad tracks have to be crossed at La Conchita. Additionally, U.S. Highway 101 has been proposed as a State Scenic Highway from its junction with Highway 1, near the City of Ventura, to the Santa Barbara County Line.

Objective Public Works Goal 1

To maintain current service levels for existing developments.

Policies

1. New or expanded *public works facilities* (including roads, flood control measures, water and sanitation) will be designed to serve the potential population within the subarea's boundaries, and to mitigate impacts on agricultural, open space lands, or *environmentally sensitive habitats*.
2. Services are limited to existing areas defined in the Coastal Commission permit for the North Coast sewer (Regional Application 208-03). Any changes or extension of services will require a new permit.
3. When funds become available the State should improve the potentially dangerous highway crossings at Mussel Shoals and La Conchita.
4. New service extensions required beyond the stable urban boundary will be designed to mitigate any effects on agricultural viability.

4.2.7 Locating and Planning New Development

A. Residential

Residential *development* in the North Coast sub-area will occur mainly within the "Existing Communities" as approved by the Board of Supervisors in 1978. Those communities are: Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, and Solimar.

Under the "Existing Community" designation, the areas are allowed to build out to the *building* intensity permitted under the prevailing zoning.

Presently, all *development* utilizes individual septic tank systems; however, the Ventura Regional County Sanitation District (VRCSD) has received a federal grant to develop a sewage system consisting of: 1) a low pressure sewer line to serve the areas of Mussel Shoals, Seacliff, Faria, and Solimar; and 2) an On-Site Wastewater Management Zone (OSWMZ) for Rincon Point and La Conchita. In December 1978, County Service Area (CSA) 29 was formed and on July 3, 1979, the Board of Supervisors approved the Environmental Impact Report and authorized the filing of a Step II grant for the facilities design. The low pressure sewer line would connect with the City of San Buenaventura's sewage treatment plant.

B. Commercial

Commercial *development* in the North Coast sub-area occurs in the La Conchita "Existing Community." Four *parcels* in La Conchita are zoned "C-C" (Coastal Commercial). These *parcels* are located north of the Southern Pacific Railroad tracks at Santa Barbara Avenue.

Within the Mussel Shoals "Existing Community" area is "Cliff House," an 18-unit *multi-family* residential *dwelling* facility. This *parcel* is zoned "C-C" (Coastal Commercial).

Future commercial *development* in La Conchita or Mussel Shoals could impact traffic and left turn movements on Highway 101. For this reason and because of the limited amount of new residential *development* anticipated, more commercial *development* is not necessary.

Objective Commercial Goal 1

To allow the continued build-out of the "Existing Community" areas consistent with the County's General Plan and regional goals within the AQMP and "208" Plan.

Policies

1. The six residential "Existing Communities" of Rincon Point, La Conchita, Mussel Shoals, Seacliff, Faria, and Solimar will be allowed to build-out according to their land *use* designations and prevailing base zoning. [Figures 4.2-11- 4.2-16](#) depict these areas.
2. Any new *development* in "Open Space" or "Agriculture" designated areas on *slopes* greater than 15 percent will conform with the policies and *slope/density formula* developed in the Hazards Section of this Coastal (Area) Plan.
3. The Cliff House property in Mussel Shoals (APN 060-0-090-195) shall be restricted to visitor-serving commercial *uses*, including overnight accommodations.

4.2.8 Potential Conflicts

Unincorporated Lands in City Area of Interest:

The extension of the City of San Buenaventura's urban boundary northwesterly into the Taylor Ranch, an unincorporated agricultural preserve northerly from Hwy. 101, has historically been a potential source of conflict. Section 30241 of the Coastal Act is most specific about maintaining a maximum amount of *prime agricultural land* and delineating stable urban-rural boundaries. Further expansion of the City Sphere of Influence could induce *development* not only on the ranch, but on adjacent agricultural lands as well.

The potential land *use* conflicts in this instance have been averted. Both the City and the County have recognized the Ventura River levee and the city's westerly city limits as a logical, stable urban boundary in their *Local Coastal Programs*, and the Local Agency Formation Commission (LAFCO) has designed the Sphere of Influence boundaries to conform to those boundaries indicated in both the City's and County's Coastal Plans.

4.2.9 Environmentally Sensitive Habitats

[Staff explanation: The following section is being moved, without modification, to the end of the North Coast section to facilitate its eventual relocation to Section 4.1 of the CAP. The Planning Division is currently processing a comprehensive update for Environmentally Sensitive Habitat Areas, or ESHA. Once completed, that material will be located in Section 4.1.3 of the CAP.]

A. Tidepools and Beaches

Tidepools occur at Faria, Mussel Shoals, Seacliff and Emma Wood State Beach (Figure 4.2-1). Subtidal rock outcrops provide anchorage for kelp, which in turn provides *habitat* for a multitude of organisms. Intertidal and subtidal diversity creates feeding *habitat* for a variety of water birds. The sandy beach adjacent to the rocky areas serves as resting *habitat* for shorebirds, and is important for shellfish and as grunion spawning grounds.

Objective Tidepools and Beaches Goal 1

The protection of tidepools.

Policies

1. Shoreline interpretive programs will be coordinated by all appropriate agencies for existing recreation sites, including Hobson and Faria County Parks, and Emma Wood State Beach. Coastal ecology should be included into interpretive programs as they are developed for new State recreation areas and parks.
2. Provisions will be made for the proper disposal of recreation generated wastewater effluent and solid waste at public sites along the North Coast. County Service Area (CSA) 29 will help provide an acceptable wastewater disposal system for portions of the North Coast.
3. Shoreline protection *structures*, such as revetments, seawalls, groins, or breakwaters, are allowed when they are necessary to protect existing developments, coastal-dependent land *uses*, and public beaches. Any *structures* built under these conditions will incorporate mitigation measures that reduce intertidal or nearshore *habitat* losses and impacts on local shoreline and sand supply.
4. Placement of any *fill* or dredged material along the North Coast beach intertidal area shall be carried out in consultation with the State Department of Fish and Game, in order to ensure that the timing and location of such activities does not disrupt the life cycles of intertidal or sandy beach species.
5. An applicant for any coastal project, including *shoreline protective devices*, will show that their proposal will not cause long-term adverse impacts on beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated waste water or oil, and *runoff* from streets and parking areas. Findings to be made will include, but not be limited to, proper waste water disposal.
6. Policies 2 through 5 are also applicable to projects involving alterations to existing shoreline protection *structures*.
7. The adopted State "Guidelines for Wetlands and Other Wet, *Environmentally Sensitive Habitats*" will be used when analyzing any projects that may impact or alter tidepools.

B. Creek Corridors

Rincon Creek is the only perennial riparian corridor on the North Coast (Figure 4.2-2). However, other *stream* or creek corridors are considered to be watercourses, either perennial or intermittent, as shown on USGS quadrangle maps, as measured between the high water mark, or the break in each bank. Maintenance of *native vegetation* will help diffuse floods and *runoff*, minimize soil erosion, and retard sedimentation.

Objective Creek Corridors Goal 1

To maintain creek corridors in as natural a state as possible while still accommodating the needs of public health and safety.

Policies

1. All projects on land either in a *stream* or creek corridor or within 100 feet of such corridor (buffer area), shall be sited and designed to prevent impacts which would significantly degrade *riparian habitats*, and shall be compatible with the continuance of such *habitats*.
2. Substantial alterations (channelizations, dams, etc.) to river, *stream*, or creek corridors are limited to:
 - a. necessary water supply projects;
 - b. flood control projects where no other method for protecting existing *structures* in the flood plan is *feasible*, and where such protection is necessary for public safety or to protect existing development; or
 - c. developments where the primary function is the improvement of fish and wildlife *habitat*.
3. Projects allowed per the above policies will incorporate the best mitigation measures *feasible*.
4. Criteria set forth in the adopted Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and Other *Environmentally Sensitive Wet Habitats*" will be used in evaluating projects proposed within the Rincon Creek corridor.

C. Miscellaneous

Policies

Film Production, Temporary

1. *Temporary film production activities* shall not result in substantial adverse impacts to ESHA or ESHA buffer, including indirect effects from outdoor lighting or noise.

Signs

2. *Signs* are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent *feasible*.

Figure 4.2-1
Environmentally Sensitive Habitats on the North Coast

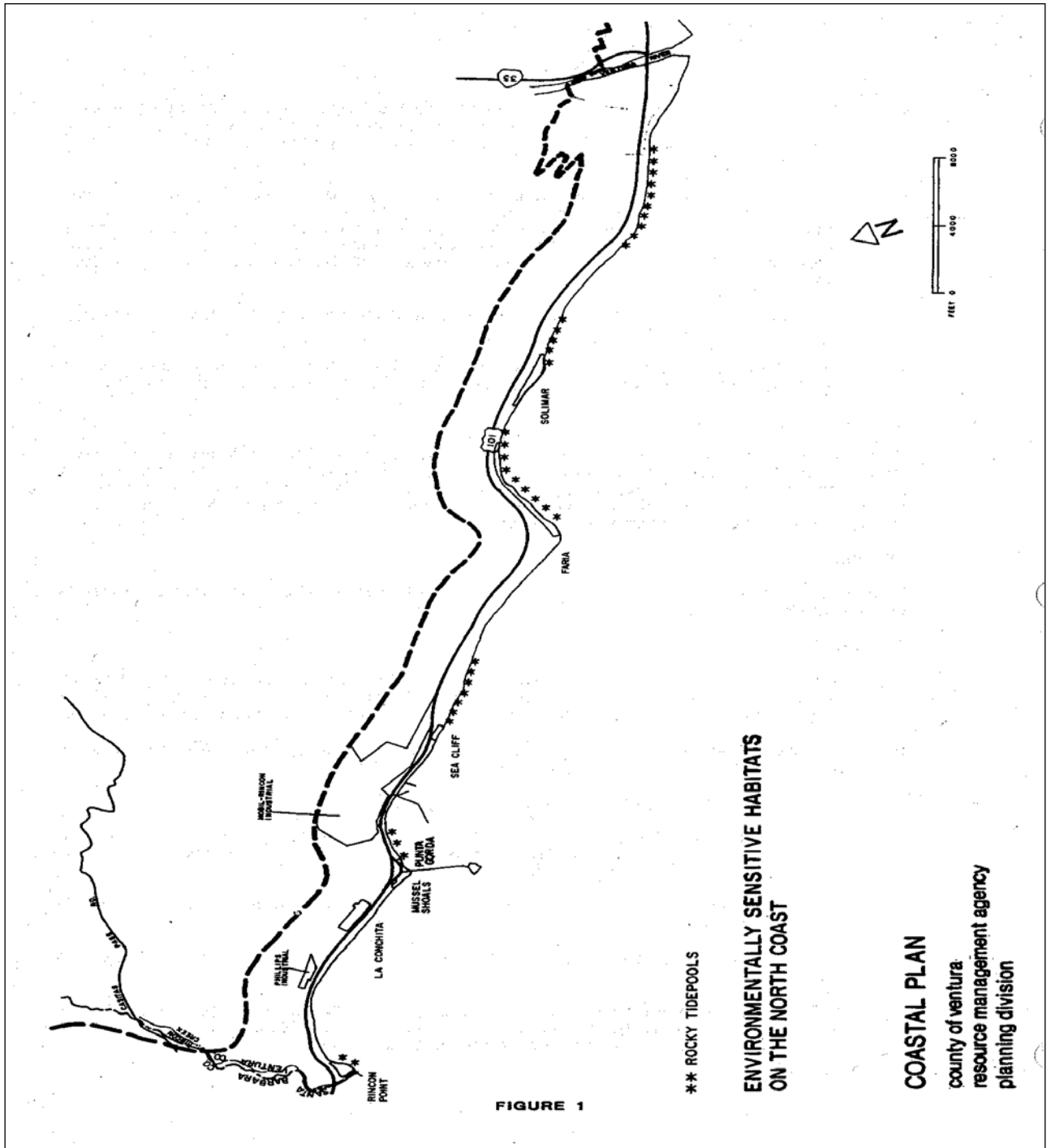


Figure 2 4.2-2
Rincon Creek

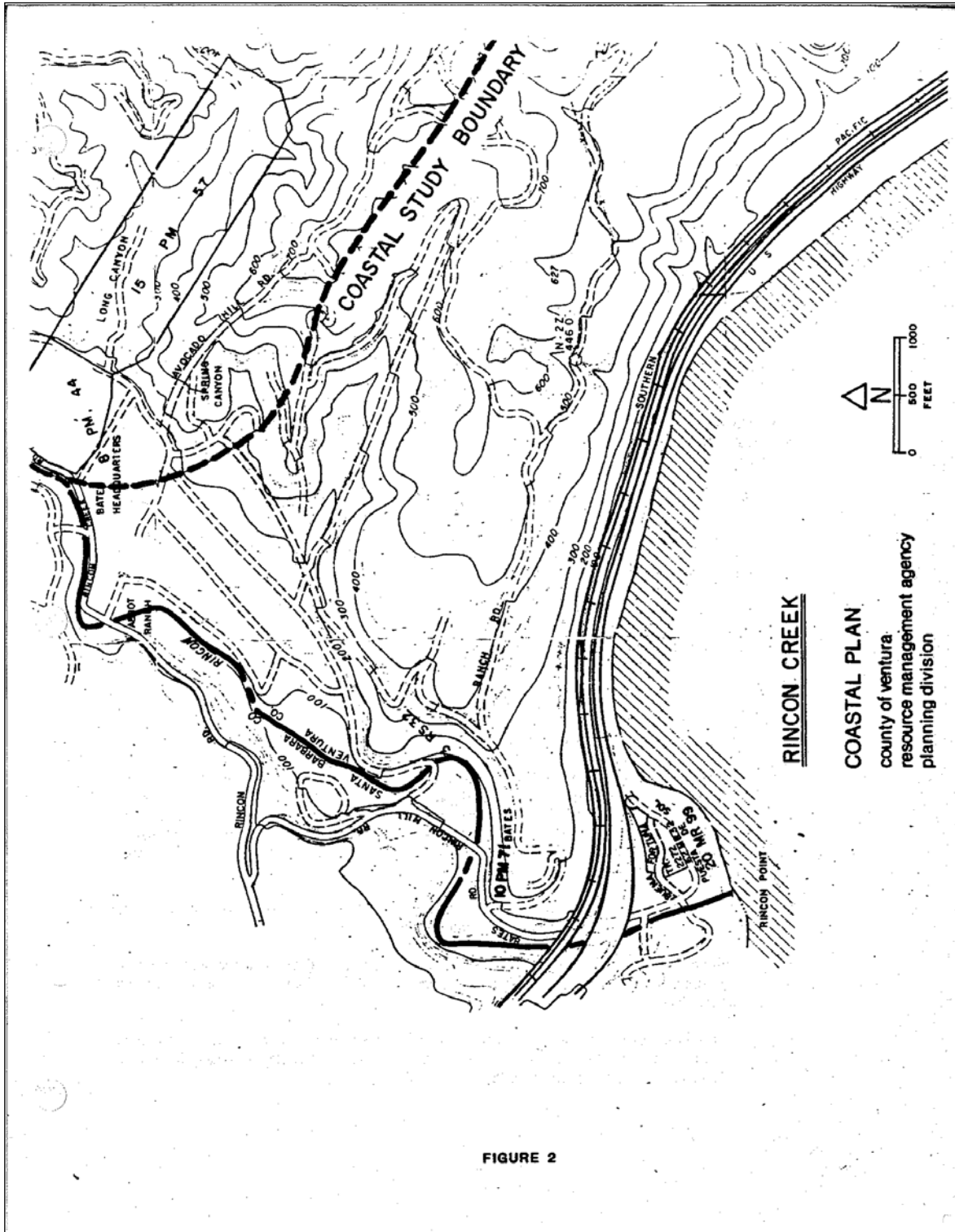


FIGURE 2

**Figure 3 4.2-3
North Coast Recreation and Parking Facilities**

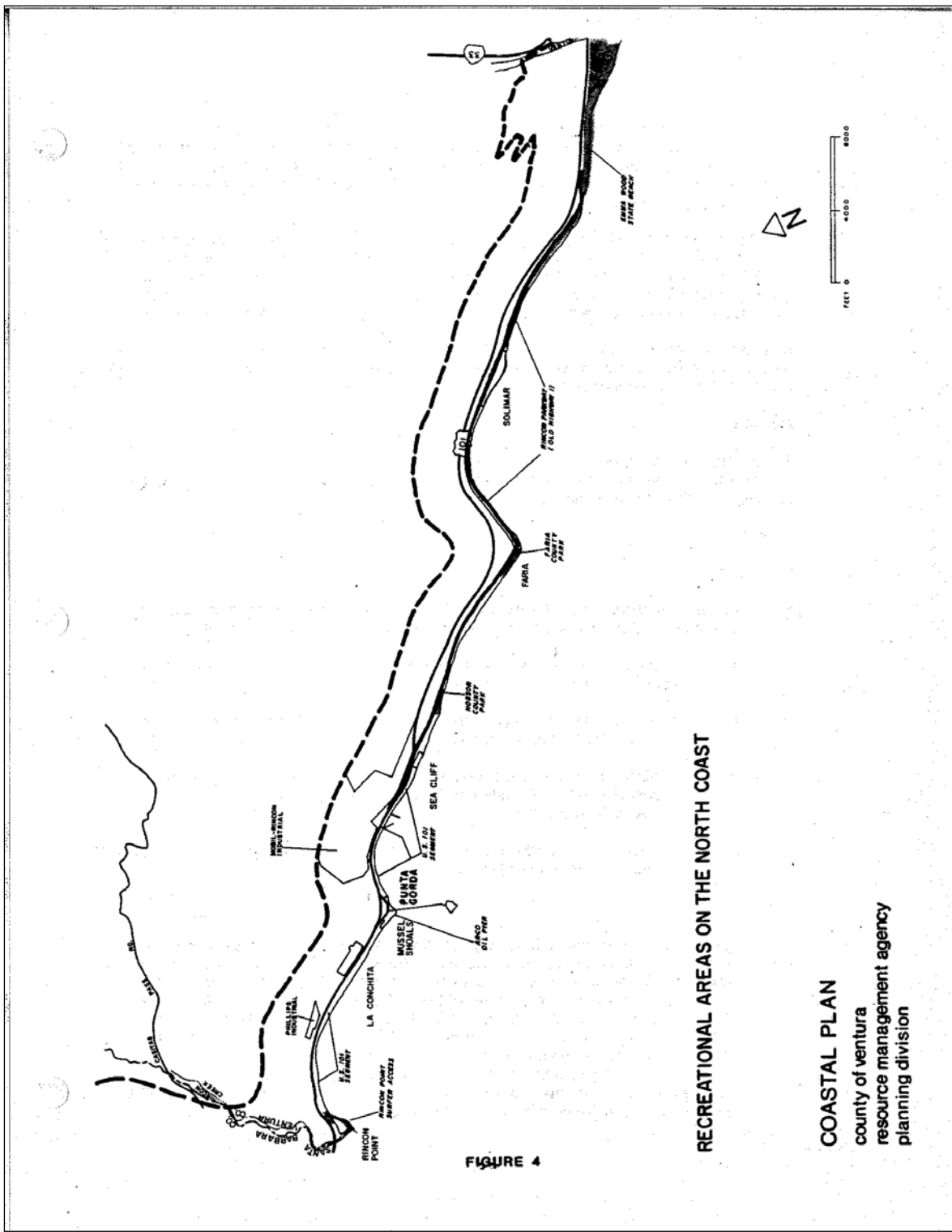
Facilities	Total Acreage	Linear Frontage (Ft.)	Number Of Parking Spaces	Number Of Camping Spaces
Developed Facilities				
Rincon Point State Surfer Access	2.67	75	67	-
Hobson County Park	1.17	679	-	29
Faria County Park	2.4	684	-	45
Rincon Parkway	-	11,700	180	289
Emma Wood State Beach	100.94	16,000	100 (within City of San Buenaventura)	150
Undeveloped Facilities				
Highway 1 - Rincon Point to Punta Gorda	-	8,200	270*	
Highway 1 - Punta Gorda to Seacliff	-	8,000	260*	
TOTALS	45,338 linear ft. (8.6 miles)	877	513	

Source: Recreation and Access LCP Issue Paper, Ventura County Resource Management Agency, 1980

Footnotes:

* Unmarked spaces - assumed 30 ft. per space

**Figure 4.2-4
Recreational Areas on the North Coast**



RECREATIONAL AREAS ON THE NORTH COAST

COASTAL PLAN
county of ventura
resource management agency
planning division

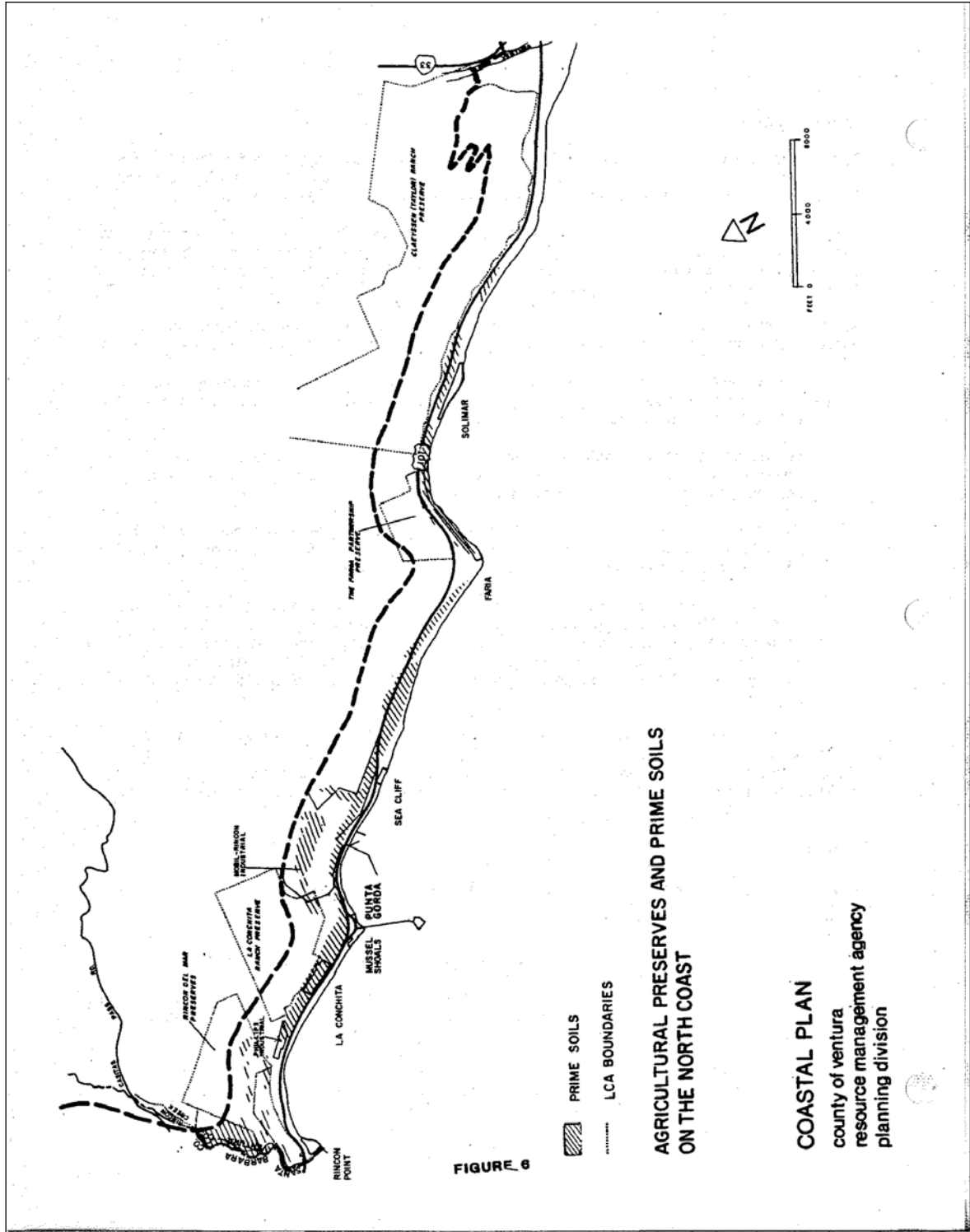
**Figure 5 4.2-5
North Coast Access Inventory**

NO. *	Name & Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By	Remarks
1.	Rincon Point State Surfer Park, West of 101 at County Line	Park	2.67 ac.	75 ft.	Yes	---	State Parks	State Parks	
2.	Highway 1 Rincon Point to Punta Gorda	Parking	---	8,200 ft.	Yes	No	Caltrans	Caltrans	Undeveloped facility - consists of unmarked parking along Old Coast Highway.
		Lateral							
		Vertical							
3.	Highway 1 Punta Gorda to Seacliff	Parking	---	8,000 ft.	Yes	No	Caltrans	Caltrans	Same as above.
		Lateral							
		Vertical							
4.	Hobson County Park West of 101, South of Seacliff	Park	1.7 ac	679 ft.	Yes	Yes	County	County	
5.	Rincon Parkway	Parking	---	11,700 ft.	Yes	Yes	Caltrans	Caltrans	Includes two improvements to beach seawall to construct ladders to improve <i>vertical access</i> . Ladders maintained by Ventura Co.
		Lateral							
		Vertical							
6.	Faria Co. Park South of 101, 5.5 miles west of Ventura	Park	2.4 ac.	684 ft.	Yes	Yes	County	County	
7.	4270 Faria Road Faria Tract	Lateral	To Seawall	43 ft.	Yes	No	Private	Owner	Pass and Repass only.
8.	3912-3024 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	150 ft.	Yes	No	Private	Owner	Pass and Repass only.
9.	3488 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	27 ft.	Yes	No	Private	Owner	Pass and Repass only.
10.	3438 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	35 ft.	Yes	No	Private	Owner	Pass and Repass only.
11.	3974 Pacific Coast Highway, Faria Tract	Lateral	To Seawall	50 ft.	Yes	No	Private	Owner	Pass and Repass only.
12.	Emma Wood State Beach West of 101, 3 miles north of Ventura	Park	100 ac.	16,000 ft.	Yes	Yes	State Parks	State Parks	

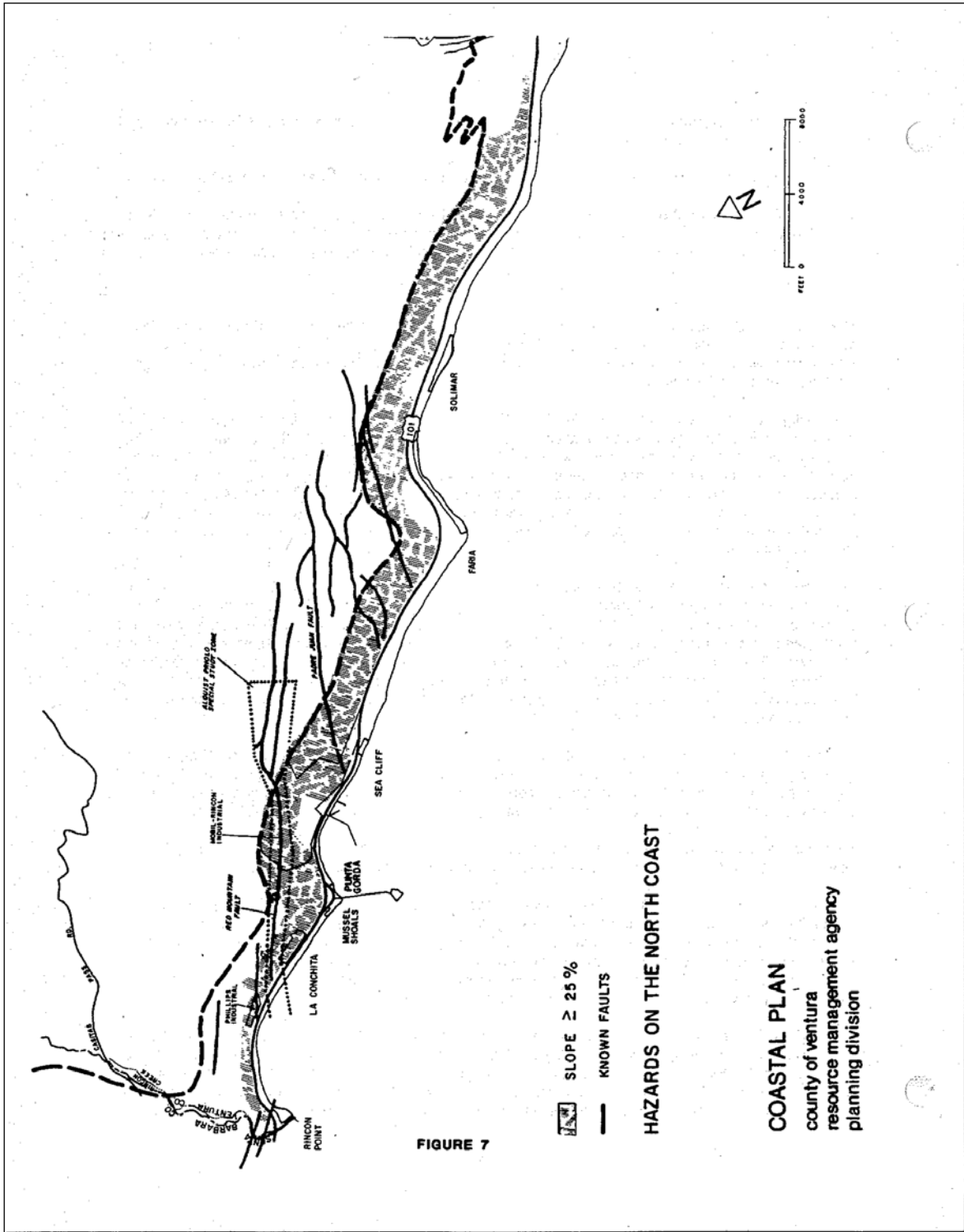
Footnotes:

* Keyed to Local Coastal Area Plan Land Use Map for the North Coast, Figure 46-2 3-2 (Separate Map) 6/20/89

Figure 6 4.2-6
Agricultural Preserves and Prime Soils on the North Coast



**Figure 7 4.2-7
Hazards on the North Coast**



**Figure 8 4.2-8
Pitas Point Quadrangle (Portion) Special Studies Zones**

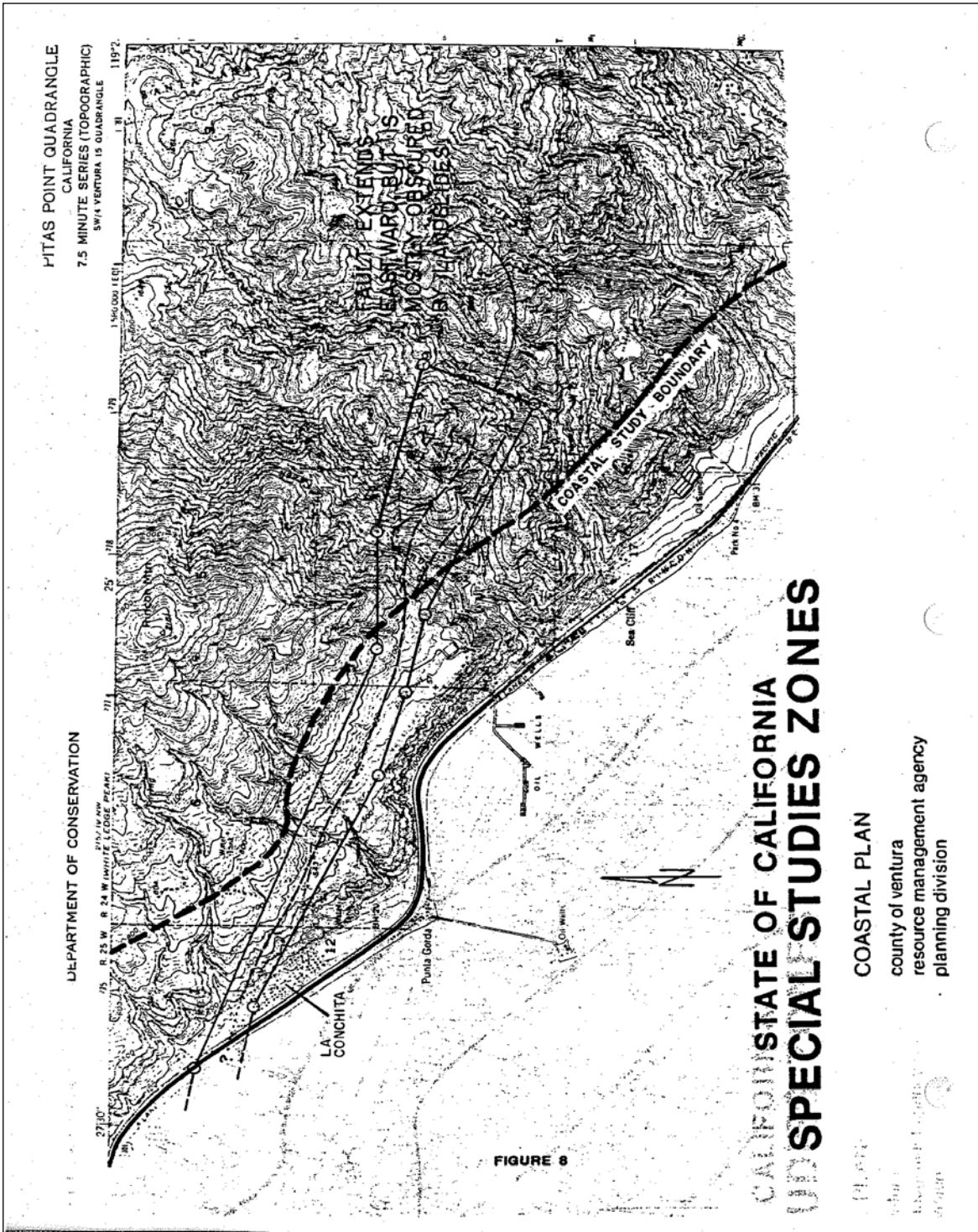
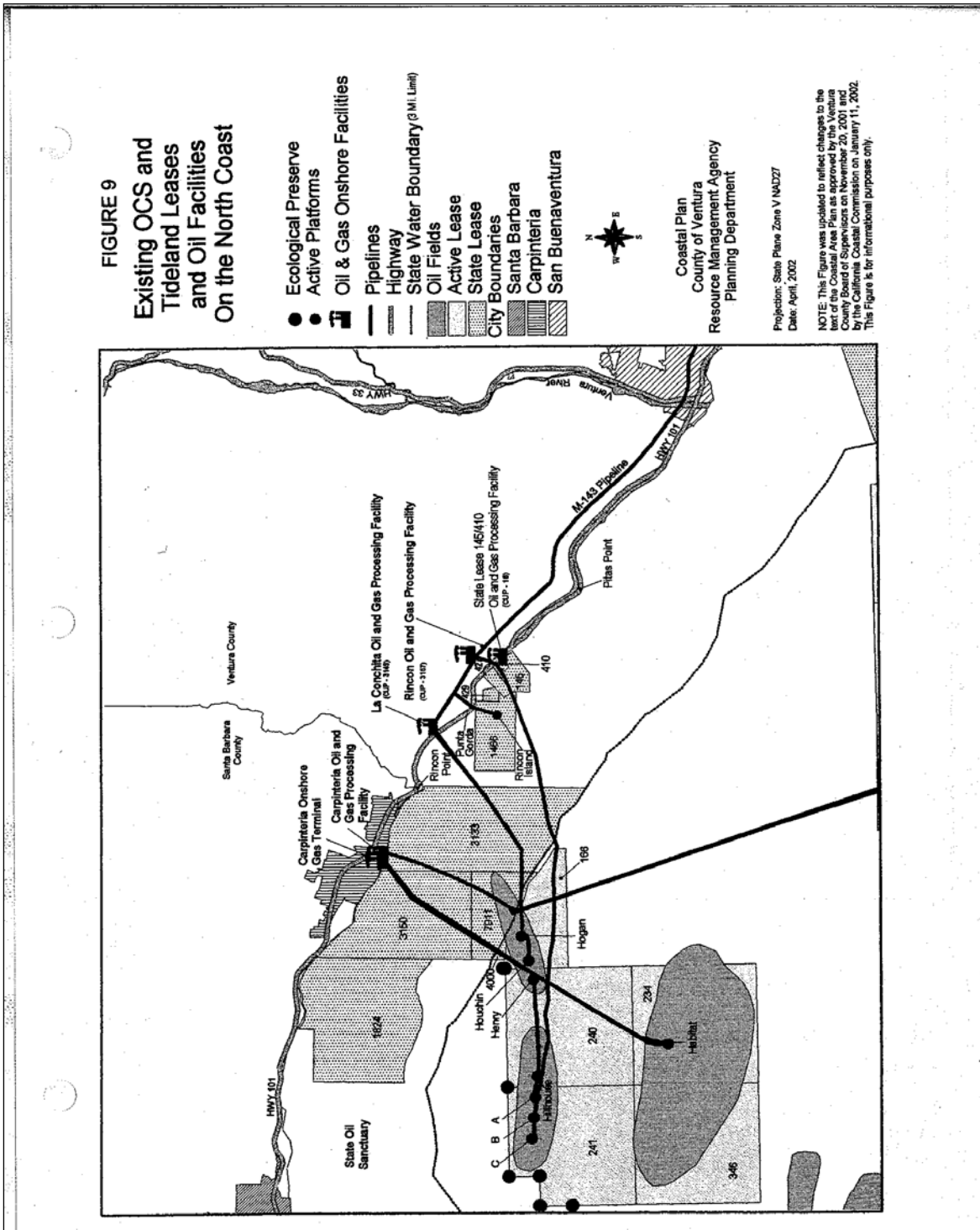


Figure 9 4.2-9
Existing OCS and Tideland Leases and Oil Facilities
on the North Coast



**Figure 4.2-10
Energy Facilities on the North Coast**

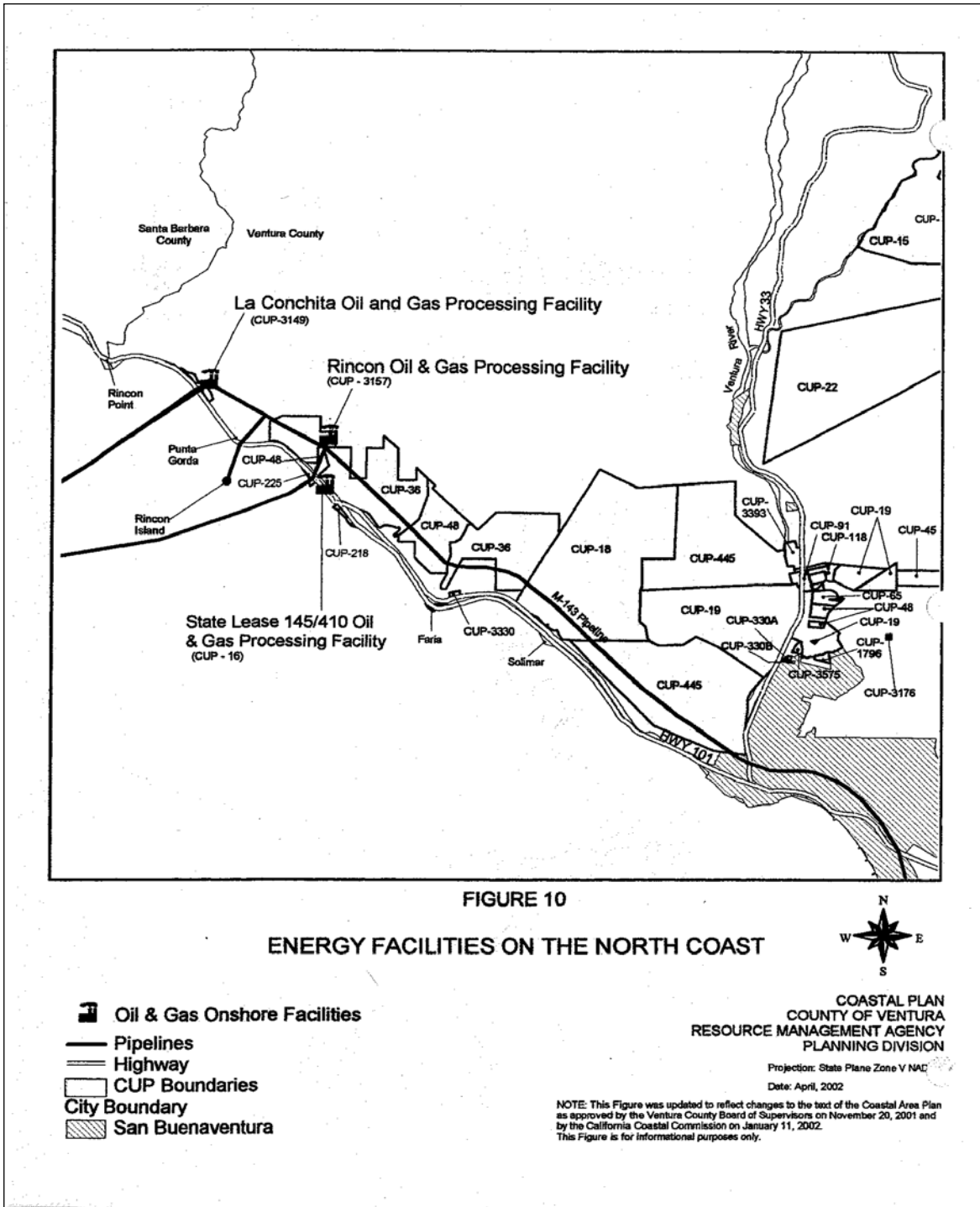


Figure 4.2-11
Rincon Point Residential Community

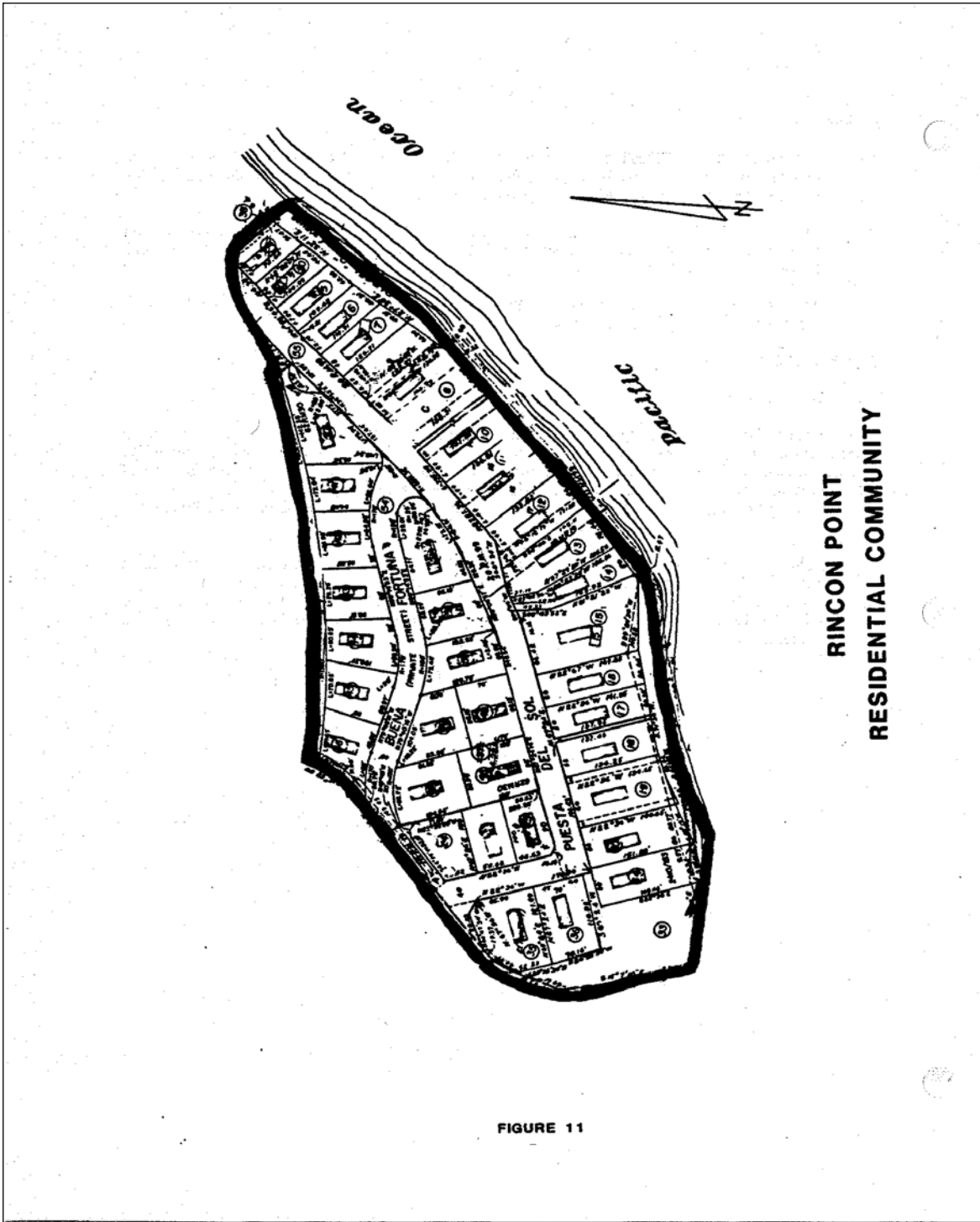


FIGURE 11

Figure 4.2-13
Mussel Shoals Residential Community

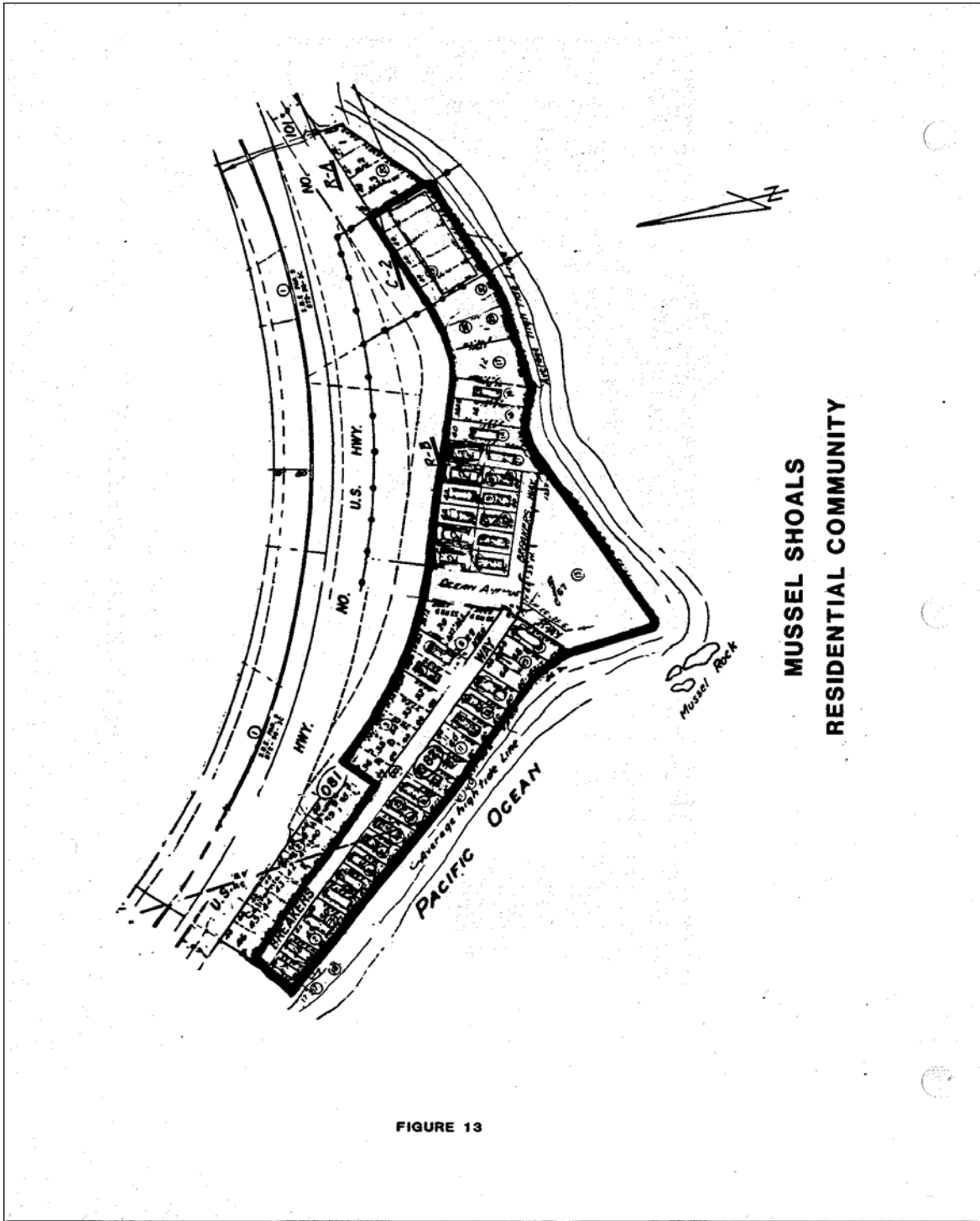


Figure 14 4.2-14
Sea Cliff Residential Community

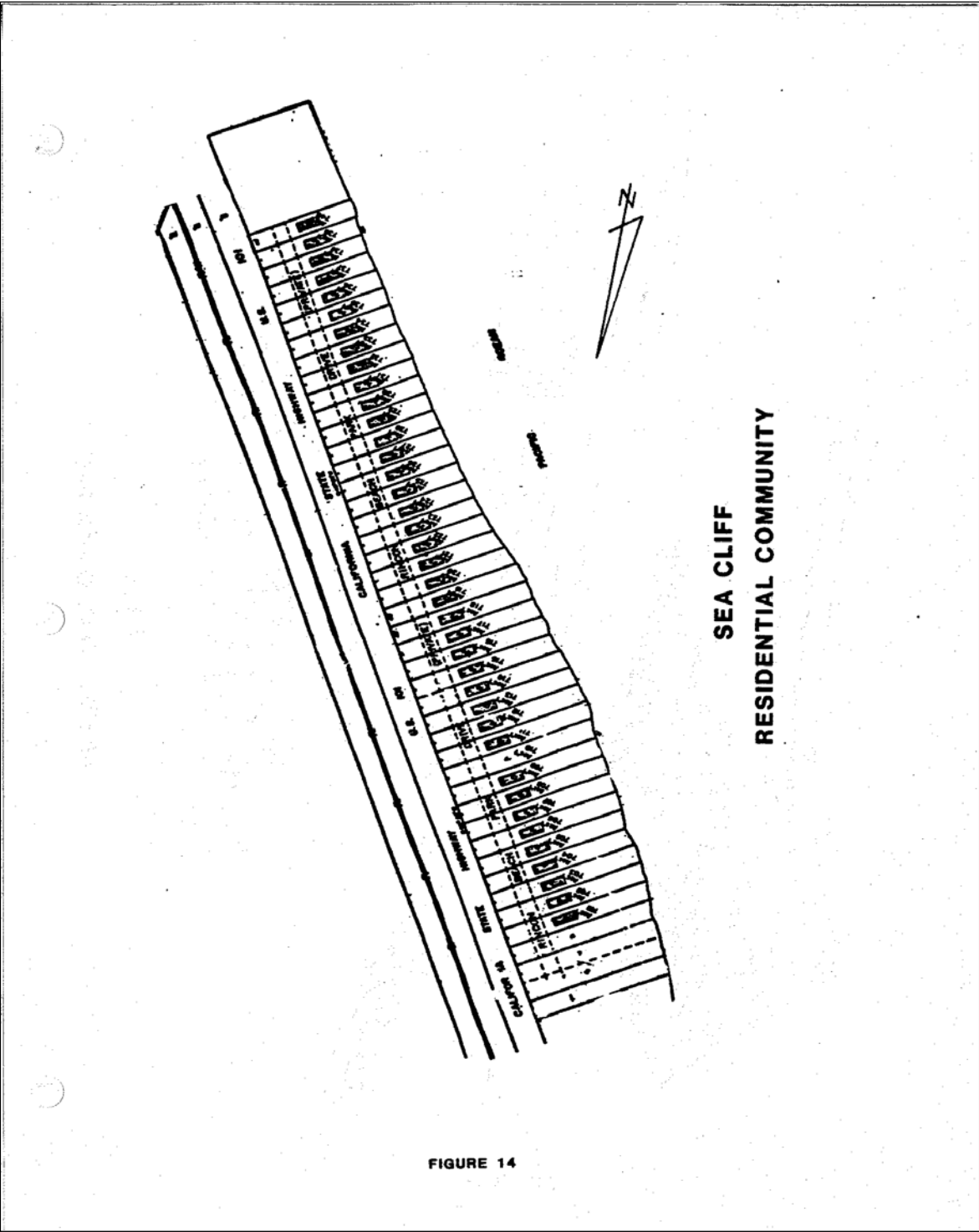


FIGURE 14

Figure 45 4.2-15
Faria Residential Community

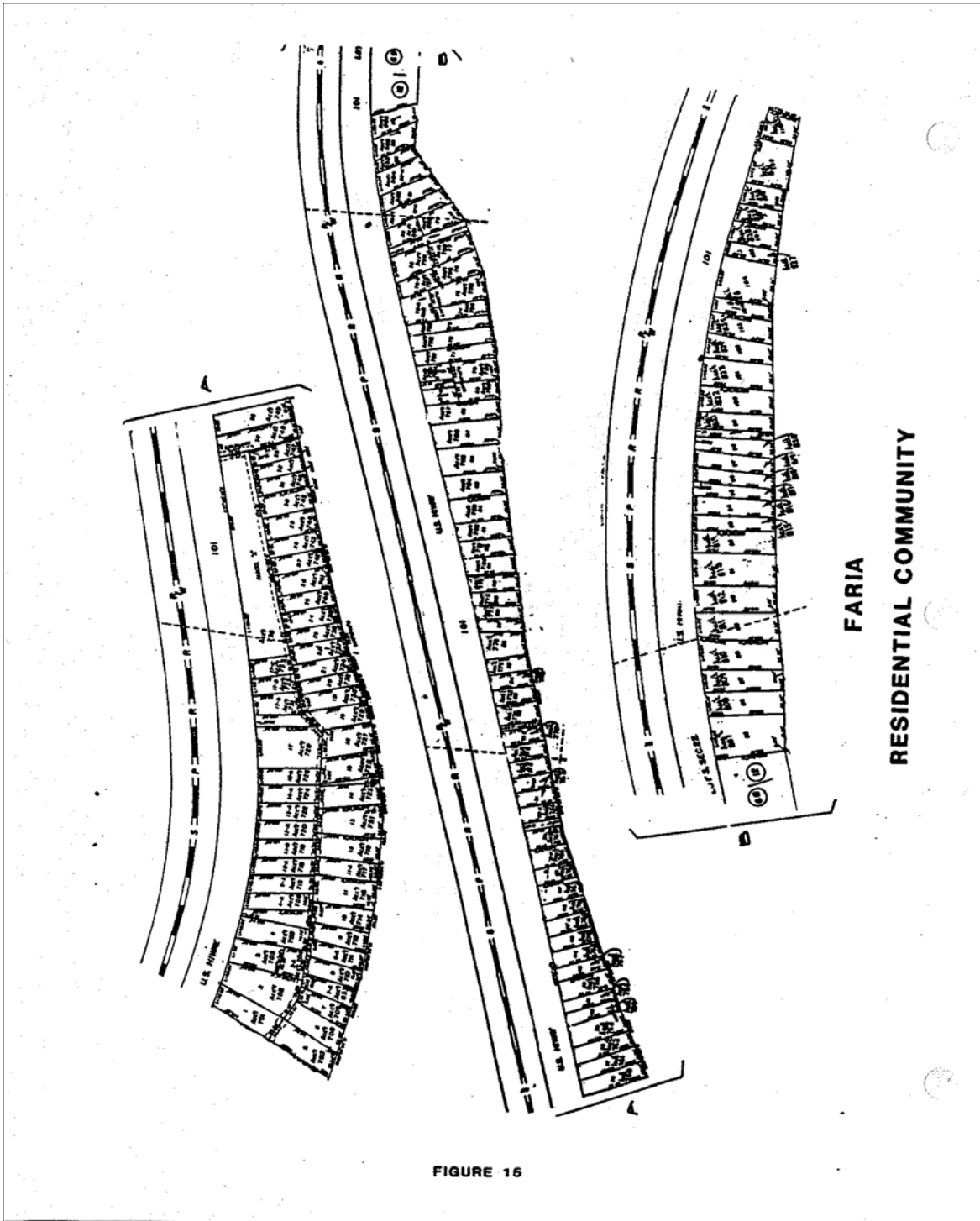
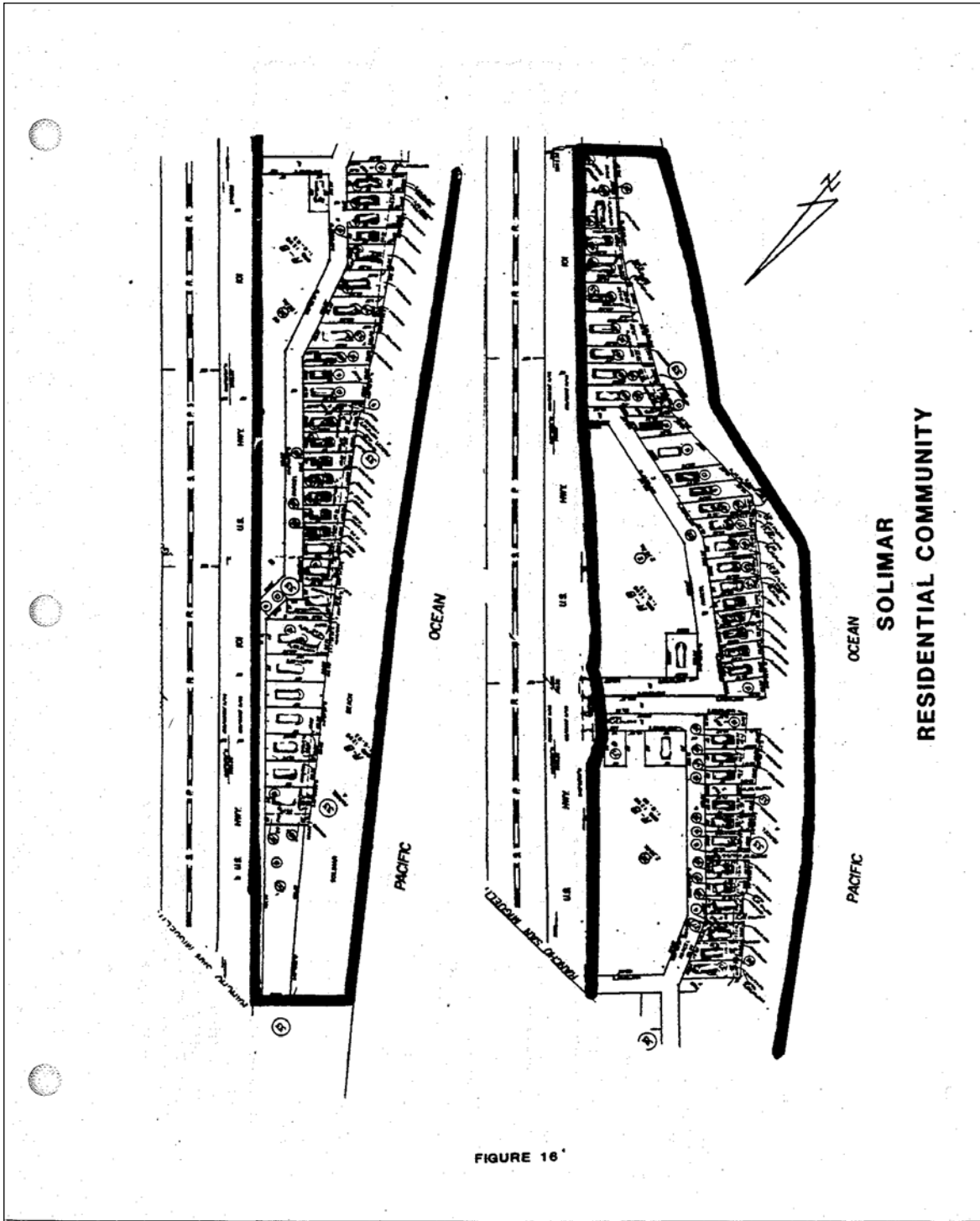


Figure 4.2-16
Solimar Residential Community



[Staff Explanation: Figure 16.1, the summary table for the North Coast, was moved to Chapter 3, Land Use Plan.]

Figure 16.1
Summary Table Building Intensity/Population Density Standards (North Coast Area)
Open Space/Agriculture/Recreation

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Open Space	1,590.1	5% ³	0.100	159	1.68	267	0.168
Agriculture	2,620.4	5% ³	0.025	65	1.68	109	0.042
Recreation	112.2	5%	N/A	N/A	N/A	N/A	N/A
TOTALS	4,322.7			224		376	

Residential

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Low	12.6	29%	2.00	25	1.68	42	3.33
Medium	10.2	42%	6.00	64	1.68	102	10.00
High	79.5	65%	36.00	2,862	1.68	4,808	60.48
TOTALS	102.3			2,948		4,952	

Commercial/Industrial

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Projected Floor Area (X 1,000-SF)	Average Number Of Employees Per 1,000-SF	Employees	Average Employees/Acre
Commercial	0.6	40%	13.4	1.0	13	21.67
Industrial	361.2	40%	238.3	2.0	476	1.32
TOTALS	361.8		251.4		489	

12/10/96

Footnotes:

¹ Excludes *second dwelling* units per Section 65852.2 of the State Government Code.

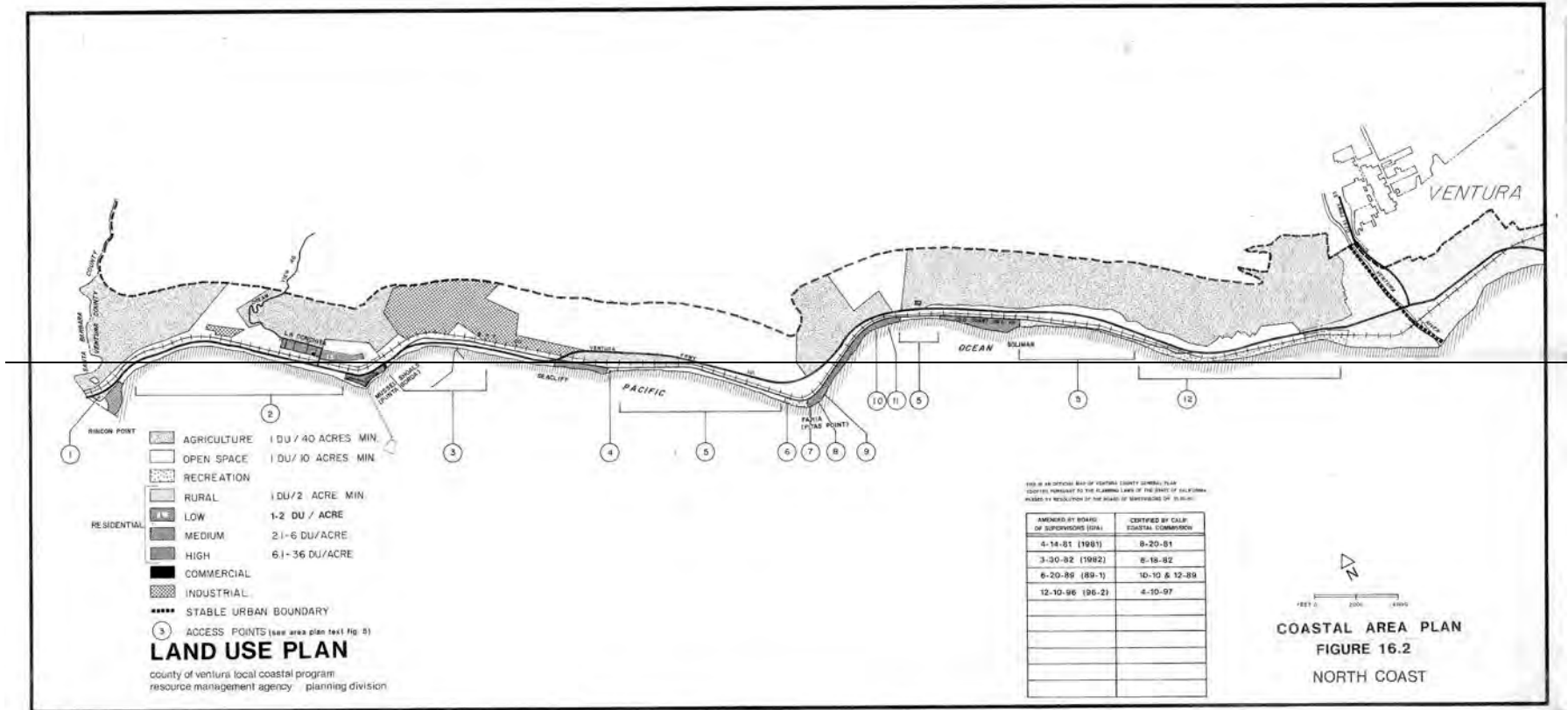
² Year 2000 Forecast for Ventura Nongrowth Area.

³ Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.

N/A – Not Applicable.

[Staff Explanation: Figure 16.2, the existing land use map for the North Coast, was moved to Chapter 3, Land Use Plan.]

Figure 16.2
Local Coastal Area Plan — Land Use Map: North Coast



4.3 THE CENTRAL COAST

[Staff Explanation: The existing Area Summary section was moved to Chapter 3, Land Use Plan.]

Area Summary

The Central Coast is the sandy edge of the extensive Oxnard Plain. The cities of San Buenaventura, Oxnard and Port Hueneme share 16.5 miles of coast with *agriculture*, sand dune, fresh and saltwater marsh ecosystems, Southern California Edison's Mandalay and Ormond Beach power plants, wastewater treatment plants, harbors, and a variety of heavy industry and oil operations.

Unincorporated lands within the Central Coast are varied. Several *parcels* are surrounded by the City of San Buenaventura just north of the Santa Clara River. Further south (down Harbor Boulevard), inland from McGrath Lake and Mandalay Beach are approximately 1,400 acres of unincorporated land used for *agriculture* and/or oil production. Edison Canal, which separates the agricultural land, supplies water to the Edison Mandalay generating station.

Further south is Hollywood Beach, an unincorporated beach residential area zoned "R-B-H" (Residential Beach Harbor—minimum *lot* size 1,750 square feet) with some "C-C" (Coastal Commercial) development. The City of Oxnard borders the beach community on three sides. The adjacent sandy beach has been designated Hollywood Beach County Park.

Interposed between Hollywood Beach and Silver Strand is Channel Islands Harbor. Jurisdiction over the harbor is shared between the County and the City of Oxnard. Silver Strand, including Hollywood by the Sea, is another unincorporated beach residential area. On the north side of Silver Strand is the City of Oxnard, while on the south and east is the U.S. Naval Construction Battalion Center, which is within the City of Port Hueneme. Zoning is also primarily "R-B-H" with a limited amount of "C-C". The County's Silver Strand Beach Park extends the length of the shoreline and has public parking facilities at each end.

Remaining unincorporated segments of the Central Coast are found at Ormond Beach east of Perkins Road, south of Hueneme Road, and near the southernmost boundary of Oxnard's city limits. While some heavy and light industrial *development* has occurred within the City of Oxnard, the unincorporated land remains open and is used for *agriculture*.

Much of the unincorporated lands in Ormond Beach contain portions of coastal *wetlands* that include saltmarsh and freshwater ponds. Endangered species closely identified with saltmarshes have been verified in the vicinity by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Further south are two waterfowl ponds. One of the ponds, the privately owned Ventura County Game Preserve, zoned "COS" (Coastal Open Space), is partially within the County's coastal zone. The Point Mugu Game Preserve, also privately owned, is outside the coastal zone. The Point Mugu Ponds are recognized by the U.S. Fish and Wildlife Service as a highly valuable waterfowl wintering *habitat* (USFWS 1979).

4.3.1 Central Coast Subarea Policies

1. All zoning and *development* shall be in conformance with the Land Use maps (Figures 26.2 and 26.33-4), which have has been designed to reflect these goals and policies.

The Zoning Compatibility Matrix (~~Figure 3-3~~) ([Figure 3-1](#)) indicates the zones which are consistent with the various land use categories.

2. In case of reasonable doubt as to the precise alignment of land use boundaries on the Land Use Plan Maps, the *Planning Director* is authorized to determine the precise boundary locations. Such determinations must comply with the goals and policies which are set forth in the written text of the Coastal Area Plan. Determinations shall be graphically portrayed on the adopted Land Use Plan Map. In granting the *Planning Director* such powers, it is understood that any interested party may appeal the Director's decision to the Planning Commission and subsequently to the Board of Supervisors (Ventura County Ordinance Code, Division 8, Chapter 1.1, Article 11) and, upon exhaustion of these local appeals, as follows:
 - a. The dispute or question of determination may be appealed to the Executive Director of the Coastal Commission. The Executive Director shall expediently transmit to the interested parties his or her determination as to the precise boundary location.
 - b. Where the Executive Director's determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate boundaries for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting consistent with its Administrative Regulations Section 13569.

~~Environmentally Sensitive Habitats~~

[Staff Explanation: The existing Environmentally Sensitive Habitats section below was moved to Section 4.3.10. See Section 4.3.10 for an explanation.]

~~A. Coastal Dunes~~

~~Remnants of the once extensive Mandalay coastal dune complex are scattered throughout the Central Coast. Viable dunes within the County's jurisdiction are found near McGrath Lake. Approximately 80 acres are within the unincorporated area, while the rest of the complex falls within the City of Oxnard's jurisdiction ([Figure 17](#)).~~

~~The dunes surround the lake, effectively sheltering the rare freshwater *habitat* from wind and erosion. The lake is used by numerous water birds, and the area supports a variety of other coastal species.~~

~~Some of the unincorporated area has been identified for potential acquisition by the California Department of Parks and Recreation as part of McGrath State Beach. The active West Montalvo oil field extends in part beneath the dunes. Oil wells and a Chevron Oil Company processing plant are next to the proposed acquisition. The unincorporated dune area seaward of Harbor Boulevard is designated "Open Space" in this Coastal Plan. Landward of Harbor Boulevard, the dune area is designated "Agriculture" in this Coastal Plan.~~

~~Objective~~

~~To protect the County's coastal sand dunes, their communities, and the processes that form them from degradation and erosion.~~

~~Policies~~

- ~~1. Coastal sand dunes on County unincorporated land are designated "Open Space" or "Agriculture," in this Coastal Plan as well as "Open Space" or~~

~~"Agricultural" on the County's General Plan Land Use Map in order to provide for maximum coastal dune protection.~~

- ~~2. Activities leading to degradation, erosion or destruction of coastal dunes will not be allowed. This includes, but is not limited to, use by off road vehicles, sand mining, filling, or dumping.~~
- ~~3. The County encourages acquisition of the McGrath Lake dunes by State Parks, and the designation of the area as a State Preserve.~~
- ~~4. The County supports less than fee acquisitions by the State as a means of preservation, such as open space easements and tax incentives.~~

~~B. Wetlands~~

~~Only small portions of the Central Coast's once extensive wetlands remain today. One of the best remnants is the mouth of the Santa Clara River, which encompasses a variety of habitats with coastal flora and fauna including approximately 60 acres of pickleweed (*Salicornia virginica*) marsh. The endangered Belding's savannah sparrow, the rare California black rail, the endangered light footed clapper rail, and the endangered California least tern have all been observed in the area.~~

~~West of Harbor Boulevard, the Santa Clara River is under the jurisdiction of the Cities of San Buenaventura and Oxnard, and the California Department of Parks and Recreation. The part of the river within McGrath State Beach has been designated State Preserve. East of Harbor Boulevard another portion of the wetland is within County jurisdiction (Figure 18) and it is zoned "COS" (Coastal Open Space, 10 acre minimum).~~

~~McGrath Lake is immediately south of McGrath State Beach and west of Harbor Boulevard (Figure 19). While it is a natural freshwater lake, probably formed in association with the sand dunes, most of its water now comes from agricultural runoff. The freshwater marsh around the edge attracts a variety of birds and small animals. The northern end of the lake and the land surrounding it are within the County and zoned "COS". A large portion of the wetland is within the City of Oxnard's jurisdiction. Near the southern end of the lake (Figure 18) is another segment of County land zoned "COS". The area is designated "Open Space" in this Coastal (Area) Plan and in the County's General Plan.~~

~~South of Port Hueneme and immediately north of Mugu Lagoon is Ormond Beach, historically the site of some of the most extensive wetlands in the County. Today there are approximately 100 acres of saltmarsh remaining. Most of the marsh is within the City of Oxnard's jurisdiction. Historically, the area was part of an extensive tidal marsh. According to saltmarsh experts, the marsh is still in relatively viable condition as characterized by dense stands of pickleweed and the presence of a variety of characteristic Southern California saltmarsh species. Few scientific studies have been done on the area. However, the endangered California least tern and Belding's savannah sparrow have been observed in the marsh. Additionally, this is one of the few areas in Southern California with an intact dune transition zone marsh system (R. Vogl, C. Onuf, pers. comm.).~~

~~Another wetland segment south of the Edison Plant is within the City of Oxnard's jurisdiction. The remnant tidal saltmarsh is also being considered for acquisition and restoration by the California Department of Parks and Recreation. It is used by the off road vehicles and suffering soil compaction and vegetation damage. In their 1979 study, "A Concept Plan for Waterfowl Wintering Habitat Preservation," the U.S. Fish and Wildlife Service point out that the greatest opportunities for maintaining~~

~~waterfowl populations along the Pacific Flyway would be in the restoration or enhancement of diked, formerly tidal, marsh. The marsh areas at Ormond Beach may afford such opportunities.~~

~~In "Recommended Coastal Properties for Public Acquisition" the California Coastal Commission (1976) placed Ormond Beach *wetlands* in its second priority group for acquisition: "Recreational sites that serve urban populations and environmental resource areas that need protection or restoration."~~

~~The privately owned Ventura County Game Preserve, another freshwater *wetland* now artificially maintained, is partially located in the coastal zone.~~

Objective

~~To protect *wetlands* in the Central Coast and encourage their acquisition, restoration or enhancement by the State to perpetuate their value to onshore and nearshore coastal life, and to the people of California.~~

Policies

- ~~1. All projects on land either in a designated *wetland*, or within 100 feet of such designation, shall be sited and designed to prevent impacts which would significantly degrade the viability of the *wetland*. The purposes of such projects shall be limited to those in Section 30233(a) of the Coastal Act.~~
- ~~2. Where any dike or *fill development* is permitted in *wetlands*, mitigation measures will, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures will also be required as determined by the County to carry out the provisions of Sections 30233 (b and c) of the Coastal Act.~~
- ~~3. Channelization, dams, and other river or *stream* alterations will be limited to:
 - a. Necessary water supply projects.
 - b. Flood control projects to secure public safety in the flood plain when there are no other *feasible* protection methods.
 - c. Projects necessary for protection and enhancement of *wetlands habitats*.Such permitted projects will incorporate *feasible* mitigation measures.~~
- ~~4. *Habitat* mitigation will include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of *native vegetation*, reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with the following policy.~~
- ~~5. Dredge spoils should not be used for beach replenishment unless it can be shown that the process would not adversely impact coastal processes or *habitats*; such as intertidal reefs, grunion spawning grounds, or marsh. The California Department of Fish and Game, as well as other appropriate agencies, will be consulted when spoils deposition on a beach is under consideration.~~
- ~~6. The County supports formal recognition of the value of the Ormond Beach saltmarshes and their enhancement or restoration as such by the landowners, California Department of Fish and Game, the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and other appropriate agencies.~~

~~Appropriate scientific experts and the current literature should be drawn upon in any reclamation or enhancement attempts.~~

- ~~7. The landowners and appropriate agencies, including the Coastal Commission, the Coastal Conservancy, and State Parks should work to limit off road vehicle access to the Ormond Beach marsh areas, including (but not limited to) fencing of areas.~~
- ~~8. Recreation in the Central Coast saltmarshes will include resource compatible uses such as nature observation, scientific study, educational trips, and possibly fishing. Appropriate public agencies will provide the public with off-site, as well as on-site, interpretive opportunities within existing programs as feasible. As funds become available, new programs should be developed.~~
- ~~9. The County will work in close cooperation with other agencies and jurisdictions to provide comprehensive and biologically sound management of coastal wetlands.~~

~~C. Film Production, Temporary~~

- ~~1. Temporary film production activities shall not result in substantial adverse impacts to ESHA or ESHA buffer, including indirect effects from outdoor lighting or noise.~~

~~D. Signs~~

- ~~1. Signs are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent feasible.~~

4.3.2 Recreation and Access

[Staff Explanation: The addition of the Coastal Trail section in Section 4.1.4 resulted in minor updates to the related Recreation and Access section for the Central Coast subarea below.]

A. Recreation

The Central Coast is interspersed with a variety of developed, accessible recreation areas and has potential for more. ~~(Figure 21)~~ [Figure 4.3-4](#) shows these areas. Beach parks have been developed in the cities of San Buenaventura, Oxnard and Port Hueneme, and the California Department of Parks and Recreation tentatively will purchase about ~~In 2005, the City of Oxnard was conveyed a 28-acre parcel of real property located just north of Southern California Edison's the Mandalay Beach Generating Station, to be encompassed by McGrath State Beach. This parcel will be restored to conserve coastal resources, purchase would connect McGrath State Beach with but access will be included in the undeveloped 80 acre Mandalay State Beach Park north of West Fifth Street (both McGrath State Beach and Mandalay State Beach Park are is within the City of Oxnard).~~ Mandalay State Beach ~~It would~~ will also provide access to the a scenic alternate secondary bicycle/hiking Coastal Trail route along Oxnard's the beach road near the Mandalay Generating Station.

[Staff Explanation: The 28-acre parcel mentioned above is one of two unincorporated islands located within the City of Oxnard in the vicinity of McGrath State Beach (the other island consists of oil wells as the primary land use). Ownership was granted to the City of Oxnard as a condition of approval for the North Shore Master Plan. This parcel will be

included in McGrath State Park but it will probably not include access because it is conditioned for habitat restoration. The Oxnard Local Coastal Program and the Mandalay State Beach General Plan (1983) include policies for a shoreline trail, and the Northshore Project includes a restrictive covenant for a public access easement to be included in this area.]

The two County parks near Channel Islands Harbor, Hollywood Beach and Silver Strand Beach are for day use. Silver Strand is 41 acres in size and has parking lots at both ends. Hollywood Beach ~~County Park~~ includes 50 acres with limited off-street parking. Current recreational opportunities on the Central Coast are plentiful, and will expand as McGrath State Beach grows and plans are fully implemented for Mandalay ~~County Beach Park~~, Ventura Harbor, Channel Islands Harbor and Oxnard Shores.

[Staff Explanation: Proposed text revisions were made to clarify that Hollywood Beach and Mandalay Beach are not designated as County parks.]

Objective Recreation Goal 1

To provide direction to the ~~S~~state, and to local agencies as appropriate, for improving and increasing public recreational opportunities on the Central Coast consistent with public health and safety, and the protection of private rights.

Policies

McGrath State Beach Park

1. The County will:

- a. Support the California Department of Parks and Recreation's State Park's policies and programs efforts to develop a master plan that is consistent with Ventura County's Local Coastal Program.
- b. Support logical extensions of McGrath State Beach.
- c. Encourage the development of well-designed facilities expansion for camping as long as all possible environmental mitigations are incorporated that protect ESHA and wetlands consistent with the policies and provisions of the LCP.
- d. Encourage the designation of McGrath Lake and the surrounding dunes as a ~~S~~state ~~P~~reserve.
- e. Work with California Department of Parks and Recreation State Parks to plan a segment of the California Coastal Trail that connects the Santa Clara River Trail with Hollywood Beach.

[Staff Explanation: This policy was amended for three reasons: (1) to limit the list to state policies and programs which are consistent with the County's LCP, and (2) to address new issues related to the Coastal Trail.]

Mandalay County Beach Park

- ~~2. Every effort will be made to preserve the dune formations on the site.~~
- ~~3. Adequate on-site parking will be provided consistent with proposed park use.~~

[Staff Explanation: The proposed modifications above reflect the fact that Mandalay Beach is no longer under County control. It is located within the City of Oxnard and is under ownership of the California Department of Parks and Recreation. The site was

leased by the County for decades, but the facility has been reverted back to state control¹.]

Hollywood Beach and Silver Strand Beach

~~2.4.~~ The County will coordinate with the cities of Oxnard, Port Hueneme, and, as necessary, the U.S. Navy in an attempt to help alleviate the traffic problems.

~~5.~~ Walkways and bikeways around Channel Islands Harbor to link Hollywood and Silver Strand Beaches should be provided as funds are available.

[Staff Explanation: This policy is proposed for removal because walkways and bikeways around the harbor are located in the City of Oxnard and are not within the County's jurisdiction.]

~~3.6.~~ Maintain the natural state of the beaches by ~~No parking lots, walkways or bikeways, or structures limiting development to other than~~ public restrooms, and lifeguard stations, and the California Coastal Trail. ~~should be placed on the beach areas to maintain the natural state of the beaches.~~

[Staff Explanation: Revisions are proposed to clarify the purpose of the policy and to ensure that routes for the Coastal Trail are allowed on the beach. A pedestrian segment of the Coastal Trail is proposed for portions of Hollywood Beach, providing a connection between Mandalay Beach and the Channel Islands Harbor.]

Ormond Beach

~~4.7.~~ Encourage The County will work with the City of Oxnard, California State Coastal Conservancy, The Nature Conservancy, the California Department of Parks and Recreation's, and other organizations regarding efforts to acquire and restore the wetlands, improve public access, develop linkages to the Coastal Trail and provide low-impact recreational activities such as nature viewing. ~~currently proposed acquisition with the County portion of the marsh included.~~

[Staff Explanation: The Coastal Conservancy purchased 541 acres of land at Ormond Beach for wetland restoration, including unincorporated areas. Additional land acquisition efforts continue and the agency has developed a conceptual master plan for the site. This policy was also amended to include a statement regarding recreation, which improves the consistency between this subject and the remainder of this section.]

~~8.~~ ~~Encourage State Parks to consider to Ormond Beach site between Halaco and the Southern California Edison power plant for acquisition with adjacent segments of saltmarsh for enhancement.~~

[Staff Explanation: This policy was completed and is therefore no longer needed. Together, the Coastal Conservancy and The Nature Conservancy purchased this area for wetland restoration. Additionally, this area is located within the City of Oxnard and not within the County's land-use jurisdiction.]

Footnotes:

¹¹ Ron VanDyck, and Theresa Lubin, Ventura County Parks Department, personal conversations on April 26, 2016 and August 31, 2015.

B. Access

The only unincorporated areas in the Central Coast sub-area actually on the shoreline are Silver Strand Beach and Hollywood Beach, a total of about 7,400 linear feet of beach frontage. Both beach parks are owned by Ventura County and are about 90 acres in size. There is adequate pedestrian access to the beaches via numerous stub-end public streets. Lateral access along the beach is also not a problem since the property is County owned. ~~(Figure 22)~~ [Figure 4.3-5](#) is an access inventory of the Central Coast.

The major problems are a lack of off-street public parking, and the inability to accommodate visitor traffic in the residential areas. The streets are generally narrow with very limited on-street public parking and no public transportation is available to these areas. In addition to these physical constraints, there are financial and jurisdictional constraints. The only areas where the Silver Strand community could expand are owned by the federal government (U.S. Navy). Attempts to purchase or lease Navy property have proven generally too costly. ~~Also, studies are now being conducted regarding the feasibility of annexation to either or both the cities of Oxnard and Port Hueneme.~~ There is also ~~no~~ an incomplete system of pedestrian walkways linking the beach areas with the Channel Islands Harbor.

[Staff Explanation: Proposed text modifications would correct factual information. There are no annexation studies proposed or underway. Also, there are some sidewalks in the area.]

Objective Access Goals

1. To maximize public access to coastal recreation areas in the Central Coast sub-area consistent with private property rights, natural resources and processes, and the Coastal Act; to maintain existing access, and seek new access as funds become available.

[Staff Explanation: No policy change. This objective was amended to clarify that the intent is to maximize access to the shoreline.]

2. To maintain or increase public access to *coastal resources* through increased parking capacity for vehicles and bicycles within the coastal zone.

Policies

Vertical Access Easements from New Development

1. For all "new development" (as defined by section 30212 of the Coastal Act) between the first public road and the ocean, ~~granting of an easement shall be provided to allow vertical access to the mean high tide line shall be mandatory unless one or more of the following apply:~~
 - a. Adequate public access is already available within a reasonable distance of the site measured along the shoreline, ~~or~~
 - b. Access at the site would result in unmitigable adverse impacts on areas designated as "*environmentally sensitive habitats*" or tidepools by the land use plan, ~~or~~
 - c. Findings are made, consistent with ~~S~~section 30212 of the Coastal Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or

- d. The parcel is too narrow to allow for an adequate *vertical access* corridor without adversely affecting the privacy of the property owner. ~~7-08~~

Lateral Access Easements from New Development

2. For all "new development" (as defined by section 30212 of the Coastal Act) between the first public road and the ocean, ~~granting of~~ lateral easements to allow for public access along the shoreline shall be ~~mandatory~~ provided unless findings are made pursuant to subsection (a) below ~~is found~~. In coastal areas, where the bluffs exceed five feet in height, all beach and rocky areas seaward of the base of the bluff to the ambulatory mean high tide line shall be dedicated for public recreational use. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure, except where a protective structure (e.g. a seawall) provides adequate separation. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access are prohibited and shall be removed as a condition of development approval.
 - a. Findings are made, consistent with ~~S~~section 30212 of the Coastal Act that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected.

[Staff Explanation: The proposed modifications to this policy were made for clarity and ensure consistency with the Coastal Act. In addition, the exception to the required 10-foot setback for public easements was added to maintain consistency between the CAP and existing, certified text in the CZO, which includes this exception (no change is proposed to the existing CZO regulation).]

Environmentally Sensitive Habitats

3. The applicant of a proposed recreational facility in, or adjacent to, areas designated "*environmentally sensitive habitats*" shall develop a management program to control the kinds, intensities, and locations of *uses* to preserve the *habitat* resources to maximum extent *feasible*. This program shall be part of *development approval*.

General

4. In accordance with ~~Sec.~~ section 30214(a) of the Coastal Act, the time, place, and manner of access will depend on individual facts and circumstances, including topographic and site characteristics, the capacity of the site to sustain use at the intensity proposed, management of the proximity ~~access areas~~ to adjacent residential uses protect the privacy of adjacent owners, and the feasibility to provide for litter collection.
5. In accordance with ~~Sec.~~ section 30214(b) of the Coastal Act, the requirement of access shall be reasonable and equitable, balancing the rights of the individual property owner ~~and the public with the public's right of access~~.

[Staff Explanation: No policy change. The amendments proposed above provide legal clarification.]

McGrath State Beach Park

6. Support redesign of the entrance to McGrath State Beach to augment *access* and to improve traffic flow within the park.
7. Support access limitations to certain areas as appropriate to maintain ecosystem viability.

Hollywood Beach/Silver Strand Beach

8. Coordinate with the appropriate agencies to help alleviate traffic and circulation problems, and provide additional public parking. New public parking facilities should be located outside residential areas due to the narrowness of existing roadways and conflicts with residential circulation.
9. Coordinate with the Harbor Department and the City of Oxnard to provide pedestrian walkways and bikeways around Channel Islands Harbor to link Hollywood and Silver Strand Beaches ~~when funding is available.~~

[Staff Explanation: Land use in the Channel Islands Harbor is governed by the Public Works Plan, which is administered by the Harbor Department. The LCP cannot require new pedestrian walkways and bikeways in the harbor or in areas around the harbor which are located in the City of Oxnard, as the existing language suggests. Nearby neighborhoods such as Silver Strand and Hollywood Beach are regulated by the LCP and the proposed revisions would require coordination among the Planning Department and the Harbor Department to improve access between the harbor and these unincorporated neighborhoods. The reference to funding was removed because walkways would also be provided through the discretionary development process.]

Film Production, Temporary

10. *Temporary film production activities* shall result in negligible impacts to *coastal resources*, public recreation facilities, and public *access* to such facilities.
11. During the peak summer season (Memorial Day through Labor Day weekend), *temporary film production activities*:
 - Shall not preclude the general public from *use* of a public beach; and
 - Shall not occupy public parking spaces to the extent the general public is restricted from using such spaces to *access* a public beach or public recreation facilities.
12. No new permanent *structures* shall be erected for *temporary film production activities*, and the *film permit area* shall be returned to pre-permit conditions following *film production striking*.

Parking and Loading

13. New development, and intensifications in *use*, shall be designed to include the number of off-street parking spaces necessary to satisfy any new parking demand.
14. In order to support the preservation of existing, neighborhood-serving commercial areas within the coastal zone, exceptions to off-street parking requirements may be allowed, provided that the project applicant contribute to a program aimed at increasing *coastal access parking*. The following factors must be considered in

determining whether a requested exception to off-street parking requirements should be granted:

- No additions or expansion to the structure are proposed and all existing on-site parking is retained;
 - Business hours of operation are in the evening when beach recreational uses are low or non-existent;
 - The primary customer base is nearby residents or beachgoers that do not generate additional parking demand;
 - Shared parking, pursuant to Sec. 8176-4.6, is not available to meet parking requirements; and
 - Other transportation incentives programs listed in Sec. 8176-4.8.1(b), are not feasible, or will not lessen the number of parking spaces required.
15. To promote the efficient *use* of parking areas and reduce the amount of paved or impervious surfaces, shared parking may be allowed for commercial or *mixed-use developments* that accommodate multiple *uses* at different peak parking periods. Where *feasible*, such *parking lots* should accommodate public *coastal access* parking.
16. Restrictions on public parking that would impede public *coastal access* shall be prohibited except where such restrictions are demonstrated to be necessary for the provision of public safety.
17. New *development* that requires the removal of existing public parking shall provide an equivalent number of replacement public parking spaces in the immediate vicinity except where the provision of such parking is infeasible or alternatives are identified that offset the need for additional parking facilities.
18. Where *feasible*, new commercial, *multi-family* residential, or *mixed-use development* shall minimize the demand for public parking by providing on-site bus stops, bicycle storage, sidewalks, or other facilities or programs that support alternative modes of transportation.

Signs

The primary purpose of the *sign* policies in this section is to utilize *signs* to protect and improve *access* to the coastline or other *coastal resources*.

19. *Coastal access* signage shall be posted in conspicuous areas and located so that *access* is maintained and visitors are directed to publicly available *coastal access* parking, beach *access* points, and public trails.
20. For the California Coastal Trail, *coastal access* signage should include distinctive *signs* incorporating the California Coastal Commission *coastal access* logo (foot and wave) or markers, consistent with visual resources.
21. *Signs* shall be located in areas that maintain *coastal access* except where there is no *feasible* alternative to protect public safety. In such cases, the impact to *coastal access* shall be mitigated and, where *feasible*, the sign shall be removed once the public safety issue is resolved,
22. With the exception of *road* or *informational signs*, placement of *signs* within the public right-of-way shall be prohibited.

23. No *signs* shall be posted on a public beach unless authorized by a coastal *development* permit. *Signs* on a public beach which purport to identify the boundary between State *tidelands* and private property, or which indicate that public *access* to State *tidelands* or public *lateral access* easement areas is restricted, shall not be permitted.

C. Recreation and Access Programs

Parking and Loading

1. The Public Works Agency, in coordination with the Planning Division, will prepare a parking study that evaluates existing parking facilities and parking *use* where *coastal access parking* concurrently serves visitor-serving coastal recreation, commercial development, and residential neighborhoods. The parking study will also identify strategies aimed at the following: (1) increasing the amount of available *coastal access parking* (for example, by identifying potential locations for additional public parking or by restriping existing parking areas to increase the number of spaces), (2) more efficiently using available parking (for example, by establishing a time restricted parking program), and (3) reducing parking demand (for example, by extending bus or shuttle services to coastal beach areas). The study areas for this program include La Conchita (Surfside Street), Hollywood Beach (Los Altos Street and Ocean Drive), and Silverstrand (Roosevelt Boulevard and Panama Drive). (Pending available funding).

4.2.3 Agriculture

There are five major agricultural areas wholly or partially within the Central Coast. According to the 1978 Assessor's land *use* data and an on-site survey, they total approximately 1,500 acres. Some of the *parcels* are split by the *coastal zone* boundary. Only those areas estimated to be in the *coastal zone* are included in this discussion (Figure 4.3-6).

Most of the Central Coast agricultural lands contain Class I and Class II soils as identified by the U.S. Soil Conservation Survey. Cultivation of row crops is the predominant agricultural *use*, although some greenhouse and dry crop farming takes place. Approximately 350 acres, or 23 percent of the agricultural land, have been placed in agricultural preserves under Land Conservation Act contracts. Area descriptions from north to south follow:

A. Preble Lands (Non-Preserve)

The Preble sub-area includes 62 acres of row and truck crops, located immediately north of the 101 Freeway and bounded on the west and north by the corporate limits of the City of San Buenaventura. This area is broken into four *parcels*; 44 acres, 13 acres, 3 acres, and 2 acres in size, respectively. All *parcels* contain prime soils.

This area is zoned "C-A" (Coastal Agricultural). The Preble area is within the San Buenaventura Area of Interest and is designated "Agricultural" on the County's General (Plan) Land Use Map as well as in this Coastal Plan. The City of San Buenaventura Land Use Element designates the site for "Planned Mixed Use Development" for Phase I - first priority development. Poor *access* to the area is the major *development* constraint at this time.

B. Olivas Lands

Immediately south of the Preble area, extending to the Olivas Golf Course, are the Olivas agricultural lands. The area consists of six *parcels* (25, 32, 15, 35, 130 and 120 acres in size). U.S. Highway 101 separates the Preble area from the Olivas area.

Prior to construction of the freeway, *parcels* in these two areas were merged, forming a continuous stretch of *prime agricultural land*. The Olivas sub-area includes approximately 355 acres of row and truck crops. Approximately 120 acres of this area are in agricultural preserve.

The County General Plan designates this area as "Agricultural". The City of San Buenaventura General Plan designates the area as "Agriculture" through 2010.

C. McGrath Agricultural Lands

The unincorporated McGrath agricultural lands extend from the Santa Clara River on the north, to Wooley Road on the south, east of Harbor Boulevard. Approximately 883 acres are in the coastal zone. Of these, approximately 228 acres are in agricultural preserve under the Land Conservation Act. Zoning for the McGrath agricultural land includes:

- "COS" = Coastal Open Space, 10 acre minimum *lot* size,
- "COS-40Ac" = Coastal Open Space, 40 acre minimum *lot* size, and
- "CA" = Coastal Agricultural, 40 acre minimum *lot* size.

All agricultural lands in the McGrath area are designated "Open Space" in the General Plan and in this Coastal Area Plan.

Between Fifth Street and Wooley Road is a 219-acre *parcel* of row and truck crops that is designated "Agricultural" in the County General Plan. This *parcel* is within the City of Oxnard Area of Interest, and is phased for *development* after 1990 by the City's General Plan.

D. Other Ownerships

Located between Teal Club Road and Doris Avenue, west of Victoria Avenue, and adjoining the McGrath agricultural lands are two *parcels* partially within the coastal zone. The two *parcels* (107 acres total) have been 19 acres within the *coastal zone* that are zoned "CA" (Coastal Agricultural) and are designated "Open Space" in this Coastal Area Plan. The balance of the *parcels'* acreage is designated "Agricultural" in the County's General Plan and the acreage is zoned "A-E" (Agricultural Exclusive).

E. Ormond Beach

There are two areas of unincorporated lands within the *coastal zone* in the vicinity of Ormond Beach, totaling approximately 65 acres. The *parcels* have prime soils and some are currently in agricultural *use*. The 65 unincorporated acres are designated "Agricultural" (51 acres) and "Open Space" (14 acres) in this Coastal Area Plan. All other (55 acres) of Ormond Beach agricultural lands are within the jurisdiction of the City of Oxnard.

The California Legislature passed the California Aquaculture Development Act which amends Section 30411 of the Coastal Act by finding and declaring that "salt water or brackish water *aquaculture* is a coastal *development use* which should be encouraged to augment food supplies." Since *aquaculture* research and *development* is in its infancy, the potential for this kind of *agriculture* in the *coastal zone* should be recognized. The unincorporated areas of Ormond Beach may be suitable for *aquaculture*.

Minimum *lot* size in the "Agriculture" land use designation is 40 acres per *single family dwelling*. This 40 acre minimum is sufficient to maintain economic viability for various agricultural *uses* (irrigated cropping). Non-irrigated activities may require a larger acreage. Studies as to what constitutes a viable farm unit have been done by Ventura County Agricultural Committee (Appendix 4), Ventura County Assessor's Office and Ventura County Farm Bureau.

Objective Agriculture Goal 1

To preserve agricultural lands on the Central Coast to the maximum extent *feasible*.

Policies

1. The stable urban boundaries are:
 - a. The Southern Pacific Railroad right-of-way north of U.S. Highway 101, in the Preble area, which divides the unincorporated County agricultural lands and the City of San Buenaventura's urban development.
 - b. Conterminous with the City of Oxnard's present city limit at Wooley Road and the Ormond Beach area.
2. Land divisions in, or adjacent to, agricultural areas, will not be allowed to affect agricultural productivity.
3. The Local Agency Foundation Commission should exclude lands designated "Agriculture" from any new or expanded service districts that could negatively impact agricultural viability.
4. New or expanded *public works facilities* will be sited or designed to mitigate environmental impacts on agricultural viability and open space lands.
5. As *aquaculture* develops it will be considered as a potential agricultural *use* in appropriate areas.

4.3.4 Hazards

The Central Coast *coastal zone* is part of the Oxnard Plain, an alluvial fan created by the disposition of the sediments from the Ventura River to the north, the Santa Clara River and Calleguas Creek to the south.

The Oak Ridge Fault System extends beneath the Central Coast's unincorporated lands. The Oak Ridge Fault is a steep reverse, or thrust, fault with a trace that extends westward along the Santa Susana Mountains, and toward the ocean on the southern side of the Santa Clara River.

The Fault System probably contains many branching faults and is believed to be associated with one or more faults of similar trend present in the Santa Barbara Channel west of the Oxnard Plain. The System is over 50 miles long on the mainland and may extend for an equal or greater distance offshore. It is considered active.

The McGrath Fault branches off the Oak Ridge Fault zone to extend westward into the ocean near the McGrath lands south of the Santa Clara River.

The *coastal zone* area of the Oxnard Plain may be particularly prone to liquefaction. A special study completed after the February 21, 1978 Point Mugu earthquake indicates that the areas south of the Ventura River, generally between Gonzales Road and Oxnard

Shores, have a moderate to low liquefaction potential, while the Preble and Olivas communities, the Santa Clara River area, and Channel Islands Harbor, extending southward to Arnold Road, have a moderate to high liquefaction potential.

The Central Coast is the most heavily populated area of the Ventura coastal zone. Several large industries and utilities are located there, including Southern California Edison Company's Mandalay and Ormond Beach power plants, Oxnard and San Buenaventura wastewater treatment plants, and three harbors. Liquefaction from severe ground shaking could cause major damage and disruption of services.

According to the County General Plan's Hazards Appendix, the area in the Central Coast *coastal zone* has a subsidence rate of between 0.01 and 0.05 feet per year. A single point located at Hueneme Road and Highway 1 has dropped about one and a half feet in twenty-one years. Records up until 1968 show a dozen bench marks that have settled a foot in a fifteen to twenty-year period.

The Santa Clara River is a flood hazard to some human activities in the Central Coast. Major floods occurred along the Santa Clara River in 1938, 1943, 1958, 1965, 1969, 1978 and 1980. Floods could inundate the Olivas Golf Course, portions of the City of Ventura Sanitation Plant, McGrath State Beach, Harbor Boulevard, and a major portion of the McGrath agricultural lands.

The Coastal Act specified that new *development* is to be located away from hazardous areas. New flood control projects shall be limited to those necessary to protect existing *development* or for public safety (Section 30236). Flood plain management, rather than structural solutions alone in this sub-area may be required.

Existing *uses* in the *coastal zone* portion of the Santa Clara River conform to the "Open Space" designation of the County's General Plan and this Coastal Area Plan. No *structures* are located on the coastal portion of the flood plain, with the exception of the City of San Buenaventura Sanitation Plant facilities, and recreational *structures* at McGrath State Beach. The California Department of Parks and Recreation General Development Plan for McGrath State Department of Parks and Recreation General Development Plan for McGrath State Beach recommends relocating the State Beach *structures* to avoid flood impacts.

Maintenance of *agriculture* and open space (parks, recreation and *habitat* preservation) would promote proper flood plain management, and would further reduce potential flood damage to structural development.

The General Plan Hazards Appendix provides extensive information on various hazards, including fault zones, fire hazard areas, landslides, and flood plains. It is one of the principal documents consulted by Planning and the Public Works Agency when formulating an initial study on a proposed project to determine the need for an EIR. Should an EIR be required, the General Plan Goals, Policies and Programs (Chapter 2) and Hazards Appendix are used in evaluating the various impacts of projects.

In addition to the environmental hazards on the Central Coast there is another unique hazard associated with *development* adjacent to certain areas of the Point Mugu Naval Air Station. Bunkers are located at certain areas on the base where magazines *store* explosive materials. Depending on the quantity of material, the Navy has computed a hazardous distance (QD radius) around the magazine where no *development* should take place. In addition, the runways contain "overrun areas" where no *development* should take place. [Figure 4.3-7](#) depicts this area, found within the Ventura County Game Preserve property.

Hazards Goal 1 Objective

To protect public safety and property from natural and human hazards as provided in County ordinances.

Policies

1. The County's General Plan Goals, Policies and Programs (Chapter 2) and Hazards Appendix provide direction for geologic, seismic, flood and fire hazard avoidance.
2. The flood plain of the Santa Clara River will be limited to open space of agricultural *uses* to minimize flood hazard risk.
3. New *development* shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards.
4. All new *development* will be evaluated for its impacts to, and from, geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. *Feasible* mitigation measures shall be required where necessary.
5. The County may require the preparation of a geologic report at the applicant's expense. Such report shall include *feasible* mitigation measures which will be used in the proposed development.
6. *Structures* for human habitation (regularly, habitually, or primarily occupied by humans) shall be setback a minimum of 50 feet from an active fault. This *setback* may be increased when geologic conditions warrant.
7. New *development* shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works.

4.3.5 Beach Erosion

Unincorporated areas of the Central Coast with beaches include Hollywood Beach and Silver Strand. According to the Department of Navigation and Ocean Development (1979), erosion at Hollywood Beach is significantly minimized by the jetty at the north entrance of Channel Islands Harbor (Appendix 5).

Erosion at Silver Strand is also slight. While the middle section of the beach is subject to erosion during periods of high tides and wave action, homes on the shoreline are protected from damage by bulldozed sand dikes.

Beach sections that become eroded are stabilized with sand replenishment by the Army Corps of Engineers as requested by the Ventura County Flood Control District as funds are available.

Beach Erosion Goal 1 Objective

To protect public safety and property from *beach erosion* as provided for in existing ordinances, and within the constraints of natural coastal processes.

Policies

1. Proposed *shoreline protective devices* will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253.
2. All shoreline protective *structures* which alter natural shoreline processes will be designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

3. A *building* permit will be required for any construction and maintenance of protective shoreline *structures*, such as seawalls, jetties, revetment, groins, breakwaters and related arrangements.
4. The County's Building and Safety Division will routinely refer all permits for seawalls, revetments, groins, retaining walls, and pipeline outfalls to the Flood Control and Water Resources Division of the Public Works Agency to be evaluated not only for structural soundness, but environmental soundness as well whenever necessary. This includes a survey of potential environmental impacts, including (but not limited to) the project's effects on adjacent and downstream *structures*, net *littoral drift*, and downcoast beach profiles.
5. If the potential environmental impacts of the proposed *structure* are considered significant by the Public Works Agency, the applicant may be required to obtain an engineering report that indicates how those impacts will be mitigated.
6. Permitted *structures* under policies 1 through 4 will not interfere with public *access* to the shoreline.
7. During their scheduled dredging of Channel Islands Harbor, the Army Corps of Engineers is encouraged to replenish beaches with severe erosional losses consistent with environmental restraints on the deposition of dredge spoils.

4.3.6 Energy and Industrial Facilities

Several industrial facilities for energy production are located on the Central Coast: 1) oil and gas and processing and distribution facilities; 2) electrical generating plants; and 3) marine terminals and storage tanks. Proposals have been made for expanding *development* of offshore oil and gas fields, related onshore facilities, and new electrical generating plants (Figures 4.3-8 and 4.3-9).

I. Oil and Gas Facilities

The West Montalvo oil field is located on the Oxnard Plain immediately south of the Santa Clara River. It extends into the State Tidelands. Most of the West Montalvo field lies within the unincorporated areas of the County; however, portions in the vicinity of McGrath State Park and Mandalay Beach are in the corporate boundaries of the City of Oxnard. The onshore portion comprises approximately 80 percent of the proven acreage of the field. There are some directionally drilled wells in this field that produce from offshore by drilling under the ocean.

The onshore portion of the West Montalvo field consists of four leases: McGrath #4 lease; McGrath #5 lease; Patterson Ranch lease, Parcel 1 and Parcel 2. These leases are only partially within the *coastal zone* (Figure 4.3-9). There have been several Conditional Use Permits and modifications on these leases issued by the County over a period of many years.

There are currently three processing facilities within the coastal zone: one west of Harbor Boulevard near its intersection with Gonzales Road, and two east of Harbor Boulevard, south of the Santa Clara River. A compressor pump station is located south of Fifth Street, adjacent to the Edison Canal in Oxnard.

In September of 1978, there were 18 producing onshore wells, and one producing offshore well, in the West Montalvo oil field. These wells are located on both the east and west sides of Harbor Boulevard.

II. Pipelines

One major oil pipeline is located in the Central Coast. It is made up of three segments routed from the Rincon pump station to the Ventura Pump Station (which includes storage tanks) at Ventura Harbor and on to Los Angeles. Only the first segment crosses the coastal zone. It consists of an 8-inch line from the Ventura Pump Station to the Santa Paula Pump Station.

III. Electrical Generation and Transmission Facilities

The California Public Utilities Commission and California Energy Commission are the agencies responsible in the area of electric transmission lines which includes technical and safety performance and environmental concerns. All electrical transmission lines proposed for the *coastal zone* are developments under the Coastal Act, thus the County has permit review over them. However, the Warren-Alquist Energy Resources Conservation and Development Act of 1975 exempts new power plants with capacity greater than 50 megawatts and electric transmission lines connecting such plants to the existing transmission system from local government permit authority.

While impacts from erosion, grading, and the operation of equipment may occur during construction and result in damage to coastal land resources and *habitat* areas, the primary concerns are associated with overhead electric transmission lines and their long-term impacts on views and visual resources. Visual impacts are particularly severe in undeveloped areas, especially the foothills and upland areas, and along the coastal terrace. Mitigation measures are limited at this time to alternate routine locations and undergrounding of lines, which is expensive.

Reliant Energy operates two major electric generating stations on the Central Coast: Mandalay Beach, located on the coast within the City of Oxnard, seaward of Harbor Boulevard and approximately a half mile north of West Fifth Street; and Ormond Beach, also in the City of Oxnard on the beach, northwest of Arnold Road and approximately a half mile south of McWane Boulevard. The combined generating capacity of these two power plants is 2,010 megawatts (MW) or three times the total electrical requirements of Ventura County. Transmission lines from both generating stations cross the coastal zone.

Reliant Energy maintains four electrical distribution substations within the coastal zone. Only one of these is located in the County *coastal zone* - the 66KW distribution substation at Silver Strand Beach.

During a 1979 Notice of Intent proceeding (79-NOI-3), the County, Coastal Commission, Energy Commission, Department of Fish and Game, and (at that time) Southern California Edison Company agreed to some significant stipulations regarding the siting of new power plants in the Ormond Beach site. Briefly, these stipulations eliminate the construction of power plants from dunes, *wetlands*, or beach areas.

IV. Offshore Oil and Gas Development

Offshore oil and gas *development* occurs both in state *tidelands* and the federal Outer Continental Shelf (O.C.S.). Facilities in the Central Coast are used to support O.C.S. activities (Figure 4.3-8).

- A. State Tidelands** - Currently, all production from the West Montalvo offshore field is from State Tidelands, lease PRC 735. Production is accomplished from a series of directionally drilled wells from the onshore McGrath #4 Lease (Montalvo Field), seaward of Harbor Boulevard. A *tidelands* lease, PRC 3314, surrounds the McGrath #4 lease.

B. Federal Outer Continental Shelf:

1. Hueneme Field - The Hueneme Unit consists of Tracts P-0202 and P-0203, which are located approximately three to five miles southwest of Port Hueneme. There are two offshore oil platforms that were constructed since 1980, one of which is within this unit (Gina), while the other (Gilda) is in the Santa Clara unit. There is a small onshore treatment facility in the City of Oxnard immediately south of Reliant Energy's Mandalay Beach Generating Station. Called the "Mandalay Onshore Separation Facility," this facility sells gas to the Generating Station.
2. Santa Clara Unit - There are eight OCS (Outer Continental Shelf) tracts located five miles southwest of Ventura and six miles west of Port Hueneme. Platform Grace was installed on OCS Tract P-0217.

V. Other Facilities:

- A. Refineries** - There are two operating refineries and one inactive refinery in the County. None are located within the coastal zone, but all are important to *coastal zone* planning. One, the Oxnard Refinery, is in the Central Coastal Area. The small Oxnard refinery is adjacent to Fifth Street in an unincorporated area, just east of the City of Oxnard. Feed stock for the refinery comes primarily from the Oxnard and West Montalvo fields. It has a capacity of approximately 2,500 B/D with an existing throughput of approximately 1,500 B/D.
- B. Marine Terminals and Storage Tanks** - The Ventura Marine Terminal, which is idle, is located on land just south of the Ventura Marina. The property is now annexed to the City of San Buenaventura. There is a transit storage tank site adjoining the Marine Terminal on the south.
- C. Oil Field Waste Disposal Sites** - This type of *use* is termed a "soil amendment activity" in the County's Non-coastal Zoning Code, and is allowed in several zoning categories including Open Space by Conditional Use Permit in the non-coastal areas of the County. There are two sites in the Central Coast that formerly handled oil field wastes. They are located at the northeast corner of Fifth Street and Harbor Boulevard. The sites closed operations in 1980.

Energy and Industrial Facilities Goal 1 Objective

To allow the continued exploration and production of oil and gas in most of the Central Coast sub-area while meeting Coastal Act and County objectives, and maintaining environmental quality.

Policies

1. All land between Harbor Boulevard and the shoreline; or land designated "Residential," "Recreational," or shown as "*Environmentally Sensitive Habitat*" will be considered as unacceptable for new energy and industrial facilities of any kind. Pre-existing facilities and oil/gas/communication pipelines, and repair of such will be considered acceptable.
2. Within the land area between Harbor Boulevard and the landward *coastal zone* boundary, oil drilling and directly related facilities are permitted by Conditional Use Permit consistent with Section 30260 of the Coastal Act. No new major facilities, which require a "Coastal Industrial" (C-M) zone will be permitted unless located in an area designated "Industrial."

3. All surface activities, including those regulated by the Division of Oil, Gas and Geothermal Resources related to the *development* of onshore oil and gas resources in the *coastal zone* are considered to be projects that require a Conditional Use Permit (CUP) and a Coastal Development Permit. Both permits will be issued simultaneously through one CUP process. See the Coastal Zoning Ordinance (including, but not limited to Section 8175-8.7) for a list of standard oil *development* design and operational criteria applied to all new permits for expanded or new oil activities. Additional conditions may be required depending on the specific request and location.
4. A Development Plan shall accompany the application for a CUP for those activities stated in Policy 3 above, and shall include:
 - a. The location of drilling and/or production sites, storage tanks, pipelines and *access roads*.
 - b. Plans for the consolidation, to the maximum extent *feasible*, of drilling and/or production facilities, as well as accessory facilities.
 - c. A phasing plan for the staging of *development* that indicates the approximate anticipated timetable for project installation, completion and decommissioning.
 - d. A plan for eliminating or substantially mitigating adverse impacts on *habitat areas, prime agricultural lands, recreational areas, scenic resources* and archaeological sites due to siting, construction, or operation of facilities.
 - e. Grading plans for all facilities requiring the movement of greater than 50 cubic yards of dirt. For any *development* requiring a grading permit, either (1) a Storm Water Pollution Control Plan (SWPCP) shall be prepared and submitted in accordance with the Ventura County Municipal Storm Water Permit, Order No. 00-108, Part 4 - Special Provisions, D. Programs for Construction Sites, or (2) a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted in accordance with the State General Permit for Stormwater Discharges Associated with Construction Activity, whichever is applicable.
 - f. A description of means by which all oil and gas will be transported off-site to a marketing point. Pursuant to Policy 7 below, transshipment of crude oil and gas shall be through on-shore pipeline.
 - g. A description of the procedures for the transport and disposal of all solid and liquid wastes.
 - h. Oil spill prevention and control measures.
 - i. Fire prevention procedures.
 - j. Emission control equipment.
 - k. Procedures for the abandonment and restoration of the site, including a timeline, and clarification as to whether or not the abandonment will be in place or the infrastructure will be removed.
 - l. Compliance with any other requirement of the Ventura County Zoning Ordinance for the *Coastal Zone* related to oil and gas development.
 - m. All facilities supporting oil and gas *development* must comply with the terms and requirements of the State General Industrial Activities Storm Water Permit, including the *development* and submittal of a Storm Water Pollution Prevention Plan.

5. All energy and industrial facilities in the Plan shall be so sited and designed to eliminate or reduce, to the maximum extent *feasible*, impacts to biological, geological, archaeological, agricultural, visual and recreational resources.
6. All future offshore oil and gas production coming on-shore in the Central Coast Area shall utilize existing facilities whenever economically and technically *feasible*.
7. Transshipment of crude oil through an onshore pipeline for refining shall be a condition of approval for expansion of existing processing facilities or construction of new facilities.
8. When *feasible*, pipelines shall be routed to avoid important *coastal resources*, including recreation, *environmentally sensitive habitats* and archaeological areas. Unavoidable routing through recreation, *habitat*, or archaeological areas, or other areas of a significant *coastal resource* value, shall be done in a manner that minimizes the impacts of a spill, should it occur, by considering spill volumes, duration, and projected path. Where new liquid pipeline segments pass through sensitive resource areas, recreation areas or archaeological areas, the segment shall be isolated, in the case of a break, by automatic shutoff valves.
9. The County shall determine whether spacing of automatic shutoff valves at intervals less than the maximum set by the U.S. Department of Transportation - Office of Pipeline Safety (DOT-OPS), or the California State Fire Marshall is required to protect sensitive *coastal resources*, and if so, shall require spacing at intervals which provide appropriate protection.
10. In sensitive resource areas the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas.
11. All offshore to onshore pipelines shall, where *feasible*, be located at existing pipeline landfall sites, and shall be buried from a point offshore commencing where wave action first causes significant bottom disturbance. In addition, landfall sites are prohibited from areas designated as "Residential" or shown as "*Environmentally Sensitive Habitat*."
12. Except for pipelines exempted from coastal *development* permits under Section 30610 of the Coastal Act, as defined by the State Coastal Commission's Interpretive Guidelines, a survey shall be conducted along the route of any pipeline in the *coastal zone* to determine what, if any, *coastal resources* may be impacted by construction and operation of a pipeline and any *feasible* mitigation measures. The costs of this survey shall be borne by the applicant. This survey may be conducted as part of an environmental review if an Environmental Impact Report or Mitigated Negative Declaration is required for a particular project.
13. Owners/operators shall notify both the County of Ventura Planning Division and any other designated affected State agencies (e.g. DOGGR, CSFM, SLC, LARWQCB) of any intent to decommission and/or remove any pipelines and/or facilities. Upon completion of pipeline construction or removal of pipelines and/or facilities, the site shall be restored to the approximate previous *grade* and condition. Upon removal or decommissioning of pipelines and/or facilities, an assessment of the surrounding soils shall be conducted by a qualified licensed expert, e.g. a licensed geologist or registered professional civil engineer, to determine whether or not those soils are contaminated. If the soils are found to be contaminated, a soil remediation plan delineating the method and timing of remediation shall be prepared and submitted to the County Planning Division and the Los Angeles Regional Water Quality Control

Board for their review and approval. All excavated materials shall be replaced in reverse order with topsoil replaced at *grade* level and compacted if necessary. All sites previously covered with *native vegetation* shall be re-seeded with the same or recovered with the previously removed vegetation materials and shall include other measures as deemed necessary to prevent erosion until the vegetation can become established.

14. Geologic investigations shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential fault zones, seismically active areas, or moderately high to high risk landslide areas. This report shall investigate the potential risk and recommend such mitigation measures as pipeline route changes and/or engineering measures to help assure the integrity of the pipeline and minimize erosion, geologic instability, and substantial alterations of the natural topography. New pipeline corridors shall be consolidated with existing pipeline or electrical transmission corridors where *feasible*, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns.
15. Transmission lines rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near *habitat*, recreational, or archaeological resources, whenever *feasible*. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas re-vegetated with plants similar to those in the area to the extent safety and economic considerations allow.
16. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically *feasible* unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.
17. Pursuant to section 307(f) of the Coastal Zone Management Act of 1972 (16 USC § 1456(f)), the adopted Ventura County Air Quality Management Plan shall be used as a criterion in determining consistency of federal actions on the Outer Continental Shelf (OCS) with the California Coastal Management Program (CCMP). Pursuant to Section 328 of the Federal Clean Air Act (42 USC § 7627), all activities on the OCS must comply with the Outer Continental Shelf Air Regulations as specified in 40 CFR Part 55.
18. As land becomes available, permanent service bases shall be encouraged to locate at the Port of Hueneme where similar *uses* are located and adequate harbor facilities are available.
19. Should crude oil pipelines need to be enlarged in the future, or a new pipeline installed, the route shall follow existing pipeline corridors, if *feasible*.
20. Upon decommissioning of off-shore facilities that contain on-shore facilities and/or pipelines (or "components"), a phasing plan shall be submitted delineating the timeline for disposition of the on-shore facilities.
21. Coastal Act sections 30101, 30101.3, 30255, and 30260, will be used as the criteria by the County to determine, on a case-by-case basis, whether onshore or offshore oil and gas *development* and an energy-related industrial facility supporting such *development* is defined as "*coastal-dependent development*" or "*coastal-related*

development", based on the specific geographic, technological, and economic characteristics of the project being proposed.

4.3.7 Public Works

The Central Coast is the most urbanized portion of Ventura County's coastal zone. Hollywood Beach, Silver Strand Beach and Hollywood-by-the-Sea are the only residentially developed, unincorporated areas, zoned "R-B-H" (Residential Beach Harbor, 1,750 square foot minimum). Several small neighborhood serving commercial and neighborhood-planned developments are located within these areas, along with the Hollywood Beach Elementary School.

No major public service capacity problems have been identified for the unincorporated areas of the Central Coast. Build-out in Hollywood Beach/ Silver Strand/Hollywood-by-the-Sea will not impact local water supplies. All their water is drawn from the lower aquifer, while agricultural users obtain water from privately-owned wells. The Preble, Olivas and McGrath agricultural lands are outside the seawater-intruded area, and will not be affected by the well-drilling moratorium. However, agricultural lands in the rest of the Central Coast *coastal zone* are subject to seawater intrusion. Adopted policies and ordinances developed under the "208" Countywide Planning Process will also be applied toward a solution to the problem.

Sewer service allocations for Silver Strand and the Hollywood Beach are sufficient to handle all sewage generated from residential build-out in the area.

Silver Strand and Hollywood Beach will continue to be severely impacted by traffic, especially in the summer months. The completion of Victoria Avenue between Gonzales Road and Silver Strand in 1984 and out-of-area visitation compounded traffic congestion in the Silver Strand and Hollywood Beach areas.

There is a public *parking lot* at both ends of Silver Strand Beach. According to the Ventura County General Services Agency, ways are being explored to improve the Channel Islands southern jetty for pedestrian *use* if funding can be obtained.

During heavy winter storms there is a problem with waver run-up and ponding in residential areas.

Public Works Goal 1 Objective

To maintain current service levels to existing developments.

Policies

1. New or expanded *public works facilities* (including roads, flood control measures, water and sanitation) will be designed to serve the potential population of the unincorporated and incorporated areas within the Coastal Zone, and designed to eliminate impacts on *agriculture*, open space lands, and *environmentally sensitive habitats*.
2. New service extensions required beyond the stable urban boundary will be designed to mitigate any effects on agricultural viability.
3. In working toward solutions to circulation problems in the unincorporated beach communities of Hollywood Beach, Hollywood-by-the-Sea and Silver Strand Beach, the County of Ventura should initiate a renewed effort to coordinate with citizens and responsible agencies. Pedestrian walkways and bicycle paths should be considered as part of the solution.

4. Public transportation into Hollywood Beach, Silver Strand, and Hollywood-by-the-Sea will be provided according to needs identified in the data collected by South Coast Area Transit (SCAT).
5. The Public Works Agency will explore the feasibility of a "traffic roundabout" at the southern base of Victoria Avenue in front of the Coast Guard station to help alleviate traffic pressures on the Silver Strand community. This should be done in cooperation with any other affected agency, such as the City of Oxnard.

4.3.8 Locating and Planning New Development

I. Residential

Existing residential *development* in the Central Coast sub-area is confined to Hollywood Beach, Silver Strand Beach and Hollywood-by-the-Sea. These areas have recently been in-filling rapidly. As the only segments of unincorporated land on which urban *development* is allowed, they will continue to in-fill.

The section of Ventura County's General Plan covering Hollywood Beach, Silver Strand and Hollywood-by-the-Sea allows build-out to the prevailing base zoning, mainly "R-B-H" (Residential Beach Harbor), and "C-C" (Coastal Commercial). Some of the property zoned commercial has been converted to residential and homes have been built.

II. Commercial

The existing neighborhood commercial *uses* in the Hollywood Beach, Silver Strand Beach, Hollywood-by-the-Sea and Channel Islands Harbor areas, coupled with the major commercial *uses* nearby in the cities of Port Hueneme and Oxnard, are sufficient to serve the area and any visitors entering the area.

III. Industrial

Other than the energy facilities previously mentioned, there are no industrial developments in the unincorporated areas of the Central Coast.

Locating and Planning New Development Goal 1 Objective

To allow build-out of existing urbanized areas to continue, consistent with the County's General Plan, regional goals within the Air Quality Management Plan and "208" (Water Quality) Plan.

Policies

1. The areas of Hollywood Beach, Silver Strand Beach and Hollywood-by-the-Sea will be the only areas where high density residential *development* will be allowed in the Central Coast.
2. No *structures* for human habitation will be allowed within those hazardous areas shown in [Figure 4.3-7](#).

4.3.8 Potential Conflicts

Conflicts could arise between unincorporated County lands presently in *agriculture* and potential *development* plans of adjacent cities. Section 30241 of the Coastal Act states that, 1) the maximum amount of *prime agricultural land* shall be maintained in agricultural production; 2) stable boundaries separating urban and rural areas shall be

established; and 3) that clearly defined buffer areas to minimize conflicts between *agriculture* and urban *uses* shall be defined.

I. San Buenaventura Area of Interest

Within the San Buenaventura Area of Interest and within the *coastal zone* are two unincorporated agricultural sub-areas:

- A. Preble Agricultural Lands** - The Preble agricultural lands include 62 acres of row and truck crops, immediately north of the 101 Freeway and bounded on the west and north by the corporate limits of the City of San Buenaventura. All *parcels* contain prime soils. Land *uses* immediately adjacent to this area include: the Southern Pacific Railroad and mixed urban *development* to the north, the 101 Freeway to the east and south, and a citrus packing plant to the west.

The location of the Preble area may be critical to the designation of stable urban boundaries because it is immediately adjacent to urbanized lands within the City of San Buenaventura.

Local plans and policies reflect *development* pressures from the proximity of urban development. The area is currently designated "Agricultural" on the County's General Plan and zoned "C-A" (Coastal Agricultural). The County's "208" Plan includes the area within the 1977 "Urban Growth" phasing boundary. The City of San Buenaventura's Land Use Element designates the site for "Planned Mixed Development." The area is designated a Phase I (first priority development). It is within the City of San Buenaventura's Sanitation District, and water is available and water pressure adequate. Urban services appear to be readily available. However, *development* may be restricted by the lack of adequate *access* to the site. Although it is adjacent to the freeway, *access* to the area is currently limited to a narrow road off of Seaward Avenue. The Southern Pacific railroad tracks, located along the northern perimeter of the site, pose additional *access* problems.

Two logical urban boundaries exit in the Preble area: 1) the Southern Pacific Railroad tracks on the northern perimeter of the site, and 2) U.S. Highway 101 at the southern perimeter of the site. The City and County concur that the table urban-rural boundary will be the Southern Pacific Railroad right-of-way between the agricultural and urban lands.

- B. Olivas Lands** - Immediately south of the Preble property are the Olivas agricultural lands. Highway 101 separates the two segments of land. Prior to construction of the freeway, *parcels* in these two areas formed a continuous stretch of *prime agricultural land*. The Olivas land includes 355 acres of row and truck crops. Approximately 120 acres of this area are in agricultural preserve.

Land *uses* adjacent to the sub-area include the 101 Freeway and agricultural activities on the north and east, the Olivas Golf Course on the south, and Harbor Boulevard, the Ventura Marina and the Pierpont/Keys residential *development* to the west.

The County General Plan designates this area as "Agricultural" (40 acre minimum). The City of San Buenaventura's General Plan also designates the area "*Agriculture*" through 2010. Unlike the Preble area, services are not readily available to the Olivas lands. They are not included in the City's sanitation district because of problems with water pressure. Existing plans and policies support maintenance of *agriculture* in this area, in conformance with the Coastal Act.

II. Oxnard Area of Interest

The Santa Clara River is the approximate boundary between the Oxnard and the San Buenaventura Areas of Interest. Within the Oxnard Area of Interest the potential conflict areas include the Edison Canal and a portion of the agricultural land in the Ormond Beach area.

The "Edison Canal" (so called because it was originally associated with holdings of the Southern California Edison Company) traverses the *coastal zone* from Channel Islands Harbor northward to the Generating Plant, currently owned by Reliant Energy, at Mandalay Beach. The canal flows through both unincorporated and City of Oxnard lands. Both recreational and residential *development* has been proposed along the canal. Conflicts could occur between the different land *uses* proposed in the Edison Canal Land Use Study and the owner of the canal and its right-of-way.

4.3.9 Environmentally Sensitive Habitats Areas (ESHA)

[Staff Explanation: The existing Environmentally Sensitive Habitats section below was moved, without modification, to the final section - Section 4.3.10. The purpose of the move is to avoid the need to renumber these section again when the "Environmentally Sensitive Habitats section is updated in 2017.]

A. Coastal Dunes

Remnants of the once-extensive Mandalay coastal dune complex are scattered throughout the Central Coast. Viable dunes within the County's jurisdiction are found near McGrath Lake. Approximately 80 acres are within the unincorporated area, while the rest of the complex falls within the City of Oxnard's jurisdiction ([Figure 4.3-1](#)).

The dunes surround the lake, effectively sheltering the rare freshwater *habitat* from wind and erosion. The lake is used by numerous water birds, and the area supports a variety of other coastal species.

Some of the unincorporated area has been identified for potential acquisition by the California Department of Parks and Recreation as part of McGrath State Beach. The active West Montalvo oil field extends in part beneath the dunes. Oil wells and a Chevron Oil Company processing plant are next to the proposed acquisition. The unincorporated dune area seaward of Harbor Boulevard is designated "Open Space" in this Coastal Plan. Landward of Harbor Boulevard, the dune area is designated "Agriculture" in this Coastal Plan.

ESHA Goal 1 Objective

To protect the County's coastal sand dunes, their communities, and the processes that form them from degradation and erosion.

Policies

1. Coastal sand dunes on County unincorporated land are designated "Open Space" or "Agriculture," in this Coastal Plan as well as "Open Space" or "Agricultural" on the County's General Plan Land Use Map in order to provide for maximum coastal dune protection.
2. Activities leading to degradation, erosion or destruction of coastal dunes will not be allowed. This includes, but is not limited to, use by off-road vehicles, sand mining, *filling*, or dumping.

3. The County encourages acquisition of the McGrath Lake dunes by State Parks, and the designation of the area as a State Preserve.
4. The County supports less-than-fee acquisitions by the State as a means of preservation, such as open space easements and tax incentives.

B. Wetlands

Only small portions of the Central Coast's once-extensive *wetlands* remain today. One of the best remnants is the mouth of the Santa Clara River, which encompasses a variety of *habitats* with coastal flora and fauna including approximately 60 acres of pickleweed (*Salicornia virginica*) marsh. The endangered Belding's savannah sparrow, the rare California black rail, the endangered light-footed clapper rail, and the endangered California least tern have all been observed in the area.

West of Harbor Boulevard, the Santa Clara River is under the jurisdiction of the Cities of San Buenaventura and Oxnard, and the California Department of Parks and Recreation. The part of the river within McGrath State Beach has been designated State Preserve. East of Harbor Boulevard another portion of the *wetland* is within County jurisdiction (Figure 4.3-2) and it is zoned "COS" (Coastal Open Space, 10 acre minimum).

McGrath Lake is immediately south of McGrath State Beach and west of Harbor Boulevard (Figure 4.3-3). While it is a natural freshwater lake, probably formed in association with the sand dunes, most of its water now comes from agricultural *runoff*. The freshwater marsh around the edge attracts a variety of birds and small animals. The northern end of the lake and the land surrounding it are within the County and zoned "COS". A large portion of the *wetland* is within the City of Oxnard's jurisdiction. Near the southern end of the lake (Figure 4.3-2) is another segment of County land zoned "COS". The area is designated "Open Space" in this Coastal (Area) Plan and in the County's General Plan.

South of Port Hueneme and immediately north of Mugu Lagoon is Ormond Beach, historically the site of some of the most extensive *wetlands* in the County. Today there are approximately 100 acres of saltmarsh remaining. Most of the marsh is within the City of Oxnard's jurisdiction. Historically, the area was part of an extensive tidal marsh. According to saltmarsh experts, the marsh is still in relatively viable condition as characterized by dense stands of pickleweed and the presence of a variety of characteristic Southern California saltmarsh species. Few scientific studies have been done on the area. However, the endangered California least tern and Belding's savannah sparrow have been observed in the marsh. Additionally, this is one of the few areas in Southern California with an intact dune-transition zone-marsh system (R. Vogl, C. Onuf, pers. comm.).

Another *wetland* segment south of the Edison Plant is within the City of Oxnard's jurisdiction. The remnant tidal saltmarsh is also being considered for acquisition and restoration by the California Department of Parks and Recreation. It is used by the off-road vehicles and suffering soil compaction and vegetation damage. In their 1979 study, "A Concept Plan for Waterfowl Wintering Habitat Preservation," the U.S. Fish and Wildlife Service point out that the greatest opportunities for maintaining waterfowl populations along the Pacific Flyway would be in the restoration or enhancement of diked, formerly tidal, marsh. The marsh areas at Ormond Beach may afford such opportunities.

In "Recommended Coastal Properties for Public Acquisition" the California Coastal Commission (1976) placed Ormond Beach *wetlands* in its second priority group for acquisition: "Recreational sites that serve urban populations and environmental resource areas that need protection or restoration.

The privately-owned Ventura County Game Preserve, another freshwater *wetland* now artificially maintained, is partially located in the coastal zone.

ESHA Goal 2 Objective

To protect *wetlands* in the Central Coast and encourage their acquisition, restoration or enhancement by the State to perpetuate their value to onshore and nearshore coastal life, and to the people of California.

Policies

1. All projects on land either in a designated *wetland*, or within 100 feet of such designation, shall be sited and designed to prevent impacts which would significantly degrade the viability of the *wetland*. The purposes of such projects shall be limited to those in Section 30233(a) of the Coastal Act.
2. Where any dike or *fill development* is permitted in *wetlands*, mitigation measures will, at a minimum, include those listed in Section 30607.1 of the Coastal Act. Other reasonable measures will also be required as determined by the County to carry out the provisions of Sections 30233 (b and c) of the Coastal Act.
3. Channelization, dams, and other river or *stream* alterations will be limited to:
 - a. Necessary water supply projects.
 - b. Flood control projects to secure public safety in the flood plain when there are no other *feasible* protection methods.
 - c. Projects necessary for protection and enhancement of *wetlands habitats*.
Such permitted projects will incorporate *feasible* mitigation measures.
4. *Habitat* mitigation will include, but not be limited to, timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of *native vegetation*, reclamation or enhancement as specified in the California Coastal Commission "Interpretive Guidelines for Wetlands" and a plan for spoils consistent with the following policy.
5. Dredge spoils should not be used for beach replenishment unless it can be shown that the process would not adversely impact coastal processes or *habitats*; such as intertidal reefs, grunion spawning grounds, or marsh. The California Department of Fish and Game, as well as other appropriate agencies, will be consulted when spoils deposition on a beach is under consideration.
6. The County supports formal recognition of the value of the Ormond Beach saltmarshes and their enhancement or restoration as such by the landowners, California Department of Fish and Game, the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and other appropriate agencies. Appropriate scientific experts and the current literature should be drawn upon in any reclamation or enhancement attempts.
7. The landowners and appropriate agencies, including the Coastal Commission, the Coastal Conservancy, and State Parks should work to limit off-road vehicle *access* to the Ormond Beach marsh areas, including (but not limited to) fencing of areas.
8. Recreation in the Central Coast saltmarshes will include resource compatible *uses* such as nature observation, scientific study, educational trips, and possibly fishing. Appropriate public agencies will provide the public with off-site, as well as on-site,

interpretive opportunities within existing programs as *feasible*. As funds become available, new programs should be developed.

9. The County will work in close cooperation with other agencies and jurisdictions to provide comprehensive and biologically sound management of coastal *wetlands*.

C. Film Production, Temporary

Policies

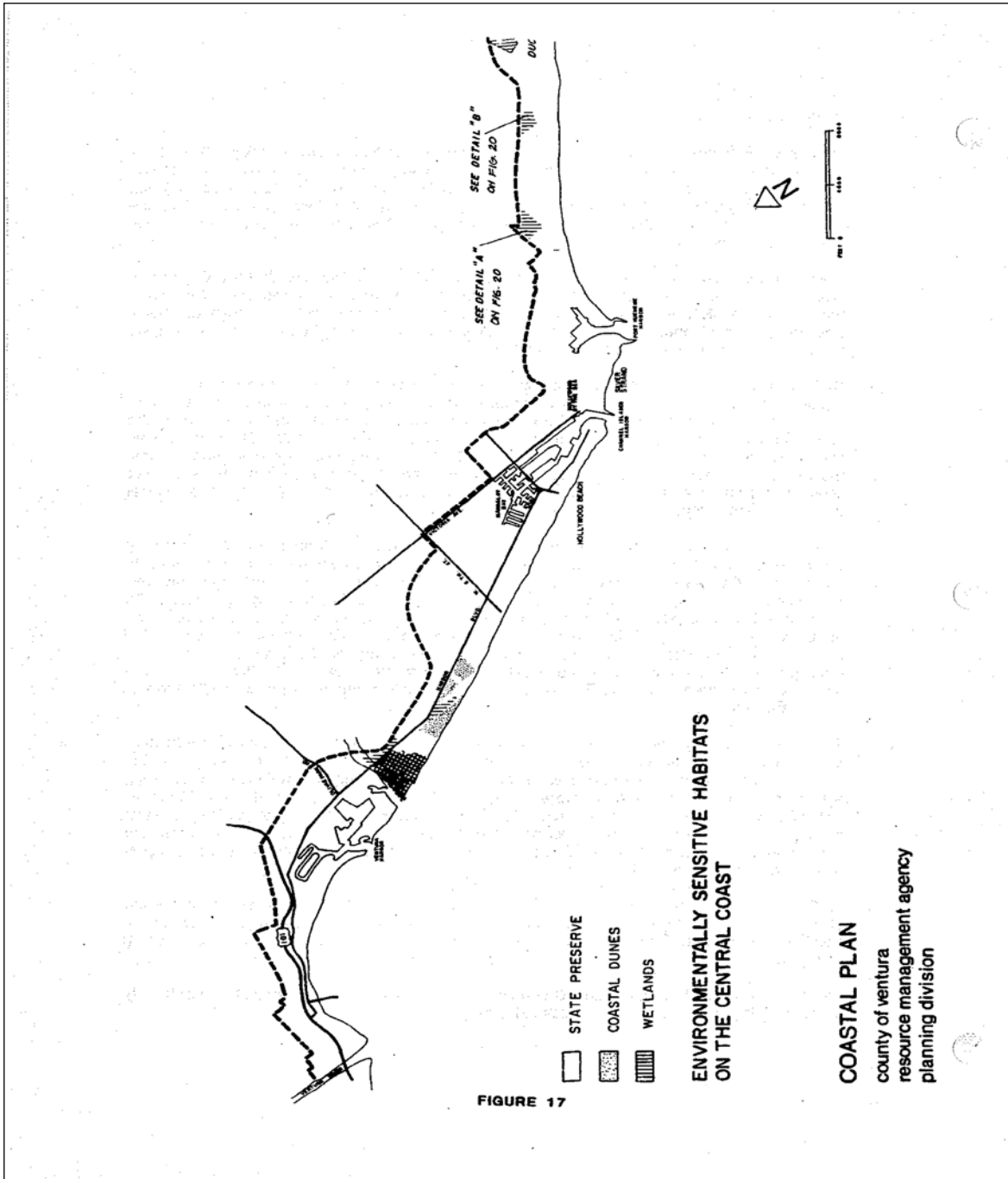
1. *Temporary film production activities* shall not result in substantial adverse impacts to ESHA or ESHA buffer, including indirect effects from outdoor lighting or noise.

D. Signs

Policies

1. *Signs* are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent *feasible*.

Figure 17 4.3-1
Environmentally Sensitive Habitats on the Central Coast



**Figure 18 4.3-2
Santa Clara River Mouth**

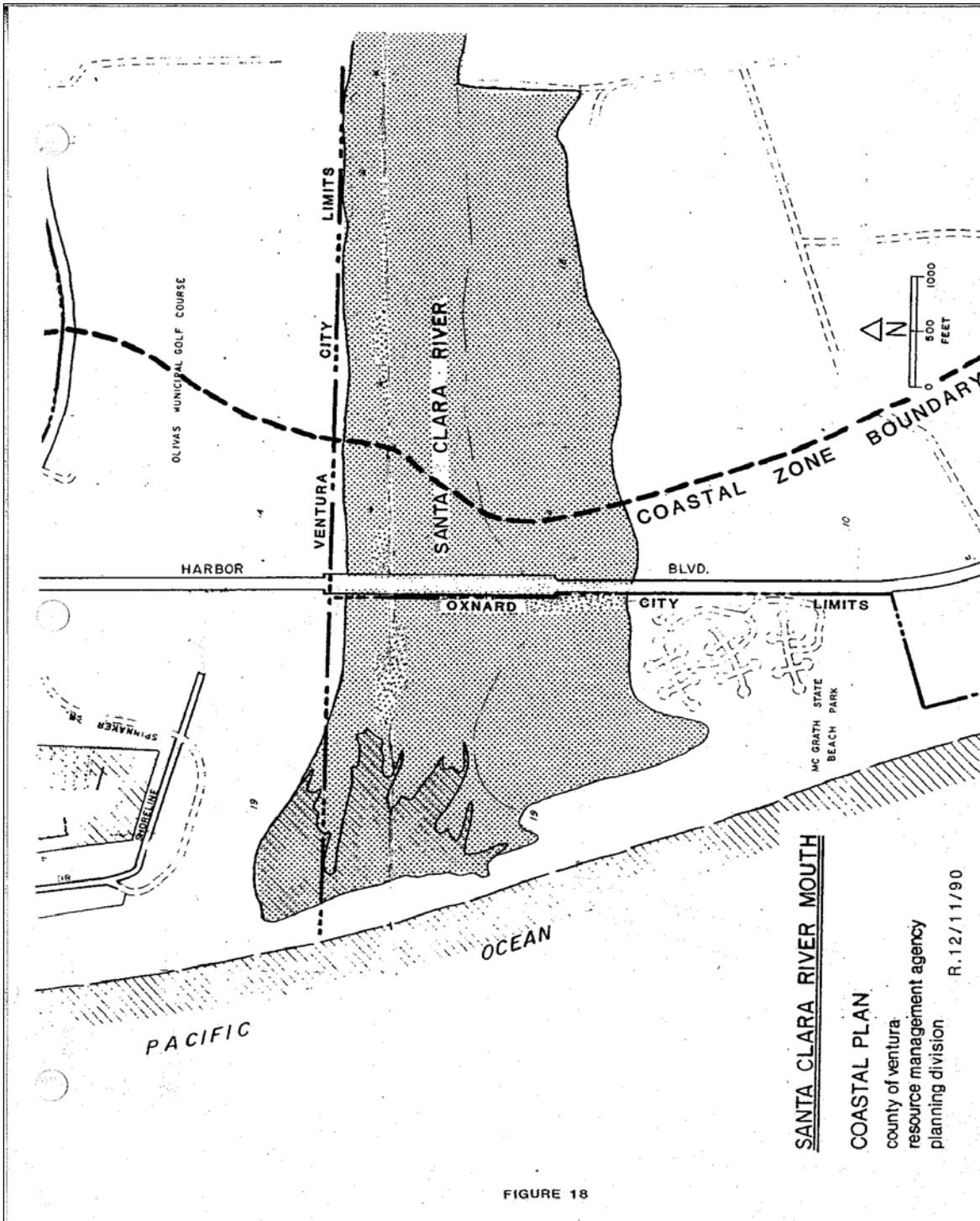


Figure 4.3-3
McGrath Lake

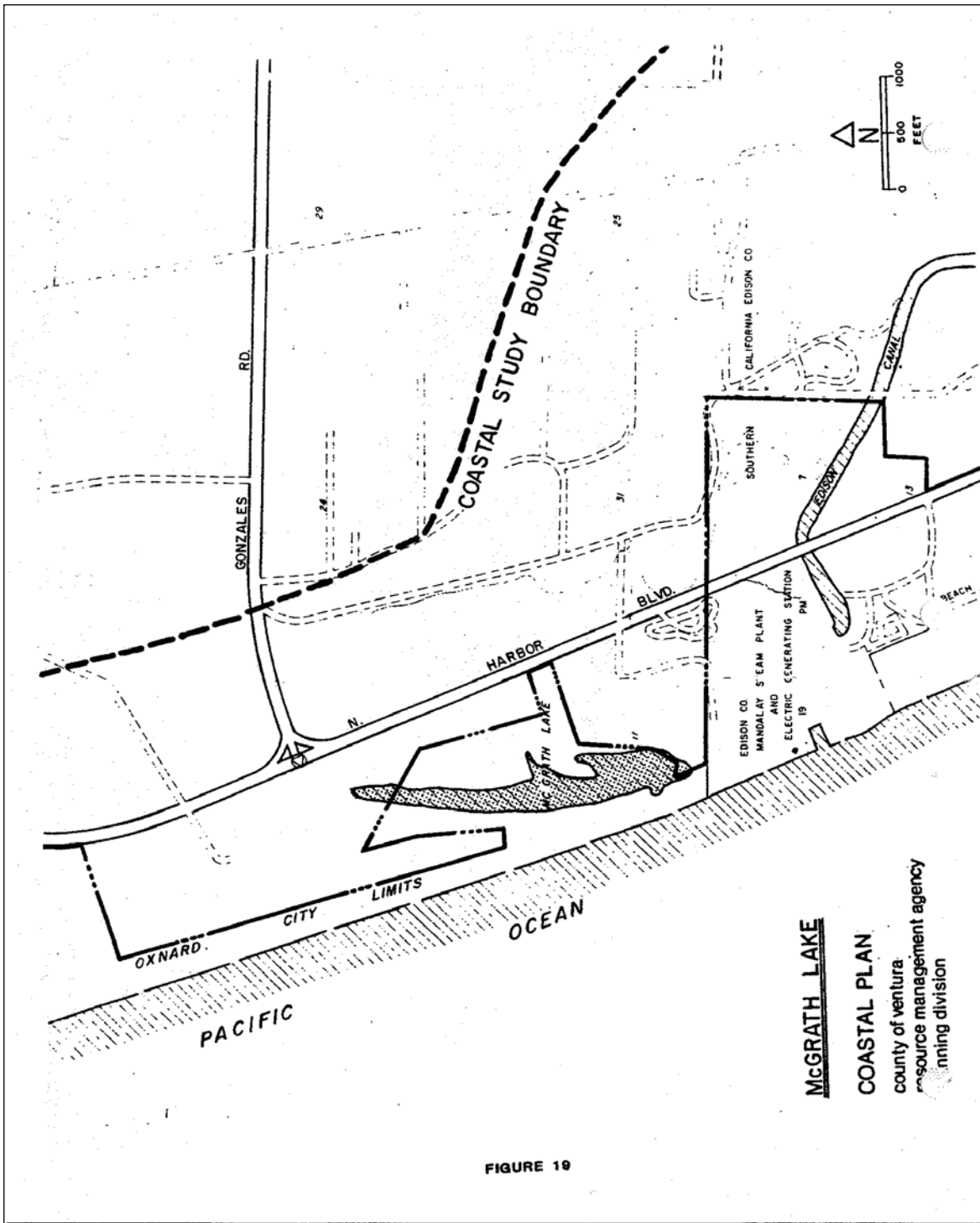


FIGURE 19

Figure 20
(Reserved for future use)

**Figure ~~22~~ 4.3-5
Central Coast Access Inventory**

Name and Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By
Hollywood Beach *	Park	50 ac.	--	Yes	Yes	County	County
Silver Strand Beach*	Park	41 ac.	--	Yes	Yes	County	County

6/20/89

Footnotes:

* See Local Coastal Area Plan Land Use Maps for the Central Coast and Harbor Area, Figures ~~26.2~~ 3-4 and ~~26.3~~ 4.3-10(separate maps).

**Figure 24 4.3-7
Central Coast Restricted Development Area
(Map of Pt. Mugu NAS)**

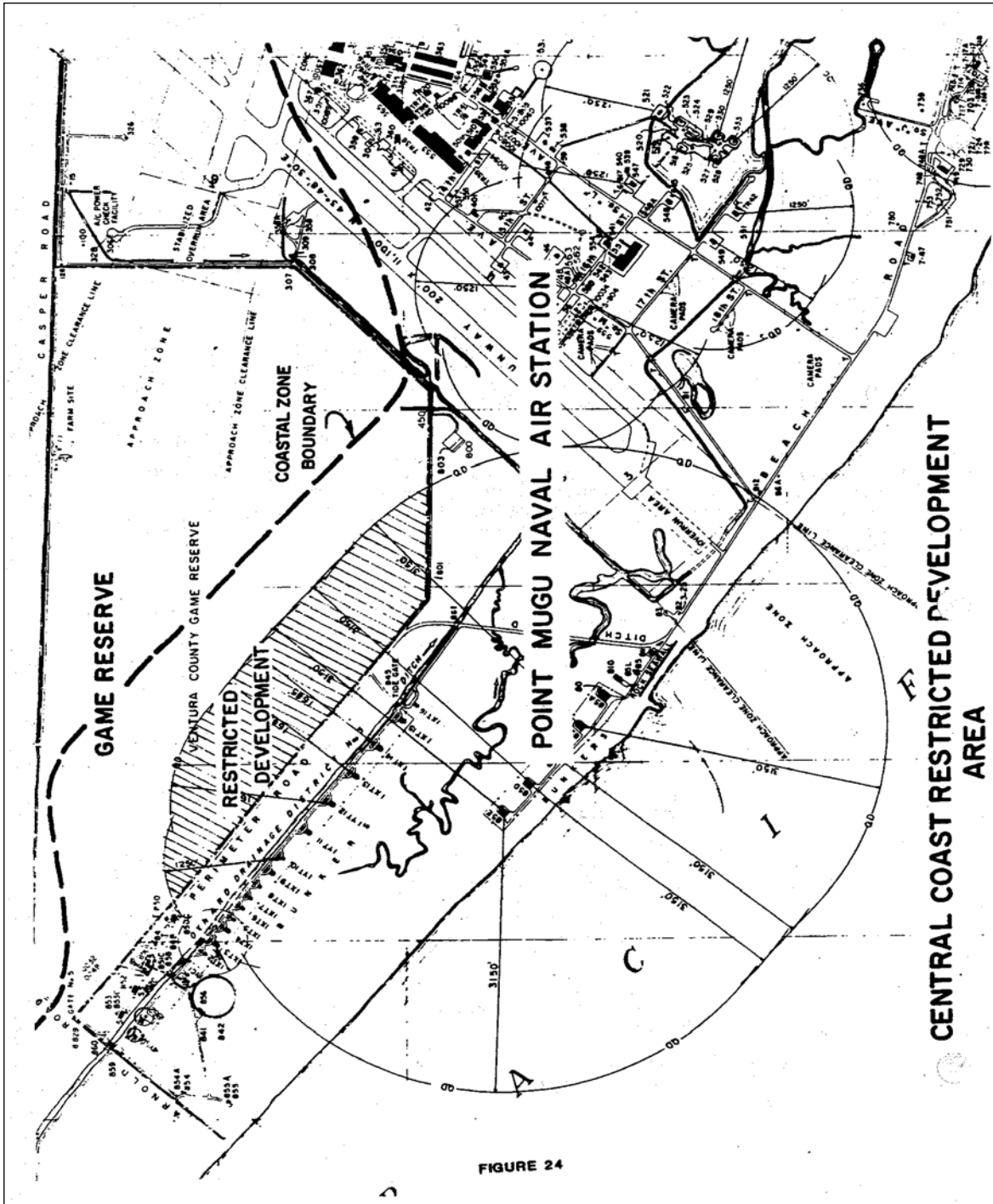
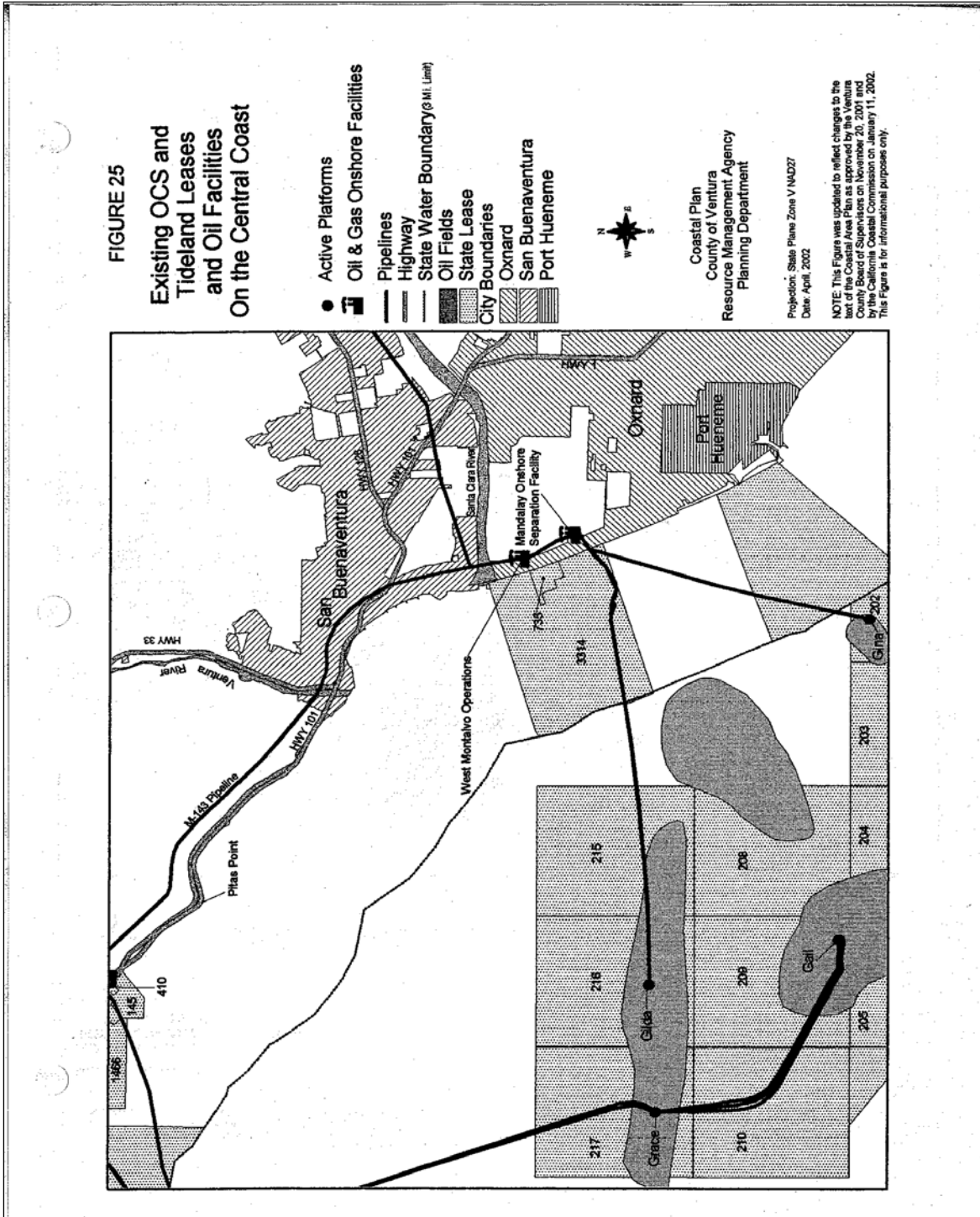
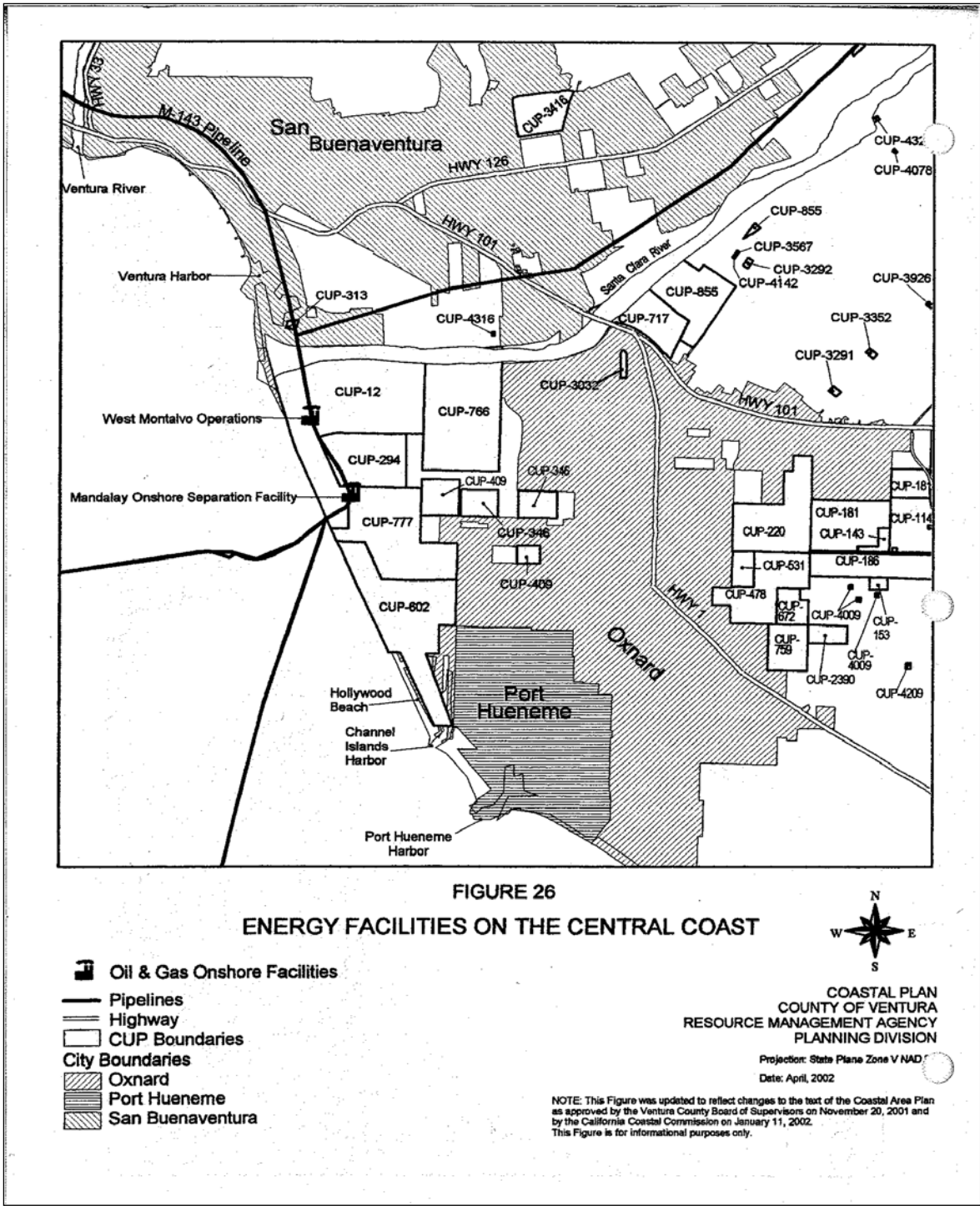


FIGURE 24

Figure 25 4.3-8
Existing OCS and Tideland Leases and Oil Facilities
on the Central Coast



**Figure 26 4.3-9
Energy Facilities on the Central Coast**



**Figure 26.1
Summary Table Building Intensity/Population Density Standards (Central Coast Area)**

[Staff Explanation: This figure was moved to Chapter 3, Land Use Plan.]

Open Space/Agriculture/Recreation

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac)¹	Dwelling Units	Average Pop/DU²	Population	Average Population Density (Persons/Acre)
Open Space	266.0	5% ³	0.100	26	2.76	71	0.267
Agriculture	1,486.3	5% ³	0.025	37	2.76	102	0.069
Recreation	28.0	5% ³	N/A	N/A	N/A	N/A	N/A
TOTALS	1,780.3			63		173	

Residential

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac)¹	Dwelling Units	Average Pop/DU²	Population	Average Population Density (Persons/Acre)
High	97.2	65%	36.00	3,499	2.76	9,657	99.35

Commercial

Designation	Acres	Max. Bldg. Coverage (% Of Lot Area)	Projected Floor Area (X 1,000 SF)	Average Number Of Employees Per 1,000 SF	Employees	Average Employees/Acre
Commercial	3.1	40%	69.5	1.0	69	22.26

12/10/06

Footnotes:

¹ Excludes *second dwelling* units per Section 65852.2 of the State Government Code.

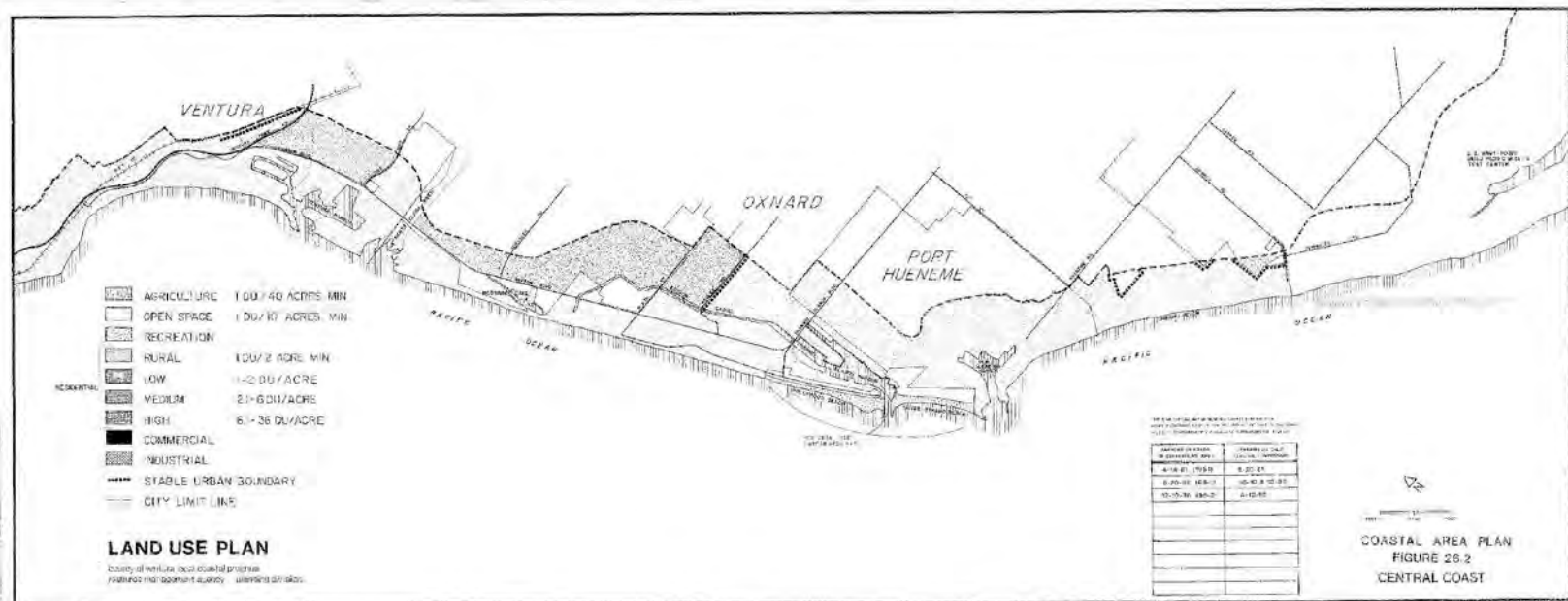
² Year 2000 Forecast for Oxnard Growth Area.

³ Excludes greenhouses, hothouses, and the like. For nonconforming lots, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.

N/A - Not Applicable.

**Figure 26.2
Local Coastal Area Plan — Land Use Map: Central Coast**

[Staff Explanation: This figure was moved to Chapter 3, Land Use Plan.]



4.4 The South Coast

[Staff Explanation: The existing Area Summary section below was moved, without modifications, to Chapter 3, Land Use Plan. See Chapter 3 for an explanation of the organizational change.]

Area Summary

The South Coast encompasses about 18,600 acres of some of the most striking and diverse coastal terrain in the County. Included along its 13.1 mile length (only eight miles are under State or local jurisdiction) are Mugu Lagoon and surrounding coastal marshes, and approximately seven miles of the coastal Santa Monica Mountains. The sub-area's northern boundary is the Point Mugu Pacific Missile Test Center, with the Los Angeles County line as the sub-area's southern end point.

Most of the federally owned land in the County *coastal zone* is located in the South Coast; however, it is excluded from Coastal Commission or County jurisdiction. The U.S. Navy Pacific Missile Test Center at Point Mugu is adjacent to Oxnard at Arnold Road. Mugu Lagoon, one of the largest and most important estuaries and tidal marshes in California, is within base boundaries.

A small community area is located immediately north of the Ventura—Los Angeles County line along a narrow coastal terrace. The area is designated "Existing Community" in the General Plan, allowing it to be developed to prevailing zoning.

A significant portion of the Santa Monica Mountains are within Ventura County's coastal zone, which extends up to five miles inland in this sub-area. While much of the area is undeveloped, there are two segments that are developed: one at Deals Flat, and another along branches of the Deals Flat *access road*. The latter *development* includes one to five acre ranchettes. Increased density in the area is controlled by this Coastal Area Plan which allows one *dwelling* per 10+ acres (subject to Hazards Section *Policy 7: i.e., slope/density formula*).

The Santa Monica Mountains are becoming significant for their recreation potential. Point Mugu State Park, about 7,400 acres of which are in the coastal zone, is the South Coast's major recreation and preserve area. The park stretches from the sandy beach to the inland mountains. A portion of Leo Carrillo Beach extends into Ventura County near the Malibu Bay Club. The California Department of Parks and Recreation has acquired an additional 12.5 acres of beach between Yerba Buena Road and Whaler's Village. Both Leo Carrillo and Point Mugu are included in the potential Point Mugu State Seashore (Resources Code Section 5001.6).

Another federal facility will be located in the South Coast: the National Park Service is in the process of consolidating a Santa Monica Mountains National Recreation Area. Land acquisition is in its incipient stages; however, the coastal property between Point Mugu State Park and Leo Carrillo State Beach Park has been identified for priority acquisition. Several other South Coast properties are slated for probable fee or less than fee acquisition, or some other recreational arrangement.

Private youth camps, totaling 1,788 acres, are located near Yerba Buena Road and Little Sycamore Canyon.

4.4.1 South Coast Area Policies

1. All zoning and *development* shall be in conformance with the Land Use Plan map (Figure 32.1-3-6), which has been designed to reflect these goals and policies. The Zoning Compatibility Matrix (Figure 33) (Figure 3-1) indicates the zones which are consistent with the various land *use* categories.
2. In case of reasonable doubt as to the precise alignment of land *use* boundaries on the Land Use Plan Map, the *Planning Director* is authorized to determine the precise boundary locations. Such determinations must comply with the goals and policies which are set forth in the written text of the Coastal Area Plan. Determinations shall be graphically portrayed on the adopted Land Use Plan Map. In granting the *Planning Director* such powers, it is understood that any interested party may appeal the Director's decision to the Planning Commission and subsequently to the Board of Supervisors (Ventura County Ordinance Code, Division 8, Chapter 1.1, Article 11) and, upon exhaustion of these local appeals, as follows:
 - a. The dispute or question of determination may be appealed to the Executive Director of the Coastal Commission. The Executive Director shall expediently transmit to the interested parties his or her determination as to the precise boundary location.
 - b. Where the Executive Director's determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate boundaries for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting consistent with its Administrative Regulations Sections 13569.

[Staff Explanation: The existing Environmentally Sensitive Habitats section below was moved, without modifications, to the final section - Section 4.3.10. See Section 4.3.10 for an explanation of the organizational change.]

Environmentally Sensitive Habitats

~~The South Coast sub-area contains numerous *environmentally sensitive habitat areas* (Figure 27). Therefore, a special overlay zone classification has been applied to most of the land easterly and southeasterly of the U.S. Navy Pacific Missile Test Center at Point Mugu. The only area that is not covered by the special overlay zone is the land within the Solromar "Existing Community". This special "Santa Monica Mountains" (M) overlay zone was implemented in order to recognize that Santa Monica Mountains are a *coastal resource* of statewide and national significance. The mountains provide *habitats* for several unique, rare or endangered plant and animal species. Such *habitats* may be easily damaged by human activities. Therefore, *development* in the overlay zone area requires case by case consideration, and, where applicable, shall be consistent with Sections 30230 and 30231 of the Coastal Act.~~

A. Coastal Dunes

~~La Jolla Beach, 40 acres of sandy beach and dunes with a prominent climbing, wind-formed dune, is part of Point Mugu State Park. While public ownership provides some protection of this dune area, its *access* and *use* should be reviewed by the State. The "Resource Management Plan for Point Mugu State Park" points out that the hillside dune needs protection from off-road vehicle *use*, and suggests that the area be included in the La Jolla Valley Nature Preserve. While the County does not have jurisdiction over these dunes, it is nevertheless concerned with their preservation (Figure 27).~~

~~The quality of dune *habitats* may be preserved by measures such as restricted vehicular *access*, clearly defined pathways, revegetation with native plants, interpretive centers and public education.~~

Objective

~~To encourage the State to adequately control *access* to the sand dunes and protect them against degradation.~~

Policies

- ~~1. The County encourages State Parks to control those activities that lead to dune degradation, including *use* of off-road vehicles, or dumping.~~

B. Tidepools

~~Tidepools are located near Point Mugu Rock, and between Big Sycamore Canyon and Deer Creek Canyon. Although not actually within the County's jurisdiction, it is significant to note that the offshore area between Laguna Point and Point Dume in Los Angeles County has been designated an "Area of Special Biological Significance" by the Regional Water Quality Control Board (see *Public Works* section), and that nearshore, intertidal and terrestrial coastal areas are ecologically closely interrelated.~~

Objective

~~To support the State in the protection of the tidepools.~~

Policies

- ~~1. The State should include interpretive programs regarding coastal ecology in any future *development* of recreational facilities.~~
- ~~2. Wastewater effluent and solid waste at public sites along the South Coast are to be properly disposed of.~~
- ~~3. Ventura County Environmental Health Division and the Ventura Regional County Sanitation District coordinate with the State to find acceptable alternatives for wastewater effluent disposal on the South Coast.~~
- ~~4. Shoreline protection *structures* such as revetments, seawalls, groins, or breakwaters are allowed when they are necessary to protect existing *developments*, coastal dependent land *uses* and public beaches. Any *structures* built under these conditions that affect tidepools will incorporate mitigation measures that reduce intertidal or nearshore *habitat* loss as *feasible*.~~
- ~~5. An applicant for any new coastal project, including *shoreline protective devices*, will demonstrate that their proposal will not cause long term adverse impact on the beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater and findings to be made will include, but not be limited to, proper wastewater disposal.~~
- ~~6. The Statewide "Guidelines for Wetlands and Other *Environmentally Sensitive Wet Habitats*" will be used in analyzing any projects with the potential to impact tidepools.~~

C. Creek Corridors

Major creek corridors on the South Coast include Calleguas Creek, La Jolla Canyon, Big Sycamore Canyon, Serrano Canyon, Deer Creek Canyon and Little Sycamore Canyon (Figure 27).

Calleguas Creek watershed includes over 343 square miles of land and empties into the ocean via Mugu Lagoon south of Point Mugu Naval Air Station, north of the Santa Monica Mountains. The flood plain and agricultural lands along the creek are subject to extreme flooding during heavy rains.

The riparian corridors in the Santa Monica Mountains (Big Sycamore, Serrano, Deer Creek, and Little Sycamore) are important watershed areas. Maintenance of their compliment of *native vegetation* will help diffuse floods and *runoff*, minimize soil erosion, and diminish sedimentation.

Objective

To maintain creek corridors in as natural a state as possible while still accommodating needs for public health and safety.

Policies

1. *Stream* or creek corridors are considered to be watercourses, either perennial or intermittent, as shown on USGS quadrangle maps, as measured between the high water mark, or the break in each bank.
2. All projects on land either in a *stream* or creek corridor or within 100 feet of such corridor, shall be sited and designed to prevent impacts which would significantly degrade *riparian habitats*, and shall be compatible with the continuance of such *habitats*.
3. Substantial alterations (channelizations, dams, etc.) to river, *stream*, or creek corridors are limited to:
 - a. Necessary water supply projects;
 - b. Flood control projects where no other method for protecting existing *structures* in the flood plain is *feasible*, and where such protection is necessary for public safety or to be protect existing *development*; or
 - c. *Developments* where the primary function is the improvement of fish and wildlife *habitat*.
4. Projects allowed per the above policies will incorporate the best mitigation measures *feasible*.
5. The Coastal Commission's adopted "Statewide Interpretive Guidelines for Wetlands and Other *Environmentally Sensitive Habitats*" will be used when evaluating new projects in creek corridors.
6. The County supports the policies found in the Santa Monica Mountains Comprehensive Plan and has adopted a resolution agreeing to incorporate that Plan when analyzing any *development* request in the Mountains. In addition, the County will routinely submit *development* proposals to the Santa Monica Mountains National Recreation Area for review.

D. Film Production, Temporary

- ~~1. Temporary film production activities shall not result in substantial adverse impacts to ESHA or ESHA buffer, including indirect effects from outdoor lighting or noise.~~

~~E. Signs~~

- ~~1. Signs are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent feasible.~~

~~D. Santa Monica Mountains~~

~~The Santa Monica Mountains contain some of the most significant inland *habitats* in the County's coastal zone. Many creeks and *streams* with their riparian corridors, coastal dunes, and rare native bunchgrass and giant coreopsis can be found in the mountains. In addition, grasslands, chaparral, and oak woodlands are found.~~

~~Some of these *environmentally sensitive habitats* are mapped, but others occur in several small areas throughout the mountains, making them impractical to accurately map.~~

~~Objective~~

~~To preserve and protect the upland *habitats* of the Santa Monica Mountains.~~

~~Policies~~

- ~~1. New *development*, including all private and public recreational *uses*, shall preserve all unique *native vegetation*, such as Giant Coreopsis and *Dudleya cymosa ssp. marcescens*.~~
- ~~2. The County shall update its inventory of upland *habitats*, wildlife travel networks, nesting sites, and appropriate buffer areas as part of the Implementation Phase of the *Local Coastal Program* (LCP). This update may use existing information and shall involve consultation with appropriate environmentalists, scientists and government agencies dealing with the Santa Monica Mountains as a whole. A map focusing on *sensitive environmental habitats* and their buffers shall be prepared and included in the LCP and shall be continually updated as additional information becomes available. *Environmentally sensitive habitats* shall conform to the definition in the Act, PRC Section 30107.5.~~
- ~~3. All new *upland development* shall be sited and designed to avoid adverse impacts on *sensitive environmental habitats*.~~
 - ~~• In cases where *sensitive environmental habitats* are located on a project site where the impacts of *development* are mitigated consistent with the Plan, the County shall assure that all *habitat* areas are permanently maintained in open space through an easement or other appropriate means.~~
 - ~~• When such impacts of *development* would be unavoidable, the County shall ascertain within the specific project review period whether any public agency or non-profit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Recreation Services, and~~

~~Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property which would be affected by the proposed *development*, and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.~~

- ~~4. Where possible for subdivision and undeveloped contiguous *lots*, construction and/or improvements of driveways/accessways which would increase *access* to the subject area or adjacent areas shall be permitted only when it has been determined that environmental resources in the area will not be adversely impacted by the increased *access*. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points off public routes and to reduce grading. At *stream* crossings, driveway *access* for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as *feasible* and follow natural contours.~~
- ~~5. *Development* dependent upon a water well shall be approved only if such well would not either individually or cumulatively cause adverse impacts on affected riparian areas or other *coastal resources*. This policy shall be implemented as data becomes available through the County CEQA process and other review procedures.~~
- ~~6. All proposals for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future *development* will be consistent with the *development* policies contained in this Plan. Where potential *development* cannot occur consistent with the *development* policies contained in this plan, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and *development* with the standards of the *Local Coastal Program*.~~
 - ~~• All applications shall identify future *building* envelopes and shall be identified on the final map. Building envelope is defined as:

The one area of a proposed *parcel* which shall contain all *structures*, including but not limited to: the primary residential *structure*, other accessory residential *structures*, barns, garages, swimming pools, and storage sheds. Specifically excluded are *fences* and walls which may be placed along property lines.~~
 - ~~• All identified *environmentally sensitive habitat areas* and/or *slopes* over 30% shall be permanently maintained in their natural state through an easement or other appropriate means and shall be recorded on the final tract or *parcel* map or on a grant deed as a deed restriction submitted with the final map. *Development* shall not be permitted in areas over 30% *slope*.~~
 - ~~• All offers to dedicate trail easements consistent with recreation policy #8 below, shall be recorded on the final map. Trail easements established by~~

~~deed restriction shall be recorded on the deed no later than final map recordation.~~

~~Scenic and Visual Qualities:~~

- ~~7. New development shall be sited and designed to protect public views to and from the shoreline and public recreational areas. Where feasible, development on sloped terrain shall be set below road grade.~~
- ~~8. Development shall not be sited on ridgelines or hilltops when alternative sites on the parcel are available and shall not be sited on the crest of major ridgelines.~~
- ~~9. Except within the Solromar "Existing Community", all development proposals located within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, use of natural materials, low building profile, earth tone colors, and the like. Development shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of this Coastal Area Plan.~~

~~E. Mugu Lagoon and San Nicholas Island~~

~~Although completely on Federal land and thus not in the coastal zone, Mugu Lagoon deserves discussion in this Plan because of its important habitat values and its relationship biologically to intertidal and offshore waters, both State and Federal, and its related importance for commercial and sport fisheries.~~

~~Mugu Lagoon is the last Southern California estuary to remain in its approximate natural site. Numerous sociological research programs indicate its importance. A number of species found in the Lagoon have been exterminated in other estuaries. The Lagoon serves as a nursery for offshore species. A variety of marine mammals feed and rest in the Lagoon.~~

~~Much of the credit for preservation of the Lagoon goes to the U.S. Navy. Protection of fish and wildlife is assured through, among other sources, the 1967 Fish and Wildlife Plan for Point Mugu and San Nicholas Island, jointly subscribed by the State and Federal governments. Although the Lagoon is within the Pacific Missile Test Center (PMTTC) and therefore on federal land, it is impacted by activities in the unincorporated, non-federal surrounding lands, particularly those along Calleguas Creek and Revlon Slough. A small portion of this tributary area is in the Coastal Zone where development activities will be reviewed for consistency with the policies of this Coastal Area Plan.~~

~~However, many upstream activities affecting Mugu Lagoon may involve Federal participation or Federal assistance, and these will be subject to Coastal Commission review for consistency with the California Coastal Management Program.~~

~~The Calleguas Creek watershed includes over 343 square miles, including the major urbanized areas of Simi Valley, Thousand Oaks, Moorpark and Camarillo, and as well, major agricultural lands in the Oxnard Plain. A portion (approximately 400-500 feet) within the Coastal zone of Calleguas Creek drains into the Lagoon. Rapid urbanization and increased agricultural irrigation has resulted in increased runoff and sedimentation in the Lagoon.~~

According to the State Department of Fish and Game and the U.S. Fish and Wildlife Service (June 1976), sedimentation from Calleguas Creek may elevate the Mugu Lagoon *wetland* above the tidal prism (ocean tide flooding) and thereby change the water quality and environmental characteristics of the *wetland*. Urbanization in the upstream watershed increase *runoff*, both in total volume and in the magnitude of the peak flow. Further, conversion of native watershed to urban and agricultural land increases summer flows (low flows) to the proximity of Mugu Lagoon. Increased flows lead to potentially lowered salinity in the Lagoon, increased pollution and increased erosion in unprotected areas along the unimproved channel reaches which ultimately may deliver more sediments to the Lagoon. The result is damage to both flora and fauna in the Lagoon (California Department of Fish and Game, 1976).

An important concern regarding any alterations of Calleguas Creek is the impact on endangered species in the Lagoon area. According to the U.S. Fish and Wildlife Service (USFWS), the endangered light footed clapper rail, Belding's savannah sparrow and California least tern utilize the Lagoon.

Some flood control improvements (such as those that decrease sedimentation) along Calleguas Creek may be necessary for the maintenance or enhancement of the *wetland*. According to the Ventura County Flood Control District (Ventura County Coastal Planning Study, Flood Control Planning, Surface and Groundwater Hydrology, 1972), without improvements to reduce sedimentation and to maintain an optimum exchange of tidal and fresh waters, the Mugu *wetland* may ultimately cease to exist or become severely degraded as a *wetland* area.

Objective

To maintain Mugu Lagoon, including the main estuary and the entire *wetland* system within the Pacific Missile Test Center, in as natural a state as possible, to the extent consistent with national security needs.

Policies

1. Upstream *development* and activities subject to Federal consistency review, including solid waste disposal, soil management practices, flood control, water reclamation, sewage treatment, *use* of pesticides and fertilizers, etc. should not impair the biological productivity of Mugu Lagoon nor its value for scientific and educational purposes, nor the offshore fisheries with which it is linked.
2. Flood control projects should avoid intrusion into Mugu Lagoon, be sited and designed to prevent degradation of the *wetland*, and incorporate *feasible* mitigation measures. Channelization, dams, and other river or *stream* alterations should be limited to necessary water supply projects, flood control projects necessary for public safety, and projects necessary to protect and enhance *wetlands habitats* and to reduce sedimentation in Mugu Lagoon.
3. Projects which adversely impact *habitat* should include mitigation measures such as timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of *native vegetation*, reclamation or enhancement programs.
4. Dredging, diking or *filling* of Mugu Lagoon should be limited to restoration and nature study purposes or projects required for national security. Any *fill* or degradation of *wetlands* should be accompanied, where *feasible*, by creation or enhancement of equivalent *wetlands* area.

- ~~5. The County supports the work already done, and any future plans the Navy may propose to maintain and enhance the productivity of the Mugu Lagoon consistent with the *Local Coastal Program*.~~
- ~~6. The County supports continued and future reliance on joint Federal State plans such as the 1967 Fish and Wildlife Management Plan for Point Mugu and San Nicholas Island. Marine mammal populations should be protected or, in the case of sea otters, re-established where *feasible* consistent with national security needs.~~

4.4.2 Recreation and Access

A. Recreation

Recreation on the South Coast is available in several areas, many of which have state, as well as national, significance (Figure 28) (Figure 4.4-2).

Point Mugu State Park, encompassing ~~over 15,200~~ 14,000 acres with 19,224 feet of beach front, offers camping, backpacking, day hiking, picnicking, nature study and beach use. Current overnight campsites total 164, parking spaces 285, and there are 40 picnic tables. ~~The Point Mugu State Park General Development Plan (CPR 1977) proposes expanding facilities to 416 campsites, 695 parking spaces, 3 bus spaces, 3 interpretive facilities, 125 picnic tables and equestrian facilities. The Santa Monica Mountains National Recreation Area, Final General Management Plan was completed in 2002 and includes plans for intensification of facilities in the Coastal Zone which include a visitor center at Mugu Lagoon and an overnight education camp at Circle X Ranch.~~

[Staff Explanation: The proposed text amendments are limited to corrections or updates to factual information. According to the National Park Service and the Ventura County Resource Management Agency GIS database, the park encompasses 14,000 acres, so the figure of 15,200 is an error. In contrast to the 1977 General Development Plan, the 2002 Santa Monica Mountains National Recreation Area, Final General Management Plan and Environmental Impact Statement does not call for expansion of the existing camping facilities in Point Mugu.]

A portion of another State facility, Leo Carrillo Beach, is partially within Ventura County and partially within Los Angeles County. ~~Over the years, the park size increased to include Yerba Buena Beach and Yellow Hill Trail. Two 1980 additions to the State facility, a 26-acre extension of Leo Carrillo and approximately 6 acres of Yerba Buena Beach are undeveloped. Intense use of the area has led to sanitation and enforcement problems. A potential State Parks acquisition east of Highway 1 would include upstream portions of Little Sycamore Creek, identified as a riparian corridor in this Plan. The State proposes to develop the site for a 40-space parking lot, comfort stations and trails, all projects that could adversely affect stream processes. A 120-acre private overnight camp with hiking trails, a highway undercrossing, and access to the shoreline lies on either side of Little Sycamore Creek, with access from Yerba Buena Road.~~

[Staff Explanation: The proposed amendments would update information that is no longer accurate. For example, the narrative regarding the 1980 additions of Leo Carrillo State Beach would be removed because additional areas have been added. Also, some of the 1980 additions are developed (the narrative states they are undeveloped). This

area along the shoreline includes housing for State Parks staff, an operations office, and staff parking facilities. The reference to the area along Little Sycamore Creek is also outdated and no longer represents a potential State Parks acquisition, but the area does provide recreational uses through operation of a privately-owned camp for children.]

Potential for additional State recreation facilities exists in the 14,000 linear feet of privately-owned beach frontage south of Point Mugu State Park near Deer Creek. The beach is popular and users may be part of the "turn-away" crowd from the State Park. Unsupervised parking and overnight camping may pose health and sanitation problems. No restrooms or sanitation facilities are currently provided.

Recreation in the Santa Monica Mountains has taken on national significance with the formation of the Santa Monica Mountains National Recreation Area. The rugged, unstable terrain of this geologically young range includes diverse habitats and a number of ecosystems in coastal zone boundaries. Chaparral and coastal sage dominate the landscape. Riparian and oak woodlands, with a wide range of native wildlife, are also present. Much of the watershed is still natural.

The mountains are geologically and biologically closely related to the northern Channel Islands. While certain hazards, such as steep slopes, limited water, and fire danger preclude many kinds of access and recreation, the National Recreation Area will afford a variety of outdoor activities. Beach use and use of inland areas are closely related. ~~The National Recreation Area is now in the early stages of land acquisition.~~ The following public and non-profit organizations are actively involved in the acquisition and maintenance of recreational lands in the Santa Monica Mountains: The National Park Service, California Coastal Commission, California Department of Parks and Recreation, California Department of Conservation, California Coastal Conservancy, California Department of Fish and Wildlife, Caltrans, The Nature Conservancy, Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority.

[Staff Explanation: Since the original text was certified, the National Recreation Area was subject to decades of land acquisition efforts, including ongoing acquisition efforts, by the organizations listed above.]

Objective Recreation Goal 1

In recognition of the scenic beauty, relatively undisturbed natural resources, popularity of recreation, as well as its greater out-of-area significance, to encourage the State and Federal governments in broadening recreational opportunities on the South Coast consistent with public health and safety, and the protection of private property rights.

[Staff Explanation: No policy change. A minor amendment is proposed to correct a grammatical typo.]

Policies

1. The California Department of Parks and Recreation should continue with protection of the unique and sensitive natural resources in Point Mugu State Park as a major goal of management.
2. The California Department of Parks and Recreation should work closely with the County and the National Park Service as the Santa Monica Mountains National Recreation Area develops to be sure that, within environmental constraints, land uses

are consistent with long-range County goals, maximum public recreation and access are achieved, and upland supporting areas are protected.

[Staff Explanation: No policy change. The addition of the phrase "land uses" and a comma are grammatical corrections.]

Leo Carrillo State Beach:

3. As State Parks the California Department of Parks and Recreation evolves its plans for these beach segments, care should be taken to conform to the California Coastal Act. Creek corridors, such as Little Sycamore Creek, should remain as natural as possible to maintain watershed, habitat, and upland recreation area.

Deer Creek Beach Frontage:

4. The County supports acquisition of the beach by the California Department of Parks and Recreation or the Santa Monica Mountains National Recreation Area.

Santa Monica Mountains National Recreation Area:

5. ~~To work~~ Work closely with the National Park Service in the ~~development~~ implementation of the National Recreation Area General Management Plan to develop ~~determine~~ appropriate recreational uses ~~for~~ in the Santa Monica Mountains and review individual projects in order to determine and encourage consistency with the Ventura County Local Coastal Program.

[Staff Explanation: The first General Management Plan was completed in 1982 and it was updated in 2002. The conceptual nature of the plan and its associated environmental impact statement utilizes a tiered approach and individual projects must still conduct a consistency determination to ascertain whether each project is compliant with the federal Coastal Zone Management Act of 1972 and the California Coastal Act.]

6. The County supports the "Major Feeder Trail" connecting the Backbone Trail to the Pacific Coast between Yerba Buena and Deer Creek Roads as shown in the Santa Monica Mountains Comprehensive Plan.
7. The County shall incorporate the policies and accompanying maps, including the Trail Systems map found in the Santa Monica Mountains Comprehensive Plan (1979) as part of the Coastal Area Plan.

[Staff Explanation: The policy above needs updating, but it would be premature to include changes at this time. An Integrated Trail Management Plan, which would be the first comprehensive trail planning update in decades, was started in 2005 but is not complete. If the Trail Management Plan is consistent with the CAP when it is completed, the above reference to the 1979 Comprehensive Plan can be updated.]

8. Development shall neither preclude continued use of, or preempt the option of establishing inland recreational trails along identified routes, as indicated in the Santa Monica Mountains Comprehensive Plan (1979) and the Coastal Slope Trail as proposed in the U.S. Department of the Interiors Santa Monica Mountains Draft Environmental Impact Statement and General Management Plan (September 1980), or along routes established by custom to destinations of public recreation significance. An offer-of-dedication, a property dedication, or a grant of easement deed restriction of a trail right-of-way shall be required as a condition of approval on property crossed by such trail routes. Where feasible, direct grants shall be required except when the accepting agency is not identified at the time of final Zoning Clearance or map recordation.

[Staff Explanation: This amendment proposes to replace “deed restriction” with “property dedication or a grant of easement”. Deed restrictions and easements are essentially the same thing, but the conservation easement, if written properly and granted to an eligible grantee, is entitled to many more protections of the law. It is generally accorded greater deference by courts in the event of a dispute. Also, deed restrictions may be enforceable only during the lifetime of the grantor and are not assignable by the grantee—in other words, a land trust may not be able to transfer a simple deed restriction to another land trust or public agency, and this could be an impediment to maintenance.]

9. With the exception of the Coastal Trail (Section 1), All new trail corridors shall be designed for a minimum of twenty-five (25) feet in width with a larger corridor width for major feeder trails. Exceptions to this standard may be granted where the minimum trail corridor width is not feasible due to topographic or private property constraints. The routing of trails shall be flexible in order to maintain an adequate buffer from adjacent development. Where feasible, development shall be sited sufficiently distanced from the trail so as not to interfere with the trail route.

[Staff Explanation: The proposed modifications provide a reference to the Coastal Trail section and minor grammatical corrections for clarity. While modifications to the existing standard may be warranted, changes to the current standard are beyond the scope of this LCP update. However, language was added to provide some flexibility in locations where less than 25 feet may be necessary.]

10. Among other methods of acquiring trail easements as established by the Santa Monica Mountains Comprehensive Plan (1979), Coastal Trail (Section 1), and other future proposals, the following shall be considered:
 - a. Integrate trail easements with future capital improvement projects.
 - b. Provide incentives through contracts for lower taxes in exchange for allowing public trail rights or credits for required Quimby Act parkland dedication.
 - c. Allow for donations through gifts and acquisition of tax delinquent properties.
 - d. Acquire the trail routes through fee or less than fee acquisition.
11. To implement present and future trail routes, the County shall continue to coordinate with the ~~State~~ California Department of Parks and Recreation, the Department of Interior National Recreation Area Staff, Los Angeles County, and trail activists from Los Angeles and Ventura County.

[Staff Explanation: No policy change. The sentence is amended so that the “California Department of Parks and Recreation” is the term consistently used to refer to this agency.]

12. Before a permit for development of any shoreline or inland parcel is approved, its suitability for public recreational use shall be evaluated within the specified project review period by the County in consultation with the California ~~State~~ Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such use, the County shall ascertain whether any public agency or non-profit organization, including the National Park Service, Santa Monica Mountains Conservancy, Coastal Conservancy, California ~~State~~ Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any part of the subject property, specifically authorized to acquire any portion of the property which would be affected by the proposed development, and funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application or

permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.

[Staff Explanation: No policy change. The text is amended so that the "California Department of Parks and Recreation" is the term consistently used to refer to this agency.]

B. Access

Most of the coastal recreation areas along this sub-area are accessible from California Highway 1. Some of the inland areas can be reached via mountain roads. ~~(Figure 29)~~ [Figure 4.4-3](#) is an inventory of access on the South Coast.

Constraints to public access are diverse. While Point Mugu State Park is easily reached from Highway 1, much of it is accessible only by moderate to strenuous hiking. Because of the park's high biological and scenic values, it may not be appropriate to augment access more than already planned by the California Department of Parks and Recreation.

The Deer Creek beach frontage, privately owned, is highly accessible, as evidenced by its popularity. However, illegal camping may sometimes inhibit potential users and somewhat block their access to the area.

The popularity of Leo Carrillo ~~Beach~~ State Park and the new California Department of Parks and Recreation ~~State Park~~ acquisitions, along with the overall popularity of Highway 1, has led to problems that include extensive illegal parking and camping, as well as enforcement and sanitation problems. Private parcels interspersed with current and potential state acquisitions block public access along the beach. Bluff erosion poses safety hazards to current and potential vertical accessways.

The only area of the South Coast with significant development is the Solromar "Existing Community." The area has about 2,800 linear feet of shoreline, but it is not continuous frontage. The ~~State~~ has purchased two beach areas adjacent to, and within, the "Existing Community" area. These are the Leo Carrillo State Beach extension and the Yerba Buena Beach. Vertical access is not a major problem in this area, or anywhere along the South Coast, but lateral access should be sought between Leo Carrillo and Yerba Buena State Beaches.

Objective Access Goals

1. To maximize public access to coastal recreational areas in the South Coast sub-area consistent with private property rights, natural resources and processes, and the Coastal Act; to maintain existing access, and seek new access as funds become available.

[Staff Explanation: No policy change. This objective was amended to clarify that the purpose is to maximize access to the shoreline.]

2. To maintain or increase public *access* to *coastal resources* through increased parking capacity for vehicles and bicycles within the coastal zone.

Policies

Vertical Access Easements from New Development

1. For all "new development" (as defined by section 30212 of the Coastal Act) between the first public road and the ocean, ~~granting of an easement shall be provided to allow vertical access to the mean high tide line shall be mandatory unless one or more of the following apply:~~
 - a. Adequate public access is already available within a reasonable distance of the site measured along the shoreline, or
 - b. Access at the site would result in unmitigable adverse impacts on areas designated as "sensitive habitats" or tidepools by the plan, or
 - c. Findings are made, consistent with Section 30212 of the Coastal Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or
 - d. The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner.

Lateral Access Easements from New Development

2. For all "new development" (as defined by section 30212 of the Coastal Act) between the first public road and the ocean, ~~granting of lateral easements to allow for public access along the shoreline shall be mandatory provided unless findings are made pursuant to subsection (a) below is found.~~ In coastal areas, where the bluffs exceed five feet in height, all beach and rocky areas seaward of the base of the bluff to the ambulatory mean high tide line shall be dedicated for public recreational use. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure, except where a protective structure (e.g. a seawall) provides adequate separation. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access are prohibited and shall be removed as a condition of development approval.
 - a. Findings are made, consistent with Section 30212 of the Coastal Act that access is consistent with public safety, military security needs, or that agriculture would be adversely affected.

[Staff Explanation: The proposed modifications to this policy were made for clarity and ensure consistency with the Coastal Act. In addition, the exception to the required 10-foot setback for public easements was added to maintain consistency between the CAP and existing, certified text in the CZO, which includes this exception (no change is proposed to the existing CZO regulation).]

Environmentally Sensitive Habitats:

3. The applicant of a proposed recreational facility in, or adjacent to, areas designated "environmentally sensitive habitats" shall develop a management program to control the kinds, intensities, and locations of uses to preserve the habitat resources to the maximum extent feasible. This program shall be part of development approval.

General:

4. In accordance with ~~Section~~ section 30214(a) of the Coastal Act, the time, place, and manner of access will depend on individual facts and circumstances; including topographic and site characteristics, the capacity of the site to sustain use at the intensity proposed, management of the access areas ~~proximity to adjacent residential uses~~, protect the privacy of adjacent owners, and the feasibility to provide for litter collection.
5. In accordance with ~~S~~section 30214(b) of the Coastal Act, the requirement of access shall be reasonable and equitable, balancing the rights of the individual property owner and the public with the public's right of access.

[Staff Explanation: No policy change. The amendments proposed above to the vertical and lateral access polices provide legal clarifications.]

Leo Carrillo State Beach:

6. To augment public access and recreation, provide new parking and extend bus service to the area and to improve the scenic value of the coastline, alternative arrangements for the now illegal camping should be provided. Several alternatives should be explored, including new parking seaward from Highway 1, other parking, the extension of bus service to the area from Ventura, or the camping improvements suggested in the Santa Monica Mountains State Parks' Development Plan (CPR 1977).

[Staff Explanation: This policy would be simplified because illegal camping no longer frequently occurs in the area. It would be difficult to identify additional land on the ocean side of PCH for parking, and the reference to transit service form Ventura is unclear. The reference to "camping improvements suggested in the Santa Monica Mountains State Park's Development Plan (CPR 1977)" was removed because there was no such plan for Leo Carrillo State Beach. The 1996 General Plan for the state park notes that General Development Plans were prepared in 1957/1958 and in 1972. The 1996 General Plan recommends against expansion of the campground due to site constraints.]

7. Any future vertical accessways must be designed to minimize bluff erosion.
8. Lateral access easements linking the Leo Carrillo State Beach Extension and the Yerba Buena Beach should be provided by the ~~S~~state.

[Staff Explanation: No policy change. A correction was made to reference "Leo Carrillo State Beach", which encompasses areas that were historically acquired, or "extensions" along the beach.]

9. The California Department of Parks and Recreation should acquire private parcels along the beaches where feasible, as well as provide for maximum public access.
10. ~~The re-designation of Lot 10 Tract 4483 by the County in 2006, a portion of which was initially designated as commercial, to residential, a lower priority under the Coastal Act, to facilitate a specific project proposal, shall be offset by a requirement that the project proponent pay a fee in support of low cost, visitor serving overnight accommodations in conjunction with the land use and zoning ordinance re-designation and the development of the subject property.~~

~~(Note: Policy 10, of this section, was certified as a result of LCP Amendment 1 2007, pursuant to a suggested modification by the California Coastal Commission.)~~

[Staff Explanation: This policy is proposed for deletion because it was implemented in 2008 through 2010. In 2008 the Coastal Commission required an applicant to pay \$557,000 in mitigation as a condition of approval for re-designation of a 6.4 acre lot to a lower priority use under the Coastal Act. The fee was intended to be directed toward low cost overnight visitor facilities within the Coastal Zone of Ventura County, the Santa Monica Mountains, or the City of Malibu. This fee was paid to the State of California in 2010, and a condition of approval required that the funds be used for construction of 11 new cabins at Leo Carrillo State Park.]

Santa Monica Mountains National Recreation Area:

- ~~11.~~ 10. South Coast Area Transit, in conjunction with the National Park Service, should fully explore through long-range planning the possibilities of extending service to the area, including (but not limited to) the following: Federal funds for extended service, particularly from lower income areas; park-and-ride from central points in Ventura County using smaller, more cost-effective buses; and, service agreements with the Los Angeles County Rapid Transit District, and charter buses.

[Staff Explanation: No policy change. The modifications are grammatical corrections and improve the readability of the sentence.]

- ~~12.~~ 11. The National Park Service and the California Department of Parks and Recreation State Parks should work together to determine the extent of impacts from additional visitation generated by new national parks in the County, particularly impacts on existing park facilities.

- ~~13.~~ 12. The County supports the work of the Santa Monica Mountains Conservancy Recreational Transit Program to provide public transportation to the Santa Monica Mountains National Recreation Area.

[Staff Explanation: The transit program is operated by the Santa Monica Mountains Conservancy.]

- ~~14.~~ 13. The acquisition of the beach area around Deer Creek is encouraged by either the California Department of Parks and Recreation or the National Park Service.

Film Production, Temporary:

- ~~15.~~ 14. *Temporary film production activities* shall result in negligible impacts to *coastal resources, public recreation facilities, and public access* to such facilities.

- ~~16.~~ 15. During the peak summer season (Memorial Day through Labor Day weekend), *temporary film production activities:*

- Shall not preclude the general public from *use* of a public beach; and
- Shall not occupy public parking spaces to the extent the general public is restricted from using such spaces to *access* a public beach or public recreation facilities.

- ~~17.~~ 16. No new permanent *structures* shall be erected for *temporary film production activities*, and the *film permit area* shall be returned to pre-permit conditions following *film production striking*.

Parking and Loading:

- ~~18.~~ 17. New *development*, and intensifications in *use*, shall be designed to include the number of off-street parking spaces necessary to satisfy any new parking demand.

~~19.~~ 18. In order to support the preservation of existing, neighborhood-serving commercial areas within the coastal zone, exceptions to off-street parking requirements may be allowed, provided that the project applicant contribute to a program aimed at increasing *coastal access parking*.

- No additions or expansion to the structure are proposed and all existing on-site parking is retained;
- Business hours of operation are in the evening when beach recreational uses are low or non-existent;
- The primary customer base is nearby residents or beachgoers that do not generate additional parking demand;
- Shared parking, pursuant to Sec. 8176-4.6, is not available to meet parking requirements; and
- Other transportation incentives programs listed in Sec. 8176-4.8.1(b), are not feasible, or will not lessen the number of parking spaces required.

~~20.~~ 19. To promote the efficient *use* of parking areas and reduce the amount of paved or impervious surfaces, shared parking may be allowed for commercial or *mixed-use developments* that accommodate multiple *uses* at different peak parking periods. Where *feasible*, such *parking lots* should accommodate public *coastal access parking*.

~~21.~~ 20. Restrictions on public parking that would impede public *coastal access* shall be prohibited except where such restrictions are demonstrated to be necessary for the provision of public safety.

~~22.~~ 21. New *development* that requires the removal of existing public parking shall provide an equivalent number of replacement public parking spaces in the immediate vicinity except where the provision of such parking is infeasible or alternatives are identified that offset the need for additional parking facilities.

~~23.~~ 22. Where *feasible*, new commercial, *multi-family residential*, or *mixed-use development* shall minimize the demand for public parking by providing on-site bus stops, bicycle storage, sidewalks, or other facilities or programs that support alternative modes of transportation.

Signs

The primary purpose of the *sign* policies in this section is to utilize *signs* to protect and improve *access* to the coastline or other *coastal resources*.

~~24.~~ 23. *Coastal access* signage shall be posted in conspicuous areas and located so that *access* is maintained and visitors are directed to publicly available *coastal access parking*, beach *access points*, and public trails.

~~25.~~ 24. For the California Coastal Trail, *coastal access* signage should include distinctive *signs* incorporating the California Coastal Commission *coastal access* logo (foot and wave) or markers, consistent with visual resources.

~~26.~~ 25. *Signs* shall be located in areas that maintain *coastal access* except where there is no *feasible* alternative to protect public safety. In such cases, the impact to *coastal access* shall be mitigated and, where *feasible*, the *sign* shall be removed once the public safety issue is resolved,

~~27.~~ 26. With the exception of *road* or *informational signs*, placement of *signs* within the public right-of-way shall be prohibited.

~~28-~~27. No *signs* shall be posted on a public beach unless authorized by a coastal *development* permit. *Signs* on a public beach which purport to identify the boundary between State *tidelands* and private property, or which indicate that public *access* to State *tidelands* or public *lateral access* easement areas is restricted, shall not be permitted.

C. Recreation and Access Programs

Parking and Loading

1. The Public Works Agency, in coordination with the Planning Division, will prepare a parking study that evaluates existing parking facilities and parking *use* where *coastal access parking* concurrently serves visitor-serving coastal recreation, commercial development, and residential neighborhoods. The parking study will also identify strategies aimed at the following: (1) increasing the amount of available *coastal access parking* (for example, by identifying potential locations for additional public parking or by restriping existing parking areas to increase the number of spaces), (2) more efficiently using available parking (for example, by establishing a time restricted parking program), and (3) reducing parking demand (for example, by extending bus or shuttle services to coastal beach areas). The study areas for this program include La Conchita (Surfside Street), Hollywood Beach (Los Altos Street and Ocean Drive), and Silverstrand (Roosevelt Boulevard and Panama Drive). (Pending available funding).

4.4.3 Agriculture

Agriculture on the South Coast extends from the farm lands east of Point Mugu Naval Station near Calleguas Creek, to the northernmost foothills of the Santa Monica Mountains. Limited agricultural activities occur in the mountains on flatter terrain ([Figure 4.4-4](#)).

A portion of the Broome Ranch (approximately 690 acres) falls within the coastal zone. All of the ranch's acreage is in three agricultural preserves. A portion is also in the Calleguas Creek flood plain. The agricultural lands are zoned "C-A" (Coastal Agricultural, 40 acre minimum *lot* size) and designated "Open Space" (10 acre minimum *lot* size) by the County's General Plan.

Minimum *lot* size in both this Coastal Plan and the County's General Plan for the "*Agriculture*" land *use* designation is 40 acres per *single-family dwelling*. This 40 acre minimum is sufficient to maintain economic viability for various agricultural *uses* (irrigated crops). Non-irrigated activities may require a larger acreage. Studies as to what constitutes a viable farm unit have been done by Ventura County Agricultural Committee (Appendix 4), Ventura County Assessor's Office and Ventura County Farm Bureau.

Objective Agriculture Goal 1

To preserve agricultural lands on the South Coast to the maximum extent *feasible*.

Policies

1. Soils will be conserved and erosion minimized by the *use* of best grading management practices as set forth by the Soil Conservation Service.

2. Land divisions in, or adjacent to agricultural areas, will not be allowed to affect agricultural productivity.
3. The Local Area Foundation Commission should exclude agricultural lands from any new or expanded service districts that could impact agricultural viability.
4. New service extensions beyond the stable urban boundary will be designed to mitigate any effects on agricultural viability.
5. As *aquaculture* develops it will be considered as a potential agricultural *use* in appropriate areas.

4.4.4 Hazards

The severe and rugged terrain of the Santa Monica Mountains present considerable hazards and constraints to new *development*. A 50-year and 100-year flood hazard area is located along the Calleguas Creek flood plain. Severe *slopes* not only have the potential for instability and erosion, but may also serve as constraints to the proper functioning of water and septic systems. An additional concern in this area is *access*, especially *emergency access* in case of fire or other disasters.

The most important earthquake faults in the Santa Monica Mountains portion of the *coastal zone* are the Bailey Fault near Calleguas Creek, and the Sycamore Canyon, Boney Mountain and Malibu Coastal Faults in the mountainous areas (Figure 4.4-5). Historic records indicate that only six earthquakes larger than 4.0 magnitude on the Richter Scale have originated within 15 miles of the South Coast area since 1934. All were less than 5.3 magnitude and four of the epicenters were located off the coast.

The Bailey Fault marks the boundary between the western Santa Monica Mountains and the Oxnard Plain. It extends from Mugu Lagoon northerly to an intersection with the Camarillo Fault near Calleguas Creek and U.S. Highway 101. The existence of the fault is verified by water well data. The fault is designated as potentially active until more information becomes available for evaluation.

The Sycamore Canyon and Boney Mountain faults are the most prominent of the series of north-east trending breaks extending from Point Mugu to Thousand Oaks. These faults are designated as potentially active until more information is available.

The Malibu Coastal Fault, the Santa Monica and Raymond Hill Faults are thought to be a series of major north-dipping thrust faults that extend along the coast, onshore and offshore for many miles. Faults within this system are considered active. As much as 50 miles of left slip has occurred since Eocene times, about 50 million years ago (Norris and Webb 1976). The 1973 Point Mugu earthquake is believed to have originated on the Malibu Coastal Fault.

The South Coast immediately along the coast shows high potential for liquefaction in the area of Calleguas Creek and Mugu Lagoon.

- **Landslides and Slope Stability** - In general, the Santa Monica Mountains contain highly expansive soils. The soils, together with the steep topography, tend to increase the frequency of *slope* failure and erosion. According to the Ventura County Public Works Agency, grading, increased irrigation or septic *runoff*, and seismic activity may also trigger *slope* movement or erosion.
- **Flood Hazards** - Calleguas Creek is a major flood corridor in the South Coast. It flows along the northern *slopes* of the Santa Monica Mountains to the Mugu Lagoon. Severe flooding has occurred along the *coastal zone* portion of this

corridor, resulting in damage to adjacent agricultural crops, transportation facilities and the military base. The lower reaches of the creek are currently unimproved. The Ventura County Flood Control District (VCFCD) is evaluating flood control solutions to this problem (see full discussion in LCP *Environmentally Sensitive Habitat* Paper).

There are also a number of creek corridors within the Santa Monica Mountains (e.g., Big Sycamore, Little Sycamore, Deer Creek, etc.) that could pose extreme flood and erosion hazards to new *development*.

- **Fire** - Fire is significant natural hazard in the Santa Monica Mountains. The Ventura County Hazards Appendix classifies the entire Santa Monica Mountains area as "extreme" for fire hazard. While many of the *slopes* contain safe coastal vegetation, the fire-adapted chaparral of drier *slopes* along with steepness, moisture and rainfall conditions, and severe *emergency access* constraints can combine to create a dangerous situation. Periodic burns are considered a natural event in chaparral communities, and fires should be anticipated as a regular occurrence. Secondary impacts of fires in this area include mudflows, landslides, and erosion due to loss of ground cover.

The Santa Monica Mountains are currently designated "Open Space" (one *dwelling unit* per 10 acres minimum) and "Recreation" (state park lands). In some areas of the Santa Monica Mountains, however, 40-100 acre minimum *lot* sizes are justified based on water availability, *access*, *slope*, geologic and fire hazards. For these reasons, it is necessary to maintain the Santa Monica Mountains as "Open Space," and also to investigate the application of 40-100 acre sub-zones where *access* to County-maintained roads is inadequate, and where severe *slopes* increase the potential for geological instability.

The General Plan's Hazards Appendix provides extensive information on various hazards, including fault zones, fire hazard areas, landslides, and flood plains. It is one of the principal documents consulted by Planning and the Public Works Agency when formulating an initial study on a proposed project to determine the need for an EIR. Should an EIR be required, the General Plan Goals, Policies and Programs (Chapter 2) and Hazards Appendix are used in evaluating the various impacts of the projects.

Objective Hazards Goal 1

To protect public safety and property from natural and human-induced hazards as provided for in County ordinances.

Policies

1. The County's existing General Plan Goals, Policies and Programs (Chapter 2) and Hazards Appendix provides direction for geologic, seismic, flood and fire hazard avoidance.
2. New *development* shall be suited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards.
3. All new *development* will be evaluated for its impacts to, and from, geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. *Feasible* mitigation measures shall be required where necessary.
4. The County may require the preparation of a geologic report at the applicant's expense. Such report shall include *feasible* mitigation measures which will be used in the proposed *development*.

5. *Structures* for human habitation (regularly, habitually, or primarily occupied by humans) shall be set back a minimum of 50 feet from an active fault. This *setback* may be increased when geologic conditions warrant.
6. New *development* shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works.
7. The South Coast portion of the Santa Monica Mountains requires special attention and the following formula and minimum *lot* sizes will be utilized as new land divisions as proposed in the "Open Space" or "Agricultural" designations:

- a. The following *slope/density formula* will be used to compute the *average slope* of property proposed to be subdivided:

$$S = \frac{(100)(I)(L)}{A}$$

where:

S = *average slope* (%)

I = contour interval (ft.)

L = total length of all contour lines (ft.)

A = total area of the *lot* (sq. ft.)

- b. Once the *average slope* has been computed, the following table will be used to determine a minimum *lot* size for newly proposed *lots*:

0% - 15% = 10 acres

15.1% - 20% = 20 acres

20.1% - 25% = 30 acres

25.1% - 35% = 40 acres

35.1% & above = 100 acres

8. A landscaping plan for fire and erosion control will be submitted for any new *development* located in extreme fire hazard areas as shown in the County's Hazard Appendix Fire Hazard Map. As many native plants as *feasible* should be used, and information on kinds and sources of these plants are available through the County.
9. The majority of the Santa Monica Mountains are designated "Open Space" or "Recreation" in this Coastal Area Plan. This is consistent with the County General Plan, the Santa Monica Mountains Comprehensive Plan (1979) and the areas U.S. National Park Services National Recreation area designations.

4.4.5 Beach Erosion

Beach erosion on the South Coast occurs at Point Mugu State park along Sycamore Beach and the Beaches in the Solomar "Existing Community" area.

Major erosion occurs during the winter months. The U.S. Army Corps of Engineers indicates a 1.9 foot per year erosion rate for Sycamore Beach, and a 0.9 foot per year erosion rate for Solomar Beach. The problem is severe in these areas.

Construction of new residential units on existing legal *lots* within the "Existing Community" area may require special review to ensure that new *development* does not bring about substantial wave and erosion damage, nor require new shoreline protection *structures*.

Beach Erosion Goal 1 Objective

To protect public safety and property from *beach erosion* as provided for in existing ordinances, and within the constraints of natural coastal processes.

Policies

1. Construction or maintenance of shoreline *structures* will be limited to only those projects needed to protect existing *development*, public recreation, and existing roads from beach erosion.
2. Proposed *shoreline protective devices* will only be approved and/or located in conformance with Coastal Act Sections 30235 and 30253.
3. All shore line protective *structures* which alter natural shoreline processes will be designed to eliminate or mitigate adverse impacts on local shoreline and sand supply.
4. A *building* permit will be required for any construction and maintenance of protective shoreline *structures*, such as seawalls, jetties, revetments, groins, breakwater and related arrangements.
5. The County's Building and Safety Division will routinely refer all permits for seawalls, revetments, groins, retaining walls, pipelines and outfalls to the Flood Control and Water Resources Division of the Public Works Agency to be evaluated not only for structural soundness, but environmental soundness as well whenever necessary. This includes a survey of potential environmental impacts, including (but not limited to) the project's effects on adjacent and downstream *structures*, net *littoral drift*, and downcoast beach profiles.
6. If the potential environmental impacts of the proposed *structure* are considered significant by the Public Works Agency, the applicant may be required to obtain an engineering report which indicates how those impacts will be mitigated.
7. Permitted shoreline *structures* will not interfere with public rights of *access* to the shoreline.

4.4.6 Energy and Industrial Facilities

No energy or industrial facilities are located on the South Coast or within the inland areas of the Santa Monica Mountains at this time. It is unlikely any facilities will locate anywhere within the Santa Monica Mountains given their status as a National Recreation Area (NRA). The federal government is developing a management plan for the entire NRA.

Energy and Industrial Facilities Goal 1 Objective

To allow exploration and production of oil and gas in most of the South Coast sub-area while meeting Coastal Act and County objectives, and maintaining environmental quality.

Policies

1. All land between State Highway 1 and the shoreline; or land designated "Residential," "Recreational," or shown as "*Environmentally Sensitive Habitat*" will be considered as unacceptable for new energy or industrial facilities of any kind. Pre-existing facilities and oil/gas/communication pipelines, and repair of such will be considered acceptable.
2. Within the land area between State Highway 1 and the landward *coastal zone* boundary, oil drilling and directly related facilities are permitted by Conditional Use Permit consistent with Section 30260 of the Coastal Act. No new major facilities which require a "Coastal Industrial" (C-M) zone will be permitted unless located in an area designated "Industrial".
3. All surface activities, including those regulated by the Division of Oil, Gas and Geothermal Resources related to the *development* of onshore oil and gas resources in the *coastal zone* are considered to be projects that require a Conditional Use Permit (CUP) and a Coastal Development Permit. Both permits will be issued simultaneously through one CUP process. See the Coastal Zoning Ordinance (including, but not limited to Section 8175-5.7.8) for a list of standard oil *development* design and operational criteria applied to all new permits for expanded or new oil activities. Additional conditions may be required depending on the specific request and the location.
4. A Development Plan shall accompany the application for a CUP for those activities stated in Policy 3, and shall include:
 - a. The location of drilling and/or production sites, storage tanks, pipelines and access roads.
 - b. Plans for the consolidation, to the maximum extent *feasible*, of drilling and/or production facilities, as well as accessory facilities.
 - c. A phasing plan for the staging of *development* that indicates the approximate anticipated timetable for project installation, completion and decommissioning.
 - d. A plan for eliminating or substantially mitigating adverse impacts on *habitat* areas, *prime agricultural lands*, *recreational areas*, *scenic resources* and archaeological sites due to siting, construction, or operation of facilities.
 - e. Grading plans for all facilities requiring the movement of greater than 50 cubic yards of dirt. For any *development* requiring a grading permit, either (1) a Storm Water Pollution Control Plan (SWPCP) shall be prepared and submitted in accordance with the Ventura County Municipal Storm Water Permit, Order No. 00-108, Part 4 - Special Provisions, D. Programs for Construction Sites, or (2) a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted in accordance with the State General Permit for Stormwater Discharges Associated with Construction Activity, whichever is applicable.
 - f. A description of means by which all oil and gas will be transported off-site to a marketing point. Pursuant to Policy 6, transshipment of crude oil and gas shall be through on-shore pipeline.
 - g. A description of the procedures for the transport and disposal of all solid and liquid wastes.
 - h. Oil spill prevention and control measures.
 - i. Fire prevention procedures.

- j. Emission control equipment.
 - k. Procedures for the abandonment and restoration of the site, including a timeline, and clarification as to whether or not the abandonment will be in place or the infrastructure will be removed.
 - l. Compliance with any other requirement of the Ventura County Zoning Ordinance for the *Coastal Zone* related to oil and gas *development*.
 - m. All facilities supporting oil and gas *development* must comply with the terms and requirements of the State General Industrial Activities Storm Water Permit, including the *development* and submittal of a Storm Water Pollution Prevention Plan.
5. All energy and industrial facilities in the Plan shall be so sited and designed to eliminate or reduce, to the maximum extent *feasible*, impacts to biological, geological, archaeological, agricultural, visual and recreational resources.
 6. Transshipment of crude oil through an onshore pipeline for refining shall be a condition of approval for expansion of existing processing facilities or construction of new facilities.
 7. When *feasible*, pipelines shall be routed to avoid important *coastal resources*, including recreation, *environmentally sensitive habitats* and archaeological areas. Unavoidable routing through recreation, *habitat*, or archaeological areas, or other areas of a significant *coastal resource* value, shall be done in a manner that minimizes the impacts of a spill, should it occur, by considering spill volumes, duration, and projected path. Where new liquid pipeline segments pass through sensitive resource areas, recreation areas or archaeological areas, the segment shall be isolated, in the case of a break, by automatic shutoff valves.
 8. The County shall determine whether spacing of automatic shutoff valves at intervals less than the maximum set by the U.S. Department of Transportation - Office of Pipeline Safety (DOT-OPS), or the California State Fire Marshall is required to protect sensitive *coastal resources*, and if so, shall require spacing at intervals which provide appropriate protection.
 9. In sensitive resource areas the extent of construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas.
 10. All offshore and onshore pipelines shall, where *feasible*, be located at existing pipeline landfall sites, and be buried from a point offshore commencing where wave action first causes significant bottom disturbance. In addition, landfall sites shall be prohibited from areas designated as "Residential" or shown as "*Environmentally Sensitive Habitat*."
 11. Except for pipelines exempted from coastal *development* permits under Section 30610 of the Coastal Act as defined by the State Coastal Commission's Interpretive Guidelines, a survey shall be conducted along the route of any pipeline in the *coastal zone* to determine what, if any, *coastal resources* may be impacted by construction and operation of a pipeline and any *feasible* mitigation measures. The costs of this survey shall be borne by the applicant. This survey may be conducted as part of an environmental review if an Environmental Impact Report or a Mitigated Negative Declaration is required for a particular project.
 12. Owners/operators shall notify both the County of Ventura Planning Division and any other designated affected State agencies (e.g. DOGGR, CSFM, SLC, LARWQCB) of any

intent to decommission and/or remove any pipelines and/or facilities. Upon completion of pipeline construction or removal of pipelines and/or facilities, the site shall be restored to the approximate previous *grade* and condition. Upon removal or decommissioning of pipelines and/or facilities, an assessment of the surrounding soils shall be conducted by a qualified licensed expert, e.g. a licensed geologist or registered professional civil engineer, to determine whether or not those soils are contaminated. If the soils are found to be contaminated, a soil remediation plan delineating the method and timing of remediation shall be prepared and submitted to the County Planning Division and the Los Angeles Regional Water Quality Control Board for their review and approval. All excavated materials shall be replaced in reverse order with topsoil replaced at *grade* level and compacted if necessary. All sites previously covered with *native vegetation* shall be re-seeded with the same or recovered with the previously removed vegetation materials and shall include other measures as deemed necessary to prevent erosion until the vegetation can become established.

13. Geologic investigations shall be performed by a qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential fault zones, seismically active areas, or moderately high to high risk landslide areas. This report shall investigate the potential risk and recommend such mitigation measures as pipeline route changes and/or engineering measures to help assure the integrity of the pipeline and minimize erosion, geologic instability, and substantial alterations of the natural topography. New pipeline corridors shall be consolidated with existing pipeline or electrical transmission corridors where *feasible*, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns.
14. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near *habitat*, recreational, or archaeological resources, whenever *feasible*. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas re-vegetated with plants similar to those in the area to the extent safety and economic considerations allow.
15. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically *feasible* unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.
16. Pursuant to section 307(f) of the Coastal Zone Management Act of 1972 (16 USC § 1456(f)), the adopted Ventura County Air Quality Management Plan shall be used as a criterion in determining consistency of federal actions on the Outer Continental Shelf (OCS) with the California Coastal Management Program (CCMP). Pursuant to Section 328 of the Federal Clean Air Act (42 USC § 7627) all activities on the OCS must comply with the Outer Continental Shelf Air Regulations as specified in 40 CFR Part 55.
17. Upon decommissioning of off-shore facilities that contain on-shore facilities and/or pipelines (or "components"), a phasing plan shall be submitted delineating the timeline for disposition of the on-shore facilities.
18. Coastal Act sections 30101, 30101.3, 30255, and 30260, will be used as the criteria by the County to determine, on a case-by-case basis, whether onshore or offshore oil

and gas *development* and an energy-related industrial facility supporting such *development* is defined as "*coastal-dependent development*" or "*coastal-related development*", based on the specific geographic, technological, and economic characteristics of the project being proposed.

4.4.7 Public Works

Public service capacities for sewer, water and roads are severely limited in the South Coast sub-area. Two distinct areas are identified: 1) the designated Solromar "Existing Community" area along the coast, and 2) inland areas of the Santa Monica Mountains.

Water for the limited demands of existing *development* is available in the Solromar "Existing Community" area. Water to residents of the Mountains is provided by individually-owned well sites. Adequacy of water supplies for mountain areas is determined by on-site inspection by the Environmental Health Division of the County.

Sewer service in the entire South Coast is provided by individual septic tank systems permitted through the Environmental Health Division. Several septic systems in the "Existing Community" area are located directly on the beach. These areas are classified as having "severe" septic tank limitations. Damage to these systems could occur from erosion of a combination of storm waves and high tides. The Regional Water Quality Control Board now has a policy that prohibits the *use* of walls to protect septic systems on the beach.

The waters offshore of the "Existing Community" area have been designated by the State Regional Water Quality Control Board (RWQCB) as an Area of Special Biological Significance (ASBS). The ASBS extends from Laguna Point in the north to just south of Point Dume in Los Angeles County.

The RWQCB prohibits the direct discharge of wastes into an ASBS or its immediate vicinity with the exception of vessel wastes, dredging or disposal of dredging spoils.

Under the current "208" Areawide Water Treatment Management Plan, a study of septic tank problems in the Santa Monica Mountains was completed in January 1980 by the Environmental Health Division. Several options were proposed that could alleviate present septic tank problems. Included was a recommendation that a septic system management entity be established (or an on-site wastewater management zone) to ensure proper inspection, maintenance and control.

State Highway 1 can handle traffic generated by build-out of the "Existing Community" and mountain areas allowed in the present County General Plan and this Coastal Plan. *Public roads* within the Mountains are substandard, subject to slides and erosion, and restrict *emergency* services. The Public Works Agency will continue to maintain the roads. However, no improvements will be undertaken in the near future because of limited funds and the environmentally sensitive nature of the area.

The County General Plan designates approximately 90 percent of this sub-area as "Open Space" (one unit per 10+ acres). The existing beach residential *development* (Solromar) has been designated "Existing Community" and is allowed to build out to the density of prevailing coastal zoning (this allows *parcels* less than one acre in size). The two private camps on the South Coast are designated "Rural".

With the exception of the "Existing Community" area, the Mountains are zoned "COS(M)" (Coastal Open Space with Santa Monica Mountains Overlay) and "C-R-E-20 Ac. (M)" or "-5 Ac. (M)" (Coastal Rural Exclusive at 20 or 5 Ac. Min. with Santa Monica Mountains Overlay) for the private youth camps.

Public Works Goal 1 Objective

Any new or expanded *public works facilities* (including roads, flood control measures, water and sanitation facilities) constructed on the South Coast, will be designed to serve the potential population within limits established by the *Local Coastal Program* (LCP) consistent with the County's Air Quality Management Plan and "208" (Water Quality) Plan.

Policies

1. The recommendation of the "208" Plan Septic Tank Problem Area-Santa Monica Mountains Study for the establishment of a septic system maintenance district will be supported.
2. That new service district boundaries shall be consistent with the adopted Coastal Area Plan and County General Plan policies.
3. New *development* in the Santa Monica Mountains should be self-sufficient with respect to sanitation and water and should not require the extension of growth inducing services. *Development* outside of the established "Existing Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water, etc.) into an open space area. The County shall make the finding for each individual *development* requiring sanitary facilities and potable water that said private services will be able to adequately serve the *development* over its normal lifespan.
4. Public utility *use* by the Pacific Missile Test Center (PMTTC) does not create impacts on circulation, sewer and water *use* for the foreseeable future because of stable or declining land *use* intensity at the base. However, any change in intensity of *use*, such as civilian-military shared *use*, should be examined for impacts on Coastal Act and LCP land *use* priorities. Similarly, any future adverse impacts of groundwater extraction for the Navy base should be examined for such impacts.

4.3.8 Locating and Planning New Development

New *development* on the South Coast is constrained by the "Existing Community" designation for the Solomar area and the terrain of the Santa Monica Mountains. Water service is only provided for the "Existing Community" area. Individual wells provide water in the mountain areas. There is no sewer service for either the coastal or mountain areas; septic tank systems are utilized.

Although Highway 1 capacities can accommodate additional traffic from build-out in the mountain areas, *public roads* within the mountains are generally substandard and subject to slides and erosion. Highway 1 is also subject to slides and erosion problems which have caused traffic delays.

Locating and Planning New Development Goal 1 Objective

To preserve the South Coast sub-area in as natural a state as possible while maintaining the private property rights and needs for public safety.

Policies

1. The "Existing Community" will be allowed to build out to its existing boundary within zoning and environmental constraints.

2. Consistent with the environmental characteristics and limited service capacities of the Santa Monica Mountains area, only very low density *development* as prescribed by the "Open Space" designation will be allowed in the Santa Monica Mountains. The *slope/density formula* found in the "Hazards" section will be utilized to determine the minimum *lot* size of any proposed land division.

4.3.9 Potential Conflicts

Development conflicts in the Santa Monica Mountains portion of the South *Coastal zone* are diminished, in part, because large areas are already set aside for recreational purposes. Proposed acquisitions by Santa Monica Mountains National Recreation Area will further restrict *development*. Conflicts could arise between land owners wishing to develop their lands and the physical constraints imposed by terrain, hazards, and health and safety problems.

At this time no conflicts exist between agricultural and urban land *uses*.

4.3.10 Environmentally Sensitive Habitats Areas (ESHA)

The South Coast sub-area contains numerous *environmentally sensitive habitat areas* (Figure 4.4-1). Therefore, a special overlay zone classification has been applied to most of the land easterly and southeasterly of the U.S. Navy Pacific Missile Test Center at Point Mugu. The only area that is not covered by the special overlay zone is the land within the Solromar "Existing Community". This special "Santa Monica Mountains" (M) overlay zone was implemented in order to recognize that Santa Monica Mountains are a *coastal resource* of statewide and national significance. The mountains provide *habitats* for several unique, rare or endangered plant and animal species. Such *habitats* may be easily damaged by human activities. Therefore, *development* in the overlay zone area requires case-by-case consideration, and, where applicable, shall be consistent with Sections 30230 and 30231 of the Coastal Act.

A. Coastal Dunes

La Jolla Beach, 40 acres of sandy beach and dunes with a prominent climbing, wind-formed dune, is part of Point Mugu State Park. While public ownership provides some protection of this dune area, its *access* and *use* should be reviewed by the State. The "Resource Management Plan for Point Mugu State Park" points out that the hillside dune needs protection from off-road vehicle *use*, and suggests that the area be included in the La Jolla Valley Nature Preserve. While the County does not have jurisdiction over these dunes, it is nevertheless concerned with their preservation (Figure 4.4-1).

The quality of dune *habitats* may be preserved by measures such as restricted vehicular *access*, clearly defined pathways, revegetation with native plants, interpretive centers and public education.

ESHA Goal 1 Objective

To encourage the State to adequately control *access* to the sand dunes and protect them against degradation.

Policies

1. The County encourages State Parks to control those activities that lead to dune degradation, including *use* of off-road vehicles, or dumping.

B. Tidepools

Tidepools are located near Point Mugu Rock, and between Big Sycamore Canyon and Deer Creek Canyon. Although not actually within the County's jurisdiction, it is significant to note that the offshore area between Laguna Point and Point Dume in Los Angeles County has been designated an "Area of Special Biological Significance" by the Regional Water Quality Control Board (see *Public Works* section), and that nearshore, intertidal and terrestrial coastal areas are ecologically closely interrelated.

ESHA Goal 2 Objective

To support the State in the protection of the tidepools.

Policies

1. The State should include interpretive programs regarding coastal ecology in any future *development* of recreational facilities.
2. Wastewater effluent and solid waste at public sites along the South Coast are to be properly disposed of.
3. Ventura County Environmental Health Division and the Ventura Regional County Sanitation District coordinate with the State to find acceptable alternatives for wastewater effluent disposal on the South Coast.
4. Shoreline protection *structures* such as revetments, seawalls, groins, or breakwaters are allowed when they are necessary to protect existing *developments*, coastal dependent land *uses* and public beaches. Any *structures* built under these conditions that affect tidepools will incorporate mitigation measures that reduce intertidal or nearshore *habitat* loss as *feasible*.
5. An applicant for any new coastal project, including *shoreline protective devices*, will demonstrate that their proposal will not cause long-term adverse impact on the beach or intertidal areas. Impacts include, but are not limited to, destruction of the rocky substrate, smothering of organisms, contamination from improperly treated wastewater and findings to be made will include, but not be limited to, proper wastewater disposal.
6. The Statewide "Guidelines for Wetlands and Other *Environmentally Sensitive Wet Habitats*" will be used in analyzing any projects with the potential to impact tidepools.

C. Creek Corridors

Major creek corridors on the South Coast include Calleguas Creek, La Jolla Canyon, Big Sycamore Canyon, Serrano Canyon, Deer Creek Canyon and Little Sycamore Canyon ([Figure 4.4-1](#)).

Calleguas Creek watershed includes over 343 square miles of land and empties into the ocean via Mugu Lagoon south of Point Mugu Naval Air Station, north of the Santa Monica Mountains. The flood plain and agricultural lands along the creek are subject to extreme flooding during heavy rains.

The riparian corridors in the Santa Monica Mountains (Big Sycamore, Serrano, Deer Creek, and Little Sycamore) are important watershed areas. Maintenance of their compliment of *native vegetation* will help diffuse floods and *runoff*, minimize soil erosion, and diminish sedimentation.

ESHA Goal 3 Objective

To maintain creek corridors in as natural a state as possible while still accommodating needs for public health and safety.

Policies

1. *Stream* or creek corridors are considered to be watercourses, either perennial or intermittent, as shown on USGS quadrangle maps, as measured between the high water mark, or the break in each bank.
2. All projects on land either in a *stream* or creek corridor or within 100 feet of such corridor, shall be sited and designed to prevent impacts which would significantly degrade *riparian habitats*, and shall be compatible with the continuance of such *habitats*.
3. Substantial alterations (channelizations, dams, etc.) to river, *stream*, or creek corridors are limited to:
 - a. Necessary water supply projects;
 - b. Flood control projects where no other method for protecting existing *structures* in the flood plain is *feasible*, and where such protection is necessary for public safety or to be protect existing *development*; or
 - c. *Developments* where the primary function is the improvement of fish and wildlife *habitat*.
4. Projects allowed per the above policies will incorporate the best mitigation measures *feasible*.
5. The Coastal Commission's adopted "Statewide Interpretive Guidelines for Wetlands and Other *Environmentally Sensitive Habitats*" will be used when evaluating new projects in creek corridors.
6. The County supports the policies found in the Santa Monica Mountains Comprehensive Plan and has adopted a resolution agreeing to incorporate that Plan when analyzing any *development* request in the Mountains. In addition, the County will routinely submit *development* proposals to the Santa Monica Mountains National Recreation Area for review.

D. Film Production, Temporary

Policies

1. *Temporary film production activities* shall not result in substantial adverse impacts to ESHA or ESHA buffer, including indirect effects from outdoor lighting or noise.

E. Signs

Policies

2. *Signs* are prohibited within ESHA except for resource protection or interpretative and educational signage, or signage necessary to ensure public safety. Signage within ESHA or its buffer shall be sited and designed to minimize impacts on the resource to the maximum extent *feasible*.

ED. Santa Monica Mountains

The Santa Monica Mountains contain some of the most significant inland *habitats* in the County's coastal zone. Many creeks and *streams* with their riparian corridors, coastal dunes, and rare native bunchgrass and giant coreopsis can be found in the mountains. In addition, grasslands, chaparral, and oak woodlands are found.

Some of these *environmentally sensitive habitats* are mapped, but others occur in several small areas throughout the mountains, making them impractical to accurately map.

ESHA Goal 4 Objective

To preserve and protect the upland *habitats* of the Santa Monica Mountains.

Policies

1. New *development*, including all private and public recreational *uses*, shall preserve all unique *native vegetation*, such as Giant Coreopsis and *Dudleya cymosa ssp. marcescens*.
2. The County shall update its inventory of upland *habitats*, wildlife travel networks, nesting sites, and appropriate buffer areas as part of the Implementation Phase of the *Local Coastal Program* (LCP). This update may use existing information and shall involve consultation with appropriate environmentalists, scientists and government agencies dealing with the Santa Monica Mountains as a whole. A map focusing on *sensitive environmental habitats* and their buffers shall be prepared and included in the LCP and shall be continually updated as additional information becomes available. *Environmentally sensitive habitats* shall conform to the definition in the Act, PRC Section 30107.5.
3. All new *upland development* shall be sited and designed to avoid adverse impacts on *sensitive environmental habitats*.
 - In cases where *sensitive environmental habitats* are located on a project site where the impacts of *development* are mitigated consistent with the Plan, the County shall assure that all *habitat* areas are permanently maintained in open space through an easement or other appropriate means.
 - When such impacts of *development* would be unavoidable, the County shall ascertain within the specific project review period whether any public agency or non-profit organization, including the National Park Service, Coastal Conservancy, the Santa Monica Mountains Conservancy, State Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any portion of the subject property to preserve it in open space. The permit may not be approved if such agency or organization has been specifically authorized to acquire any portion of the property which would be affected by the proposed *development*, and funds for the acquisition are available or could reasonably be expected to be available within one year of the date of application for the permit. If the permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.
4. Where possible for subdivision and undeveloped contiguous *lots*, construction and/or improvements of driveways/accessways which would increase *access* to the subject area or adjacent areas shall be permitted only when it has been determined that

environmental resources in the area will not be adversely impacted by the increased *access*. Grading cuts shall be minimized by combining the accessways of adjacent property owners to a single road where possible. The intent is to reduce the number of direct ingress-egress points off public routes and to reduce grading. At *stream crossings*, driveway *access* for nearby residences shall be combined. Hillside roads and driveways shall be as narrow as *feasible* and follow natural contours.

5. *Development* dependent upon a water well shall be approved only if such well would not either individually or cumulatively cause adverse impacts on affected riparian areas or other *coastal resources*. This policy shall be implemented as data becomes available through the County CEQA process and other review procedures.
6. All proposals for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future *development* will be consistent with the *development* policies contained in this Plan. Where potential *development* cannot occur consistent with the *development* policies contained in this plan, the request for division shall be denied. Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and *development* with the standards of the *Local Coastal Program*.
 - All applications shall identify future *building envelopes* and shall be identified on the final map. Building envelope is defined as:

The one area of a proposed *parcel* which shall contain all *structures*, including but not limited to: the primary residential *structure*, other accessory residential *structures*, barns, garages, swimming pools, and storage sheds. Specifically excluded are *fences* and walls which may be placed along property lines.
 - All identified *environmentally sensitive habitat areas* and/or *slopes* over 30% shall be permanently maintained in their natural state through an easement or other appropriate means and shall be recorded on the final tract or *parcel* map or on a grant deed as a deed restriction submitted with the final map. *Development* shall not be permitted in areas over 30% *slope*.
 - All offers-to-dedicate trail easements consistent with recreation policy #8 below, shall be recorded on the final map. Trail easements established by deed restriction shall be recorded on the deed no later than final map recordation.

Scenic and Visual Qualities:

7. New *development* shall be sited and designed to protect public views to and from the shoreline and public *recreational areas*. Where *feasible*, *development* on sloped terrain shall be set below road *grade*.
8. *Development* shall not be sited on ridgelines or hilltops when alternative sites on the *parcel* are available and shall not be sited on the crest of major ridgelines.
9. Except within the Solromar "Existing Community", all *development* proposals located within 1,000 feet of publicly owned park lands shall be sited and designed to mitigate potential adverse visual impacts upon park lands. Appropriate mitigation measures include additional landscaping, *use* of natural materials, low *building* profile, earth tone colors, and the like. *Development* shall not be sited within 500 feet of a park boundary unless no alternative siting on the property is possible consistent with the policies of this Coastal Area Plan.

GE. Mugu Lagoon and San Nicholas Island

Although completely on Federal land and thus not in the coastal zone, Mugu Lagoon deserves discussion in this Plan because of its important *habitat* values and its relationship biologically to intertidal and offshore waters, both State and Federal, and its related importance for commercial and sport fisheries.

Mugu Lagoon is the last Southern California estuary to remain in its approximate natural site. Numerous sociological research programs indicate its importance. A number of species found in the Lagoon have been exterminated in other estuaries. The Lagoon serves as a nursery for offshore species. A variety of marine mammals feed and rest in the Lagoon.

Much of the credit for preservation of the Lagoon goes to the U.S. Navy. Protection of fish and wildlife is assured through, among other sources, the 1967 Fish and Wildlife Plan for Point Mugu and San Nicholas Island, jointly subscribed by the State and Federal governments. Although the Lagoon is within the Pacific Missile Test Center (PMTTC) and therefore on federal land, it is impacted by activities in the unincorporated, non-federal surrounding lands, particularly those along Calleguas Creek and Revlon Slough. A small portion of this tributary area is in the *Coastal Zone* where *development* activities will be reviewed for consistency with the policies of this Coastal Area Plan.

However, many upstream activities affecting Mugu Lagoon may involve Federal participation or Federal assistance, and these will be subject to Coastal Commission review for consistency with the California Coastal Management Program.

The Calleguas Creek watershed includes over 343 square miles, including the major urbanized areas of Simi Valley, Thousand Oaks, Moorpark and Camarillo, and as well, major agricultural lands in the Oxnard Plain. A portion (approximately 400-500 feet) within the *Coastal zone* of Calleguas Creek drains into the Lagoon. Rapid urbanization and increased agricultural irrigation has resulted in increased *runoff* and sedimentation in the Lagoon.

According to the State Department of Fish and Game and the U.S. Fish and Wildlife Service (June 1976), sedimentation from Calleguas Creek may elevate the Mugu Lagoon *wetland* above the tidal prism (ocean tide flooding) and thereby change the water quality and environmental characteristics of the *wetland*. Urbanization in the upstream watershed increase *runoff*, both in total volume and in the magnitude of the peak flow. Further, conversion of native watershed to urban and agricultural land increases summer flows (low flows) to the proximity of Mugu Lagoon. Increased flows lead to potentially lowered salinity in the Lagoon, increased pollution and increased erosion in unprotected areas along the unimproved channel reaches which ultimately may deliver more sediments to the Lagoon. The result is damage to both flora and fauna in the Lagoon (California Department of Fish and Game, 1976).

An important concern regarding any alterations of Calleguas Creek is the impact on endangered species in the Lagoon area. According to the U.S. Fish and Wildlife Service (USFWS), the endangered light-footed clapper rail, Belding's savannah sparrow and California least tern utilize the Lagoon.

Some flood control improvements (such as those that decrease sedimentation) along Calleguas Creek may be necessary for the maintenance or enhancement of the *wetland*. According to the Ventura County Flood Control District (Ventura County Coastal Planning Study, Flood Control Planning, Surface and Groundwater Hydrology, 1972), without improvements to reduce sedimentation and to maintain an optimum exchange of tidal

and fresh waters, the Mugu *wetland* may ultimately cease to exist or become severely degraded as a *wetland* area.

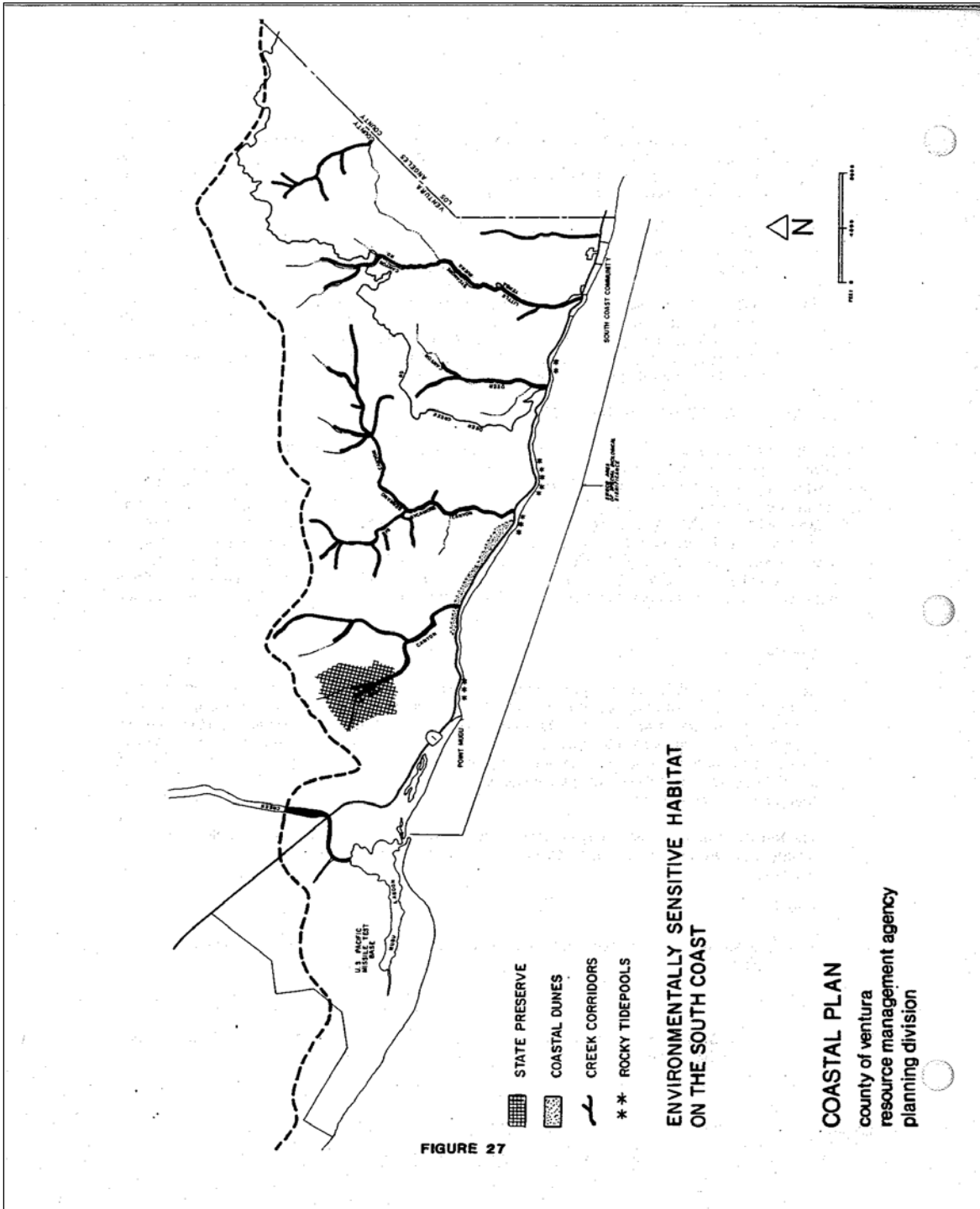
ESHA Goal 5 Objective

To maintain Mugu Lagoon, including the main estuary and the entire *wetland* system within the Pacific Missile Test Center, in as natural a state as possible, to the extent consistent with national security needs.

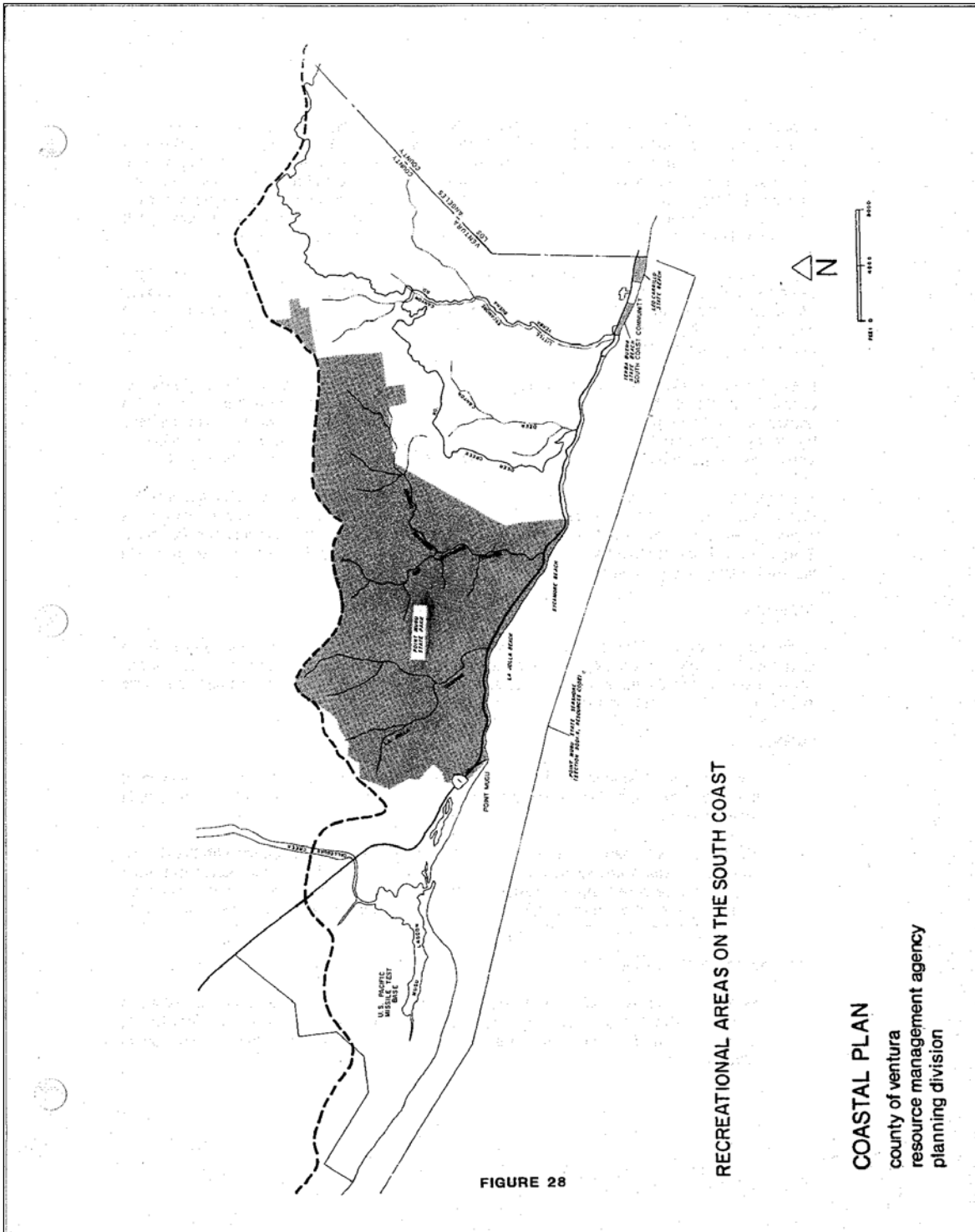
Policies

1. Upstream *development* and activities subject to Federal consistency review, including solid waste disposal, soil management practices, flood control, water reclamation, sewage treatment, *use* of pesticides and fertilizers, etc. should not impair the biological productivity of Mugu Lagoon nor its value for scientific and educational purposes, nor the offshore fisheries with which it is linked.
2. Flood control projects should avoid intrusion into Mugu Lagoon, be sited and designed to prevent degradation of the *wetland*, and incorporate *feasible* mitigation measures. Channelization, dams, and other river or *stream* alterations should be limited to necessary water supply projects, flood control projects necessary for public safety, and projects necessary to protect and enhance *wetlands habitats* and to reduce sedimentation in Mugu Lagoon.
3. Projects which adversely impact *habitat* should include mitigation measures such as timing of the project to avoid disruption of breeding and/or nesting of birds and fishes, minimal removal of *native vegetation*, reclamation or enhancement programs.
4. Dredging, diking or *filling* of Mugu Lagoon should be limited to restoration and nature study purposes or projects required for national security. Any *fill* or degradation of *wetlands* should be accompanied, where *feasible*, by creation or enhancement of equivalent *wetlands* area.
5. The County supports the work already done, and any future plans the Navy may propose to maintain and enhance the productivity of the Mugu Lagoon consistent with the *Local Coastal Program*.
6. The County supports continued and future reliance on joint Federal-State plans such as the 1967 Fish and Wildlife Management Plan for Point Mugu and San Nicholas Island. Marine mammal populations should be protected or, in the case of sea otters, re-established where *feasible* consistent with national security needs.

Figure 27 4.4-1
Environmentally Sensitive Habitat on the South Coast



**Figure 28 4.4-2
Recreational Areas on the South Coast**



**Figure 29 4.4-3
South Coast Access Inventory**

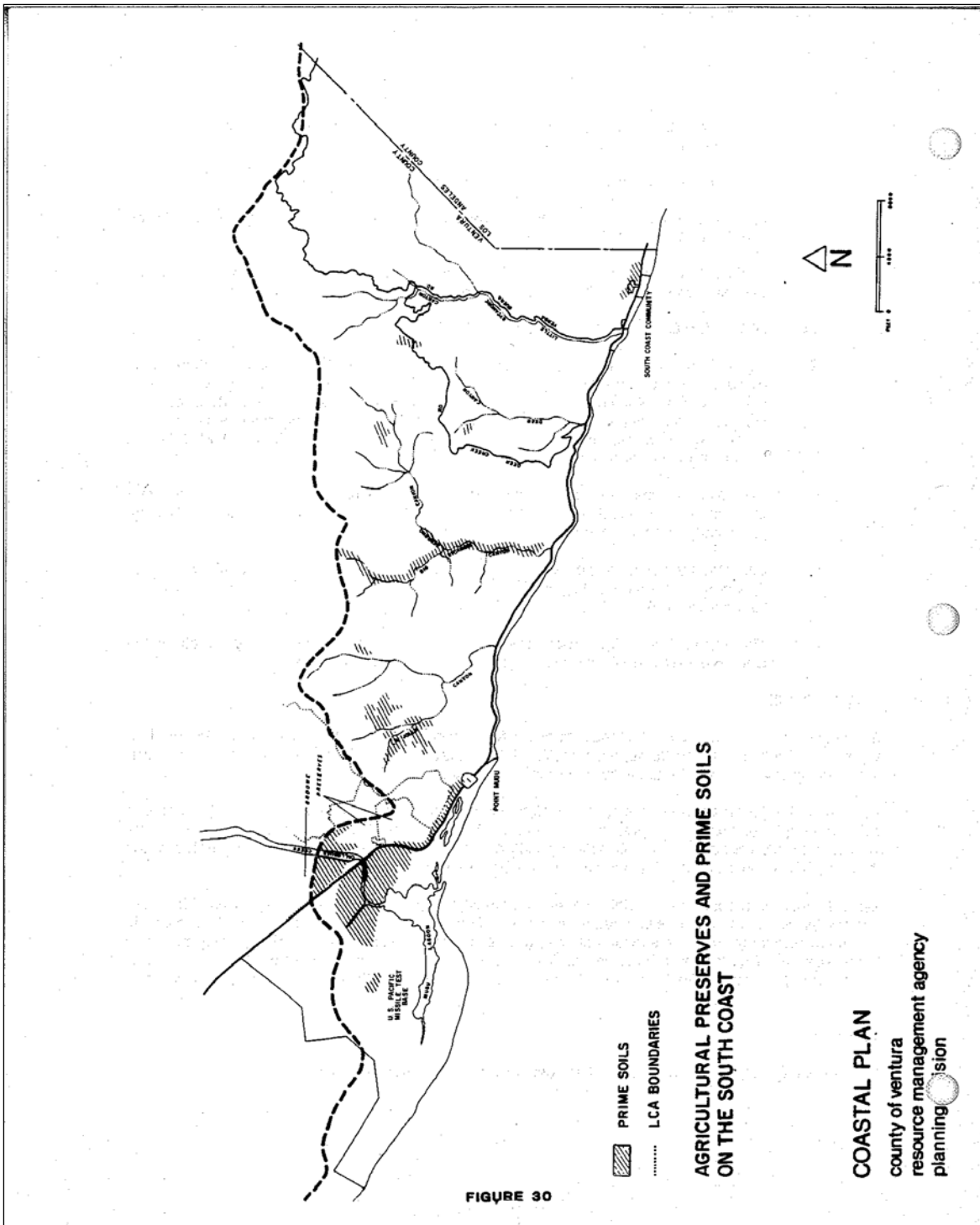
NO.*	Name & Location	Access Type	Size	Frontage	Open	Signed	Owned By	Managed By	Remarks
1.	Vista Point - Mugu Rock West of Hwy. 1, 9 miles South of Oxnard	View	---	---	Yes	Yes	Caltrans	Caltrans	
2.	Point Mugu State Park East and West of Hwy. 1, 10 miles south of Oxnard	Park	15,200 ac.	3.6 miles	Yes	Yes	State Parks	State Parks	
3.	Bass Rock Point Lookout West of Hwy. 1, 11 miles south of Oxnard	View	---	---	Yes	Yes	Caltrans	Caltrans	
4.	Vista Point West of Hwy. 1, 12 miles south of Oxnard	View	---	---	Yes	Yes	Caltrans	Caltrans	
5	Leo Carrillo State Beach	Park	32 ac.	1.1 miles	Yes	Yes	State Parks	State Parks	Ventura County portions of park are undeveloped at this time.

6/20/89

Footnotes:

* Keyed to the Local Coastal Area Plan Land Use Map for the South Coast, Figure 32-4 3-6(separate map)

**Figure 30 4.4-4
Agricultural Preserves and Prime Soils on the South Coast**



**Figure 31 4.4-5
Hazards on the South Coast**

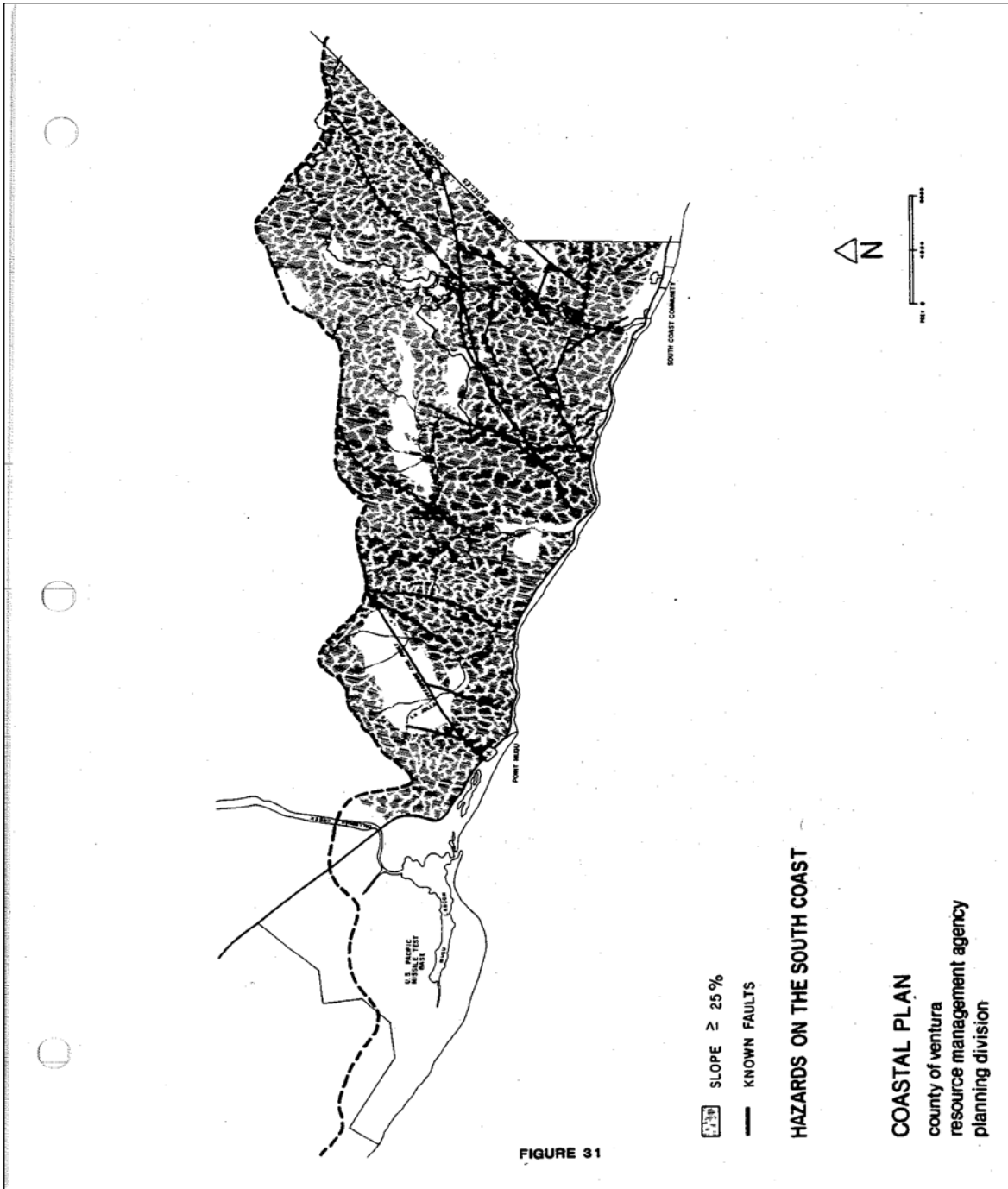


Figure 32
Summary Table Building Intensity/Population Density Standards (South Coastal Area)

[Staff Explanation: Figure 32 was moved, without modification, to Chapter 3, Land Use Plan.]

Open Space/Agriculture/Recreation

Designation	Acre	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Open Space	40,142.7	5% ³	0.100	1,014	1.82	1,845	0.182
Agriculture	649.8	5% ³	0.025	46	1.82	29	0.045
Recreation	6,999.8	5%	N/A	N/A	N/A	N/A	N/A
TOTALS	47,792.3			1,030		1,874	

Residential

Designation	Acre	Max. Bldg. Coverage (% Of Lot Area)	Maximum Intensity (DU/Ac) ¹	Dwelling Units	Average Pop/DU ²	Population	Average Population Density (Persons/Acre)
Rural	402.2	25% ⁴	0.50	54	1.82	92	0.90
Low	6.7	29%	2.00	13	1.82	23	3.43
Medium	7.5	42%	6.00	45	1.82	81	10.80
High	25.2	65%	36.00	907	1.82	1,650	65.48
TOTALS	441.6			1,016		1,846	

Commercial/Industrial

Designation	Acre	Max. Bldg. Coverage (% Of Lot Area)	Projected Floor Area (X 1,000 SF)	Average Number Of Employees Per 1,000 SF	Employees	Average Employees/Acre
Commercial	3.7	40%	80.6	1.0	80	21.62

12/10/96

Footnotes:

¹ Excludes *second dwelling* units per Section 65852.2 of the State Government Code.

² Year 2000 Forecast for Thousand Oaks Nongrowth Area.

³ Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 22.3 square feet of *lot area* over 5,000 square feet.

⁴ Excludes greenhouses, hothouses, and the like. For nonconforming *lots*, maximum *building* coverage shall be 2,500 square feet, plus 1 square foot for each 4.6 square feet of *lot area* over 5,000 square feet.

N/A - Not Applicable.

Figure 32.1 Local Coastal Area Plan — Land Use Map: South Coast

[Staff Explanation: Figure 32.1 was moved, without modification, to Chapter 3, Land Use Plan.]

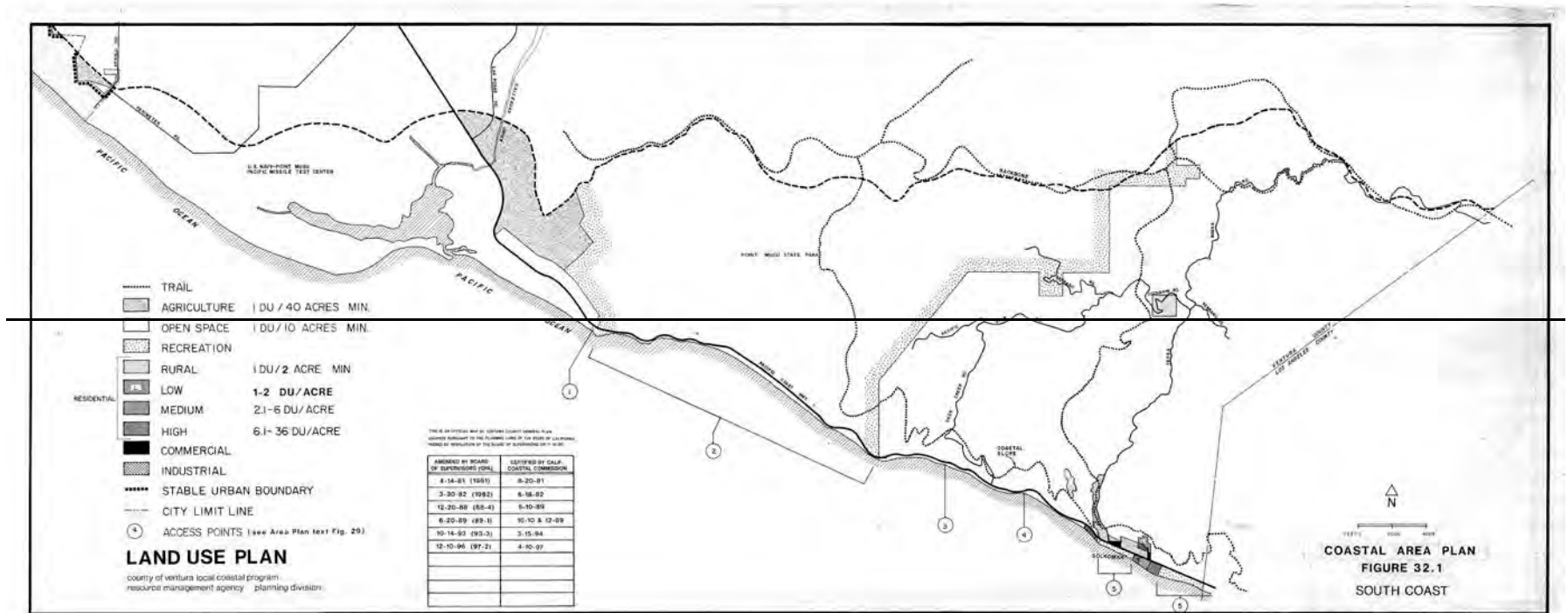


Figure 33 Zoning Compatibility Matrix

[Staff Explanation: Figure 33 was moved to Chapter 3, Land Use Plan.]

PLAN MAP LAND USE DESIGNATIONS	ZONES													
		COS (10-AC- Min.)	CA (40-AC- Min.)	CR (1-AC- Min.)	CRE (10,000 S.F.- Min.)	CR-1 (7,000 S.F.- Min.)	CR-2 (3,500 S.F./DU)	RB (3,000 S.F.- Min.)	RBH [*]	CRPD	CC	CM		
Open Space (10 Ac. Min.)		○	○										□	Not compatible with Plan
Agriculture (40 Ac. Min.)			○										○	Compatible with Plan
Recreation		○											○	Compatible only with zone suffix equal to or more restrictive than that shown in circle.
Rural (Residential 2 Ac. Min.)				○ 2 AG	○ 2 AG								○	
Low (Residential 1-2 DU/Ac.)				○	○								○	⊗ AG = X acre minimum lot size
Medium (Residential 2.1-6 DU/Ac.)						○				○ 6 U			○	⊗ = X thousand square feet minimum lot size
High (Residential 6.1-36 DU/Ac.)							○	○	○	○ 36 U			○	⊗ U = X units per acre maximum
Commercial												○		
Industrial													○	

Footnotes:

* 1,750 S.F. per single-family dwelling/3,000 S.F. per two-family dwelling.

12/10/96



Exhibit 4
LCP-4-VNT-16-0069-2
Graphic Depiction of Seacliff Deed Restriction