

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA
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Tu21a

October 23, 1996

TO: Commissioners and Interested Parties

FROM: Steven F. Scholl, Deputy Director
Gary Timm, Assistant District Director
James C. Johnson, Coastal Program Analyst

RE: CITY OF PORT HUENEME LOCAL COASTAL PROGRAM: Land Use Plan, Zoning Ordinance, and Zoning Map Amendment No. 1-96 (Former Naval Civil Engineering Laboratory) Public Hearing and Possible Action at the California Coastal Commission Hearing of November 12, 1996

Background

The City of Port Hueneme submitted Local Coastal Program (LCP) Amendment 1-96 on August 12, and 30, 1996. The submittal was deemed complete and filed on September 13, 1996. The Amendment consists of amending the City's Local Coastal Program Land Use Plan, Zoning Ordinance, and Zoning Map to reflect the proposed divestiture of the Naval Civil Engineering Laboratory to the Port of Hueneme, Oxnard Harbor District in late 1996. Since the NCEL property is owned by the Department of the Navy under federal ownership, the property is legally excluded from the City's jurisdiction under its Local Coastal Program. The Commission has approved Port Master Plan Amendment No. 5 for this property; final certification is scheduled for action at this same November Commission meeting. Once this action occurs and the property is transferred to the Oxnard Harbor District, the Commission's coastal development permit authority for the subject property is delegated to the Oxnard Harbor District.

Proposal and Staff Recommendation

The amendment proposal would: (1) Amend the Land Use Designation from the existing CBC Industrial to Coastal Related Industry; (2) Amend the zoning classification from DR Development Reserve Overlay to M-CR Coastal Related Industry; (3) Amend the Land Use and Zoning Maps with the corresponding boundary change; and (4) make corresponding changes to the Local Coastal Program table of contents, table 1, Figures 1, 2, and 3 and text under "Existing Conditions"; and (5) add NCEL Community Reuse Plan as an appendix; all to reflect proposed change in ownership and use of the NCEL property.

The staff is recommending denial of the Land Use Plan amendment as submitted and approval with suggested modifications, and approval of the Zoning Ordinance and Map amendment as submitted. The recommended motions and resolutions are provided on page three (3) of this report. The suggested modifications on pages three (3), four (4) and five (5) brings the amendment into compliance with Coastal Act Section 30711 which requires the City to incorporate the Port Master Plan of the Port of Hueneme, Oxnard Harbor District, into the City Local Coastal Plan for informational purposes only.

Substantative File Documents

City of Port Hueneme Local Coastal Program; Port of Hueneme, Oxnard Harbor District, Port Master Plan; Port Master Plan Amendment Number 5; FEIS Disposal and Reuse of Former Naval Civil Engineering Laboratory Port Hueneme, California; Letter to Carl Hetrick, Executive Director, South Central Coastal Regional Commission, from Douglas B. Noble, Deputy Attorney General, Department of Justice, dated February 17, 1977.

Exhibits

1. Coastal Zone Location Map
2. City of Port Hueneme Map
3. Proposed New Land Use Map
4. Proposed New Zoning Map
5. Resolution 2973 for Local Coastal Program Land Use, Zoning Ordinance and Zoning Maps
6. Resolution 2972 for Certifying Environmental Impact Statement, Findings, and Setting Forth a Mitigation and Monitoring Plan for Amendment to City LCP, Zoning Ordinance, Zoning Map.
7. Proposed Changes to Local Coastal Program Land Use
8. Proposed Changes to Zoning Ordinance
9. Port of Hueneme, Oxnard Harbor District Layout and Land Use Plan
10. NCEL Community Land Use Plan, Land Use Concept

I. STAFF RECOMMENDATION

A. Denial of Land Use Plan as Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion I.

I move that the Commission certify the Land Use Plan Amendment 1-96 to the City of Port Hueneme LCP as submitted.

Staff recommends a NO vote on Motion I and the adoption of the following resolution of certification and related findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby Denies certification of the Land Use Plan Amendment 1-96 to the City of Port Hueneme Local Coastal Program as submitted and finds for the reasons discussed below that the Land Use Plan Amendment does not meet the policies of Chapter 3 (commencing with Section 30000) of the California Coastal Act to the extent necessary to achieve the basic goals specified in Section 30001.5 of the Coastal Act, and the certification of the amendment does not meet the requirements of Sections 21080.5(d)(2)(i) of the California Environmental Quality Act, as there are further feasible mitigation measures or feasible alternatives which could substantially lessen significant adverse impacts to the environment.

B. Approval of Land Use Plan Amendment With Suggested Modifications

Staff recommends the adoption of the following Motion and Resolution:

Motion II

I move that the Commission certify Land Use Plan Amendment 1-96 to the City of Port Hueneme LCP, if modified, as suggested.

Staff recommends a YES vote on Motion II and adoption of the following resolution of certification and related findings. An Affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution II

The Commission hereby certifies the Land Use Plan amendment 1-96 to the City of Port Hueneme LCP and finds for the reasons discussed below that the amendment if modified as suggested meets the requirements of and is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic goals specified in Section 30001.5 of the Coastal Act, and that the certification of the amendment meets the requirements of Section 210080.5(d)(2)(i) of the California Environmental Quality Act, as there are no further feasible mitigation measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

B. Approval of Implementation Measures As Submitted

Staff recommends the adoption of the following Motion and Resolution:

Motion III

I move that the Commission reject the Implementation Plan Amendment 1-96 to the City of Port Hueneme LCP as submitted.

Staff recommends a NO vote, on Motion III which would result in the adoption of the following resolution of certification and related findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Resolution III

The Commission hereby Certifies amendment 1-96 to the Implementation Plan of the City of Port Hueneme LCP on the grounds that the amendment to the Local Coastal Program Zoning Ordinance conforms to and is adequate to carry out the provisions of the LCP Land Use Plan as certified. There are no feasible alternatives available which would substantially lessen any significant impacts which the approval of the Implementation Plan amendment will have on the environment.

II. SUGGESTED MODIFICATIONS FOR LAND USE PLAN

Revise the Land Use Plan for Areas H & J: Port of Hueneme/ Oxnard Harbor District, Development Policies as follows:

(In the following suggested modifications, the additions are indicated by underlining while the deletions are ~~struck through~~.)

MODIFICATION 1

INTRODUCTION

What is the relationship between the LCP and the Oxnard Harbor District Master Plan for the Port of Hueneme

The Coastal Act contains special provisions governing the ports of Port Hueneme, Long Beach and Los Angeles, and the San Diego Unified Port District. These ports must prepare, adopt, and have certified by the Coastal Commission a Port Master Plan. The Coastal Act provides that:

"...for information purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan into its local coastal program."

The Port Master Plan certified in May, 1979, and as amended, by the Coastal Commission covers only the area within the boundaries of the Port of Hueneme itself.

(See Exhibit 7, page 7 of 13, or page 6 of Land Use Plan)

MODIFICATION 2

AREAS H & J: PORT OF HUENEME/
OXNARD HARBOR DISTRICT

Development Policies

Closure of the NCEL in April 1996 presents both opportunities and problems. To address those issues, the NCEL Community Reuse Plan Port Hueneme was adopted by the City Council in August, 1995, and endorsed by the Board of Harbor Commissioners in December, 1995. Within this context, land use recommendations set forth in the Reuse Plan ~~will~~ may serve as ~~the overriding~~ a guiding development strategy for Area J and is hereby incorporated by reference into this LCP as Appendix H.

...

Specific uses as to land, water and wharf areas within the confines of Area H & J are governed by a Port Master Plan which, as authored and administered through the Oxnard Harbor District, has been prepared and certified independent of this LCP. In accordance with California ~~Government~~ Code Coastal Act Section 30711, the certified Port Master Plan, as amended, is

hereby incorporated by reference to serve as site specific development policy for purposes of this LCP. While the Oxnard Harbor District is the agency principally responsible for overseeing implementation of the Port Master Plan, through their coastal development permit authority, the City of Port Hueneme, under its vested "police powers", through its Zoning Ordinance, retains development//review//and local discretionary permit authority within Areas H & J. The Port of Hueneme, Oxnard Harbor District, Amended Port Master Plan No. 5 addressed the former NCEL property. The Plan was approved by the Coastal Commission in September 1996 and given final certification in (action month and year). This Port Master Plan as amended is incorporated by reference into this LCP as Appendix I and shall serve as the overriding development strategy for Areas H & J.

...

As to implementation, Development within Areas H & J shall be coordinated between the City and Oxnard Harbor District. Within this framework, those policy groups identified in Table 1 concerning the Port of Hueneme (Shoreline Access, Coastal-Dependent Industry, Recreation and Visitor-Serving Facilities, Coastal Visual Resources and Commercial Fishing/Recreation Boating, Locating and Planning New Development) shall serve as ~~the primary basis upon which~~ guidance for specific development proposals will to be evaluated by the City for Area H. In addition to these Policy groups, land use recommendations found in the NCEL Community Reuse Plan shall serve as the primary basis guidance for specific development proposals will to be evaluated by the City for Area J.

The Port Master Plan as amended shall serve as the overriding development strategy for Areas H and J. The Port of Hueneme, Oxnard Harbor District, has coastal development permit authority for development projects within the boundaries of the certified Port Master Plan.

The City has the authority to enforce its building and zoning ordinances within the Port District Boundaries if three conditions are met: 1) the ordinances do not conflict with the Coastal Act itself or with the provisions of the Port Master Plan; 2) the ordinances imposed 'further' conditions, restrictions, or limitations on land or water use or any activity beyond those imposed by said Act or Master Plan; and 3) the uses or activities affected might adversely affect coastal zone resources.

III. RECOMMENDED FINDINGS

A. Findings for Resolution I (Land Use Plan)

The standard of review of LCP Land Use Plan Amendments are the policies of Chapter 3 of the California Coastal Act.

1. Proposal

The proposed LCP Land Use Plan amendment would: (1) Amend the Land Use Designation and Map from the existing CBC Industrial to Coastal Related Industry; and (2) make corresponding changes to the Local Coastal Program table of contents, table 1, Figures 1, 2, and 3 and text under "Existing Conditions". The amendment reflects changes in use and ownership of the NCEL property from water oriented/coastal dependent research and development by the Department of the Navy to similar water oriented/coastal dependent and port-related purposes by the Oxnard Harbor District. The NCEL Community Reuse Plan is proposed to be amended into the the land use plan policies and included as a new appendix H. The Hueneme Beach Master Plan is also proposed to be amended to include this property. (See Exhibit 7.)

The City proposes that these changes take effect after the Coastal Commission approves this amendment and the NCEL property has been divested from Federal ownership. The NCEL property is expected to be transferred from the U. S. Department of the Navy to the Oxnard Harbor District in October 1996.

2. Consistency with Coastal Act

a. Coastal Land Uses, Public Access, and Port Master Plans

PRC Section 30255 provides that:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. ... When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

PRC Section 30210 provides that:

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.

PRC Section 30212 provides that:

(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, ...

PRC Section 30711 provides that:

(a) A port master plan that carries out the provisions of this chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. A port master plan shall include all of the following:

(1) The proposed uses of land and water areas, where known.

(2) The projected design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body. ...

The principal issue raised by the proposed amendment is which coastal planning document is the overriding development strategy to guide development projects located within the boundaries of the Port of Hueneme, Oxnard Harbor District; the certified Port Master Plan, or the NCEL Community Reuse Plan proposed to be amended into the City of Port Hueneme Local Coastal Program?

The Port of Hueneme, Oxnard Harbor District is located within the municipal boundaries of the City of Port Hueneme. The District has a certified Port Master Plan. The Commission approved Amendment Number 5 to the Port Master Plan in September 1996. Staff is recommending to the Commission to complete the certification of this amendment at the November 1996 Commission meeting. (Exhibit 9) The City of Port Hueneme has a certified Local Coastal Program which is proposed in this amendment to include the property recently incorporated into the Port Master Plan by the Oxnard Harbor District.

The Port of Hueneme has a certified Port Master Plan providing for land uses consistent with the Coastal Act and has coastal development permit authority within the boundaries of the Port, as delegated to it by the Commission. The Coastal Act provides in Section 30715 for certain categories of development that may be appealed to the Commission. These categories include developments for the storage, transmission and processing of liquified natural gas and crude oil, non-port related office and residential buildings, and commercial fishing facilities, as an example. Should the Commission review an appealable development (a coastal development permit approved by the Oxnard Harbor District), the standard of review are the chapter 3 policies of the Coastal Act. For clarification purposes, the City of Port Hueneme Local Coastal Program is not the standard of review for development located within the Port District Boundaries during the coastal development permit review conducted by the Oxnard Harbor District.

Coastal Act Section 30255 provides that coastal dependent and coastal related development are priority developments, in that order, on or near the shoreline. Coastal Act Sections 30210 and 30212 provides that public access to the shoreline and along the coast be provided for all people consistent with the rights of private property owners, public safety and military security needs. Coastal Act Section 30711 provides that a port master plan be adopted by each port governing body, and for informational purposes, each city which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program.

The former Naval Civil Engineering Laboratory was recently closed and the command relocated to the Naval Construction Battalion Center at Port Hueneme as part of the Defense Base Closure and Realignment Act. The City of Port Hueneme formed a Surplus Property Authority that conducted a study to determine the "highest and best use" of this surplus property. The "NCEL Community Reuse Plan, Port Hueneme," completed in July 1995, determined that the highest and best use of the property would be port-related uses. The Plan also suggested that the northern portion of the property be used to expand port related uses along the wharves, docks and port warehouses. The central portion of the site was recommended for coastal related uses and port related uses. The southern portion of the property was recommended to be used for public access and recreational purposes consistent with the Hueneme Beach Master Plan, a portion of the City's LCP.

The approved Port Master Plan for the Port of Hueneme, Oxnard Harbor District designates land uses for these three areas as Parcels 9, 10, and 11. The primary land uses designated for Parcel 9 include: General Cargo, Containers, Offshore Oil, Neo-Bulk, Dry Bulk, Liquid Bulk, Fishing, and Maritime Support Services. Parcel 10 is designated for Aquaculture, Fisheries, Navigation, Marine Research & Education, and Mixed Waterfront Complexes. Parcel 11 is designated for Buffer Zone, Seawall Maintenance, Navigation, and Waterfront Access. As a result of a Memorandum of Understanding, dated December 21 and 27, 1995, between the Port of Hueneme and the City of Port Hueneme, the Port will grant an easement or a license on Parcels 10 and 11 to the City to allow the City exclusive use of these two parcels. Although the land uses provided in the Port Master Plan and recommended in the NCEL Community Reuse Plan are similar, there are three important differences. The parcel configurations are different in the NCEL Community Reuse Plan as compared to the Commission approved parcel configurations. The land use terminology is also different. And lastly, the NCEL Plan includes recommendations as compared to Commission certified land uses in the Port Master Plan. (See Exhibits 9 and 10.)

The City's amendment proposes to adopt the NCEL Community Reuse Plan to serve as the "overriding development strategy" for this property, known in the City's LCP Land Use Plan Map as "Area J". In addition, the existing Land Use Plan provides that the LCP policies in Table 1 are also the primary basis upon which specific development proposals will be evaluated by the City for Area H. This proposal and a portion of the existing LCP are inconsistent with Coastal Act Section 30711 which states that:

(a) A port master plan that carries out the provisions of this Chapter shall be prepared and adopted by each port governing body, and for informational purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan in its local coastal program. (emphasis added)

The NCEL Community Reuse Plan can be used by the City as guidance but not as the overriding development strategy. Further, the City Local Coastal Program can be used as guidance but not as the primary basis for evaluating developments by the City. This is because the certified Port Master Plan provides the overriding development strategy or primary basis for development of the property located within the Port District Boundaries. Further, the City does not have coastal development permit authority for the area located within the boundaries of the certified Port Master Plan. The Port of Hueneme, Oxnard Harbor District has the coastal development permit authority, as delegated by the Commission. However, the City of Port Hueneme has review

authority, under its General Plan, and the Uniform Building Code through municipal health and safety codes (police powers). Suggested Modification numbers one (1) and two (2) modifies the Development Policies and Implementation in Areas H & J (Exhibit 3, land use plan map) to acknowledge the coastal development permit authority of the Port of Hueneme, Oxnard Harbor District. These modifications also revise policies to state that the City LCP policies and the NCEL Community Reuse Plan may serve as a guiding development strategy for Areas H and J, respectively. In addition, the certified Port Master Plan, as amended, is incorporated by reference, as an appendix, for informational purposes as the overriding development strategy for parcels located within the Port of Hueneme, Oxnard Harbor District's Port Boundaries.

These Suggested Modifications will ensure that the amendment is consistent with Coastal Act Sections 30255, 30210, and 30212 addressing coastal dependent, coastal related, public access and recreational land uses and Section 30711 which requires the City to incorporate the certified Port Master Plan in its Local Coastal Program. The Port Master Plan provides for coastal dependent, coastal related, public access, and recreational land uses consistent with the Coastal Act and has been approved by the Commission.

Therefore, the Commission finds that the proposed Land Use Plan amendment, if modified as suggested, is consistent with and adequate to carry out the provisions of PRC Sections 30221, 30222, 30255, and 30711 of the California Coastal Act.

3. New Development

PRC Section 30519 provides in part that:

(a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the Commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof. (emphasis added)

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands..., nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700)...

PRC Section 30715 provides in part that:

After a port master plan or any portion thereof has been certified, the permit authority of the commission provided in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development contained in a certified plan or any portion thereof and shall at that time be delegated to the appropriate port governing body, ... (emphasis added)

PRC Section 30106 provides that:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (emphasis added)

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

PRC Section 30610 provides in part that:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. (emphasis added)

The City of Port Hueneme adopted Resolution No. 2972 which among other things adopted recitals regarding this amendment to the City's Local Coastal Program, Zoning ordinance, Zoning Map and Land Use Map. Recital number 9 provides for a definition of "new development" in a manner that is inconsistent with the definition in the Coastal Act.

9. WHEREAS, for the purposes of this Resolution, the term, "new development" at the NCEL site does not mean the reuse, repair or alteration of existing on-site buildings or structures nor the minor on-site alterations to land such as fine surface grading, new fencing, utility service upgrades/trenching and connections, nor reconfigured/improved parking and circulation so long as the alterations to land and utilities are intended to serve reuse of existing buildings, land and/or structures at similar intensities to the historic use of the former NCEL complex.

As noted above, the Oxnard Harbor District has coastal permit authority for all development as defined in section 30106 of the Coastal Act located within the Port District Boundaries. The Port Boundaries include the NCEL property. According to Coastal Act Section 30610 there are certain types of development that do not require a coastal development permit from the Oxnard Harbor District, such as repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of the repair or maintenance, as an example. The City of Port Hueneme's recital in Resolution No. 2972 applies specifically to the City's Administrative and Building Permits process pursuant to their 'police powers'. For this purpose the City defines development as exempting different types of development from its permit review. However, some of these listed developments may require coastal development permits from the Oxnard Harbor District for the re-use or alteration of existing buildings that meet the definition of development in Section 30106, such as in a change of the intensity of use of an existing building. New fencing and utility service upgrades may also require coastal development permits from the District according to Sections 30106 and 30610. To clarify this potential confusion, the City of Port Hueneme should consider either: 1) revising this recital in Resolution 2972 to bring the definition of development and the types of developments exempt from City review into compliance with the Coastal Act Sections 30106, 30519, 30715, and 30610; or 2) clarify that the definition only applies to its local discretionary permit authority under the City's Zoning Ordinance and vested 'police powers'. In any event, the Oxnard Harbor District has coastal development permit authority which defines 'development' under the Coastal Act, which will be carried out consistent with the Port Master Plan and the Coastal Act.

B. Findings for Resolution III (Implementation Measures)

The standard of review of an amendment to the certified LCP Zoning Ordinance is whether the ordinance conforms with and is adequate to carry out the provisions of the certified LCP Land Use Plan (PRC Section 30513 (a)). The

Coastal Act provides that the Commission may only reject the proposed zoning ordinance if a majority of the Commissioners present find that it does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan.

1. Proposal

The Proposed Zoning Ordinance amendment would: (1) Amend the zoning ordinance to include allowable uses including marine fisheries, and aquaculture, and maritime navigational aids; (2) add a new section for pre-existing nonconforming buildings located in the M-CR Zone (Area J) with standards of review conforming to building and fire codes; (3) add two new sections to allow for seawall/waterfront access and recreation/visitor-serving facilities consistent with the Hueneme Beach Master Plan and for coastal-related industrial uses; and (4) amend the Zoning Map to include the former NCEL property as M-CR, Coastal Related Industry, formerly DR Development Reserve Overlay Zone.

2. Consistency with City LCP Land Use Plan

The former NCEL property has been under federal ownership and therefore, legally excluded from the City's coastal zone. Once the NCEL property is transferred from federal ownership to the Oxnard Harbor District, a boundary change is proposed to reclassify the property from the existing DR Development Reserve Overlay Zone to M-CR Coastal Related Industry Zone. These zoning map revisions reflect the change in ownership and use of the NCEL property to port oriented/coastal dependent and port-related/coastal related land uses while retaining public access and recreation along the shoreline consistent with the Hueneme Beach Master Plan.

The new ordinance provisions for M-CR Coastal Related Industry Zone are proposed to broaden the specific list of permitted conditional uses; specifically, marine fisheries, aquaculture, and maritime navigational aids. Further, new provisions for this zone are proposed to help ensure minimum health and safety improvements exist or will be made to pre-existing nonconforming buildings on the NCEL property prior to reuse by the Oxnard Harbor District or the City of Port Hueneme (Section 10546 Pre-existing nonconforming buildings). The ordinance also notes that the City has Administrative Permit Authority to review development consistent with pre-existing nonconforming uses or the M-CR Zone. The City has the authority to require development to comply with its building and zoning ordinances pursuant to Government Code Section 53091 (police powers) as noted in letter from the Office of the Attorney General, Department of Justice to the South Central Coastal Regional Commission, dated February 17, 1977.

And lastly, new provisions for this zone are proposed to add seawall and waterfront access facilities, together with recreational and visitor serving facilities, to the list of permitted uses in the M-CR Zone as long as the uses are consistent with the Hueneme Beach Master Plan.

The proposed Implementation Measures in the Zoning Ordinance and Zoning Map establishes uses consistent with the proposed M-CR Coastal Industry land use designation for the City's LCP Land Use Plan. Further the implementation measures establish public access and recreation allowable uses which are consistent with the certified Hueneme Beach Master Plan.

In summary, the Commission finds that the proposed Implementation Measures/Zoning Ordinance amendment is consistent with and adequate to carry out the provisions of the certified LCP Land Use Plan regarding, coastal dependent, coastal related, public access and recreational land uses.

IV. LCP/CEQA

The proposed amendment is to the City of Port Hueneme's certified Local Coastal Program. The Commission originally certified the City's Local Program Land Use Plan and Zoning Ordinance in 1983 and 1984 respectively.

The Department of the Navy completed a Final Environmental Impact Statement with additional documentation provided by the City of Port Hueneme to bring the FEIS into compliance with the California Environmental Quality Act (CEQA). The FEIS reviewed alternative development scenarios, including the preferred alternative now proposed in this amendment. The FEIS found that the preferred alternative would have significant adverse impacts on air quality, cultural resources, water resources, and water and sewage utilities. Significant impacts on all these resources could be mitigated to levels below significance except for additional ozone precursor emissions that exceed the Ventura County Air Pollution Control District significance levels that may create regional ozone. The impact results from the change in land use and vehicle travel patterns as the NCEL property builds out. This potential impact will be addressed by the Harbor District, City of Port Hueneme and the Ventura County Air Pollution Control District during the environmental and permit review for future projects. The FEIS found similar impact levels in the other land use alternatives studied. On August 7, 1996, the City adopted resolution number 2972, making findings of overriding considerations for this potential significant impact and approved the FEIS as consistent with CEQA.

The Coastal Commission's Local Coastal Program process has been designated as the functional equivalent of CEQA. CEQA requires the consideration of less environmentally damaging alternatives and the consideration of mitigation measures to lessen significant environmental impacts to a level of insignificance. As discussed in the findings above, the proposed amendment, if modified as suggested, would adequately address the provisions of the certified Port Master Plan located within the Port Boundaries of the Port of Hueneme, Oxnard Harbor District and the municipal boundaries of the City of Port Hueneme, and would therefore have no significant impacts, with the exception of regional ozone precursor emissions with findings of overriding consideration, and thus, is consistent with the California Environmental Quality Act.

The amendment is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

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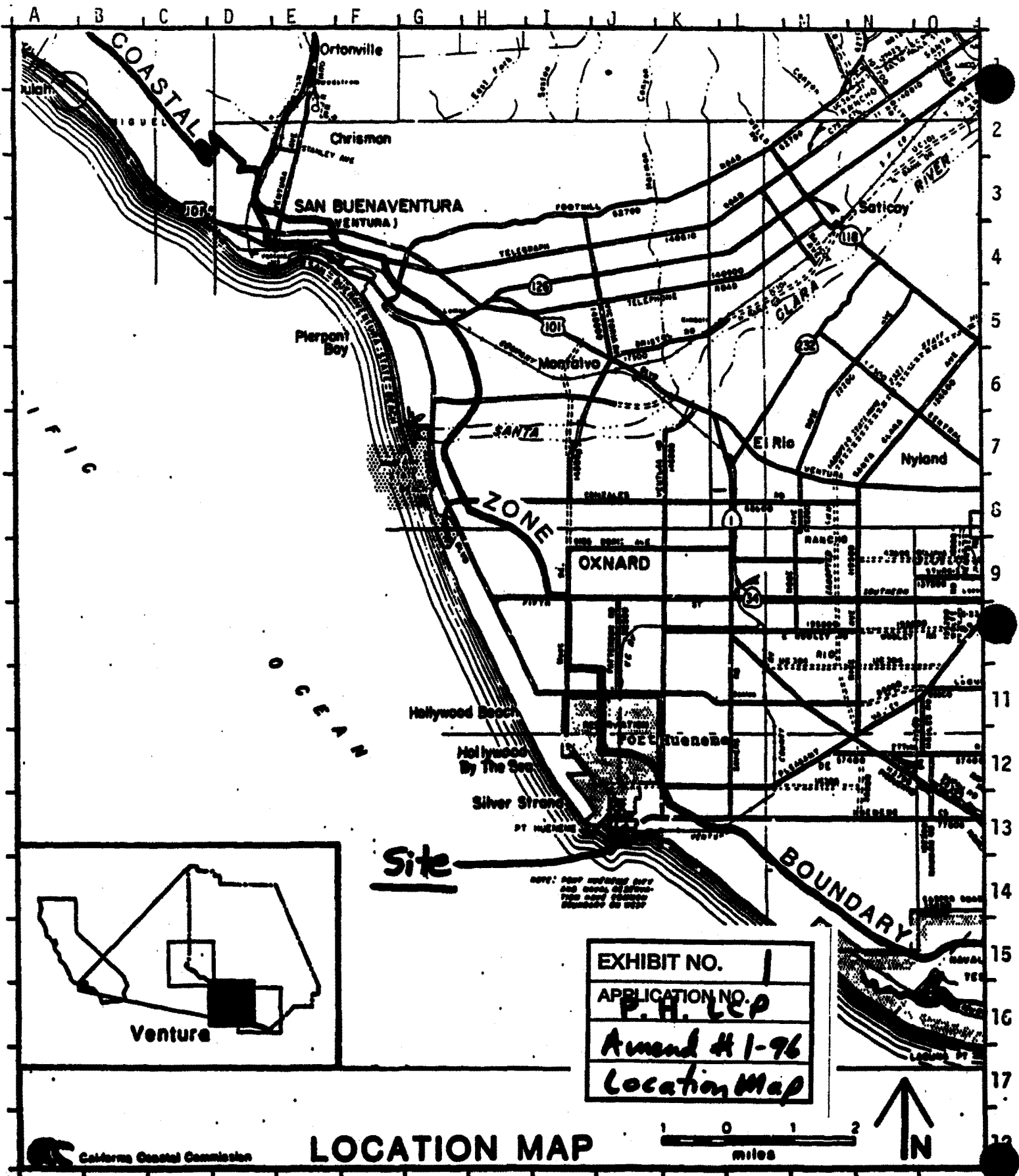
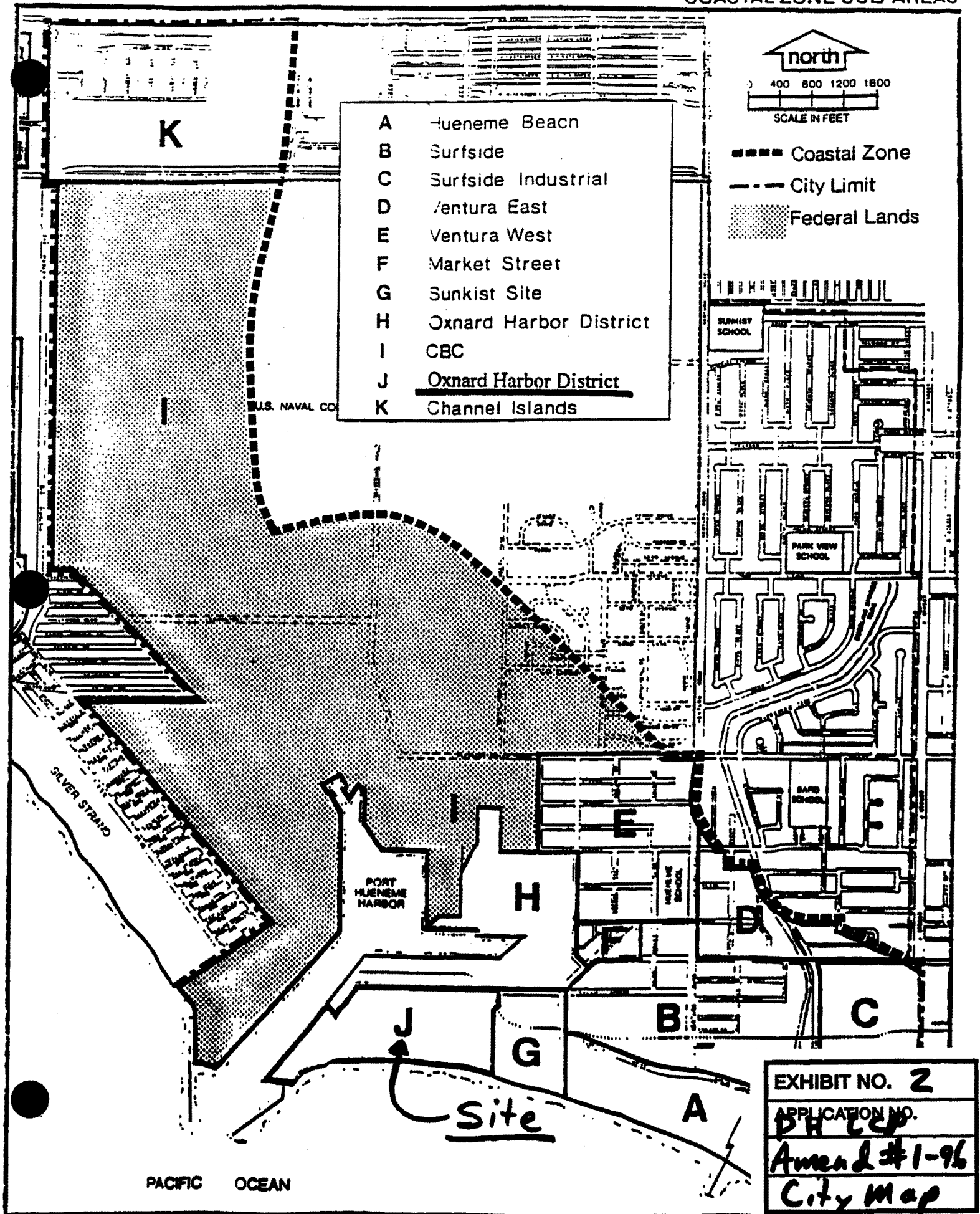


Figure 2
COASTAL ZONE SUB-AREAS



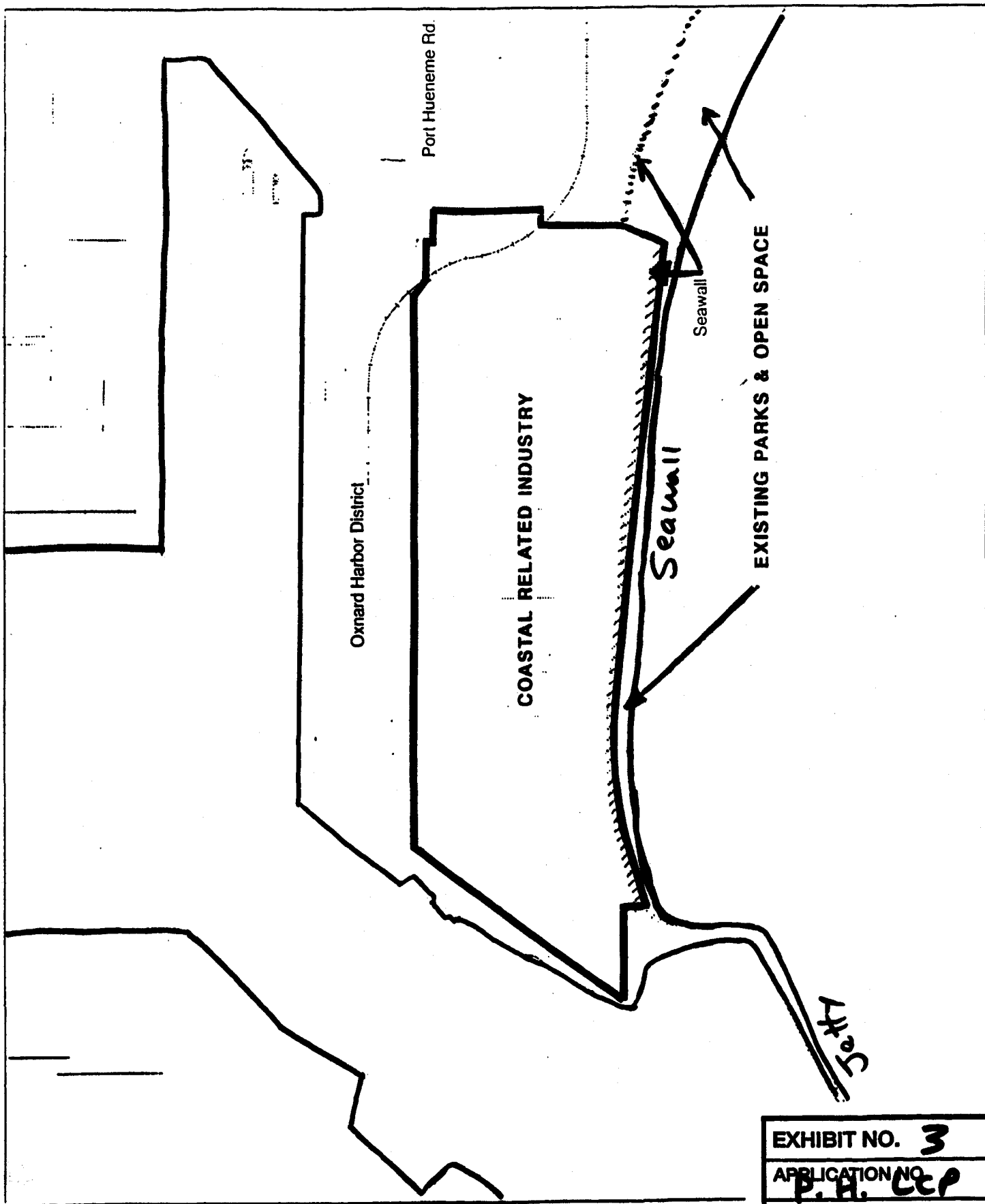


EXHIBIT NO. 3
APPLICATION NO. P.H. CCP
Amend #1-96
Land Use

RECOMMENDED LAND USE **NEW**



0 100 200 400 feet

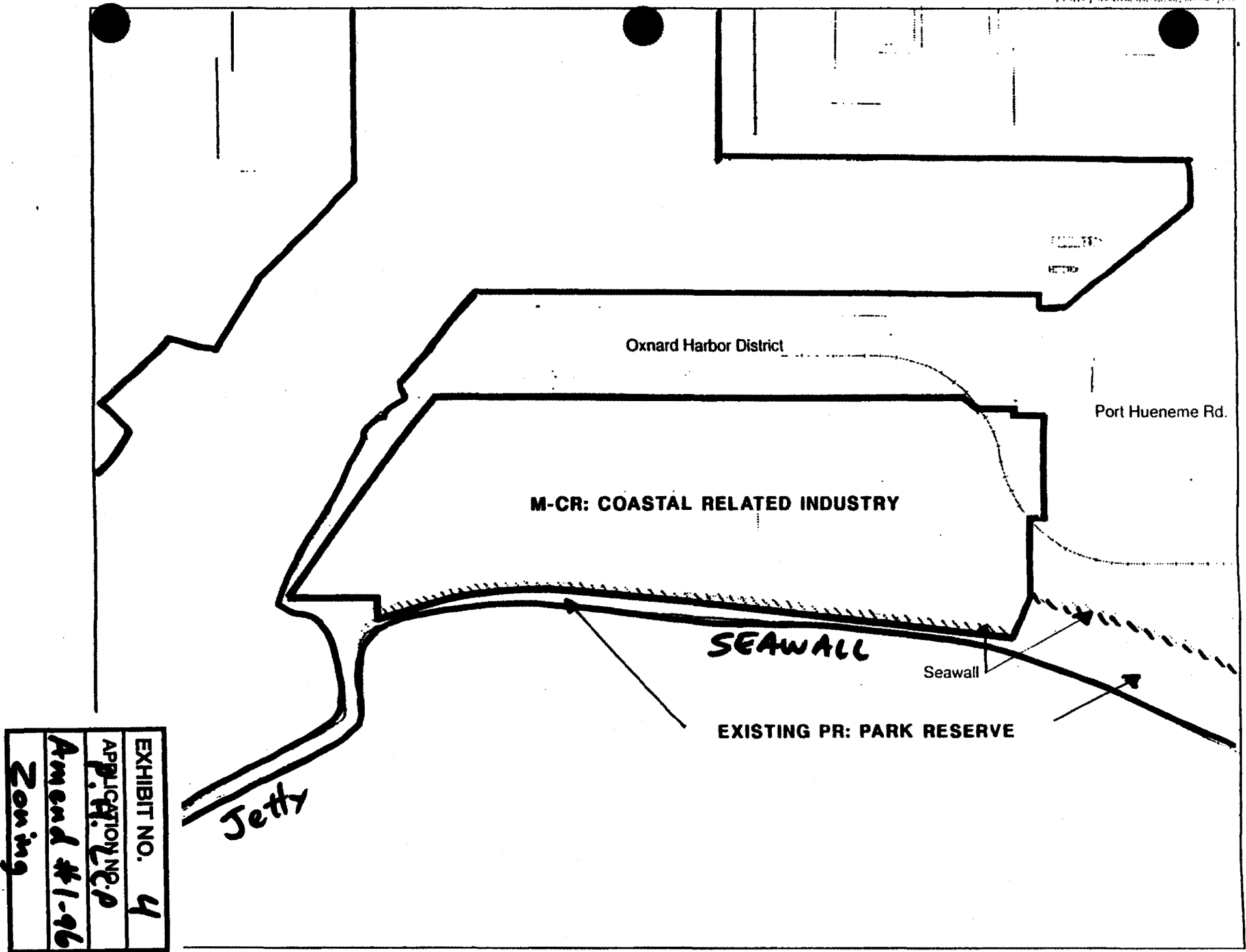
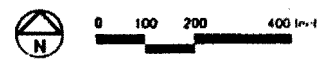


EXHIBIT NO. 4
APPLICATION NO. P.A. 220
Amend # 1-96
Zoning

RECOMMENDED ZONING NEW



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RESOLUTION NO. 2973

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME
AMENDING THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCE
APPROVING A BOUNDARY CHANGE TO THE ZONING MAP AND GENERAL
PLAN LAND USE MAP AND ADOPTING A MITIGATION AND MONITORING
PROGRAM FOR DISPOSAL AND REUSE OF THE FORMER U.S. NAVY CIVIL
ENGINEERING LABORATORY PORT HUENEME AND AUTHORIZING
TRANSMITTAL OF SAME TO THE COASTAL COMMISSION OF THE STATE OF
CALIFORNIA
(Case Number PHBC-747)

ARTICLE I -- RECITAL

A. Recitals

1. WHEREAS, the Local Coastal Program of the City of Port Hueneme, as amended, was approved and certified by the California Coastal Commission at its regular meeting of July 25, 1984; and

2. WHEREAS, pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) and the base closure decisions Congress made in September 1993, the oceanfront U.S. Navy Civil Engineering Laboratory Port Hueneme (NCEL) was operationally closed in April 1996; and

3. WHEREAS, in accordance with base closure statutes and Department of Defense policy, a community reuse plan was prepared for the NCEL property to guide Department of Defense decisions as to whom and for what purpose the NCEL would be used following closure of the installation; and

4. WHEREAS, the NCEL Community Reuse Plan Port Hueneme completed in July 1995 recommended, among other things, that the NCEL be conveyed and held in single public ownership; and

5. WHEREAS, in December 1995, the Port Hueneme Surplus Property Authority, Oxnard Harbor District and City of Port Hueneme entered into mutual agreement on matters concerning ownership, management and financial issues relative to the NCEL whereby the City and Authority have consented to the Oxnard Harbor District's application for fee title to the NCEL through a port-related public benefit conveyance from the U.S. Department of Transportation, Maritime Administration; and

6. WHEREAS, the City of Port Hueneme is proposing necessary amendments to its Local Coastal Program ("LCP"), Zoning Ordinance, Zoning Map and General Land Use Map as a result of expected divestiture of the federally owned land (collectively referred to as "Project"); and

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7. WHEREAS, said amendments consists of Boundary Changes which would reclassify and remap the NCEL property from "DR" Development Reserve Overlay Zone to "M-CR" Coastal Related Industry Zone and redesignate and remap the NCEL property from "CBC Industrial" land use to "Coastal-Related Industry" land use as depicted in Exhibit "A" attached hereto; together with revisions to the LCP's Existing Conditions and Land Use Plan text for the NCEL property and new implementing regulatory provisions (zoning text) for the "M-CR" Coastal Related Industry Zone as shown in Exhibit "B" attached hereto; and

8. WHEREAS, the United States Navy has prepared and completed a Final Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA) to analyze the potential significant environmental effects of NCEL conveyance and proposed reuse consistent with the NCEL Community Reuse Plan Port Hueneme, dated July 1995; and

9. WHEREAS, pursuant to operative statutes and regulations, the City is required to comply with the California Environmental Quality Act (CEQA) prior to taking any action on the Project and to make findings for all significant effects which would likely result from approval of the Project; and

10. WHEREAS, pursuant to California Public Resources Section 21083.7, when a project requires compliance with both CEQA and NEPA, the Lead Agency shall, wherever possible, use the Environmental Impact Statement in place of an Environmental Impact Report; and

11. WHEREAS, through its consultant, Environmental Science Associates, Inc., the City has prepared a Mitigation Monitoring and Reporting Program as required by CEQA to insure implementation of mitigation measures identified in the Final Environmental Impact Statement; and

12. WHEREAS, it is the City Council's independent judgment, as Lead Agency, that the Navy's Environmental Impact Statement meets the requirements of CEQA and has reviewed and certified the Final Environmental Impact Statement in place of a Final Environmental Impact Report pursuant to CEQA Guidelines Section 15221; and

13. WHEREAS, the City Council has conducted a public hearing as required by law to consider the proposed Project and has considered the Final Environmental Impact Statement and Mitigation Monitoring and Reporting Program prior to taking any action related thereto.

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ARTICLE II -- DECLARATIONS

A. Record

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Hueneme does hereby make the following findings of fact:

1. Prior to rendering a decision on any aspect of the Project and Final Environmental Impact Statement prepared pursuant thereto in place of a Final Environmental Impact Report, the City Council duly considered the following:
 - a. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted on August 7, 1996.
 - b. All oral, written and visual materials presented by City staff and Environmental Science Associates, Inc., in conjunction with that certain public hearing conducted on August 7, 1996.
 - c. The following informational documents which, by this reference, are incorporated herein:
 - i. That certain written report submitted by the Department of Community Development of the City of Port Hueneme dated August 1, 1996 (hereinafter referred to as "Staff Report").
 - ii. The Final Environmental Impact Statement, dated July 1996 commissioned by the U.S. Navy Engineering Field Activity West.
 - iii. The Mitigation Monitoring and Reporting Program prepared by Environmental Science Associates, Inc., attached hereto as Exhibit "C".
 - iv. The NCEL Community Reuse Plan prepared by ROMA Design Group, Dated July 1995.
 - v. The Memorandum of Understanding by and between the City of Port Hueneme, the Port Hueneme Surplus Property Authority, and Oxnard Harbor District executed by each party on December 27, 1995, December 27, 1995 and December 21, 1995, respectively.
 - vi. All written and oral comments received as a result of the distribution of public review draft documents for the Project and received in conjunction with that certain public hearing to consider the Project conducted on August 7, 1996.
 - vii. The Project documents accompanying this Resolution Exhibit "A" and Exhibit "B".

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B. Public Review

1. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements pertaining to the LCP and Zoning Ordinance Amendment and issuance of a Boundary Change prescribed in Title 7, Division 1, of the Government Code of the State of California, Division 20 of the Public Resources Code, and Article X of the Port Hueneme Municipal Code, have been lawfully satisfied.

a. Written notice of the availability of public review draft documents pertaining to the proposed Project together with public hearing date before the City Council was mailed to all governmental agencies and persons known to be interested in Local Coastal program matters. In addition, copies of the review draft documents were made available for public perusal at the Port Hueneme Civic Center, Ray D. Prueter Library, and South Central Coast Area Office of the Coastal Commission. Both notice and documents were mailed on April 5, 1996, a minimum of six (6) weeks prior to the City Council's final action on the proposed Project.

b. Written notice of the future availability of the Final Environmental Impact Statement and continued public hearing before the City Council to a future date certain was mailed to all governmental agencies and persons who were known to be interested in Local Coastal program matters, which notice was mailed on May 16, 1996.

c. Written Notice of public hearing before the City Council of the City of Port Hueneme conducted on August 7, 1996, was mailed to all governmental agencies and persons who were known to be interested in Local Coastal program matters, which notice was mailed on July 16, 1996, and all persons owning property within 300 feet of the boundaries of the Project site and to all residents within 100 feet of said boundaries, which notice was mailed not later than ten (10) calendar days prior to the date of said hearing.

d. Written notice of public hearing before the City Council conducted on August 7, 1996, was published in a legal section of a newspaper of general circulation on July 20, 1996.

3. As prescribed in Article II and Article III, of this Resolution, the proposed Project is consistent with and furthers the objectives and policies of the City's General Plan, Zoning Ordinance, and Local Coastal Program.

C. Environmental Impact Findings

1. On the basis of evidence presented in Article II, Paragraph C of City Council Resolution No 2972, and with the incorporation of all mitigation prescribed in Statement of Facts of said Paragraph C, changes or alterations have been required incorporated into, the proposed Project which mitigate or avoid the significant environmental effects thereof as identified in the Final Environmental Impact

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2. On the basis of evidence presented in Article II, Paragraph D of City Council Resolution No. 2972, some of the changes or alterations are within the responsibility of other public agencies and are not the responsibility of the City of Port Hueneme. Such changes either have been adopted by such agencies or can and should be adopted by such agencies.

3. On the basis of evidence presented in Article II, Paragraph E of City Council Resolution No. 2972, specific economic, social or other considerations make infeasible mitigation measures or project alternatives identified in the Final Environmental Impact Statement.

D. Coastal Act Findings

The California Coastal Act is intended to protect natural and scenic resources; promote the public safety, health, and welfare; and protect public and private property, wildlife, marine fisheries, other ocean resources, and the natural environment. California Coastal Commission Regulations establish the standards by which proposed land developments or other activities are evaluated to ensure consistency with the Act. Following are evaluations of the proposed Project with respect to relevant policies of Chapter 3 of the Coastal Act. On the basis of evidence presented below, the proposed Project is deemed fully consistent with and furthers the objectives of the California Coastal Act of 1976:

1. Shoreline Access

a.1. Statement of Fact: The public's right of access to the ocean has been acquired through use and by legislative authorization. This right is to be protected under the California Coastal Act. The California Public Resources Code provides that development of coastal resources or activities affecting them are not to interfere with the public's right of access (Section 30211), and that lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible provided (Section 30213). In this regard, a comprehensive Hueneme Beach Master Plan was prepared and adopted by the City and Coastal Commission in 1978-79. Among other things, this Master Plan depicts a scheme of lower cost visitor and recreational facilities primarily encompassing lateral access to and along the City's length of beach. At the west end of the beach, the Master Plan calls for a park and vista point at the entrance to the harbor, connected to the main portion of Hueneme Beach Park by an extension of Surfside Drive and a meandering promenade. However, these improvements would be located on NCEL property and are only proposed if a change in status (Ownership) occurs at the NCEL.

b.1. Consistency Statement: Upon conveyance of the NCEL out of Federal ownership, the proposed Project would classify the NCEL with an "M-CR" Coastal Related Industry Zone and would provide new implementing regulator provisions for the "M-CR" Coastal Related Industry Zone which add seawall as waterfront access facilities, together with recreational and visitor serving facilities.

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list of permitted uses so long as they are consistent with and further the intent of the Hueneme Beach Master Plan as set forth in the Land Use Plan of the LCP; provided further, that said facilities shall be the only uses permitted in the "M-CR" Zone on the ocean revetment itself and, together with port-related access, the only uses permitted in the "M-CR" Zone on a strip of land fifty feet (50') in width abutting north along the length of the ocean revetment.

2. Recreation

a.1. Statement of Fact: Recreational use of coastal resources is to be protected. The California Public Resources Code provides that coastal areas suited for water-oriented recreational activities are to be protected for such uses (Section 30220). These activities may include boating, surfing and swimming. In addition, oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquacultural facilities located on those sites shall be given priority, except over other coastal dependent development or uses (Section 30222.5).

b.1. Consistency Statement: Upon conveyance of the NCEL out of Federal ownership, the proposed Project would classify the NCEL with a "M-CR" Coastal Related Industry Zone and would provide new implementing regulatory provisions for the "M-CR" Coastal Related Industry Zone which add seawall and waterfront access facilities, together with recreational and visitor serving facilities, to the list of permitted uses so long as they are consistent with and further the intent of the Hueneme Beach Master Plan as set forth in the Land Use Plan of the LCP; provided further, that said facilities shall be the only uses permitted in the "M-CR" Zone on the ocean revetment itself and, together with port-related access, the only uses permitted in the "M-CR" Zone on a strip of land fifty feet (50') in width abutting north along the length of the ocean revetment (public access and recreation is currently designated on the oceanside of the revetment with a "P-R" Park Reserve Zone classification and a "Parks and Open Space" land use designation). New implementing regulatory provisions for the "M-CR" Coastal Related Industry Zone would also add marine fisheries and aquaculture to the list of permitted uses. In addition, land use recommendations found in the NCEL Community Reuse Plan are proposed to serve as an additional basis upon which specific development proposals will be evaluated by the City. The NCEL Community Reuse Plan is proposed to be incorporate in to the LCP as Appendix H. The NCEL Community Reuse Plan recommends a broad range of permitted coastal oriented uses for the 33-acre site including aquaculture and marine fisheries.

3. Marine Environment

a.1. Statement of Fact: Marine resources are to be maintained, enhanced, and where feasible, restored. The Coastal Commission Regulations that the biological productivity of coastal waters must be protected to ensure t populations of all species of marine organisms are maintained for long-term c recreational, scientific, and educational purposes (Sections 30230 & 30231).

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b.1. Consistency Statement: The proposed Project does not include marine environment property and according to the Final Environmental Impact Statement prepared by the Navy for disposal and reuse of the NCEL, the proposed Project is not expected to have any significant impacts on biological resources (Table 4-10). With regard to coastal waters, specific development proposals shall be subject to compliance with state and federal regulations implementing the Clean Water Act, including National Pollutant Discharge Elimination System permit requirements administered by the Regional Water Quality Control Board.

4. Land Resources

a.1. Statement of Fact: Environmentally sensitive habitat areas must be protected. The regulations provide that development in areas adjacent to sensitive habitat areas and parks and recreation areas shall be protected against any significant disruption and that uses of adjacent areas be limited to prevent degradation of sensitive habitat (Section 30240).

b.1. Consistency Statement: According to the Final Environmental Impact Statement prepared by the Navy for disposal and reuse of the NCEL, the proposed Project does not contain environmentally sensitive habitat nor does the Project disrupt adjacent sensitive habitat areas listed by the U.S. Fish and Wildlife Service, California Department of Fish and Game, or those that are of local concern. Upon conveyance of the NCEL out of Federal ownership, the proposed Project would classify the NCEL with a "M-CR" Coastal Related Industry Zone and would provide new implementing regulatory provisions for the "M-CR" Coastal Related Industry Zone that provides a minimum fifty foot (50') wide strip of land along the back length of the revetment for public access and recreational uses. This strip of land would clearly define and set apart the beach and revetment from permitted coastal-oriented and port-related uses to the north while serving to buffer coastal-oriented and port-related uses from the effects of possible ocean wave overtopping and storm surge run-up at the revetment

5. Development

a.1. Statement of Fact: The location and amount of new development should maintain and enhance public access to the coast (Section 30252) and coastal-dependent developments shall have priority over other developments on or near the shoreline (Section 30255).

b.1. Consistency Statement: As noted herein, the proposed Project will maintain and enhance the right of public access along the shoreline and ensure coastal-related and coastal-dependent development at the NCEL property by classifying the NCEL property with a n "M-CR" Coastal Related Industry Zone and "Coastal-Industry" land use with amendment to the "M-CR" zoning regulations to ensure shoreline access consistent with the Hueneme Beach Master Plan.

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6. Industrial Development

a.1. Statement of Fact: The Coastal Commission Regulations provide that coastal-dependent industrial facilities are to be encouraged to locate or expand within existing sites (Section 30260).

b.1. Consistency Statement: The proposed Project would allow reuse and expansion of the Navy's existing water oriented/coastal dependent research and development complex at the NCEL for similar coastal-dependent and coastal-related industry purposes.

7. Coastal Resources Summary

a.1. Statement of Fact: In concurring with the Navy's Negative Determination (ND-61-96), California Coastal Commission staff concluded in a July 10, 1996, letter that, "... the proposed disposal and reuse of the former NCEL property will not adversely affect the coastal zone."

E. Amendment Findings

1. The proposed Project's relationship to and effect on other sections of the previously certified LCP are as follows:

a. The NCEL property has been under Federal ownership and therefore, legally excluded from the coastal zone. Upon divestiture of the NCEL from Federal ownership, a boundary change is proposed which would reclassify the property from its existing "DR" Development Reserve Overlay Zone and "CBC Industrial" land use to "M-CR" Coastal Related Industry Zone and "Coastal-Related Industry" land use to facilitate reuse under a port-related conveyance. These land use and zoning map revisions, together with proposed changes to the LCP's Table of Contents, LCP's Table 1, LCP's Figures 1, 2 & 3 and LCP's text under "Existing Conditions" merely reflects the proposed change in ownership and use of the NCEL from water oriented/coastal dependent research and development by the Navy to similar water oriented/coastal dependent and port-related purposes by the Oxnard Harbor District while retaining public access and recreation along the shoreline consistent with the Hueneme Beach Master Plan.

b. New implementing regulatory provisions for the "M-CR" Coastal Related Industry Zone are proposed which broaden the specific list of permitted conditional uses; specifically, marine fisheries, aquaculture, and maritime navigational aids to facilitate reuse under a port-related conveyance. In addition, new implementing regulatory provisions for the "M-CR" Coastal Related Industry Zone are proposed to help ensure minimum health and safety improvements exist or will be made to pre-nonconforming buildings at the NCEL prior to civilian reuse. Lastly, new implementing regulatory provisions for the "M-CR" Coastal Related Industry Zone are proposed to add seawall and waterfront access facilities, together with recreational and vis-

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facilities, to the list of permitted uses in the "M-CR" Zone so long as they are consistent with and further the Hueneme Beach Master Plan.

c. An LCP implementation policy is proposed wherein those Coastal Zone Policy groups identified in the LCP's Table 1 concerning the Port of Hueneme shall, in part, serve as the primary basis upon which specific development proposals at the NCEL property will be evaluated by the City. In addition, to these policy groups, land use recommendations found in the NCEL Community Reuse Plan beginning on Page 56, shall serve as an additional basis upon which specific development proposals will be evaluated by the City. In this regard, the NCEL Community Reuse Plan is proposed to be incorporate in to the LCP as Appendix H. In short, the Plan recommends a broad range of permitted coastal oriented uses for the 33-acre site; that is, traditional terminal operations and cargo storage; education tied to a maritime/marine biology curriculum; aquaculture/marine fisheries; and public access and visitor serving commercial consistent with the Hueneme Beach Master Plan.

d. The NCEL Community Reuse Plan represents a refinement of the Hueneme Beach Master Plan which currently illustrates a planned extension of Surfside Drive at back of the ocean revetment to a large (five to six acre) park near the harbor entry encompassing a large parking lot, vehicle turnaround, thematic structures and meandering promenade. Overall, the refined development concept is consistent with the Hueneme Beach Master Plan but recognizes the need for reconstructing/repairing the revetment and need for flexibility relative to providing a roadway at back of revetment. In addition, the refined development concept provides for a possible bike and pedestrian pathway located atop the reconstructed/repared revetment to increase scenic visibility, enhance opportunities for walking, strolling, bicycling and fishing and improve access to the beach and ocean. Under the refined development concept, determination of the need and extent of vehicular access would be made as land uses are finalized and specific development proposals are designed, as well as the nature and timing of development of the adjacent Sunkist Site so as to ensure continuous downcoast linkage of access. In addition, the refined development concept calls for a more modest turnaround and vista focused at the existing lighthouse and "sandspit" area at the base of the east harbor jetty with limited parking if vehicular access is installed. Determination of the need to amend the Hueneme Beach Master Plan to specifically illustrate this refined development concept would be made as specific development proposals and method of reconstruction/repair of the revetment are finalized.

2. On the basis of evidence presented in Article II, Paragraph E of City Council Resolution No. 2972, the benefits of approving the land use and implementing regulations of the proposed Project outweigh the unavoidable adverse effects.

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ARTICLE III -- PROJECT APPROVAL

A. LCP & Zoning Amendments & Boundary Changes

1. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme does hereby approve Boundary Change Application No. PHBC-747 encompassing revisions of the General Plan Land Use Map and Zoning Map as illustrated in Exhibit "A" attached hereto; and further approves and recommends Coastal Commission approval of the Local Coastal Program and Zoning Ordinance amendments consisting of those exact revisions as set forth in Exhibit "B" attached hereto; and

2. BE IT FURTHER RESOLVED that pursuant to Public Resources Code Section 30510, the City Council of the City of Port Hueneme hereby reiterates its intent to implement the Local Coastal Program and amendments thereto in a manner fully consistent with the California Coastal Act; and

3. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme hereby adopts and declares that approval granted herein is subject to and contingent upon: (i) incorporation of all environmental mitigation prescribed in the Statement of Facts set forth in Article II, Paragraph C of City Council Resolution No. 2972; and (ii) implementation of the Mitigation Monitoring and Reporting Program as set forth in Exhibit "C", attached hereto.

4. BE IT FURTHER RESOLVED that the approvals granted herein shall not become effective until the corresponding LCP and Zoning Ordinance Amendment and General Plan and Zoning Map boundary change has been approved by the California Coastal Commission, until the NCEL property has been divested from Federal ownership, and until thirty (30) days after adoption of the necessary Ordinance by the City Council.

5. BE IT FINALLY RESOLVED that the staff of the Department of Community Development of the City of Port Hueneme is hereby authorized to file said amendments with the Coastal Commission of the State of California and to provide such additional information as may be required pursuant thereto.

PASSED AND ADOPTED this 7th day of August, 1996.

Dr. Robert E. Turner
MAYOR
DR. ROBERT E. TURNER

ATTEST:

Elaine P. Morse
CITY CLERK (Deputy)

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RESOLUTION NO. 2972

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME, CALIFORNIA, CERTIFYING A FINAL ENVIRONMENTAL IMPACT STATEMENT IN PLACE OF A FINAL ENVIRONMENTAL IMPACT REPORT, MAKING REQUIRED FINDINGS, ADOPTING A FINDING OF OVERRIDING CONSIDERATIONS, AND SETTING FORTH A MITIGATION AND MONITORING PLAN FOR AMENDMENT OF THE CITY'S LOCAL COASTAL PROGRAM, ZONING ORDINANCE, ZONING MAP AND LAND USE MAP RELATIVE TO THE DISPOSAL AND REUSE OF THE FORMER U.S. NAVY CIVIL ENGINEERING LABORATORY PORT HUENEME (Case Number PHBC-747)

ARTICLE I -- RECITALS

A. Recitals

1. WHEREAS, pursuant to the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) and the base closure decisions Congress made in September 1993, the U.S. Navy Civil Engineering Laboratory Port Hueneme (NCEL) was operationally closed in April 1996; and

2. WHEREAS, the United States Navy has prepared and completed a Draft Environmental Impact Statement that was issued for public review on February 16, 1996, which analyzes the potential significant environmental effects of NCEL disposal and proposed reuse consistent with the NCEL Community Reuse Plan Port Hueneme and land use alternatives thereto, and completed a Final Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA) dated July 1995; and

3. WHEREAS, consistent with the NCEL Community Reuse Plan land use recommendations, the City of Port Hueneme is proposing necessary amendments to its Local Coastal Program, Zoning Ordinance, Zoning Map and General Plan Land Use Map to facilitate expected NCEL reuse resulting from divestiture of the federally owned land (hereinafter collectively referred to as "Project"); and

4. WHEREAS, implementing the Project represents a discretionary action subject to the environmental review requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.); and

5. WHEREAS, pursuant to California Public Resources Section 21083.7, when a project requires compliance with both CEQA and NEPA, the Lead Agency shall, wherever possible, use the Environmental Impact Statement in place of an Environmental Impact Report; and

6. WHEREAS, the City Council of the City of Port Hueneme, as Lead, has reviewed and considered the Navy's Environmental Impact Statement and be

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that the Environmental Impact Statement meets the requirements of CEQA and intends to use the Final Environmental Impact Statement in place of a Final Environmental Impact Report pursuant to CEQA Guidelines Section 15221 and that CEQA requires the City Council to review and consider the information contained in the Final Environmental Impact Statement prior to taking any action on the proposed Project and to make findings for all significant effects which would likely result from approval of the Project; and

7. WHEREAS, through its consultant, Environmental Science Associates, Inc., the City has prepared a Mitigation Monitoring and Reporting Program as required by CEQA to insure implementation of mitigation measures for significant impacts identified in the Final Environmental Impact Statement; and

8. WHEREAS, land use alternatives identified below under Article II, Paragraph C are taken from the Navy's Final Environmental Impact Statement which include: (1) Navy "Disposal" of the NCEL site; (2) "No Action", whereby the NCEL site would remain in Navy caretaker status without reuse; (3) the "Preferred" alternative, whereby the NCEL site would entail reuse for port expansion, recreation/shoreline access and coastal-related activities; (4) the "Port-Industrial" alternative, whereby the NCEL site would entail reuse for port expansion, port-related uses and recreational/shoreline access; and (5) the "Mixed-Use" alternative, whereby the NCEL site would entail reuse for port expansion, recreation/shoreline access, commercial/visitor serving activities, coastal-related activities, and education/administrative office uses; and

9. WHEREAS, for the purposes of this Resolution, the term, "new development" at the NCEL site does not mean the reuse, repair or alteration of existing on-site buildings or structures nor the minor on-site alterations to land such as fine surface grading, new fencing, utility service upgrades/trenching and connections, nor reconfigured/improved parking and circulation so long as the alterations to land and utilities are intended to serve reuse of existing buildings, land and/or structures at similar intensities to the historic use of the former NCEL complex.

ARTICLE II -- DECLARATIONS

NOW, THEREFORE, BE IT RESOLVED that the City Council does declare and adopt the following findings of fact:

A. Record

1. Prior to rendering a decision on any aspect of the Project and Final Environmental Impact Statement prepared pursuant thereto in place of a Final Environmental Impact Report, the City Council considered the following:

a. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted on August 7, 1996.

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b. All oral , written and visual materials presented by City staff and Environmental Science Associates, Inc.. in conjunction with that certain public hearing conducted on August 7, 1996.

c. The following informational documents which, by this reference, are incorporated herein:

i. That certain written report submitted by the Department of Community Development of the City of Port Hueneme dated August 1, 1996 (hereinafter referred to as "Staff Report").

ii. The Final Environmental Impact Statement prepared by the U.S. Navy Engineering Field Activity West, dated July, 1996.

iii. The Mitigation Monitoring and Reporting Program prepared by Environmental Science Associates, Inc., attached hereto as Exhibit "A".

iv. The NCEL Community Reuse Plan prepared by ROMA Design Group, dated July 1995.

v. The Memorandum of Understanding by and between the City of Port Hueneme, the Port Hueneme Surplus Property Authority, and Oxnard Harbor District executed by each party on December 27, 1995, December 27, 1995 and December 21, 1995, respectively.

B. Public Review

1. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements pertaining to CEQA prescribed in (1) Title 3, Division 13, of the Public Resources Code of the State of California, (2) Title 14, Section 13515 et seq. of the California Code of Regulations, and (3) Resolution No 2560 of the City Council of the City of Port Hueneme, have been lawfully satisfied:

a. A combined Notice of Intent to Prepare and Notice of Preparation for an Environmental Impact Statement for the Project was prepared and published by the Navy in the Federal Register on March 8, 1995. Press releases of same were sent to the news media, and legal advertisements of same were published in local newspapers on March 8, 1995.

b. Public Notice of a "Scoping Meeting" to solicit the views of the public in advance of a Draft Environmental Impact Statement (DEIS) was prepared and sent by the Navy to over 400 governmental agencies, interested groups and individuals either known to have or thought to have an interest in the Project, notice of same was sent to all persons owning property within 300 feet of the boundaries of the Project and to residents within 100 feet of said boundaries on March 3, 1995, and notice of same was published in the local newspaper on March 3, 1995.

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published as a legal notice in a local newspaper of general circulation on March 9, 1995, ten days in advance of the Scoping Meeting. Said Scoping Meeting was conducted jointly by the City and Navy on March 23, 1995, at the Port Hueneme City Council Chambers wherein approximately 25 individuals attended.

c. A combined Notice of Intent to Prepare and Notice of Preparation for an Environmental Impact Statement for the Project was prepared and mailed by the City to Responsible and Trustee Agencies and over 50 governmental agencies, interested groups and individuals either known to have or thought to have an interest in the Project on April 24, 1995 (California State Clearing House #95051002).

d. Notice of Availability of the Draft EIS was prepared and mailed by the Navy to governmental agencies, interested groups and individuals either known to have or thought to have an interest in the Project. Notice of same was published by the Navy in the Federal Register on February 16, 1996. In addition, press releases of same were sent to the news media, legal advertisements were published in local newspapers announcing a public meeting to receive oral and written comments on the Draft EIS on March 12, 1996, over ten days in advance of the meeting to receive oral and written comments on the Draft EIS. Copies of the Draft EIS were made available for review at the Ray D. Prueter Library, Oxnard Public Library and the Ventura County Library.

e. Notice of Completion was prepared and published by the City as a legal notice in a local newspaper of general circulation on February 22, 1996, and announcement of public meeting to receive oral and written comments on the Draft EIS was made on March 12, 1996, over ten days in advance of the meeting. In addition, Notice to this effect along with ten copies of the Draft EIS were distributed to state agencies through the State Clearinghouse, and a copy mailed directly by the City to affected local agencies on February 16, 1996, with notice of same mailed to other governmental agencies, interested groups and individuals either known to have or thought to have an interest in the Project. The Draft EIS was also made available for public review at the Ray D. Prueter Library, the Solis El Rio Library, the Oxnard Public Library and the Department of Community Development of the City of Port Hueneme.

f. Public meeting to receive oral and written comments on the Draft EIS was held on March 12, 1996. Said Public hearing was conducted jointly by the City and Navy at the Port Hueneme City Council Chambers wherein approximately 15 individuals attended.

g. Notice of Public Hearing of the City's intent to consider the Draft EIS for certification and availability of documentation was prepared and published by the City as a legal notice in a local newspaper of general circulation on July 20, 1996, over ten days prior to the public hearing and a copy of the notice and Draft EIS with proposed response to comments was mailed on July 16, 1996, to all public agencies who commented on the Draft EIS over ten days prior to the public hearing. Also, mailed to all persons owning property within 300 feet of the boundaries of the

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and to all residents within 100 feet of said boundaries on July 16, 1996, at least ten days prior to the public hearing.

2. All written comments received in response to the Notice of Preparation and Notice of Completion for the proposed Project have been reviewed and considered prior to making any decision on the Project.

C. Environmental Impact Findings

As used hereinunder, "project sponsor" means the sponsor of specific future development proposals at the NCEL site. A project sponsor could include, but not be limited to, the Port Hueneme Surplus Property Authority, Oxnard Harbor District and/or their tenants (as the case may be).

On the basis of evidence presented below, changes or alterations have been required in, or incorporated into, the proposed Project which will mitigate or avoid the significant environmental effects for disposal and reuse actions thereof as identified in the Final Environmental Impact Statement:

1. Cultural Resources

a.1. Significant Effect: As part of its consultations with the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act, the Navy has learned that the International Longshoreman's and Warehouseman's Union Hiring and Dispatch Hall (ILWU) is eligible for the National Register for its function in union activities since its construction in 1942 (Final EIS, Pages 4-18 & 4-19). As a result of the Project, the building could be relocated, remodeled or demolished, any of which would have a significant adverse impact on the building's historic significance. (Remaining buildings at the NCEL, including Building #560, were found to have lost their integrity as a result of the many modifications of the buildings and their setting since their historic period.)

b.1. Statement of Facts: To mitigate this potential adverse impact, the Navy, prior to conveyance of the NCEL, will award contract to record the ILWU structure in accordance with the Historic American Building Standards and have copies of this document placed at the earliest possible time in the Library of Congress and appropriate state and local archives (Mitigation applicable to all Alternatives, except No Action).

a.2. Significant Effect: Ground disturbance on-site during construction or demolition activities could result in potentially significant impacts to previously undiscovered subsurface prehistoric/historic archeological sites (Final EIS Page 4-20)

b.2. Statement of Facts: To mitigate this potential adverse impact, ground disturbance by construction or demolition, the project sponsor shall re

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call services of a qualified archaeologist. Should archeological resources be suspected or discovered during earth moving activities (including: buried hearths, bones, chipped or ground stone artifacts, areas of black or dark-colored soil, unexpected building foundations, and/or buried historic refuse deposits), the project sponsor shall be required to immediately suspend all work in the vicinity and do the following: have the on-call archeologist and/or if necessary, an additional cultural resources consultant assess the materials and determine their significance and immediately report the find to the City. Upon consultation with the City and any other appropriate parties related to the archeological resource, if the qualified professional archeologist or cultural resources consultant determines that the site is significant, the archaeologist and/or cultural resources consultant shall recommend a course of action and consult with the State Historic Preservation Office in determining appropriate treatment and mitigation prior to recommencing work. The archaeologist and/or cultural resources consultant shall prepare a written report to be submitted to the City for the project file (Mitigation applicable to all Alternatives, except Disposal and No Action).

2. Water Resources

a.1. Significant Effect: According to a Revetment Conditions Survey prepared by the Army Corps of Engineers, Los Angeles District dated June 1994, the integrity of the NCEL revetment is poor and although the shoreline revetment protecting the NCEL site is adequate to currently protect the property from the ocean, it has deteriorated and needs to be repaired to provide continued adequate protection into the future. Moreover, according to the Final EIS, the integrity of the revetment (and area beaches) depends upon a continuation of artificial beach replenishment (Final EIS, Page 4-25).

b.1. Statement of Facts: The NCEL revetment was constructed in 1942 to protect the NCEL property from wave action and storm surges as a result of the severe beach erosion. An Army Corps of Engineers study in 1948 found that the Port of Hueneme Harbor jetties constructed in 1938-40 disrupt natural sand flow which impedes downcoast movement of littoral material. In order to compensate for continued downcoast beach sand loss from the influence of the jetties and to protect the beach and NCEL revetment from wave erosion, Congress authorized a comprehensive shoreline protection program under the River and Harbor Act of September 3, 1954. This program included the construction of an upcoast sand trap, biennial dredging, artificial sand deposition south of the harbor, and the construction of Channel Islands Harbor as an incidental method of providing replacement sand. The authorization for the shoreline protection program was valid as long as Federal ownership or use of lands and improvements necessitated such protection.

The City of Port Hueneme, acting through the Surplus Property Authority, has expressed concern about the future of shoreline protection and, in particular, the fate of a sand replenishment program once the NCEL is conveyed out of the Federal Government's ownership. By virtue of the Navy's land holdings downcoast of

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(i.e., NCEL and Point Mugu) and the benefits thereby derived from sand replenishment, the 1954 Act was approved contingent upon authorization and appropriation of an equitable share of military funds to finance shoreline protection. Subsequent Letters of Agreement in 1956 apportioned these costs such that Army Corps and Navy were responsible for 81.5% and 18.5% respectively, of biennial maintenance dredging. These Letters of Agreement stipulate a 50-year amortization period and the Navy's equitable share is based, in part, upon the percent which the NCEL represents of all property benefiting from shoreline protection. Given these facts, it remains unclear whether the Navy may reduce funding for shoreline protection by its divestiture of the NCEL or whether federal support may terminate altogether after the year 2006 irrespective of the Navy's land holdings.

Furthermore, as noted in the 1994 Revetment Conditions Survey, the Army Corps has determined that the revetment protecting the leading edge of the NCEL is in disrepair. Nobel Consultants, an independent marine engineering firm retained by the City, has concluded that the stability and well being of the revetment is critically dependent upon sand replenishment operations. Without sand replenishment, the revetment will deteriorate more rapidly and require reconstruction sooner than designed. According to the ROMA Design Group, an urban design consortium and authors of the NCEL Community Reuse Plan, reconstruction of the revetment will range between \$1 and \$2 million. Because of the connection between revetment stability/longevity and sand replenishment, the California Department of Boating and Waterways has indicated that available State grant funding for seawall reconstruction is contingent upon continuation of sand replenishment operations; more specifically, that responsible federal agencies must provide assurance that federal beach nourishment in front of the NCEL will continue as a condition of the City receiving grant funding.

Due to these complications, and consistent with the recommendations set forth in the NCEL Community Reuse Plan, no conveyance of the NCEL should be made by the Navy until issues related to sand replenishment are resolved. Furthermore, appropriate shoreline protection and building setbacks shall be instituted concurrent with new development of the NCEL and the revetment should be reconstructed/repared at the earliest possible date, but in no event later than the end of its expected life term subject to availability of funding, entitlements, and the timing and nature of development at the vacant property abutting east of the NCEL (Mitigation applicable to all Alternatives).

a.2. Significant Effect: The western edge of the NCEL site is exposed to seismic or atmospherically induced "sloshing" of water in the Port of Hueneme's enclosed harbor basin and entry channel. Structures built on the western edge of the NCEL site could be vulnerable to seiche runoff, posing a hazard to buildings and occupants within the immediate shore area (Final EIS, Page 4-25).

b.2. Statement of Facts: To mitigate this potential adverse impact project sponsor of new development shall employ appropriate set backs from channel shoreline, extend the seawall, construct protective berms or provide s:

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protective measures to protect the new development prior to occupancy (Mitigation applicable to all Alternatives, except Disposal and No Action).

a.3. Significant Effect: Further regional subsidence could increase flooding hazards from storm surges, seiches, and tsunamis. If sea levels rise as some scientists predict, that would eventually exacerbate the flooding hazard from these events (Final EIS, Page 4-25).

b.3. Statement of Facts: To mitigate this potential adverse impact, the project sponsor of new development shall employ minimum fifty foot (50') building setbacks from back of revetment as set forth in the NCEL Community Reuse Plan and provide appropriate set backs from the entry channel shoreline. In addition, when the revetment is reconstructed/repared, the height of the revetment shall be increased to provide adequate protection (Mitigation applicable to all Alternatives, except Disposal and No Action).

4. Air Quality

a.1. Significant Effect: Building and site demolition, renovation, and construction activities have the potential for generating temporary localized dust nuisance conditions over an extended buildout period of time (Final EIS, Pages 4-45 & 4-46).

b.1. Statement of Facts: To mitigate this potential adverse impact, the project sponsor, shall be required to submit a plan as a condition of project approval to the City prior to the start of demolition, renovation and/or construction activities describing and ensuring the use of routine dust control practices including, but not limited to the following: (1) Minimize the area disturbed by clearing, earth moving, excavation activities; (2) Prevent excessive dust generation by using water or dust control solutions on all unpaved areas subject to vehicle traffic, grading or excavation; (3) Ensure that any petroleum-based dust control products used on the site meet Ventura County Air Pollution Control District's regulations for cutback asphalt paving materials; (4) Halt all site clearing, grading, earth moving, and excavation activities during periods of sustained strong winds (hourly average wind speeds of 20 mph or greater); (5) Sweep streets adjacent to the construction site as necessary to remove accumulated dust and soil; and (6) Properly maintain all construction vehicles and avoid excessive idling of inactive equipment (Mitigation applicable to all Alternatives, except Disposal and No Action).

a.2. Significant Effect: Vehicle traffic for land use patterns under alternative reuse plans will produce a net increase in emissions that exceeds the Ventura County Air Pollution Control District's 25 pounds per day impact significance threshold and will have a significant impact on regional ozone precursors (Table 4-17 of DEIS).

b.2. Statement of Facts: No mitigation has been identified by EIS to reduce net increase in emissions below a significance level (All Alternatives except Disposal and No Action). However, in recognition of the CEQA require

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projects must include all feasible mitigation that would substantially lessen significant effects, the City shall impose its Transportation Demand Management (TDM) Facilities Ordinance No. 597 which specifies TDM obligations of future new development with 50 or more employees. The provisions of the TDM program can be enforced at the NCEL through development agreements, development permits, or impact mitigation fee programs (DEIS), Page E-6 (Mitigation applicable to all Alternatives, except Disposal and No Action).

5. Utilities

a.1. Significant Effect: If the proposed subregional Brackish Water reclamation Demonstration Facility (Water Quality Improvement Program) does not come on line, reuse of the NCEL by high water demand users such as fish processors could result in the City exceeding its contract allocation from the United Water Conservation District, creating shortages (Final EIS, Page 4-55).

b.1. Statement of Facts: To mitigate this potential adverse impact, the Navy has agreed to provide water service to the NCEL property until such time the subregional facility comes on line. As a condition of new development, the project sponsor shall be required to consult with the City regarding obtaining additional service capacity should the subregional facility not become operational prior to completion of new development (Mitigation applicable to all Alternatives, except Disposal and No Action).

a.2. Significant Effect: Although not expected to happen, should sanitary sewer discharge generated by the reuse of the NCEL property contribute to a cumulative exceeding of the City's transmission system's capacity or regional facility capacity, some volume of sanitary wastes may not reach or receive adequate treatment prior to discharge from the facility (Final EIS, Page 4-57).

b.2. Statement of Facts: To mitigate this potential adverse impact, as a condition of new development, the project sponsor shall be required to purchase additional wastewater treatment capacity from Oxnard, if necessary and contribute towards upgrading necessary mainline transmission pipes by payment of a pro-rata in-lieu fee to the City of Port Hueneme to contribute to rebuilding adequate transmission lines (mitigation applicable to all Alternatives, except Disposal and No Action).

D. Statement of Agency Responsibilities

On the basis of evidence presented below, some of the changes or alterations are within the responsibility of other public agencies and are not the responsibility of the City of Port Hueneme. Such changes either have been adopted by such agencies or can and should be adopted by such other agencies.

1. Cultural Resources

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a.1. Significant Effect: As part of its consultations with the State Historic Preservation Office pursuant to Section 106 of the National Historic Preservation Act, the Navy has learned that the International Longshoreman's and Warehouseman's Union Hiring and Dispatch Hall (ILWU) is eligible for the National Register for its function in union activities since its construction in 1942 (Final EIS, Pages 4-18 & 4-19). As a result of the Project, the building could be relocated, remodeled or demolished, any of which would have a significant adverse impact on the building's historic significance. (Building 560 and other remaining buildings at the NCEL were found to have lost their integrity as a result of the many modifications of the buildings and their setting since their historic period.)

b.1. Statement of Facts: As provided in Article II, Paragraph C.1.b.1. above, the Navy will mitigate this potential adverse impact prior to conveyance of the NCEL by awarding contract to record the ILWU structure in accordance with the Historic American Building Standards (completed as of May 30, 1996) and have copies of this document placed at the earliest possible time in the Library of Congress and appropriate state and local archives (Mitigation applicable to all Alternatives, except No Action).

2. Water Resources.

a.1. Significant Effect: According to the EIS, the integrity of the revetment protecting the NCEL site depends upon a continuation of artificial beach replenishment. Failure to replenish the beach sand would expose the toe of the revetment to tidal action which would likely result in damage to the revetment, thereby exposing inland NCEL property to shoreline erosion and creating storm surge and tsunami hazards to structures on the NCEL site.

b.1. Statement of Facts: An Army Corps of Engineers study in 1948 (identified in House Document 362 of the 83rd Congress) found that the Port of Hueneme Harbor jetties disrupted natural sand flow, creating a beach erosion problem south of the harbor mouth. In response the River and Harbor Act of Congress dated September 3, 1954, authorized the Army to establish a shore protection program at Port Hueneme, which included the construction of a sand trap, biennial dredging and sand deposition south of the harbor, and the construction of the Channel Islands Small Craft Harbor as an incidental method of providing replacement sand to mitigate downcoast erosion resulting from the Port of Hueneme jetties. This program has been jointly funded by the Army and Navy for over thirty-five years.

The City of Port Hueneme, acting through the Surplus Property Authority, has expressed concern about the future of shoreline protection and, in particular, the fate of a biennial sand replenishment program once the NCEL is conveyed out of the Federal Government's ownership. By virtue of the Navy's land holdings down coast (i.e., NCEL and Point Mugu) and the benefits thereby derived from sand repl the 1954 Act was approved contingent upon authorization and appropriation

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equitable share of military funds to finance shoreline protection. Subsequent Letters of Agreement in 1956 apportioned these costs such that Army Corps and Navy were responsible for 81.5% and 18.5% respectively, of biennial maintenance dredging. These Letters of Agreement stipulate a 50-year amortization period and the Navy's equitable share is based, in part, upon the percent which the NCEL represents of all property benefiting from shoreline protection. Given these facts, it remains unclear whether the Navy may reduce funding for shoreline protection by its divestiture of the NCEL or whether federal support may terminate altogether after the year 2006 irrespective of the Navy's land holdings.

Furthermore, as noted in the 1994 Revetment Conditions Survey, the Army Corps has determined that the revetment protecting the leading edge of the NCEL is in disrepair. Nobel Consultants, an independent marine engineering firm retained by the City, has concluded that the stability and well being of the revetment is critically dependent upon sand replenishment operations. Without sand replenishment, the revetment will deteriorate more rapidly and require reconstruction sooner than designed. According to the ROMA Design Group, an urban design consortium and authors of the NCEL Community Reuse Plan, reconstruction of the revetment will range between \$1 and \$2 million. Because of the connection between revetment stability/longevity and sand replenishment, the State Department of Boating and Waterways has indicated that available grant funding for seawall reconstruction is contingent upon continuation of sand replenishment operations; more specifically that responsible federal agencies must provide assurance that federal beach nourishment in front of the NCEL will continue as a condition of the City receiving grant funding.

As provided in Article II, Paragraph C.2.b.1. above, no conveyance of the NCEL should be made by the Navy until issues related to sand replenishment are resolved. In this regard, the City should seek an agreement with the responsible federal agencies and/or seek special legislation to provide assurances that biennial sand replenishment will continue unabated, commensurate with the level of shoreline protection necessary to maintain a sediment transport balance, and subject to the Congressional appropriations process. Such agreement is required insofar as neither the Port Hueneme Surplus Property Authority, Oxnard Harbor District nor the City of Port Hueneme owns or controls the Port of Hueneme harbor jetties or property upcoast of the NCEL site (Mitigation applicable to all Alternatives).

E. Statement of Overriding Considerations

On the basis of evidence presented below, specific economic, social or other considerations make infeasible mitigation measures or project alternatives identified in the Environmental Impact Statement.

1. Air Quality

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a.1. Significant Effect: Vehicle traffic for land use patterns under alternative reuse plans will produce a net increase in emissions that exceeds the Ventura County Air Pollution Control District's 25 pounds per day impact significance threshold and will have a significant impact on regional ozone precursors (Table 4-17 of DEIS).

b.1. Statement of Facts: No mitigation has been identified by the Final EIS to reduce net increase in emissions below a significance level (All Alternatives, except Disposal and No Action).). However, in recognition of the CEQA requirement that projects must include all feasible mitigation that would substantially lessen significant effects, the City shall impose its Transportation Demand Management (TDM) Facilities Ordinance No. 597 which specifies TDM obligations of new development with 50 or more employees. The provisions of the TDM program can be enforced at the NCEL through development agreements, development permits, or impact mitigation fee programs (DEIS), Page E-6 (Mitigation applicable to all Alternatives, except Disposal and No Action).

2. Overriding Considerations:

a.1. Significant Effect: Although the mitigation prescribed in Paragraph E.1.b.1., above will minimize air quality impacts, the effects cannot be reduced to a level of insignificance.

b.1. Statement of Facts:

(i) Economic Considerations. The principal impetus for the proposed Project is to add to the fiscal resources and financial strength of the City, provide for the needed expansion of port facilities, and to provide for the timely recovery of military lands and create jobs. The proposed Project provides the highest possible return of any alternative considered in the EIS.

(ii) Project Alternatives. The objectives of the proposed Project set forth in the NCEL Community Reuse plan are ninefold:

- Add to the fiscal resources and financial strength of the City.
- Build on the unique qualities of the waterfront setting.
- Provide for continuity in recreational character and public access along the shoreline
- Provide for continued protection of the harbor entrance
- Provide for the needed expansion of port facilities.
- Integrate harbor activities into the community in the most positive fashion.
- Ensure the compatibility of uses on adjacent sites, and create a symbiotic relationship between uses on site.
- Provide for a diverse means of transportation and access to the area.
- Encourage timely recovery of military lands.

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Within this context, the project alternatives are deemed infeasible for the following reasons:

1/ No Action Alternative. Under the "No Action Alternative", the NCEL site would remain in Navy caretaker status and would not be reused. Although this alternative would have limited environmental effects, it would not achieve any of the objectives of the NCEL Community Reuse Plan.

2/ Port Industrial Alternative. Under the "Port Industrial Alternative", the NCEL site would be developed to accommodate Port Industrial activities to a much greater extent than the Preferred Alternative and would not include such activities such as maritime training and other educational uses. While this alternative would contribute to the fiscal health and well being of the community by creating new jobs, the number of new jobs that would be created would be less than under the Preferred Alternative (DEIS, Page 4-11). This alternative would not avoid any of the significant impacts identified under the Preferred Alternative; in contrast, the one significant unavoidable impact, i.e., ozone precursor emissions, would be approximately 8% worse under this alternative relative to the Preferred Alternative (DEIS, Page 4-47).

3/ Mixed-Use Alternative. Under the "Mixed-Use Alternative", the NCEL site would be developed with less industrial uses and more retail uses than would occur under the Preferred Alternative. This alternative would further the objectives of the Reuse Plan to the same extent as the Preferred Alternative but would be significantly more expensive and more environmentally damaging. With respect to costs, the rehabilitation of buildings for education uses would result in higher costs to the City than would occur under the Preferred Alternative. The one significant unavoidable impact, i.e. ozone precursor emissions, would be approximately 11% to 13% worse under this alternative relative to the Preferred Alternative (DEIS, Page 4-47).

ARTICLE III -- FINAL EIR CERTIFICATION

BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme does hereby certify, declare and order:

1. That it is the City Council's independent judgment that the Navy's NCEL Port Hueneme Disposal and Reuse Final Environmental Impact Statement dated May, 1996 has been prepared and completed in compliance with CEQA and the State CEQA Guidelines and that the City Council has reviewed and considered the Final Environmental Impact Statement in place of a Final Environmental Impact Report prior to taking any actions with regard to approving or disapproving the proposed Project that this action reflects the independent judgment of the City Council.

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2. That the Mitigation Monitoring and Reporting program set forth in Exhibit "A" hereto has been prepared and completed in compliance with CEQA and shall be considered for adoption in conjunction with Project approval or disapproval.

3. That the Director of Community Development of the City of Port Hueneme is hereby authorized and directed to file a Notice of Determination as required by CEQA immediately following final action on the proposed Project.

PASSED AND ADOPTED this 7th day of August, 1996.

Dr. Robert E. Turner

MAYOR
DR. ROBERT E. TURNER

ATTEST:

Clair P. Morse

CITY CLERK (Deputy)

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EXHIBIT "A"

City of Port Hueneme
Port Hueneme NCEL Disposal and Reuse EIR

MITIGATION MONITORING AND REPORTING PROGRAM

A. INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) associated with the Port Hueneme NCEL Disposal and Reuse Project. This program is required under Section 21081.6 of the California Environmental Quality Act (CEQA).

Assembly Bill (AB) 3180 was enacted by the California Legislature in 1988 to provide a mechanism to ensure that mitigation measures adopted through the CEQA process are implemented in a timely manner and in accordance with the terms of project approval. Under AB 3180, which added Section 21081.6 to CEQA, local agencies are required to adopt a monitoring or reporting program "designed to ensure compliance during project implementation."

For purposes of this MMRP, the term "new development" does not mean the reuse, repair or alteration of existing on-site buildings or structures nor the minor on-site alterations to land such as fine surface grading, new fencing, utility service upgrades and connections, and reconfigured/improved parking circulation so long as the alterations to land and utilities are intended to serve reuse of existing buildings, land, and/or structures at similar intensities to the historic use of the former Naval Civil Engineering Laboratory complex.

B. CONTENT AND ORGANIZATION

The MMRP includes the mitigation measures proposed to address the significant impacts associated with the proposed project. The impact discussions and proposed mitigation measures are presented in the Final Environmental Impact Report (EIR), dated July 1996. As required under CEQA, the mitigation measures included in this program are those adopted by the City of Port Hueneme, the Lead Agency under CEQA, in its Findings.

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The EIR also identified mitigation measures to address impacts considered to be less than significant. While the City will adopt some of those measures, such adoption is not required by CEQA, nor is inclusion of such measures in the MMRP required by CEQA Section 21081.6. Therefore, this MMRP only includes mitigation measures for the significant impacts identified in the Final EIR.

Mitigation measures that will require monitoring beyond project approval are presented in Table 1 below in a format keyed to each adopted EIR mitigation measure. The column headings in Table 1 are defined as follows:

SIGNIFICANT IMPACT - the significant impact as presented in the Final EIR, including the impact number for reference;¹

MITIGATION MEASURE - the measure as presented in the Final EIR, including the measure number for reference;

MONITORING AND REPORTING ACTIONS - an outline of the appropriate monitoring and/or reporting actions to verify compliance with the mitigation measure, including action number for reference;

MONITORING / REPORTING RESPONSIBILITY - assignment of responsibility for mitigation monitoring and reporting tasks; and

MONITORING / REPORTING SCHEDULE - a schedule for conducting each mitigation monitoring and reporting action.

¹ Because only significant impacts and accompanying mitigation measures are included, impacts and measures are not numbered consecutively.

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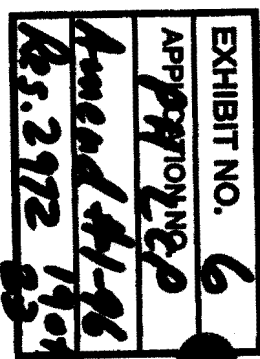
**TABLE 1: PORT HUENEME NCEL DISPOSAL AND REUSE EIS/EIR
MITIGATION MONITORING AND REPORTING PROGRAM**

SIGNIFICANT IMPACT	MITIGATION MEASURES	MONITORING/ REPORTING ACTIONS	MONITORING/REPORTING RESPONSIBILITY	MONITORING/ REPORTING SCHEDULE
Cultural Resources <i>All Alts. except No Action</i>				
1. Reuse activities could adversely affect current protection afforded the non-Navy ILWU Hall.	1. Record the ILWU Hall in accordance with the Historic American Building Survey (HABS) standards.	1. Place copies of the HABS documentation at the earliest possible time in the Library of Congress and appropriate state and local archives.	1. U.S. Navy	1. HABS documentation shall occur prior to any action on the ILWU Hall.
2. Ground disturbance during construction or demolition activities could affect undiscovered subsurface prehistoric/historic archaeological sites.	2. If archaeological resources are encountered, work should be suspended and a cultural assessment should be conducted.	2. The project sponsor shall retain the on-call services of an archaeologist. Should archaeological resources be found during earthmoving activities, the archaeologist shall be contacted and the archaeologist shall assess the significance of the find and immediately report the find to the City. Upon consultation with the City and any other appropriate parties related to the archaeological resource, the archaeologist shall recommend a course of action with respect to the archaeological resource. For each consultation, the archaeologist shall prepare a written report to be submitted to the City for the project file.	2. Project sponsor/ Consulting Archaeologist	2. An archaeologist shall be retained on an on-call basis prior to start of earthmoving activities. If necessary, reports to be filed after consultation occurs.

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**TABLE 1: PORT HUENEME NCEL DISPOSAL AND REUSE EIS/EIR
MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

SIGNIFICANT IMPACT	MITIGATION MEASURES	MONITORING/ REPORTING ACTIONS	MONITORING/REPORTING RESPONSIBILITY	MONITORING/ REPORTING SCHEDULE
Water Resources <i>All Alts.</i>				
<p>1. The shoreline revetment has deteriorated and needs to be repaired to provide continued adequate protection. The integrity of the revetment depends upon a continuation of artificial beach replenishment.</p>	1a. Continue beach sand replenishment program.	1a. City shall seek formal agreement with the Navy and Army pledging their continued commitment to the shoreline protection.	1a. City/Navy/Army	1a. Conveyance out of federal ownership should not be made until issues related to the beach replenishment program are resolved.
	1b. Reconstruct/repair the revetment and establish appropriate building setbacks.	1b. As a condition of new development, project sponsor shall institute appropriate shoreline protection and building setbacks.	1b. City/Project sponsor.	1b. Plans should be prepared for revetment reconstruction/repair and appropriate shoreline protection and building setbacks established/ provided concurrent with new development of the NCEL. However, at a minimum, the revetment shall be reconstructed/ repaired at the earliest possible time, but in no event later than the end of its expected life term subject to the availability of funding, entitlements, and the timing and nature of development at the vacant property abutting east of the NCEL.



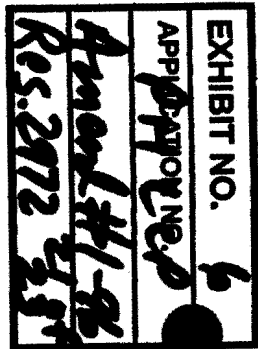
**TABLE 1: PORT HUENEME NCEL DISPOSAL AND REUSE EIS/EIR
MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

SIGNIFICANT IMPACT	MITIGATION MEASURES	MONITORING/ REPORTING ACTIONS	MONITORING/REPORTING RESPONSIBILITY	MONITORING/ REPORTING SCHEDULE
Water Resources (continued) <i>All Alts. except No Action</i>				
2. Structures on the west side of the NCEL property may be vulnerable.	2. Use a minimum 50-foot building setback from the back of revetment and other appropriate setbacks from the entry channel shoreline for new development. Extend the revetment or construct protective berms, if necessary.	2a. Plans shall incorporate the appropriate setbacks, an extension of the seawall or the construction of the protective berm. 2b. City approval of new development plans shall be conditionally based on use of setbacks or construction of berm, if required.	2. Project sponsor	2. Plans should be approved prior to construction of project. Project sponsor shall submit report showing compliance with the plans prior to project occupancy.
<i>All Alts.</i>				
3. Further regional subsidence could increase flooding hazards from storm surges, seiches, and tsunamis.	3. Use a minimum 50-foot building setback from the back of revetment and other appropriate setbacks from the entry channel shoreline for new development. Increase height and extend the revetment or construct protective berms, if necessary.	3a. Plans shall incorporate the appropriate setbacks, height, and extension of the seawall or the construction of the protective berm. 3b. City approval of new development plans shall be conditionally based on use of setbacks, increased height, or construction of berm if required.	3. Project sponsor	2. Plans should be approved prior to construction of project. Project sponsor shall submit report showing compliance with the plans prior to project occupancy.

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APPENDIX C
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Res. 2972

**TABLE 1: PORT HUENEME NCEL DISPOSAL AND REUSE EIS/EIR
MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

SIGNIFICANT IMPACT	MITIGATION MEASURES	MONITORING/ REPORTING ACTIONS	MONITORING/REPORTING RESPONSIBILITY	MONITORING/ REPORTING SCHEDULE
Air Quality <i>All Alts. except Disposal and No Action</i>				
1. Demolition, renovation, and construction activities have the potential to generate dust.	1. Follow best management practices for dust control, including minimizing disturbance area, watering unpaved surfaces, and halting activities during high winds.	1. Require project sponsor to submit plan to City describing use of dust control practices as condition of project approval.	1. Project sponsor/City	1. Plan shall be approved by the City prior to start of project construction. Project sponsor shall periodically monitor activities for compliance during project construction.
2. The increase in vehicle travel will produce a net increase in emissions that exceeds the VCAPCD impact significance threshold for ozone.	2. None identified to reduce net increase in emissions below a significant level. However, the project sponsor shall be subject to the City's Transportation Demand Management (TDM) Facilities Ordinance No. 597, which specifies the TDM obligations of future project site occupants.	2. As a condition of project approval, project sponsor shall be subject to the City's TDM ordinance for future employers at the site with 50 or more employees.	2. Project sponsor/City	2. TDM program with on-site measures shall be approved by City prior to project occupancy.
Utilities <i>All Alts. except Disposal and No Action</i>				
1. If the new Brackish Water Reclamation Demonstration facility does not come on line, reuse of the NCEL and current water potentially resulting	1. If the new Brackish Water Reclamation Demonstration facility does not come on line prior to plan check of project construction documents for new development, the project sponsor shall consult with the City of Port Hueneme to negotiate	1. As a condition of approval for new development, require project sponsor to consult with the City relative to obtaining additional service capacity from Oxnard, United	1. Project sponsor/City	1. If the new Brackish Water Reclamation Demonstration facility does not come on line prior to plan check of project construction documents for new development, a plan



**TABLE 1: PORT HUENEME NCEL DISPOSAL AND REUSE EIS/EIR
MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

SIGNIFICANT IMPACT	MITIGATION MEASURES	MONITORING/ REPORTING ACTIONS	MONITORING/REPORTING RESPONSIBILITY	MONITORING/ REPORTING SCHEDULE
Utilities <i>All Alts. except Disposal and No Action</i> (Continued)	obtaining additional water capacity from Oxnard, United Water Conservation District, and/or the USNCBC, which may include the project sponsor paying an in-lieu fee.	Water Conservation District, and/or the USNCBC.		for obtaining additional service capacity through identification of feasible water sources shall be submitted to and be approved by the City prior to issuance of project Building Permits and implemented prior to project occupancy.
2. The project could generate a sanitary sewage discharge that exceed the capacity of the system.	2. If necessary for new development, purchase additional wastewater treatment capacity from Oxnard and, if necessary, contribute prorata contributions to upgrade or rebuild transmission lines.	2. Establish new development discharge flows and determine need for additional wastewater capacity and upgrading of transmission lines and determine need for additional wastewater capacity and upgrading of transmission lines and determine prorata contribution for project sponsor to fund rebuilding/additional capacity costs.	2. Project sponsor/City	2. Prior to approval of new development, require project sponsor to submit wastewater discharge analysis and, if necessary, require project sponsor to purchase additional wastewater capacity and contribute to the necessary upgrading or rebuilding of transmission lines as a condition of project approval prior to project occupancy.

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CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS:
CITY OF PORT HUENEME)

I, KAREN B. JACKSON, duly appointed and qualified City Clerk of the City of Port Hueneme, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 2972 passed and adopted by the City Council of the City of Port Hueneme at the Regular Meeting of the City Council of the City of Port Hueneme on the 7th day of August, 1996 by the following roll call vote:

AYES: Councilmembers Carpenter, Sharkey, Volante, Young,
Mayor Turner

NOES: None

ABSENT: None

ABSTAINING: None

Elaine P. Morse
KAREN B. JACKSON, City Clerk of
Port Hueneme and ex-officio Clerk of
the Council

DATED: August 8, 1996

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LOCAL COASTAL PROGRAM

LAND USE
PLAN

EXHIBIT NO.	7
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NOTE: The City of Port Hueneme Local Coastal Program (LCP) is attached in its entirety with the exception of Appendices A through G which will remain unchanged and in full force and effect. Words and phrases which have been stricken are to be deleted from the text of the LCP, whereas language that is underlined is to be added.

LCP changes appear in the Table of Contents, Appendix, Table 1, and Figures 1, 2 and 3 which relate to mapping the former NCEL property. In addition, LCP text changes occur on Pages 19, 20, 21, 34, 35 and 36.

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INTRODUCTION

What is the Relationship
Between the LCP and the
Oxnard Harbor District
Master Plan for the
Port of Hueneme?

The Coastal Act contains special provisions governing the ports of Port Hueneme, Long Beach and Los Angeles, and the San Diego Unified Port District. These ports must prepare, adopt, and have certified by the Coastal Commission a Port Master Plan. The Coastal Act provides that:

"...for information purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan into its local coastal program."

The Port Master Plan certified in May, 1979, by the Coastal Commission covers only the area within the boundaries of the Port of Hueneme itself. This certified Master Plan is hereby incorporated by reference for information purposes into the City of Port Hueneme Local Coastal Program. The Final Master Plan document approved by the District Board of Commissioners, however, includes land use recommendations for areas outside of the existing boundaries of the Port. Although the City has no objection to the Plan as certified for the area within the Port, land use designations for a number of areas outside the current Port boundaries are not consistent with adopted City plans and policies. By decision of the Attorney General, areas outside the current boundaries of the Port of Hueneme are covered by the City of Port Hueneme Local Coastal Program; plans for these areas are to be certified as a part of this LCP.

Two means of resolving issues between the City and the Harbor District concerning land use planning for areas of mutual concern are being undertaken. The City and the Harbor District have executed a Cooperative Planning Agreement which provides for consultation and cooperation on planning for areas in and around the Port of Hueneme. The text of this agreement is included in Appendix E. The City and District have also jointly applied and received approval for a Coastal Energy Impact Program (CEIP) grant to examine means of resolving some of the more difficult land planning issues of immediate concern. The study which was subsequently produced is contained in Appendix F, pertinent findings of which are discussed in appropriate sections of the LCP Land Use Plan.

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southern area designated for parks and open space use. It has been the City's intention to tie future development of the Sunkist site to the Market Street Landing concept. Although the beach area below the seawall is privately held as part of the Sunkist parcel, public access is easily and frequently obtained by climbing the riprap and/or by walking across the beach from Hueneme Beach Park to the east. The Beach Master Plan meandering promenade passes through the lower portion of the Sunkist site.

AREAS H & J:

PORT OF HUENEME/
OXNARD HARBOR DISTRICT

50 Acres
110 Acres

Existing Land Use:
. Harbor Related

General Plan Land Use:
. Harbor Related

Areas H & J comprise is the commercial/industrial port area of Port Hueneme, under the jurisdiction of the Oxnard Harbor District. The Port is a facility of statewide significance, being the only deep water harbor between Los Angeles and San Francisco.

Area J is the former site of the U.S. Naval Civil Engineering Laboratory (NCEL). The NCEL was selected for closure under the third round of the Defense Base Closure and Realignment Act of 1993. In accordance with base closure statutes and Department of Defense policy, a community reuse plan was prepared for the former NCEL site to guide Department of Defense decisions as to whom and for what purpose the NCEL would be used following closure of the installation.

The NCEL Community Reuse Plan was prepared in a collaborative fashion with a broad-based, 26 member Advisory Task Force comprised of various public/private regulatory and resource agencies; community and neighborhood representatives; civilian tenants of the NCEL; adjoining property owners; homeless service providers; local and state educational providers; and the input and direction of the U.S. Navy, Oxnard Harbor District and City of Port Hueneme through an Executive Committee. This year-long planning effort evaluated disposal and reuse of the NCEL relative to regional considerations and property characteristics; environmental opportunities and constraints; utility and infrastructure needs; market support and financial considerations; implementation strategies; homeless strategies; and site planning considerations. The planning process included over eight public meetings and several public hearings on the Plan and related environmental documents.

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In short, the Plan recommends a broad range of coastal oriented uses for the 33-acre site; that is, traditional terminal operations and cargo storage; public access and visitor serving commercial; education tied to a maritime/marine biology curriculum; and aquaculture/marine fisheries. The underlying tenet of the Reuse Plan is that the NCEL be conveyed at no cost and be held in single public ownership. The basic land use pattern as recommended under the NCEL Community Reuse Plan is as follows:

. The northern strip of NCEL land encompassing some five to six acres should be devoted exclusively to port-related uses.

. The central portion of the site should be available for a broad spectrum of port and coastal-oriented uses.

. The southerly strip of land, encompassing the shoreline revetment and approximately 50 feet at back of the revetment should be reserved as an area for public access and recreation consistent with the Hueneme Beach Master Plan.

On August 2, 1995, the City Council and Surplus Property Authority of the City of Port Hueneme approved the final NCEL Community Reuse Plan dated July 1995. On December 21, 1995, the City, the Surplus Property Authority and Oxnard Harbor District reached agreement on operations, management and ownership. This agreement clears the way for a public benefit conveyance from the federal government to the Oxnard Harbor District for port-related purposes.

As part of the NCEL conveyance, the Navy has agreed to adjust its boundaries such that the "sandspit" area fronting the Coast Guard Lighthouse at the foot of the east harbor jetty will be conveyed by either fee or license for incorporation into the public access and recreation strip of land along the shoreline revetment.

The Oxnard Harbor District has a certified Port Master Plan for the area within its jurisdiction. The City and the District have entered into two additional agreements to guide future development within the Port of Hueneme. The Port Development R

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Agreement will provide an organized means of exchanging information about proposed developments in and near the harbor.

The District does contain one important recreation and visitor-serving facility whose future is of concern to the City. Hueneme Sportfishing is a commercial enterprise with five boats available either for individuals on scheduled departures or for charter by fishing parties.

AREA I: NAVAL
CONSTRUCTION BATTALION
CENTER (CBC)

815 Acres

The CBC controls the remainder of the harbor area. Federal facilities such as the CBC are exempt from the LCP except that the City may provide for interim zoning for Federal lands which is applicable immediately upon divestiture.

AREA J: NAVAL CIVIL
(NCEL) ENGINEERING
LABORATORY

35 Acres

Like the CBC, the NCEL is exempt from the local Coastal Program except that the City may provide for interim zoning for Federal lands which is applicable immediately upon divestiture.

AREA K: CHANNEL ISLANDS

160 Acres

Existing Land Use:

- . Commercial
- . Residential
- . Agricultural

This area has been rapidly developing as a medium-density, middle-income, multi-family residential area. Units in Area K are generally ten years old or less. New Area K has developed primarily with residential units. Both single-family and multi-family units are located in Area K. Commercial development (office, neighborhood commercial, specialty retail) is located along Channel Islands Boulevard.

General Plan Land Use:

- . Commercial
- . Residential
- . Parks/Open Space

That portion of Channel Islands not yet developed residentially or commercially is still in agricultural use. The agricultural area consists of approximately 50 acres in a single ownership. The land is devoted to growing of cabbage and other truck crops.

This remaining agricultural area is surrounded on all sides by urbanized uses, the urban limit line having moved past this area approximately five years ago. The area under cultivation was formerly much larger, encompassing most of what is now the residential and commercial areas. (Portions of farmland have been progressively sold off for commercial and residential sites.) 7 encroachment of commercial and development on the remaining agri

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Recreation and Visitor-Serving Facilities/
Coastal-Dependent Industry

No development on any portion of the Sunkist Site shall be approved in the absence of a comprehensive master plan for the entire parcel. This plan will include a recreational component., which plan and corresponding development shall be subject to the following standards:

- (i) The developable portion of Area G located southerly of the existing Ventura County Railroad tracks shall be limited to visitor-serving and commercial-recreational facilities as listed in the underlying zone classification for the Market Street Landing corridor.
- (ii) The developable portion of Area G located northerly of the existing Ventura County Railroad tracks may include harbor-related office uses in addition to visitor-serving and commercial-recreational facilities as listed in the underlying zone classification for the Market Street Landing corridor.
- (iii) Development on the northerly portion of the Sunkist Site shall be coordinated between the City and Oxnard Harbor District which development shall not be designed so as to interfere with the Port's coastal-dependent and coastal-related functions.

AREAS H & J: PORT OF HUENEME/
OXNARD HARBOR DISTRICT

Development Policies

Closure of the NCEL in April, 1996 presents both opportunities and problems. To address these issues, the NCEL Community Reuse Plan Port Hueneme was adopted by the City Council in August, 1995, and endorsed by the Board of Harbor Commissioners in December, 1995. Within this context, land use recommendations set

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forth in the Reuse Plan shall serve as the overriding development strategy for Area J and is hereby incorporated by reference into this LCP as Appendix H.

A change in land use set forth in the Reuse Plan recommendations involves shoreline access. Improvements originally proposed, if a change in status occurs at the NCEL, is illustrated in the 1979 Hueneme Beach Master Plan. This original plan depicts a single phase extension of Surfside Drive at back of revetment to a large (five to six-acre) park near the harbor entry encompassing a large parking lot, turnaround, and thematic structures. However, the Reuse Plan suggests a different approach whereby needed repair of the revetment is to be coordinated with improvements to shoreline access. In this way, rather than merely extending Surfside Drive, the NCEL Reuse Plan combines a narrow roadway at back of revetment separated from a new bike and pedestrian path way atop or alongside the revetment to increase visibility and accessibility to the ocean. Determination of the need for the roadway access would be made as land uses are finalized and when specific improvements are designed, as well as the nature and timing of development of the adjacent Sunkist Site.

In addition, while the Beach Master Plan depicts a large park at the terminus of the shoreline access, it is not recommended in the Reuse Plan because: 1) it is not considered necessary to meet recreational needs; 2) it would conflict with existing structures and activities to remain on-site; and, 3) it would be difficult to fund (both in terms of improvements and ongoing maintenance). It is recommended therefore, that a more modest shoreline access turnaround and vista occur at the existing lighthouse and "sandspit" at the base of the east harbor jetty providing views of the harbor entrance with limited parking if vehicular access is installed. Public access to the approximate 1/2 acre "sandspit" area at the base of the east harbor jetty is dependent upon successful property line adjustment from Navy ownership/use concurrent with conveyance of the NCEL.

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LCP Land Use:

- . Coastal-Dependent Industry
- . Coastal-Related Industry

Related Documents:

- . Port Master Plan
- . Cooperative Planning Agreement
- . Coastal Energy Impact Program
- . NCEL Community Reuse Plan

Specific uses as to land, water and wharf areas within the confines of Area H & J are governed by a Port Master Plan which, as authored and administered through the Oxnard Harbor District, has been prepared and certified independent of this LCP. In accordance with California Government Code Section 30711, the certified Port Master Plan is hereby incorporated by reference to serve as site-specific development policy for purposes of this LCP. While the Oxnard Harbor District is the agency principally responsible for overseeing implementation of the Port Master Plan, the City of Port Hueneme, under its vested "police powers", retains developmental review and permit authority within Areas H & J. Toward this end and consistent with Coastal Act policies and definitions, a two-tiered zoning classification is proposed under which coastal-dependent uses are clearly distinguished from that of coastal-related. In so doing, areas proximate to wharf and dock facilities would be exclusively reserved for uses requiring immediate water adjacency; harbor-related uses of a nondependent nature being accommodating in outlying areas. Under this arrangement, development within Areas H & J would dovetail with CEIP recommendations relative to "...relocating non-harbor-dependent activities onto other sites, while re-allocating Port land to strictly harbor dependent activities..." for the purpose of accommodating harbor growth.

As to implementation, Development within Areas H & J shall be coordinated between the City and Oxnard Harbor District. Within this framework, those policy groups identified in Table 1 concerning the Port of Hueneme (Shoreline Access, Coastal-Dependent Industry, Recreation and Visitor-Serving Facilities, Coastal Visual Resources and Commercial Fishing/Recreational Boating, Locating and Planning New Development, Hazard Areas, and Industrial and Energy Development) shall serve as the primary basis upon which specific development proposals will be evaluated by the City for Area H. In addition to these Policy Groups, land use recommendations found in the NCEL Community Reuse Plan shall serve as the primary basis upon which specific development proposals will be evaluated by the City for Area J.

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ZONING ORDINANCE

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	Amend #1-96
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NOTE: The Port Hueneme Zoning Ordinance, in its entirety, and the Zoning Map constitutes the Implementing Component of the Local Coastal Program. Due to its length, the entire Zoning Ordinance has NOT been reprinted. Rather, the pages which follow are limited exclusively to changes resulting from the operational closure of the Naval Civil Engineering Laboratory and its disposal from Federal ownership. Except as shown herein, the current adopted and certified Zoning Ordinance and Zoning Map will remain in full force and effect.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORT HUENEME AMENDING THE ZONING MAP OF THE CITY
OF PORT HUENEME PURSUANT TO BOUNDARY CHANGE
APPLICATION NO. PHBC-747 AND AMENDING ARTICLE X OF
THE MUNICIPAL CODE OF THE CITY OF PORT HUENEME
CONSISTING OF NEW REGULATORY PROVISIONS FOR THE
M-CR: COASTAL RELATED INDUSTRY ZONE
(NCEL Disposal & Reuse)

The City Council of the City of Port Hueneme does hereby ordain as follows:

SECTION I: Article X (Zoning Regulations) of the Municipal Code of the City of Port Hueneme is hereby amended as follows:

NOTE: WORDS AND PHRASES WHICH ARE UNDERLINED ARE TO BE ADDED;
LANGUAGE THAT IS STRUCKOUT IS TO BE DELETED. CAPITALIZED TEXT
DESCRIBES PURPOSE OF PROPOSED CHANGES.

1. Revise Section 10542(A) to read as follows:

A. Fish processing, marine fisheries, and aquaculture;

PURPOSE OF CHANGE: TO SPECIFICALLY BROADENED THE LIST OF PERMITTED
CONDITIONAL USES CONSISTENT WITH THE PURPOSE OF THE COASTAL RELATED
INDUSTRIAL ZONE AND NCEL COMMUNITY REUSE PLAN.

2. Revise Section 10542(D) to read as follows:

D. Energy and public works facilities including marshaling areas, maintenance yards,
maritime navigation aids, and public utilities; and

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PURPOSE OF CHANGE: TO ADD MARITIME NAVIGATION AIDS TO THE LIST OF CONDITIONAL USES TO ACCOMMODATE THE HARBOR'S EXISTING LIGHTHOUSE, FOGHORN AND POTENTIAL NEW FACILITIES CONSISTENT WITH THE NCEL COMMUNITY REUSE PLAN.

3. Add a new Section 10546 after existing Section 10545 to read as follows:

10546 Pre-existing nonconforming buildings.

Except as otherwise allowed as part of an approved Development Permit issued under Chapter 3 of this Article, no building or other structure situated within the M-CR (Coastal-Related Industry) Zone located seaward of the westerly prolongation of Port Hueneme Road may be reconstructed, structurally altered, added to or enlarged, nor shall any such building or structure be used or improved by any person, corporation or governmental entity, other than the government of the United States of America for the purpose of maintaining and operating the U.S. Coast Guard Lighthouse or Foghorn, without an Administrative Permit having first been issued therefore by the City pursuant to Section 10353 of this Article.

A. Standards of Review. In addition to those procedures found in Section 10353, an Administrative Permit under this Section shall not be issued unless it meets the following requirements:

1. No building shall be reconstructed, altered, used, designed or intended to be used for any purpose other than a pre-existing nonconforming use or use permitted in the M-CR zone.

2. No building shall be reconstructed, altered, used, designed or intended to be used for any purpose until the Development Review Committee, in consultation with the Port Hueneme Building Official and Fire Department, determines and makes findings pursuant to Section 10353(D) that the building or structure will be safe for its intended use and occupancy using the codes in effect at the time of original construction. If it cannot be determined what codes were in effect at the time of original construction, the Port Hueneme Building Official shall determine which codes are the appropriate ones to be used to evaluate the building or structure for the purposes hereof. To assist the Development Review Committee in making said determination and findings, the applicant shall allow the Building Official and Fire Department to inspect or cause to be inspected, the building or structure for compliance with code in accordance with the provisions of this Section.

3. Any project approval or modification and approval pursuant to 10353(D) of this Section involving remedial work to ensure that the building or structure will not be hazardous to life safety, fire safety, health or sanitation based upon its intended use and occupancy, shall be completed or satisfactorily assured prior to a certificate of occupancy being issued.

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PURPOSE OF CHANGE: TO PROVIDE NEW REGULATORY PROVISIONS TO ENSURE THAT MINIMUM HEALTH AND SAFETY IMPROVEMENTS EXIST OR WILL BE MADE TO PRE-EXISTING NONCONFORMING BUILDINGS AT THE NCEL SITUATED WITHIN THE M-CR ZONE PRIOR TO THEIR CIVILIAN REUSE.

4. Revise Section 10353(A)(1) to read as follows:

1. Planned Developments encompassing all projects, other than those specified in Section 10352(A)(1), which involve property situated within a PD Zone; and, projects involving the reconstruction, alteration or use of buildings located within the M-CR (Coastal-Related Industry) Zone situated seaward of the westerly prolongation of Port Hueneme Road; and

PURPOSE OF CHANGE: TO MAKE EXPLICIT THAT THE U.S. NAVY'S PRE-EXISTING NONCONFORMING BUILDINGS SITUATED IN THE M-CR ZONE REQUIRE THE ISSUANCE OF AN ADMINISTRATIVE PERMIT PRIOR TO THEIR CIVILIAN REUSE.

5. Revise Section 10353(A) to read as follows:

A. General. Projects, other than those which are explicitly exempt under the provisions of Section ~~10583(A)~~ 10584(A), requiring the issuance of Administrative Permits or which are otherwise subject to the development review procedures prescribed in this Section include the following:

PURPOSE OF CHANGE: THIS REVISION SERVES TO CORRECT AN INCORRECT CODE SECTION REFERENCE TO SECTION 10583(A). ((SECTION 10583(A) IS A "RESERVED" SECTION NUMBER. SECTION 10584(A) IS THE CORRECT SECTION NUMBER WHICH LISTS THE CLASSES OF DEVELOPMENT THAT ARE EXEMPT)).

6. Revise Section 10584(A)(1)(b) to read as follows:

b. Qualification of Improvements. The improvements proposed do not constitute a major modification as defined in Section 10352(H)(2) nor constitute reconstruction, alteration or use of a pre-existing nonconforming building as defined in Section 10546.

PURPOSE OF CHANGE: TO MAKE EXPLICIT THAT THE U.S. NAVY'S PRE-EXISTING NONCONFORMING BUILDINGS WHICH ARE SITUATED IN THE CALIFORNIA COASTAL ZONE ARE NOT EXEMPT FROM THE ISSUANCE OF AN ADMINISTRATIVE PERMIT PRIOR TO THEIR CIVILIAN REUSE.

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Amend #	196
Z.O.	40f7

7. Revise Section 10540 to read as follows:

10540 Purpose.

The purpose of this Chapter is to provide and regulate a zone for seawall/waterfront access and recreation/visitor-serving facilities consistent with the Hueneme Beach Master Plan and for coastal-related industrial uses other than those requiring direct water adjacency. The regulations specified in this Chapter shall apply to all property designated M-CR (Coastal Related Industry) Zone unless otherwise provided in this Article.

PURPOSE OF CHANGE: TO MAKE EXPLICIT THAT IMPROVEMENT OF A PUBLIC SHORELINE PROMENADE OUT TO A VISTA POINT NEAR THE HARBOR ENTRY/LIGHTHOUSE IS PERMITTED IN THE M-CR ZONE CONSISTENT WITH THE HUENEME BEACH MASTER PLAN.

8. Add a new sub-Section 10541(E) after Sub-Section 10541(D) to read as follows:

E. Seawall and Waterfront Access. Seawall and waterfront access facilities, together with recreation and visitor-serving facilities, so long as said facilities are consistent with and further the intent of the Hueneme Beach Master Plan as set forth in the Land Use Plan of the Local Coastal Program; provided, further, that said facilities shall be the only uses permitted in the M-CR Zone on the ocean revetment itself and, together with port-related access, the only uses permitted in the M-CR Zone on a strip of land fifty feet (50') in width abutting north along the length of the ocean revetment.

PURPOSE OF CHANGE: TO MAKE EXPLICIT THAT IMPROVEMENT OF A PUBLIC SHORELINE PROMENADE OUT TO A VISTA POINT NEAR THE HARBOR ENTRY/LIGHTHOUSE IS PERMITTED ON, ALONGSIDE AND A MINIMUM OF FIFTY FEET AT BACK OF THE EXISTING BEACH REVETMENT CONSISTENT WITH THE HUENEME BEACH MASTER PLAN.

SECTION II: In all other respects, Article X (Zoning Regulations) of the Municipal Code of the City of Port Hueneme shall remain in full force and effect as adopted and amended.

SECTION III: Pursuant to and in accordance with Section 10004 of the Municipal Code of the City of Port Hueneme, the Zoning Map of the City of Port Hueneme established and adopted pursuant to Section 10002 thereof, is hereby amended to change the zone classification of approximately 33.1 acres of land formerly owned and occupied by the U.S. Naval Civil Engineering Laboratory from "DR" Development Reserve Overlay Zone to "M-CR" Coastal-Related Industry Zone as depicted on the Site Map attached hereto, and by this ref incorporated herein.

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APPLICATION NO.	PH 200
Amend #	1-96
Z.O.	50f7

SECTION IV: In all other respects, the Zoning Map of the City of Port Hueneme shall remain in full force and effect as adopted and amended.

SECTION V. This Ordinance shall be effective when both of the following have transpired:

1. Approval by the California Coastal Commission.
2. Thirty (30) days after its adoption.

PASSED and ADOPTED this _____ day of _____, 1996.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT NO.	8
APPLICATION NO.	PH 22P
Amend #	1-96
Z.O.	6 of 7

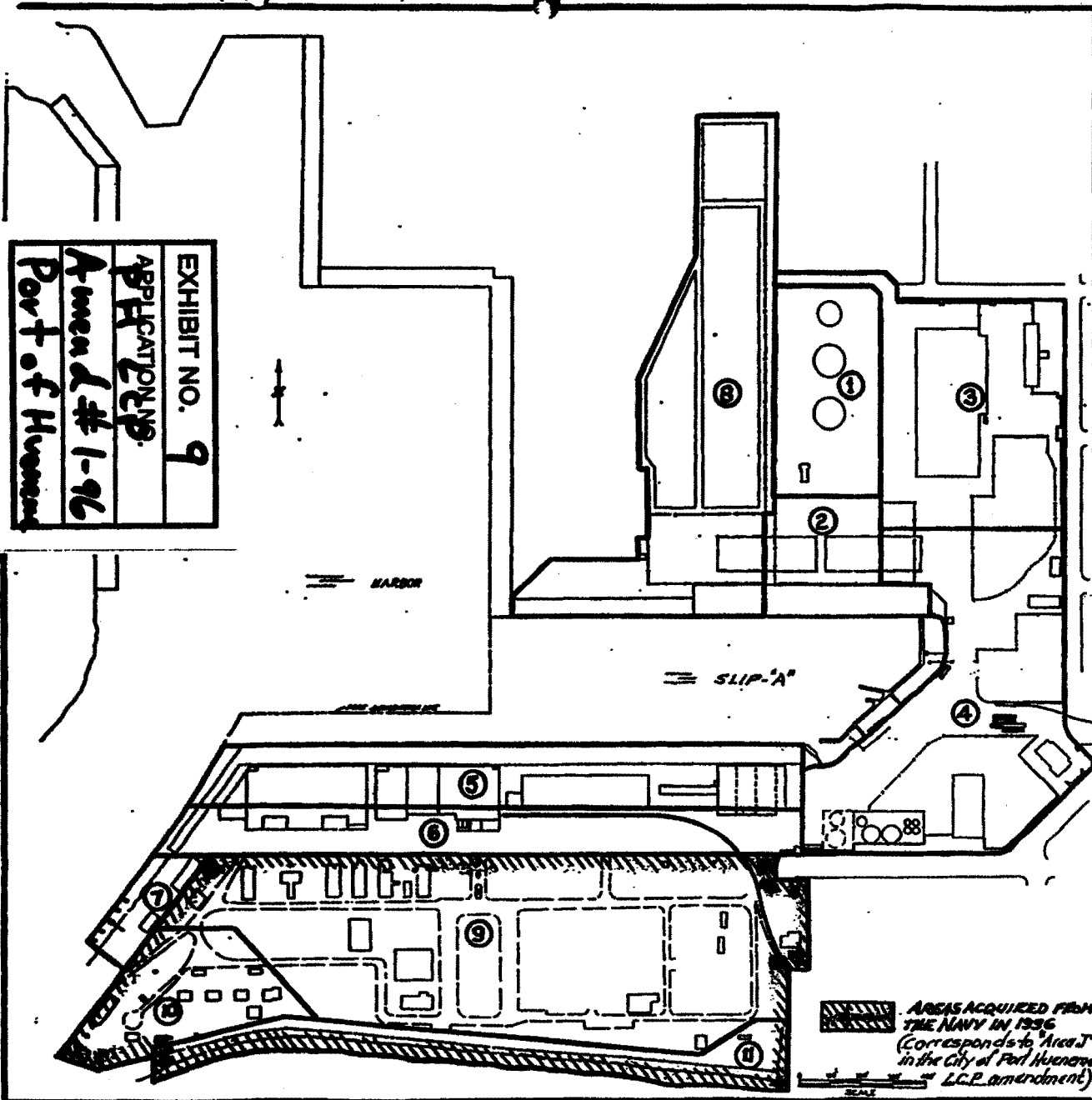
GENERAL PLAN & ZONING MAPS

NOTE: The language below describes proposed changes to the City's General Plan Land Use and Zoning Maps exclusively limited to the operational closure of the Naval Civil Engineering Laboratory Port Hueneme (NCEL) and its disposal from Federal ownership. Except as shown herein, the current adopted and certified Land Use and Zoning Maps of the City of Port Hueneme will remain in full force and effect.

Zoning: The NCEL is proposed for a zoning classification of, "M-CR: Coastal Related Industry". A corresponding boundary change to the Zoning Map is proposed whereby the NCEL will change from its existing classification of "DR: Development Reserve Overlay Zone" (under ownership by the Government of the United States of America) to the hereinabove mentioned Zoning classification as depicted in the attached maps.

General Plan: The NCEL is proposed for a land use designation of, "Coastal Related Industry". A corresponding boundary change to the General Plan Land Use Map is proposed whereby the NCEL will change from its existing "CBC Industrial" designation to the hereinabove mentioned land use designation as depicted in the attached maps.

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APPLICATION NO.	PH LCP
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PARCEL NO.	PRIMARY LAND USE
1	PETROLEUM PRODUCTS
2	AUTOS / GENERAL CARGO
3	WAREHOUSING
4	AUTOS / GENERAL CARGO
5	GENERAL CARGO / BUNKERING
6	GENERAL CARGO / OFFSHORE OIL
7	KELP / OFFSHORE OIL
8	GENERAL CARGO / BUNKERING / OFFSHORE OIL
9*	GENERAL CARGO / CONTAINERS / OFFSHORE OIL / VEHICLES / NEO-BULK / DRY-BULK / LIQUID-BULK / FISHING / MARITIME SUPPORT SERVICES
10*	AQUACULTURE / FISHERIES / NAVIGATION / MARINE RESEARCH & EDUCATION / MIXED USE WATERFRONT COMPLEXES
11*	BUFFER ZONE / SEAWALL MAINTENANCE / NAVIGATION / WATERFRONT ACCESS

* Denotes areas acquired from the U.S. Navy in 1996

PORT OF HUENEME OXNARD HARBOR DISTRICT

PORT LAYOUT AND LAND USE PLAN

AMENDMENT # 4 DATE: APRIL 22, 1996

[Signature] *[Signature]*

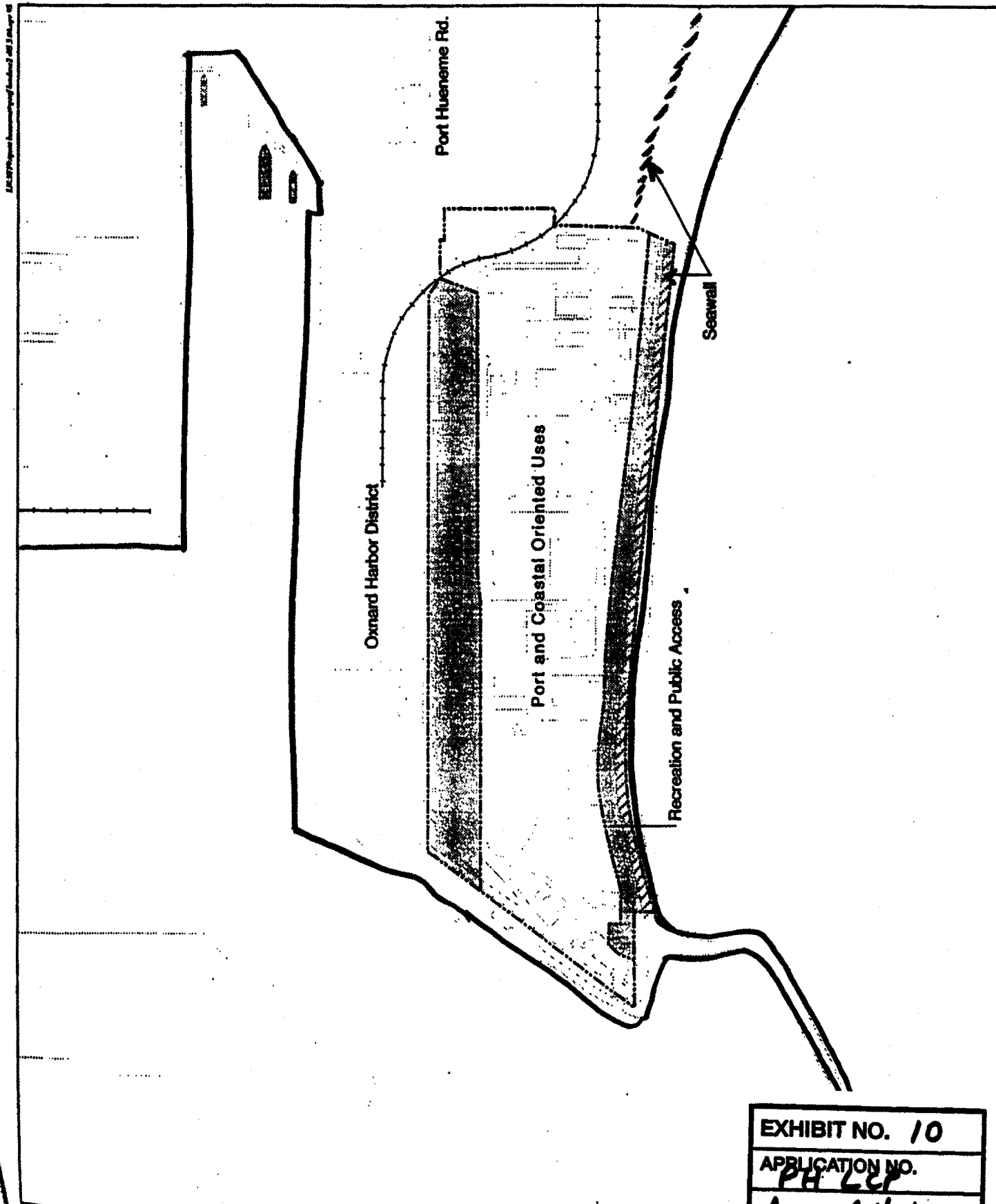


EXHIBIT NO. 10
APPLICATION NO. PH LCP
Amend #1-96
NCEL Comm. Plan

Figure 17

RECOMMENDED LAND USE CONCEPT