

CALIFORNIA COASTAL COMMISSION

100 SOUTH CENTRAL COAST AREA
100 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

RECORD PACKET COPY



Item Th 7a

December 16, 1999

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director
Gary Timm, District Manager
James Johnson, Coastal Program Analyst

RE: **CITY OF PORT HUENEME LOCAL COASTAL PROGRAM MAJOR
AMENDMENT NO. 1-99, MOONLITE MOTEL** Public Hearing and Action at
the California Coastal Commission Hearing of January 13, 2000, Four Points
Hotel, Sheraton, 530 Pico Blvd., Santa Monica.

AMENDMENT SYNOPSIS

The City of Port Hueneme submitted Local Coastal Program (LCP) Amendment No. 1-99 on July 23, 1999 proposing to amend the City's Local Coastal Program for two vacant parcels. The City proposes to revise the LCP Land Use and Zoning Ordinance Maps from Mixed Use/Residential and R-4 Mixed Use to Commercial and C-1; General Commercial at 340 and 370 East Pleasant Valley Road, City of Port Hueneme. On August 20, 1999 the Executive Director determined that the City's Amendment was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b). The LCP Amendment proposal has not been controversial during the City's public hearing process.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after a public hearing, approve the Amendment to the LCP Land Use Plan and Zoning Ordinance Maps, as submitted. The LCP Land Use Plan Amendment, as submitted, is consistent with the Coastal Act and the Zoning Ordinance Map is adequate to carry out the City's Land Use Plan. **The recommended Motions and Resolutions are provided on pages two (2) and three (3) of this report.**

STAFF NOTE

This Amendment was initially scheduled for action at the Commission's November 2 - 5, 1999 meeting. Staff requested an extension of time for Commission review to allow adequate time to review the Amendment and complete a staff report and recommendation to be presented tentatively at the Commission's January 2000

meeting. At the November 4, 1999 meeting, the Commission extended the time for the Commission to act on this Amendment for one year.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, contact James Johnson at the Coastal Commission, 89 South California Street, Second Floor, Ventura, CA 93001, or 805-641-0142.

EXHIBITS

1. Coastal Zone Location Map
2. Port Hueneme Street Map
3. Proposed Land Use Designation Change Map
4. Proposed Zoning Change Map
5. City Resolution No. 3168

PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of the California Code of Regulations, the City resolution for submittal must indicate whether the Local Coastal Program Amendment will require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. If the Commission approves this amendment proposal, as submitted, the LCP Amendment will take effect automatically upon Commission approval. As a result, if the Commission approves the LCP Amendment, as submitted, no further action on the LCP Amendment is required by either the Commission or the City.

I. STAFF RECOMMENDATION

A. MOTION I (Approve certification of the Land Use Plan Amendment No. 1-99, as submitted)

MOTION:

I move that the Commission certify Land Use Plan Amendment No. 1-99 as submitted by the City of Port Hueneme.

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and

City of Port Hueneme Local Coastal Program Amendment No. 1-99
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findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:

The Commission hereby certifies the Land Use Plan Amendment No. 1-99 as submitted by the City of Port Hueneme and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. MOTION II (Approve certification of the LCP Implementation Plan Amendment No. 1-99, as submitted)

MOTION: *I move that the Commission reject the Implementation Program Amendment No. 1-99 for the City of Port Hueneme as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Port Hueneme as submitted and adopts the findings set forth below on grounds that the Implementation Program will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

II. RECOMMENDED FINDINGS

The following findings support the Commission's approval of the LCP Amendment as submitted.

A. LAND USE PLAN AMENDMENT

1. STANDARD OF REVIEW AND PUBLIC PARTICIPATION

The standard of review for the proposed amendment to the Land Use Plan, pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed amendment does or does not conform with the requirements of Chapter 3 of the Coastal Act.

Coastal Act Section 30503 requires public input in preparing, approving, certifying and amending any Local Coastal Program. The City Council of Port Hueneme conducted a public hearing on July 21, 1999 acting to approve this LCP Amendment. This public hearing was noticed a minimum of six weeks in advance with the City's mailing on May 18, 1999 of a Public Notice for the City Council's public hearing date. In addition, a Notice of Public Hearing was published in the Ventura County Star on July 11, 1999, ten days in advance of the City Council's public hearing date. There were no public comments presented at the City Council meeting on the proposed LCP Amendment.

The City adopted this Amendment to the City's certified LCP and forwarded it to the Commission for certification on July 23, 1999. Staff determined in a letter dated August 20, 1999, that the Amendment was complete and filed. Therefore, notice of LCP Amendment No. 1-99 was duly given consistent with Section 13515 of the Commission's Regulations. Notice of the subject amendment has been distributed to all known interested parties.

2. AMENDMENT DESCRIPTION

The City of Port Hueneme ("City") is located at the southwest portion of Ventura County between the Pacific Ocean and the Oxnard Plain. The City is surrounded by the City of Oxnard and the US Naval Construction Battalion Center.

The City proposes to amend the Local Coastal Land Use Plan and Zoning Ordinance Maps from Mixed Use/Residential and R-4 Mixed Use to Commercial and C-1; General Commercial at 340 and 370 East Pleasant Valley Road, Port Hueneme. The subject site is located at the inland extent of the Coastal Zone Boundary near the commercial downtown of the City of Port Hueneme. Relative to the beach, the site is located about three quarters of a mile inland. Relative to the Port of Hueneme, the site is located about one half of a mile inland. The purpose of the proposed LCP Amendment is to change the land use and zoning from residential to commercial for two vacant parcels to allow an existing motel parcel to be merged with these two abutting vacant parcels. The existing 20 unit motel and restaurant would be either demolished or remodeled and

expanded by seven additional rooms to create a 27 room motel, restaurant, landscaping, building façade, and parking lot improvements. The proposed development that may result after the action on this subject LCP Amendment is through the City's Redevelopment Agency and the private property owners. The development project is not part of this LCP Amendment and may proceed solely as a City Coastal Development Permit since the entire subject site is located outside the Commission's coastal appeal jurisdiction at the inland edge of the coastal zone boundary.

3. CONSISTENCY WITH THE COASTAL ACT

The proposed amendment to the certified City of Port Hueneme Land Use Plan raises a coastal issue regarding the conversion of residential land use to a commercial land use.

a. Visitor Serving Development

Coastal Act Section 30222 provides that:

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

Coastal Act Section 30222 identifies the priorities of land uses within the Coastal Zone. The highest priority land uses are agricultural and coastal-dependent industry lands. The next highest priority land use is private land suitable for visitor-serving commercial recreational facilities. The lower priority land uses are private residential, general industrial, or general commercial development.

The City's Land Use Plan Amendment proposes to change the land use designation from a lower priority designation, residential, to a higher priority land use designation, which is a commercial land use that allows visitor serving land uses. The existing land use is designated "Mixed Use Residential" which allows residential primarily with commercial land uses. The existing residential related land use is not considered a priority land use under the Coastal Act. The proposed "Commercial" land use is consistent with the adjoining motels' existing land use and the surrounding land use designations on properties located across Ventura Road. Within the Commercial land use designation, restaurants are permitted uses and motels are conditionally permitted land uses as identified in the Zoning Ordinance. Therefore, the proposed Land Use Plan Amendment to change a residential land use to a commercial land use that allows visitor serving commercial land uses is a higher priority land use under the Coastal Act. Therefore, the Commission finds that the proposed Land Use Plan Amendment, as submitted, is consistent with Coastal Act Section 30222.

B. IMPLEMENTATION PLAN

1. STANDARD OF REVIEW

The standard of review for the proposed amendment to the Implementation Plan, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified City of Port Hueneme Local Coastal Program.

2. CONSISTENCY WITH THE COASTAL LAND USE PLAN

As noted above, the subject parcels are proposed to be rezoned from "R-4, Mixed Use" to "C-1 General Commercial". The "C-1 General Commercial" zoning designation is to provide and regulate a zone for general business and commercial uses within the City of Port Hueneme including visitor serving facilities such as motels and restaurants. The "C-1 General Commercial" zone designation is intended to carry out the "Commercial" land use designation, the development and visitor serving policies of the Coastal Land Use Plan. Therefore, the Commission finds that the proposed "C-1 General Commercial" zoning designation is consistent with and adequate to carry out the "Commercial" land use designation and the policies of the Land Use Plan.

C. Local Coastal Program/California Environmental Quality Act

The proposed amendment is to the City of Port Hueneme's certified Local Coastal Program Land Use Plan and Implementation Plan. The Commission originally certified the City's Local Program Land Use Plan and Implementation Program in 1982 and 1984, respectively. The City of Port Hueneme determined that this proposed LCP Amendment was Categorically Exempt under Sections 15301(e), 15303(c), and 15304 of CEQA on July 23, 1999.

Following Section 21080.9 of the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency responsible for reviewing the Local Coastal Program for compliance with CEQA. The Secretary of Resources Agency has determined that the Coastal Commission's program of reviewing and certifying Local Coastal Programs 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 effects to a level of insignificance. Section 21080.5(d)(2)(A) of CEQA and Section 13540(f) of the Coastal Commission's Administrative Regulations require that the Commission cannot approve or adopt a Local Coastal Program amendment "if there are feasible alternatives or feasible mitigation measures available" which would substantially lessen any significant adverse effects which the activity may have on the environment.

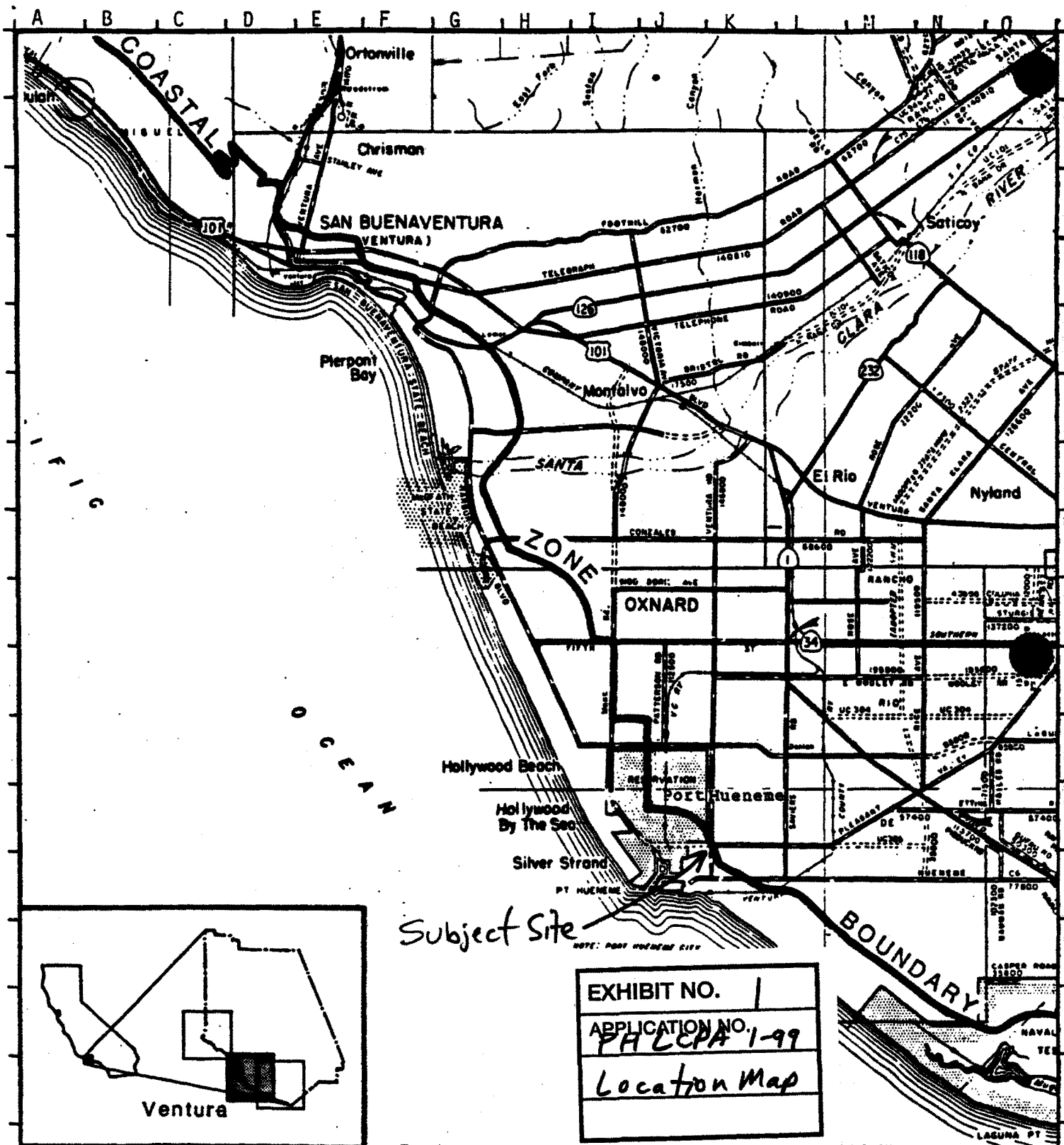
City of Port Hueneme Local Coastal Program Amendment No. 1-99
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Page 7

As discussed in the findings above, the proposed amendment as submitted adequately addresses the coastal issues raised by the amendment, and would therefore have no significant adverse effects, and thus, is consistent with the California Environmental Quality Act. Therefore, the amendment, as submitted, is consistent with the provisions of the California Environmental Quality Act and the California Coastal Act.

SUBSTANTIVE FILE DOCUMENTS

City of Port Hueneme Local Coastal Program, certified 1984, and as amended by the Commission.

phlcpa1-99report



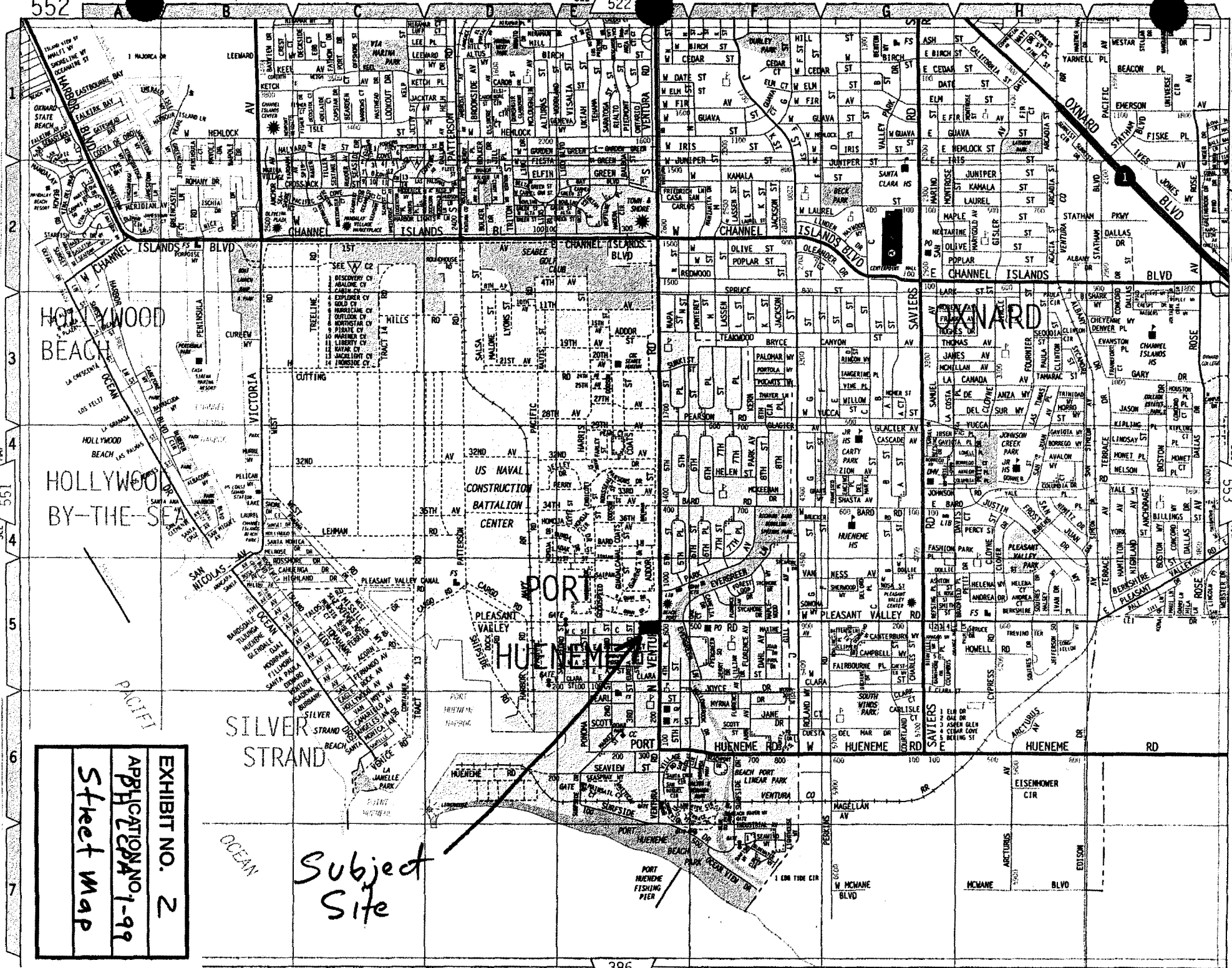
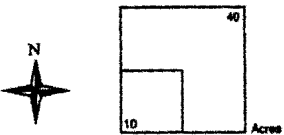
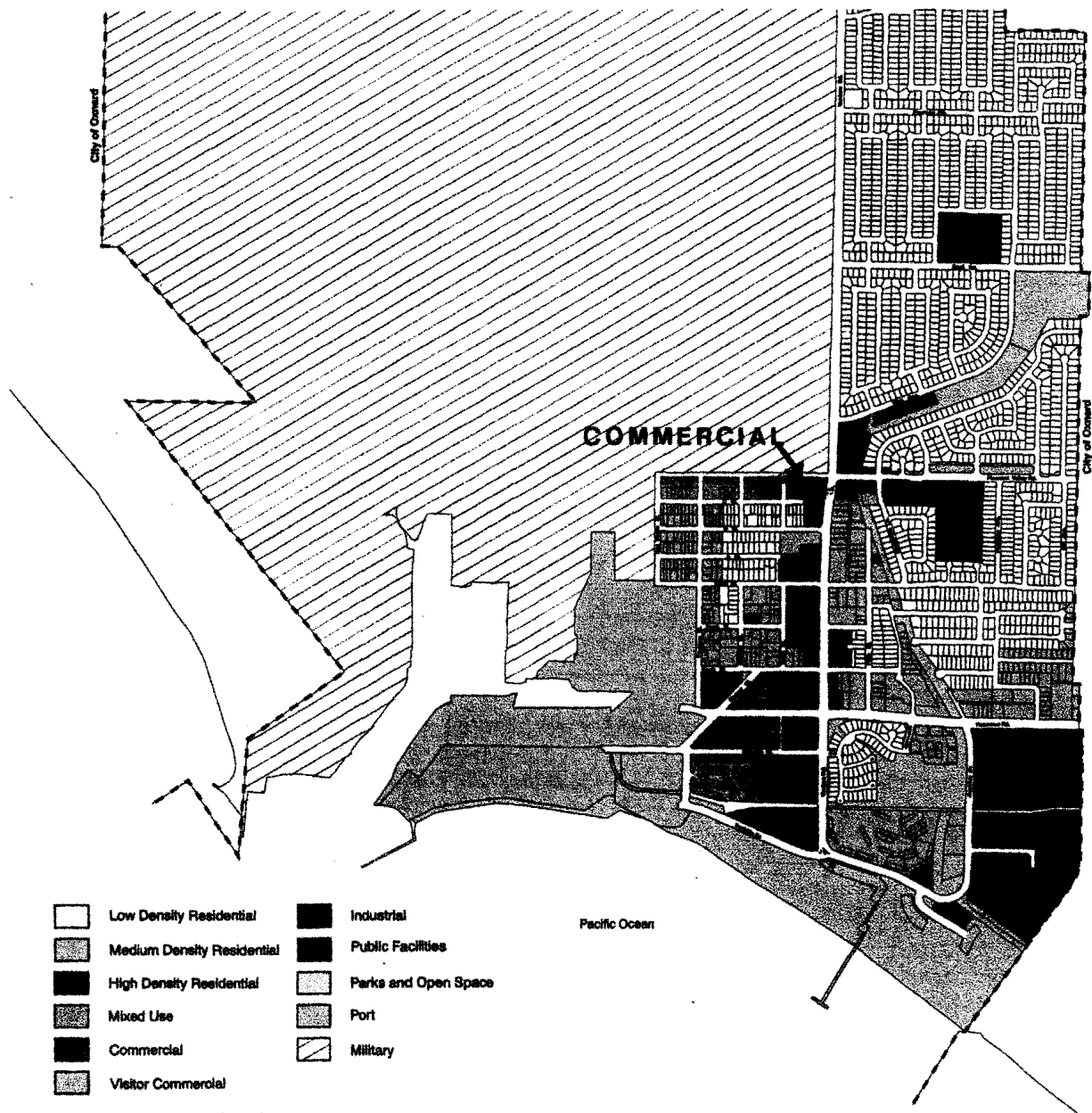


EXHIBIT NO. 2
APPLICATION NO. 1-99
Street Map

Subject Site



COTTON/BELAND/ASSOCIATES
Urban and Environmental Planning
Rev. January 15, 1999

Figure LU-4
Land Use Policy Map

CITY OF PORT HUENEME
GENERAL PLAN

LAND USE ELEMENT

EXHIBIT NO. 3

APPLICATION NO.
PHLEPA 1-99

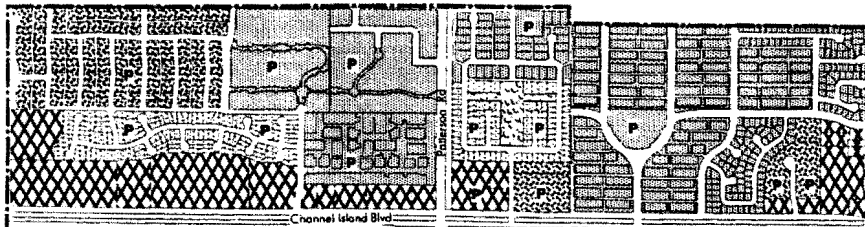
Land Use Plan
Map

SC

RECEIVED

AUG 06 1999

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



Naval Construction Battalion Center

C-1: GENERAL COMMERCIAL

Port
Hueneme
Harbor

Pacific
Ocean

Zoning Classification

	R-1 Single-Family		M-1 Light Industrial
	R-2 Limited Multi-Family		M-PR Port Related Uses
	R-3 Multi-Family		P-R Park Reserve
	R-4 Mixed Use		P Planned Development Overlay
	R-5 Transitional Residential/ Coastal-related Industry		
	C-1 Commercial		
	C-S Special Commercial		

c:\proj\h20\zoning.dwg 12/21/98 jmr

0 500 1000 feet



COTTON/BELAND/ASSOCIATES
Urban and Environmental Planning



CITY OF PORT HUENEME



EXHIBIT NO. 4

APPLICATION NO.
PH LCPA 1-99

Zoning
Map

Zoning Map

RECEIVED
JUL 23 1999

RESOLUTION NO. 3168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME
APPROVING A BOUNDARY AMENDMENT TO THE LAND USE AND ZONING MAPS
AND CONDITIONALLY APPROVING A TENTATIVE PARCEL MAP AND
DEVELOPMENT PERMIT FOR REMODEL AND EXPANSION OF THE MOONLITE
MOTEL AND AUTHORIZING TRANSMITTAL OF SAME TO THE COASTAL
COMMISSION OF THE STATE OF CALIFORNIA AMENDING THE LOCAL COASTAL
PROGRAM THEREFORE
(Case Numbers PHBC-755, PH-756, & PHPD-757)

ARTICLE I -- RECITALS

Recitals

A. WHEREAS, a public hearing has been held as required by law to consider various applications filed by the Port Hueneme Redevelopment Agency (a public body corporate and politic hereinafter referred to as "Agency"), and Jayant and Pushpa Patel (a married couple hereinafter referred to as "Developer") allowing the development of various improvements on three abutting parcels of land including renovation of an existing restaurant and remodel expansion of an adjacent motel encompassing new building construction, exterior landscaping, building façade, and parking lot improvements encompassing approximately 0.78 acres of land located at 340 and 370 East Pleasant Valley Road, Port Hueneme, California, further identified as Ventura County Assessor's Parcel Nos. 206-045-24, 206-045-35 and 206-045-02;

B. WHEREAS, said development and related applications includes the following component (hereinafter collectively referred to as "Project"):

1. Local Coastal Program Amendment and Boundary Change Application No. PHBC-755 jointly filed by the Agency and Developer allowing a reclassification of land use and zoning of specified property from "*Mixed Use Residential*" and "*R-4: Mixed Use*" to "*Commercial*" and "*C-1: General Commercial*", respectively, involving approximately 0.32 Acres of land situated southwesterly of the intersection of Ventura and Pleasant Valley Roads, Port Hueneme, California, Ventura County Assessor's Parcel Nos. 206-045-35 and 206-045-02;

2. Tentative Parcel Map Application No. PH-756 jointly filed by the Agency and Developer allowing merger of three abutting parcels of land situated at the southwest intersection of Ventura and Pleasant Valley Roads, Port Hueneme, California, Ventura County Assessor's Parcel Nos. 206-045-35, 206-045-02, and 206-045-24;

3. Development Permit Application No. PHPD-757 jointly filed by the Agency and Developer encompassing renovation of an existing restaurant and demolition/remodel and 7 room expansion of an adjacent motel encompassing new building construction, exterior landscaping, building façade, and parking lot improvements on the merged lots encompassing approximately 0.78 acres of land located at 340 and 370 East Pleasant Valley Road,

EXHIBIT NO.	5
APPLICATION NO.	PH LCPA 1-19
City Resolution	# 3168
Pages	1-20

Hueneme, California, further identified as Ventura County Assessor's Parcel Nos. 206-045-24, 206-045-35 and 206-045-02; and

C. WHEREAS, on July 1, 1998, the Agency, City of Port Hueneme (also referred to as "City"), and Jayant and Pushpa Patel entered into mutual agreement on matters concerning the Disposition and Development of the Project; and

D. WHEREAS, consideration of the proposed 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

E. WHEREAS, the City Council of the City of Port Hueneme considered the potential effects of the proposed Project on the regional need for housing, public services, and available physical and environmental resources; and

F. WHEREAS, City staff has recommended conditional approval of the proposed Project.

ARTICLE II -- DECLARATIONS

Record

A. 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, 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 July 21, 1999.

b. 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.

c. All oral, written, and visual materials presented by City staff in conjunction with that certain public hearing conducted on July 21, 1999.

d. 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 July 16, 1999 (hereinafter referred to as "Staff Report").

ii. The Project Disposition and Development Agreement effective July 1, 1998.

iii. Tentative Parcel Map No. 20 prepared by VCE Services accompanying the Staff Report as Exhibit "B".

iv. Preliminary Development and Landscape Plans prepared by RP Associates, Inc., accompanying the Staff Report as Exhibit "C".

Public Review

B. BE IT FURTHER RESOLVED 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:

1. 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 the Notice and Documents were distributed a minimum of six (6) weeks prior to the City Council's final action on the proposed Project.

2. Written Notice of public hearing before the City Council of the City of Port Hueneme conducted on July 21, 1999, was mailed to all governmental agencies and persons who were know to be interested in Local Coastal program matters 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.

3. Written notice of public hearing before the City Council conducted on July 21, 1999, was published in a legal section of a newspaper of general circulation a minimum of ten (10) days prior to the date of said hearing.

4. As prescribed in Article II and Article III, of this Resolution, the proposed Project is hereby deemed consistent with and furthers the objectives and policies of the City's General Plan, Zoning Ordinance, and Local Coastal Program and provides for the orderly growth, development, and use of properties and activities in the City of Port of Hueneme.

Environmental Impact Findings

C. BE IT FURTHER RESOLVED that the proposed Project is hereby deemed Categorically Exempt from the California Environmental Quality Act of 1970 (CEQA) by operation of the State CEQA Guidelines which lists classes of projects which have been determined not to have a significant impact on the environment which include Sections

15301(e), 15303(c), and 15304 wherein the proposed Project involves existing structures to which reconstruction and a new addition of 10,000 square feet or less is proposed to one structure involving negligible use beyond that existing in an area where all public services and facilities are available and in an area that is not known to be environmentally sensitive and hereby deemed Categorical Exempt from CEQA by the City Council.

D. BE IT FURTHER RESOLVED that considering the record as a whole, the proposed Project involves no potential for adverse effect, either individually or cumulatively, on wildlife.

Coastal Act Findings

E. BE IT FURTHER RESOLVED that 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 for which the California Coastal Commission has established Regulations and standards by which proposed land developments or other activities are evaluated to ensure consistency with the Act for which the following Project evaluations are provided with respect to relevant policies of Chapter 3 of the Coastal Act and based upon the 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).

b.1. Consistency Statement: The proposed upland redevelopment project is located over 5,000 feet from the nearest public roadway to the shoreline and is not expected to have any significant adverse impact on existing public access to the shoreline. Moreover, the proposed Project is expected to expand the availability of lower cost visitor serving motel rooms by renting between \$33-\$60/night as compared to the estimated 1999 average room rental rates in the Ventura County coastal region totaling in excess of \$80/night.

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: The proposed upland redevelopment project is not comprised of oceanfront land and is not expected to have any significant adverse impact on existing water-oriented recreational activities. The proposed Project may result in beneficial support of coastal recreational uses by expanding the number of motel rooms available to rent by the visiting public to the Coastal zone.

3. Marine Environment

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

b.1. Consistency Statement: The proposed upland redevelopment Project does not include marine environment property and is not expected to have any significant impacts on the biological resources or coastal waters. (The proposed Project is 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: The proposed Project site is not known to contain any environmentally sensitive habitat nor is it located adjacent to 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.

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 by providing additional visitor serving opportunities in the Coastal zone.

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 may help support coastal-dependent and coastal-related industry by expanding the number of motel rooms available to rent to visiting tenants, contractors, and employees of the nearby deepwater Port of Hueneme and U.S. Navy base.

7. Coastal Resources Summary:

a.1. Statement of Fact: It is City staff's opinion that the proposed Project will not adversely affect coastal zone resources.

Amendment Findings

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

a. The proposed redevelopment Project is located in the Ventura West geographic subarea of the City's Coastal Zone. The proposed Project proposes a boundary change to vacant property that would reclassify land use and zoning from "*Mixed Use Residential*" and "R-4: *Mixed Use*" to "*Commercial*" and "C-1: *General Commercial*", respectively. Specific LCP development policies for the Ventura West subarea call for implementing the Ventura West Specific Area Plan which calls for redevelopment via selective site acquisition; capital improvements to the neighborhood such as improved local streets, landscaping, recreational facilities, and other efforts to stimulate increased private investment; use of tax increments funding for land acquisition and relocation; substantial rehabilitation efforts to eliminate blight; and phasing of implementation plans to allow for flexibility.

The proposed land use and zoning map revisions, together with the proposed redevelopment concept will help to further these adopted development policies.

ARTICLE III -- PROJECT APPROVAL

LCP & Zoning Amendments & Boundary Changes

A. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme does hereby approve Boundary Change Application No. PHBC-755 encompassing revisions of the General Plan Land Use Map and Zoning Map as illustrated in "Attachment 1" attached hereto; and further approves and recommends Coastal Commission approval of the Boundary Change as a Local Coastal Program Amendment; and

Tentative Parcel Map

B. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme hereby approves Tentative Parcel Map Application No. PH-756 subject to the following conditions:

1. That Permit Application No. PH-756 (hereinafter referred to as "Permit") is granted to the Developer (also referred to as "Permittee") for the area and use as described in the application and as shown in the preliminary development plans and related materials accompany the Staff Report as Exhibit "B", by this reference, incorporated herein. The terms and conditions of this Permit shall be perpetual and all future owners, occupants, and successors in interest to the property shall be bound hereunder.

2. That the land to which Tentative Parcel Map No. 20 pertains shall be developed in accordance with that and pursuant to Development Permit No. PHPD-757 approved concurrent herewith. Conflicts and inconsistencies, if any, between Tentative Parcel Map No. 20 and the Preliminary Development Plans approved in conjunction with Development Permit No. PHPD-757 shall be resolved in the manner provided in the following Condition No. 3, below.

3. Pursuant to Municipal Code Section 9008, and prior to the issuance of any demolition or building permits, a Final Parcel Map No. 20 shall be prepared, reviewed, and approved by the City Engineer, or his/her designee and the Community Development Director, each of whom shall have the authority to make minor corrections and amendments as deemed necessary and appropriate to satisfy Municipal Code Section 9008 and Development Permit No. PHPD-757.

4. That Tentative Parcel Map No. 20 is subject to the granting and recordation of easements as are necessary to implement the conditions prescribed in Article III, Paragraph C of this Resolution. In this regard, Final Parcel Map No. 20 shall be recorded concurrent with recordation of that certain document entitled "Declaration and Establishment of Covenants, Conditions and Restrictions" set forth in Attachment No. 9 of the Disposition and Development Agreement incorporated by reference herein.

5. That prior to recordation of Final Parcel Map No. 20, the Developer shall

pay all fees in the amount then prescribed by ordinance, resolution, statute or other such instrument of law which apply to said Parcel Map No. 20, except or unless waived by the City Council of the City of Port Hueneme.

6. That the structural sections and cross-sections of all driveways within this Project shall meet the requirements of the Director of Public Works. All drainage within, entering, or across this project shall be conveyed to acceptable points of discharge to the satisfaction of the Pubic Works Director. Drainage easements shall be recorded as necessary to accomplish the foregoing.

7. That arrangements shall be made by the Developer for abandonment of any existing easements and/or rights-of-way no longer required as well as arrangements for the dedication of new easements and/or rights-of-way required as conditions of approval of Parcel Map No. 20 and Development Permit no. PHPD-757.

8. That prior to recordation of Final Parcel Map No. 20, a complete set of improvement plans for this Project shall be submitted to the director of Public Works for review and approval. Prior to recordation of said Map, a performance bond and agreement for all proposed public improvements shall be filed with and approved by the City.

9. That prior to recordation of Final Parcel Map No. 20, the Developer shall set sufficient durable monuments to conform with the standards prescribed in Section 8771 of the Business and professions Code of the State of California. At least one exterior boundary line shall be so marked before said Map is recorded.

10. That prior to recordation of Final Parcel Map No. 20, the Developer shall file with the Clerk of the County of Ventura, a certificate from the Office of the County of Ventura showing that, according to the records of said office, there are no liens against the Project site of any part thereof for unpaid, State, County, Municipal or special assessments not yet payable.

11. That the conditions of approval heretofore prescribed in this Paragraph supercede all conflicting notations, specifications, dimensions, typical sections and the like, which may be shown on Tentative Parcel Map No. 20.

12. That conditional approval of this Tentative Parcel Map No. 20 case number PH-756, shall expire in twenty-four (24) months form the effective date of this Resolution. An extension of time may be granted by the City Council for periods not exceeding a total of thirty-six (36) months provided that application for same is first made by the Developer prior to the expiration date.

Development Permit

C. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme hereby grants approval of Development Permit No. PHPD-757 subject to the following conditions:

1. That Development Permit No. PHPD-757 (hereinafter referred to as "Permit") is granted to the Developer (also referred to as "Permittee") for the area and use as described in the application and as shown in the preliminary development plans and related materials accompany the Staff Report as Exhibit "C", by this reference, incorporated herein. The terms and conditions of this Permit shall be perpetual and all future owners, occupants, and successors in interest to the property shall be bound hereunder.

2. That the location, development and use of all structures, roadways, lighting, fencing, parking areas, and other such facilities and features encompassing the Project shall be substantially as shown on the Preliminary Development Plans and related materials, except or unless otherwise indicated.

3. That all building construction shall comply with applicable building code requirements adopted by the City of Port Hueneme. Prior to the issuance of building permits, detailed construction plans, energy calculations and grading/civil engineering plans shall be submitted to and approved by the City Building Official, City Engineer, Ventura County Environmental Health, and Ventura County Bureau of Fire Prevention. In addition to other construction techniques and information, which may be required, the Permittee shall incorporate, where appropriate and feasible, cost-effective energy and water conservation features. At the time all construction is complete, the Permittee shall make formal written request for final City inspection, which request shall be accompanied by certification from the project architect/engineer as to the project's conformity with approved plans and specifications, including indication as to any deviation therefrom. No "Certificate of Occupancy" shall be issued until construction of the Project or portions of the Project approved herein are completed to the City's satisfaction and all terms and conditions of this Permit have been lawfully satisfied.

4. That all building construction shall comply with relevant Articles of the Uniform Fire Code in effect. In addition, the Permittee shall comply with the Ventura County Fire District, Fire Prevention Division planning/construction conditions.

5. That the Permittee shall provide or ensure provision of all on-site and off-site improvements which shall conform to the City's Municipal Code, generally accepted engineering standards, and to such standards which are found by the Public Works Director to be reasonably necessary to service the Project which include, but are not limited to, the following improvements:

a. An adequate domestic water and fire flow distribution system designed and constructed to serve the proposed lot/use.

b. An adequate sewage system designed and constructed to serve the proposed lot/use.

c. An adequate storm water drainage system designed and constructed to serve the proposed lot/use.

d. An adequate public and/or private street and/or alley system designed and constructed to serve the proposed lot/use.

e. Adequate systems designed and constructed to provide all necessary utilities to the proposed lot/use.

f. An adequate traffic regulatory system including necessary signs, pavement markings, and striping.

6. That if, applicable, all development shall be undertaken in accordance with the City's Storm Water Quality Management Program commencing with City Municipal Code Section 7450. In this regard, the Permittee shall either provide evidence/copy of their own permit or submit a Storm Water Pollution Control Plan for review and approval by the City's Director of Public Works prior to issuance of Grading and Building Permits pursuant to Municipal Code Section 7454.

7. That the following issues shall be subject to further review and approval by the Director of Community Development and resolved in conjunction with the Permittee's preparation of detailed landscaping plans and construction drawings:

a. Type, size, and density of plant materials including, but not limited to:

(1) Use of *Erythrina caffra* (Coral Trees), minimum 36" box, 24" box 'iron bark' eucalyptus trees, *Raphiolepis indica*, *Agapanthus africanus*, and *Gazania repens* ('Mitsuwa Yellow').

(2) Protecting in place or relocation of the two existing mature palms trees located near the Pleasant Valley Road frontage.

(3) Landscape mounding where feasible.

b. Provision of thematic stamped concrete at the Project entries.

c. Design and location of Project entry and monument signs, which signs shall incorporate the same thematic wood "Koppers" design with raised lettering and sand blasted face panel as used for similar such identification signs within the City.

d. Assorted architectural details including, but not limited to:

(1) low profile skylights per elevation.

(2) Raise height and hip-off office/foyer gables at manager's unit.

e. Modification of site plan as necessary to achieve internal consistency with

Parcel Map No. 20 as part of the Permittee's preparation of detailed construction drawings.

Should an impasse be reached as to the resolution of any or all matters listed in this Condition No. 7, such matter of matters shall be submitted to the City Council as a Major Modification pursuant to the provisions of Section 10352(H)(2) of the City's Municipal Code.

8. That prior to issuance of building permits, the Permittee shall pay all fees in the amount then prescribed by ordinance, resolution, statute or other such instrument of law which apply to the scope of improvements approved by this Permit, except or unless otherwise waived by the agency having jurisdiction.

9. That the Permittee and tenants of the Permittee shall comply, if necessary, with City Ordinance No. 597 which specifies Transportation Demand Management obligations of new development with 50 or more employees.

10. That the Permittee shall retain the services of a qualified archeologist during earth moving activities. Should archeological resources be suspected or discovered (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 Permittee shall be required to immediately suspend all work in the vicinity and do the following: have the on-call archeologist and/or of 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 archeologist 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 archeologist and/or cultural resources consultant shall prepare a written report to the City for the Project file.

11. That unless approved by the City as a development permit amendment pursuant to City Municipal Code Section 10352(H), the proposed Project shall be used, maintained, and operated as substantially shown in the preliminary development plans and related materials accompany the Staff Report as Exhibit "C". All structures, roadways, lighting, fencing, parking areas, and other such facilities and features encompassing the Project shall be maintained by the Permittee in a continuous state of good conditions and repair.

12. That any exterior lighting, including parking lot and aisle areas shall be prohibited from illuminating adjacent property and shall be shielded from spillover and glare onto adjacent streets.

13. That prior to issuance of a certificate of occupancy for the Project, the Permittee shall provide "as-built" construction drawings depicting any building or site plan changes from the approved plans.

14. That during grading and/or construction, the Permittee shall minimize disturbance areas, watering unpaved surfaces, and halting activities during high wind events.

15. That detailed landscaping and irrigation plans prepared by a State licensed landscape architect shall be submitted to and approved by the Director of Community Development prior to the issuance of building permits. Said plans shall specify all planting materials and include a horticultural soils report and laboratory recommendations for all soil preparation and maintenance fertilization for all landscaped areas. Prior to issuance of a "Certificate of Occupancy" for any building, all landscaping, pedestrian arcade, and thematic improvements shall be completed and fully installed; provided, however, that all such landscaping and/or improvements need not be fully installed if the Permittee obtains and delivers to the City a surety performance bond in an amount equal to the actual cost of completing said landscaping, which bond shall make guarantee as to completion of all landscaping within sixty (60) days of the date said bond is delivered to the City. All landscaping which is installed pursuant to this condition shall be continuously maintained thereafter for a period of not less than three (3) months or until such time that all plant material and ground cover has been completely established. The Director of Community Development shall inspect or cause to be inspected all landscaped areas for final clearance after such plant material and ground cover has been fully established pursuant to the foregoing. A formal written request for such inspection shall be accompanied by a certification from the project landscape architect as to the project's conformity with approved plans and specifications together with twelve (12) month warranty on all landscaping materials.

16. That separate sign application shall be made and filed with the City for each such sign erected on the premises, the specific design and location of which shall be subject to further review and approval as part of the Permittee's submittal of construction documents or sign permit application.

17. That conditional approval of this Permit shall expire in twenty-four (24) months from the effective date of this Resolution unless the use is inaugurated or construction commenced within said time frame. An extension of time may be granted by the City Council for periods not exceeding a total of thirty-six (36) months provided that application for same is first made by the Permittee prior to expiration of the Permit.

18. That all rules, regulations and statutes of governmental entities having jurisdiction by law shall be complied with including, without limitation, provisions of the City Municipal Code. Deviation from any condition, procedure or requirement listed herein shall be processed in the manner prescribed in section 10352(H) of said Municipal Code. Violation of any or all of the conditions of this Permit shall be considered a violation of the City's Zoning Ordinance and shall constitute grounds for revocation of said Permit.

19. That the hours of construction of the Project shall be limited to weekdays from 7:00 a.m. to 5:00 p.m., and from 9:00 a.m. to 5:00 p.m. on Saturdays, unless specifically authorized in writing by the City's Chief Building Official. A temporary chainlink fence, six (6) feet in height, shall be installed around the perimeter of each area under construction during the period of construction and shall be removed upon completion of all site and building

improvements. The Permittee shall be responsible for actions of his/her contractors and subcontractors until such time as all public improvements have been accepted by the City. The Permittee shall designate in writing before starting work as to an authorized representative who will have complete authority to represent and to act on behalf of the Permittee. Said authorized representative shall be present at the work site at all times while work is actually in progress on the Project and shall make arrangements acceptable to the Chief Building Official or Director of Public Works for emergency work which may be required at such time as the Permittee's representative is not actually on the project site. Whenever the Permittee or his/her representative is not present on any particular part of the work where it may be desired to give directions, orders may be given by the Chief Building Official or Public Works Director. These orders shall be received and obeyed by the superintendent or foreman who may have charge of the particular work in reference to which the orders are given. Should the Permittee's representative or workman not be available, the City may do or have work done by others at the Permittee's expense, if, in the opinion of the Chief Building Official or Public Works Director, the work is required for the protection, health or safety of the general public.

20. That violation of any or all of the conditions of this Development Permit No. PHPD-757 shall be considered a violation of the Zoning Ordinance of the City of Port Hueneme and shall constitute grounds for revocation of said Permit.

Effective

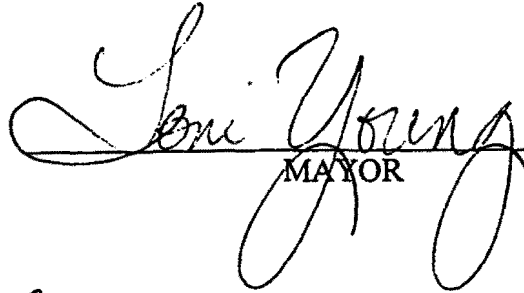
D. BE IT FURTHER RESOLVED that pursuant to Public Resources Code Section 30510, the City Council of the City of Port Hueneme hereby reiterates its intent to implement the Local Coastal Program and amendments thereto in a manner fully consistent with the California Coastal Act; and

E. BE IT FURTHER RESOLVED that the approvals granted herein shall not become effective until the corresponding LCP and General Plan and Zoning Map boundary change has been approved by the California Coastal Commission; and.

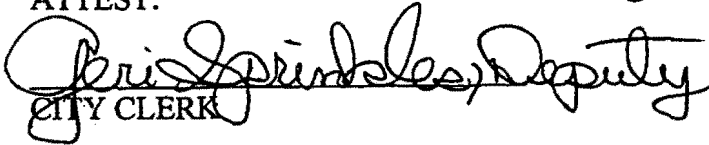
F. BE IT FURTHER RESOLVED that the 90-day appeal period in which the Permittee may protest relative to the imposition of fees, dedications, reservations, or other exactions for public facilities required by the City attached hereto this Resolution as "Attachment 2" as prescribed in California Government Code Section 66020(d)(1) has begun on the adoption date of this Resolution.

G. 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 and that the LCP amendment shall take effect automatically upon Coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519.

PASSED AND ADOPTED this 21st day of July, 1999.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT 1

LAND USE AND ZONING MAP AMENDMENT

NOTE: The language below describes the proposed change to the City's General Plan Land Use and Zoning Maps. 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 MAP: As depicted on the attached Ventura County Assessor's Map, outlined parcels 206-045-02 &-35 are proposed for a new zoning classification of "*C-1: General Commercial*" from its existing "*R-4: Mixed Use*" classification.

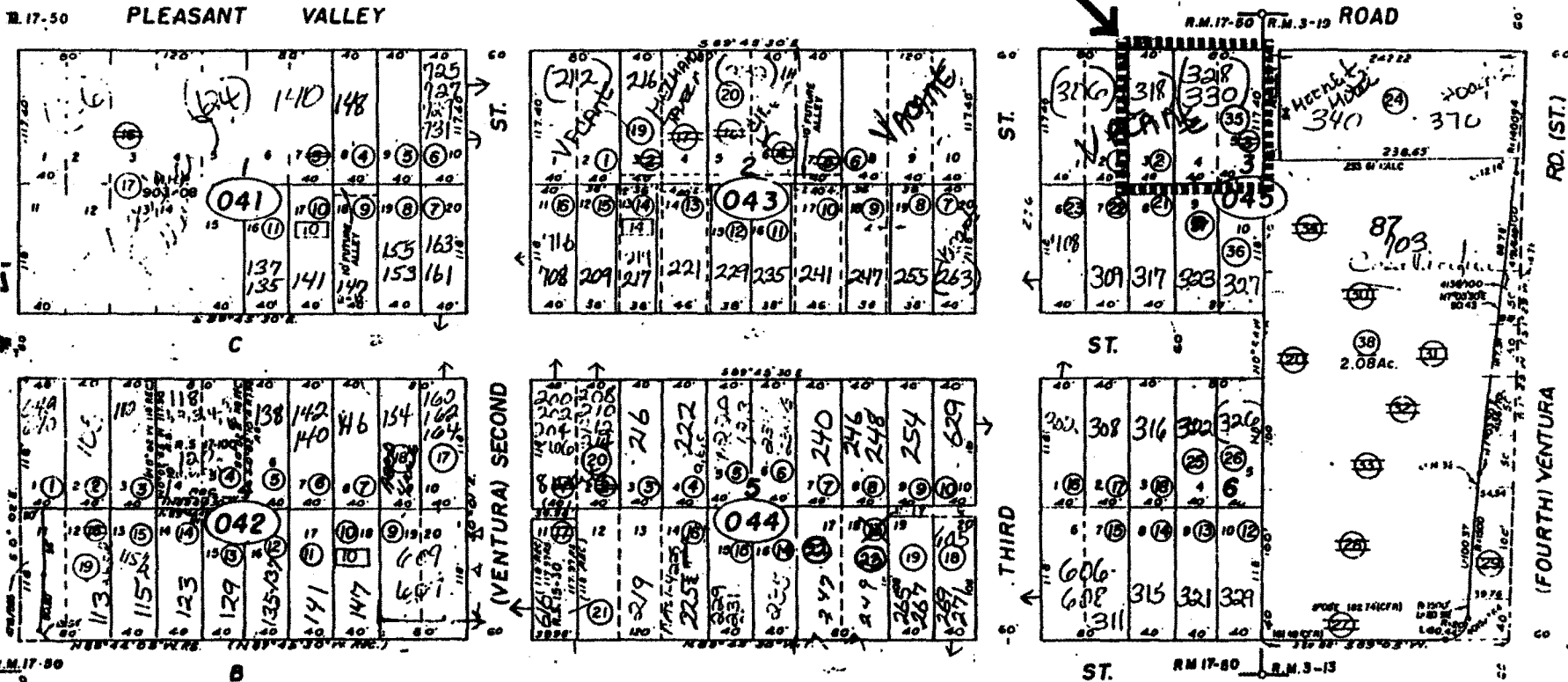
LAND USE MAP: As depicted on the attached Ventura County Assessor's Map, outlined parcels 206-045-02 &-35 are proposed for a new land use designation of "*Commercial*" from its existing "*Mixed Use Residential*" designation.

POR. SUB. 37, RANCHO EL RIO DE SANTA CLARA O'LA COLONIA.

ax Rate Area
06000

206-04

Land Use & Zone Change Site



Rancho El Rio De Santa Clara O'La Colonia R.M. Bk. 3. Pg. 13
Treher's Addition, R.M. Bk. 17, Pg. 50

NOTE: Assessor's Block Numbers Shown in Boxes
Assessor's Parcel Numbers Shown in Circles

CITY OF PORT HUENEME
Assessor's Map Bk. 206Pg. 04
County of Ventura, Calif.

ATTACHMENT 2

**STATEMENT OF THE AMOUNT OR DESCRIPTION OF THE IMPOSITION OF FEES,
DEDICATIONS, RESERVATIONS OR OTHER EXACTION'S FOR PUBLIC FACILITIES
FOR DEVELOPMENT PERMIT NO. PHPD-757
(Moonlite Motel)**

Government Code Section 66020(d)(1) requires local agencies to provide a project applicant written notice at the time of approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exaction's, a statement of the amount of the local agency's fees or a description of the local agency's dedications, reservations, or other exaction's, for public facilities and notification that the 90-day appeal period in which the applicant may protest has begun.

Following is the written notice of the City of Port Hueneme's fees, dedications, reservations, or other exaction's for the purpose of defraying all or a portion of the cost of public facilities related to Development Permit No. PHPD-754:

1. Improvement of the south side of Pleasant Valley Road and Ventura Road with necessary curb, gutter, and sidewalk to close the existing vehicle access as depicted on the site plans in Exhibit "C" of the Staff Report subject to specification and approval by the Director of Public Works.
2. Payment of the City's Commercial Sewer Connection fee totaling \$3,500 per acre (Ordinance No. 468).
3. Payment of Callegus Municipal Water Capital Construction charge totaling \$9,677 per acre.

The above fees shall be valid for a period of twenty-four (24) months from the date of adoption of the City Council Resolution approving the Project unless substantial use is inaugurated or substantial construction commenced within said time frame pursuant to Article III, Condition No. 16 of said Resolution. On or after 24 months from said date, the City reserves the right to modify the amount of fees.

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 of the City Council, is a true and correct copy of Resolution No. 3168 passed and adopted by the City Council of the City of Port Hueneme at the Adjourned Regular Meeting of the City Council of the City of Port Hueneme on the 21st day of July, 1999, by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAINING: None

A handwritten signature in cursive script, appearing to read "Karen B. Jackson", followed by the word "Deputy" written in a similar style.

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

DATED: July 22, 1999

