



**CHANNEL ISLANDS HARBOR**  
Ventura County Harbor Department

Mark Sandoval  
Director

3900 Pelican Way • Oxnard, CA 93035-4367 • (805) 973-5950 • Fax (805) 382-3015

November 17, 2020

Board of Supervisors  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009

**SUBJECT: Public Hearing Regarding County-Initiated Public Works Permit 2020-HBR-01 for the Installation of Bollards Surrounding the Parking Lot Perimeter at La Jenelle Beach Park, Silver Strand Beach, Pursuant to the Ventura County Coastal Zoning Ordinance and the Ventura County Local Coastal Program; Finding of Categorical Exemption from the California Environmental Quality Act; and Adoption of Resolution Approving Public Works Permit**

**Recommendations:**

It is recommended that your Board:

1. Find, based on the evidence and analysis presented in this Board letter (pages 6-10) and any oral presentation made to your Board at the public hearing, that the project, identified as Public Works Permit 2020-HBR-01 (Exhibit 1), meets the standards for approval of a Public Works Permit set forth in the Ventura County Coastal Zoning Ordinance (codified at chapter 1.1 of division 8 of the Ventura County Ordinance Code (VCOC), commencing at section 8171-1), including VCOC section 8181-3.5;
2. Find, based on the evidence and analysis presented, that the proposed project:
  - a) Is consistent with the intent and provisions of the County's Certified Local Coastal Program; and
  - b) Is compatible with the character of surrounding development; and
  - c) Is compatible with planned land uses in the general area where the development is to be located; and
  - d) Would not be obnoxious or harmful, or impair the utility of neighboring property or uses; and
  - e) Would not be detrimental to the public interest, health, safety, convenience, or welfare, all as required by VCOC section 8181-3.5;
3. Find that the activity described in Public Works Permit 2020-HBR-01 is categorically exempt from the terms of the California Environmental Quality Act as

set forth in California Code of Regulations, title 14, section 15301 (existing facilities) and that no exceptions to this exemption are applicable;

4. Approve Public Works Permit 2020-HBR-01 (Exhibit 1) subject to the attached Conditions of Approval (Exhibit 2);
5. Adopt the attached Resolution approving Public Works Permit 2020-HBR-01 for the installation of bollards at La Jenelle Beach Park;
6. Authorize the Harbor Department to submit a Coastal Development Permit application to the California Coastal Commission (Coastal Commission) for the installation of bollards within the Coastal Commission's area of original jurisdiction at La Jenelle Beach Park in substantial conformance with Public Works Permit 2020-HBR-01;
7. Specify the Clerk of the Board of Supervisors at 800 South Victoria Avenue, Ventura as the custodian and location of the record of proceedings upon which these decisions are based;

**Fiscal/Mandates Impact:**

There is no fiscal impact from approving the Public Works Permit 2020-HBR-01.

**Executive Summary:**

The Harbor Department manages La Jenelle Beach Park, located at the south end of Silver Strand Beach, just north of the entrance to the Port of Hueneme and consisting of a jetty made up of an old shipwreck (the *La Jenelle*) that was encased in concrete, a beach area, a parking lot and a driveway access to Ocean Drive. The property is owned by the State of California, under the management of the California State Lands Commission, and maintained in perpetuity by the County pursuant to an agreement executed on January 2, 1974 (Agreement).

The Harbor Department closed the beach park access for vehicles in the summer of 2017 when it was brought to the attention of Supervisor Zaragoza and the Harbor Department staff that individuals were endangering public safety by driving off-road vehicles on the beach, and law enforcement was ineffective in deterring the dangerous behavior. In April 2018 the Harbor Department received a letter from the Coastal Commission's enforcement division stating that the closing of the beach park vehicle access constituted a violation of the Coastal Act because the closure denied public access to a coastal recreational resource. Discussions with Coastal Commission staff, State Lands Commission staff and County staff have resulted in an agreement that the County would

apply for the attached Public Works Permit and a subsequent Coastal Development Permit from the Coastal Commission to allow the installation of a bollards system around the parking lot to allow the reopening of the beach parking lot and protecting beach goers from vehicles. The State Lands Commission agreed in concept to fund half the cost of the installation of the bollards. We will return to your Board for a budget adjustment when State Lands has provided an agreement for funding.

### **Discussion:**

#### **Project Description:**

This Public Works Permit would allow the installation of bollards around the perimeter of the existing driveway and parking lot at La Jenelle Beach Park, located at the south end of Silver Strand Beach, adjacent to the entrance to the Port of Hueneme. The bollards will provide a barrier to prevent vehicles from accessing the beach from this location. The bollards will be 4 feet above ground, encased within a concrete footing, and installed 3 feet apart from the center of the bollard (3 feet on center) for a total distance of approximately 590 linear feet. A 20-foot wide emergency access gate will also be included for maintenance and emergency access to the beach.

Exhibit 1 shows the proposed location of the barrier and a drawing of the bollard style. The bollards will replace the barrier system that was previously in place for a number of years after construction of the parking lot, but removed after it had deteriorated.

#### **Project Approval Process**

Improvements to a public parking lot are defined by the Coastal Zoning Ordinance as a Public Work (VCOC § 8172-1). A Public Works Permit is a discretionary permit normally processed by the Public Works Agency and approved by your Board after the required notice is made, a public hearing is held, and your Board makes certain findings included below. The Public Works Agency has agreed to jointly process the permit with the Harbor Department because Silver Strand Beach and the La Jenelle Beach Park fall under the maintenance responsibility of the Harbor Department. If the Public Works Permit is approved, a Coastal Development Permit will be required from the Coastal Commission because a portion of the beach area falls within the Coastal Commission's original jurisdiction (see VCOC § 8174-3). Your Board's decision may be appealed to the Coastal Commission. The Harbor Department is also requesting authorization from your Board to apply to the Coastal Commission for the Coastal Development Permit for that portion of the improvements within the area of its original jurisdiction, if your Board approves this Public Works Permit.

#### **History**

In 1970 the passenger ship *La Jenelle* went aground at the north entrance to the Port of Hueneme, on land owned by the State of California and managed by the State Lands

Commission. The owner of the ship abandoned the vessel, presumably because he did not have the funds to remove the wreckage, and the ship remained there for several years. The State Lands Commission, in 1974, chose to completely submerge the vessel, encase it in concrete, and create a fishing pier available to the public. A parking lot was constructed abutting and behind land owned by the federal government, a narrow driveway was paved to access Ocean Drive, and bollards were installed to delineate the parking area and keep vehicles from accessing the beach itself. An access gate was also constructed at the Ocean Drive entrance. The County then entered into an agreement with the State Lands Commission to maintain and operate the facility in perpetuity. This area became known as La Jenelle Beach Park.

After 45 years, the jetty has deteriorated. Concrete that formerly encased the steel hull of the ship has eroded and large pieces of rusted metal consistently wash up on the beach. The State Lands Commission staff researched the hazardous condition of the wreck in 1999 and recommended removal of the remainder of the wreck and jetty. However, the State Lands Commission chose not to pursue the project due to budget considerations.

Photos of the site show bollards were in place around the parking lot area at least until 1999. However, after more than 40 years, the metal had deteriorated and the bollards which were continuously pushed over by vehicles were eventually removed.

The County funded parking lot resurface work in 2014 and was reimbursed by the State. There is no funding provision in the Agreement for capital outlays, and no revenue source for the County. The Agreement states, "The County...shall assume responsibility for the maintenance and operation of the (fishing jetty)." Maintenance and operation "refers to routine custodial tasks such as disposal of litter and trash and the like, but shall not include structural repair, modification or rehabilitation which for any reason may become necessary."

The County has provided the services required to meet the requirements of the Agreement since 1974. In the summer months, the gate is open in the early morning and closed at night, and naturally occurring sand accumulation and trash are removed frequently. There is a County-staffed lifeguard station nearby. During the winter months when sand accumulation is more severe, the gate is often closed during the day because the driveway becomes impassable. The beach is always open and accessible to pedestrians and bicycles.

In summer 2017 the County was made aware that off-road vehicle drivers were accessing this beach from the driveway on Ocean Drive and threatening the safety of children, families and other users of the beach. A video documenting this activity was provided to the County, putting the County on notice of a serious public safety risk. As a result, the Harbor Department closed the vehicle gate in August 2017 and it has remained closed.

In April 2018 the Harbor Department received a letter from the Coastal Commission stating that the closing of the vehicle gate was a violation of the California Coastal Act

and demanding that it be reopened. In the Coastal Commission staff's opinion, the use of the gate and driveway by off-road vehicle operators for illegal access to the beach is a management issue and could be solved by additional County Sheriff monitoring. However, off-road vehicle operators monitor public safety radio communications to determine when an officer has been dispatched, and they immediately vacate the beach. City law enforcement does not respond in this area unless called under a mutual aid agreement.

In August 2018 staff from the State Lands Commission, Coastal Commission and Harbor Department met at the La Jénelle Beach Park to develop a solution to the problem created by the use of the site by off-road vehicle drivers who drive on the beach and other problems created by the limited visibility of the parking lot. The Harbor Department agreed to pursue quotes for a permanent barrier system and to obtain permits for installation, but made it clear to the State Lands Commission staff that the County was not responsible for funding the installation of these improvements. Harbor Department staff obtained pricing for K-rails and the bollard system, and it was determined that the bollards are the preferred solution.

In further discussion with State Lands Commission staff over the last few months, they are taking the position that any barrier system would be for the purpose of solving a problem that exists on the County beach and not State lands, and that there were previously bollards in place around the parking lot and that the County removed them and, therefore, should be responsible for replacing them under the maintenance responsibility of the Agreement. Nevertheless, they have agreed in concept to pay for 50% of the cost of the bollards, up to a maximum of \$35,000. The current estimated cost of materials and installation is \$70,000 to install bollards at the existing edge of pavement.

### **Findings:**

VCOC section 8181-3.5 requires that five findings must be made by your Board before it can approve a Public Works Permit. Those five findings, and the analysis needed to support a finding for each, are as follows:

1. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program (VCOC § 8181-3.5(a)).

The County General Plan contains goals, policies and programs that apply countywide, including in the County's coastal areas. The 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. The Coastal Area Plan contains specific objectives and policies for the coastal subregions of the County (North Coast, Central Coast, and South Coast). VCOC section 8171-1 et seq. implements the policies of the County General Plan as they apply to the Coastal Zone and of the Coastal Area Plan. Together, the Coastal Area Plan of the County General Plan and the Coastal Zoning Ordinance comprise the "Local

Coastal Program" (LCP) as required by the California Coastal Act of 1976, Public Resources Code section 30000 et seq.

A review of the LCP objectives and policies for the Central Coast, in which Silver Strand Beach is located, indicates that the proposed development, to install a barrier system of bollards set at 3 feet on center, is fully consistent with the Goals, Policies and Programs section of the County General Plan and any objective or policy of the certified LCP.

The proposed project is consistent with the applicable intent and provisions of the County's certified LCP because it serves a public need and promotes public access to coastal resources. The parking lot provides approximately 40 parking spaces, including handicapped accessible spaces, allowing access to the La Jenelle Beach Park and the southern end of Silver Strand Beach. Although the narrow driveway access does present difficulties for two cars attempting to enter and exit the parking lot at the same time, it does provide additional public access for persons with disabilities, families with children, etc. The barrier system of bollards around the perimeter should serve to keep private vehicles off the public beach, reducing the public safety concerns that exist today.

The LCP analyzes each of the three coastal areas by specific issues addressed in the Coastal Act (Environmentally Sensitive Habitats, Archeological and Paleontological Resources, Recreation and Access, Agriculture, Hazards, Beach Erosion, Energy and Industrial Facilities, Public Works, and Locating and Planning New Development). An analysis follows of the proposed development on Silver Strand Beach for consistency with the objectives and policies of the LCP regarding the Central Coast.

#### Environmentally Sensitive Habitats

Silver Strand Beach and La Jenelle Beach Park are not areas designated as having coastal dunes or wetlands, nor are there any sensitive habitats or species that occupy the beach area. As a result, the proposed development is consistent with the Environmentally Sensitive Habitats policy in the LCP.

#### Archaeological and Paleontological Resources

Archaeological and Paleontological Resources are unlikely to exist on this portion of Silver Strand Beach, which has been graded and paved to provide the parking area. The proposed development is consistent with the policies regarding Archeological and Paleontological Resources.

### Recreation and Access

The LCP objective for Recreation and Access is “[t]o provide direction to the 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.”

Policy No. 6 for Recreation and Access proposes to implement this objective by providing that, “No parking lots, walkways, bikeways, or structures other than public restrooms and lifeguard stations should be placed on the beach areas to maintain the natural state of the beaches.”

The parking lot was created prior to the adoption of the California Coastal Act and the Coastal Zoning Ordinance. It was constructed on State lands to serve as a “fishing jetty” created by the State Lands Commission. It is an existing use that is considered public access by the Coastal Commission. The addition of the barrier system will serve to protect public health and safety, while allowing the County to reopen the vehicle access gate to allow parking adjacent to the beach. In this way the project is consistent with the Recreational and Access policy of the LCP.

The parking lot is constructed on public lands. The driveway access does not inhibit the private residents’ use of their property. The Harbor Department has received a number of letters regarding this issue: some of the letters express support for the closure of the gate, and some express support for reopening it. Those residents who support the gate reopening do so because when the gate is closed, non-residents park on the public street in front of their houses. Reopening the gate will reduce the parking of non-residents on the public street.

### Agriculture

The project site is recreational beach land and is not agricultural land, nor is it in proximity to agricultural land or land that could be utilized as agriculture, therefore, there is no impact to agriculture from this project.

### Hazards

There are no known hazards on or near the project site.

### Beach Erosion

Beach erosion due to high tides and wave action is mitigated every two years by the placement of sand onto Silver Strand during the biennial dredging performed by the Army Corps of Engineers. Also, this end of the beach accrues sand from more northerly areas of the beach due to the natural migration of sand down coast.

Therefore, erosion is not an issue and the development is consistent with this policy of the LCP.

#### Energy and Industrial Facilities

The objectives and policies in this section are not applicable to this project.

#### Public Works

The LCP objective in this policy states, "To maintain current service levels to existing developments." The project will have no impact on this policy. The bollards will be constructed around an existing parking lot and will not impact traffic on the adjacent Ocean Drive.

#### Locating and Planning New Development

The proposed development will not impact existing urbanized areas, impact new development or affect the existing community at Silver Strand other than to reopen a parking lot for beach users. The proposed development is consistent with the issue of Planning New Development as analyzed in the LCP.

2. The proposed development is compatible with the character of surrounding development (VCOC § 8181-3.5(b)).

The bollards will be placed around an existing driveway and parking lot that serves an existing beach on property owned by the State and the County. The surrounding properties are single-family residences to the east and Naval Base Ventura County to the south. The project will allow the County to reopen the public parking lot which would reduce the amount of public parking on the adjacent public street and support access to the beach by the public. Therefore, the proposed project is compatible with the character of the existing parking lot and public beach.

3. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located (VCOC § 8181-3.5(c)).

The proposed development is not a "conditional use." It is, nevertheless, compatible with the surrounding public parking lot and public beach.

4. The proposed development would not be obnoxious or harmful, or impair the utility of the neighboring property or uses (VCOC § 8181-3.5(d)).

The installation of a barrier between the public parking lot and the public beach at the end of Silver Strand would not be obnoxious or harmful or impair the utility of



use of the neighboring properties. This project is proposed for a beach parking lot that has been in existence for 45 years. There are neighbors in the surrounding area, however, who support the closure of the La Jenelle parking lot because of their assertion that the parking lot attracts drug users, gangs, and criminal activity that threaten the safety of their neighborhood. This possibility does not change the Coastal Commission's position that the parking lot must be reopened.

5. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare (VCOG § 8181-3.5(e)).

The purpose of the project is to allow the Harbor Department to reopen the La Jenelle Beach Park parking lot while protecting the public from vehicles driving on the beach. In this regard, the project will not be detrimental to the public interest, health, safety, convenience or welfare. As discussed above, there are some residents of Silver Strand who feel that the open parking lot creates an opportunity for criminal activity that is detrimental to the neighborhood. However, notwithstanding these concerns, the Coastal Commission requires that the parking lot be reopened or else the Coastal Commission may pursue an enforcement action.

The Public Works Permit is categorically exempt from the California Environmental Quality Act under California Code of Regulations, title 14, section 15301, which exempts the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities...involving negligible or no expansion of use." The installation of bollards is within this definition. The installation of bollards around an existing parking lot can be defined as maintenance or minor alterations that involve negligible or no expansion of use. No exceptions to this categorical exemption are applicable under California Code of Regulations, title 14, section 15300.2.

### **Coastal Act Consistency**

The following sections of the Coastal Act are applicable to the proposed development:

#### **Public Access**

Public Resources Code section 30210 – "In carrying out the requirements 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 resources from overuse."

Public Resources Code section 30211 – "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.”

The project will enable the Harbor Department to reopen the public parking lot at La Jenelle Beach Park while still protecting beachgoers from vehicles that illegally use the beach for off-road driving.

#### Public View

Public Resources Code section 30251 – “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....”

The installation of the 4-foot-high bollards at 3 feet on center, encased within a concrete footing, for a total distance of approximately 590 linear feet, including a 20-foot wide emergency access gate, around the perimeter of the existing driveway and parking lot at La Jenelle Beach Park, will not disrupt the visual characteristic of the beach for residents or visitors.

#### Public Review and Comment

Public notice of this public hearing was sent to surrounding residents and those who expressed an interest in this subject 10 days prior to the hearing date (Exhibit 3). Additionally, on October 31, 2020, a public notice was published in all local editions of the Ventura County Star, a newspaper of general circulation, describing Public Works Permit 2020-HBR-01 under the LCP, and providing the date, time, and place of the Board hearing on this time.

The County Executive Office, the Auditor-Controller, the Assessor, and the County Counsel have reviewed this Board letter.

If you have any questions regarding this item, please contact the Harbor Director, Mark Sandoval, at 805/973-5950.



Mark Sandoval  
Director, Harbor Department



Jeff Pratt  
Director, Public Works Agency

#### Attachments:

Resolution of the Board of Supervisors

Exhibit 1: Aerial and Site Plans for Public Works Permit 2020-HBR-01

Exhibit 2: Conditions of Approval

Exhibit 3: Coastal Zone Public Hearing Notice