

**CALENDAR ITEM
C54**

A 41
S 23

04/06/11
WP 7263.9
J. Smith

**TERMINATION OF A GENERAL PERMIT - PUBLIC AGENCY USE
AND ISSUANCE OF A
GENERAL LEASE - PUBLIC AGENCY USE**

APPLICANT:

Ventura County Harbor Department
3900 Pelican Way
Oxnard, California 93035

AREA, LAND TYPE, AND LOCATION:

Sovereign land in and adjacent to the Pacific Ocean, near Oxnard, Ventura County.

AUTHORIZED USE:

Continued use and maintenance of an existing public walkway, parking lot, and public beach; and the construction, use, and maintenance of a lifeguard tower/ public restroom building, and a public beach shower facility.

LEASE TERM:

25 years, beginning April 6, 2011.

CONSIDERATION:

The public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 13, 1988, the Commission authorized a 49-year General Permit – Public Agency Use to the County of Ventura (County) for the installation and maintenance of a walkway on an existing jetty located at the south end of the entrance to Channel Islands Harbor on Silver Strand Beach. The jetty (one of two) and a breakwater were built by the U.S. Army Corps of Engineers (Corps) in 1961 as part of a beach erosion

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project. The Corps maintains the two jetties and breakwater pursuant to Public Law 780, 83rd Congress, Act of September 3, 1954.

3. In early 2009, Commission staff reviewed the County's proposed plans for the construction of a new lifeguard tower/public restroom building and a public beach shower facility on Silver Strand Beach. The new lifeguard tower/public restroom building replaces a previous 40-year old structure that was torn down by the County in 2002. In reviewing the County's project, Commission staff concluded that the proposed lifeguard tower/public restroom building, the proposed public beach shower facility, and a portion of an existing public parking lot and public beach would also require Commission authorization.
4. The County submitted an application to the Commission in February 2010. Rather than amend the existing lease to authorize the project, Commission and County staffs agreed to terminate the existing General Permit – Public Agency Use and authorize a new General Lease – Public Agency Use to more accurately reflect the authorized uses.
5. Pursuant to its certified Local Coastal Program (LCP), the County approved construction and preliminary design of the lifeguard tower/public restroom building and public beach shower facility on June 13, 2006, but deferred approval of the final design. In 2008, the Board of Supervisors reviewed and approved the final design and approved a Public Works Permit for construction of a 1,700 square foot lifeguard tower/public restroom building; with a maximum height of 33 feet from the finished floor, and a public beach shower facility.
6. The project was subsequently appealed to the California Coastal Commission (CCC). The primary concerns raised were impacts to visual resources, both public and private, and geologic hazards. The County modified the project, including relocating the proposed building, in an effort to address these issues, and, at its meeting on January 13, 2011, the CCC considered and approved the project by a vote of 10-1.
7. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

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8. **Issuance of New Lease:**

Existing Public Walkway, Parking Lot, and Public Beach

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

Construction of Lifeguard Tower/Public Restroom Building and Public Beach Shower Facility

On January 13, 2011, the California Coastal Commission (CCC) granted Permits #A-4-VNT-08-057 and A-4-VNT-08-100 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)). Staff reviewed the documents and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of CEQA.

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
California Regional Water Quality Control Board
California Coastal Commission
Ventura County Public Works Department

EXHIBITS:

- A. Location and Site Map
- B. Land Description

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of an Existing Lease

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

Issuance of New Lease

Existing Public Walkway, Parking Lot, and Public Beach

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Construction of Lifeguard Tower/Public Restroom Building and Public Beach Shower Facility

Find that an environmental analysis document, California Coastal Commission (CCC) Permits #A-4-VNT-08-057 and A-4-VNT-08-100 were adopted for this project by the CCC under its certified program (Title 14, California Code of Regulations, section 15251 (c)), and that the Commission reviewed and considered the information therein and concurs in the CCC's determination.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

1. Authorize the termination of General Permit – Public Agency Use, Lease No. PRC 7263.9, issued to the County of Ventura on December 13, 1988, effective on April 5, 2011.

2. Authorize issuance of a General Lease – Public Agency Use to the Ventura County Harbor Department beginning April 6, 2011, for a term of 25 years, for continued use and maintenance of an existing public walkway, parking lot, and public beach; and the construction, use, and maintenance of a lifeguard tower/public restroom building and public beach shower facility as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference

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made a part hereof; consideration being the public use and benefit with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.