

CALIFORNIA COASTAL COMMISSION

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



Th 5a

October 15, 2003

TO: Commissioners and Interested Persons

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

RE: **CITY OF PORT HUENEME LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-2003, Anacapa Walk Homes** Public Hearing and Action at the California Coastal Commission Hearing of November 6, 2003 at the Sheraton Los Angeles Harbor, in San Pedro.

AMENDMENT SYNOPSIS

On May 29, 2003, the City of Port Hueneme submitted an amendment to the Land Use Plan and Map portion of its certified Local Coastal Program (LCP). The amendment proposes to amend its LCP to change the LCP Land Use Designation and Map from Public Facilities to Low Density Residential consistent with the current underlying single family zone classification on a 3.9 acre parcel located at Clara Street and Ventura Road in the City of Port Hueneme. On June 12, 2003, the Executive Director determined that the City's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b).

SUMMARY OF STAFF RECOMMENDATION

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

STAFF NOTE

This Amendment includes a Land Use Plan Amendment only; no Zoning Ordinance Map Amendment is necessary. The City's Local Coastal Program was initially certified with the land use designation of Public Facilities and a Zoning Map classification of R-1 Single Family Residential, resulting in an internal LCP inconsistency. The City's LCP has contemplated this land use plan designation change since the LCP was initially certified in 1984 should the Anacapa Hospital, a public facility, be removed. According to the City this site was given, in effect, an overlaying land use designation reflecting the existing Anacapa Hospital facility as a non conforming use while it was still in service on the subject site. Since the Hospital has closed, the City is requesting to amend the Land Use Plan to provide for Low Density Residential on this site to conform to the underlying R-1 Single Family Zone Classification. This LCP Amendment proposal has not been controversial during the City's public hearing process. The Commission continued action on this LCP Amendment for up to one year at the August 2003 Commission meeting.

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 805-585-1800.

EXHIBITS

1. Coastal Zone Location Map
2. Port Hueneme Street Map, Subject Site
3. Land Use Designation Map with Existing Public Facilities Designation
4. Proposed Low Density Residential Designation
5. Existing LCP Zoning Map, with R-1 Single Family Zone
6. City of Port Hueneme Resolution No. 3191

I. 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 as an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City's resolution of adoption dated May 21, 2003 confirms that this Amendment will take effect after it formally accepts the Commission's action. Therefore, this Amendment will not become effective until the City of Port Hueneme formally accepts the Commission's action and complies

with all the requirements of Section 13544.5 including the requirement that the Executive Director determine the City's adoption of the Amendment is legally adequate.

II. STAFF RECOMMENDATION

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-2003 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 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. 1-2003 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.

III. RECOMMENDED FINDINGS

The following findings support the Commission's approval of this Local Coastal Program 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 certified Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is whether the proposed amendment conforms 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 May 21, 2003 acting to approve this LCP Amendment. This public hearing was noticed ten days in advance. In addition, a Notice of Public Hearing was published in the Ventura County Star. There were no public comments presented at the City Council meeting on the proposed LCP Amendment. In addition, the City mailed notices of availability of review draft documents on July 25, 2002, consistent with Sections 13551 and 13552 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties by the City.

The City adopted this Amendment to the City's certified LCP and forwarded it to the Commission for certification on May 29, 2003. Staff determined in a letter dated July 2, 2003, that the Amendment was complete and filed. Therefore, public participation and agency coordination through the notice of LCP Amendment No. 1-2003 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 AND BACKGROUND

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. (Exhibits 1 and 2)

The City proposes to amend the Local Coastal Land Use Plan Designation and Land Use Plan Map from "Public Facilities" to "Low Density Residential" for a 3.9 acre parcel located at the intersection of Ventura Road and Santa Clara Street in the City of Port Hueneme (Exhibits 3 and 4). The subject site is located within the City's Coastal Zone Sub-Area known as Ventura West. The parcel is located inland of the coastal about 1,400 feet and inland of the first public road paralleling the coast which is Surfside Drive. Relative to the Hueneme Beach Park, the parcel is located about 1,500 feet inland from this Park.

The purpose of the proposed LCP Amendment is to change the land use designation and land use map from Public Facilities to Low Density Residential on this parcel to allow the future construction of a residential development project in conjunction with adjoining parcels to the north. Once the land use designation on this property is amended to Low Density Residential, the City proposes to add this parcel to adjoining parcels totaling 1.38 acres to allow for the construction of 22 small lot single-family detached homes and 27 single family detached homes on land generally bounded by B Street to the north, Clara Street to the south, and Ventura Road to the east. The subject site includes a closed hospital facility known as the Anacapa Hospital that is the subject of this LCP Amendment.

It is important to note that in order for the City to approve a Coastal Development Permit for future residential development on the subject parcel, this LCP Amendment is necessary as the existing land use designation does not allow a residential land use. The Commission certified the LCP on July 24, 1984 with a Land Use designation for Public Facilities on the site that was inconsistent with the Zoning Ordinance

classification for R-1 Single Family Zone. It appears that the reason for the inconsistency was that the site included an existing hospital, a public facility. According to the City, the Public Facilities Designation is essentially an overlay designation reflecting the existing facility at that time. In most cases where there is an inconsistency between the Land Use Plan Designation and the Zoning Classification, there are two options to resolve the inconsistency. First, the Land Use Plan Designation could be amended to conform to the Zoning Classification; in this instance, the Public Facilities Designation could be changed to Low Density Residential, as proposed by the City. Second, the Zoning Classification could be amended to conform to the Land Use Designation; in this instance, the R-1, Single Family Zone Classification could be changed to a Zone Classification that carries out the Public Facilities Land Use Designation. However, the City's LCP does not include a Zoning Ordinance Classification that carried out the Public Facilities Land Use Designation. The City's approach to have the Zoning Classification in effect carry out the Land Use Plan Designation makes the LCP work in reverse order. This subject Amendment No. 1-2003 corrects this inconsistency, thereby allowing the Zoning Ordinance to carry out the proposed Land Use Designation for Low Density Residential.

The proposed development that may result after the Commission's action on this subject LCP Amendment is proposed by a private development company. The development project is not part of this LCP Amendment and may proceed if authorized by a Coastal Development Permit approved by the City once the certification of this amendment is completed. The subject site is located outside the Commission's coastal appeal jurisdiction.

3. CONSISTENCY WITH THE COASTAL ACT

The proposed amendment to the certified City of Port Hueneme Land Use Plan raises two coastal issues regarding the conversion of the Public Facilities land use to a Low Density Residential land use, coastal land use and public services.

a. Coastal Land Use and Public Services

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 30250(a) provides (in part) that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act Sections 30222 and 30250 requires that specific categories of development in the Coastal Zone receive priority over other development, particularly if public services are limited. The higher priority land use developments are agricultural, coastal dependent development, facilities serving commercial fishing and recreational boating, visitor serving commercial recreational facilities, and lower cost visitor and recreational facilities. The lower priority land uses are private residential, general industrial, or general commercial development. The Coastal Act also requires that new development may only be allowed if adequate services such as roads, water and wastewater treatment facilities are available to serve the development and that it will not have any significant adverse effects on coastal resources.

The City's Land Use Plan Amendment proposes to change the land use designation from Public Facilities, which is not listed as a priority land use in Section 30222, to Low Density Residential which is also not a priority land use designation (Exhibit 3). The Coastal Act is silent on the priority ranking for locating Public Facilities within the Coastal Zone. Although the existing land use is designated Public Facilities in the certified LCP, the LCP does not include a definition for this land use. In addition, the certified LCP zoning ordinance does not include a zone classification specifically describing the types of permitted and conditionally allowed land uses related to public facilities and their development standards (Exhibit 5).

Without a definition of the Public Facility land use designation in the certified City LCP, it is reasonable to assume that Public Facilities would include public or quasi-public buildings. Public and quasi-public buildings are not an identified priority land use pursuant to Section 30222 of the Coastal Act.

A review of public facilities on the City's Land Use Map (Exhibit 3) within the entire City identifies a few of these sites scattered throughout the City's approximate four and one half square mile size. These include the Dorrill Wright Community Center, a city maintenance yard, four public schools, a new relocated Edison substation, and the City Civic Center. Three of these schools and the new Edison substation are located outside the coastal zone. These public buildings and facilities provide public services to City residents and visitors. The City does not contemplate the need for more public facilities in this location, as a result, a continued land use for public facilities is not necessary at this site nor is it considered necessary under the Coastal Act.

This Sub-Area of the City, Ventura West, is an inland residential area. Most of the existing development in this area consists of single family and multiple family residential development, the Hueneme Elementary School, and the City Civic Center. The City's LCP Land Use Plan Amendment proposes a land use designation of Low Density Residential for this site which is consistent with the adjoining land use located to the west along Clara Street.

The City's LCP Zoning Ordinance includes a classification regulating a zone for the Low Density Residential Land Use. Section 10400, R-1, Single Family Zone, provides for permitted uses and conditional uses in Low Density Residential Land Use Designation.

The permitted uses include one single family dwelling, greenhouses, mobile homes, and small community care facilities. Conditional permitted uses include large community care facilities, mobile home parks, schools, churches, community centers, private recreation clubs, hospitals and medical office buildings, boarding houses and government and public utility facilities. Therefore, the City's proposal to change the LCP Land Use Designation to Low Density Residential is consistent with the intent of the certified LCP and consistent with the certified LCP Zoning Ordinance that provides for Low Density Residential through the R-1, Single Family Zone.

The Coastal Act requires that new residential development be located within developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. The site is located in a developed area served by public services. The site, currently developed with a hospital includes two parking lots, and non-native landscaping. The site is served by three public roads, B Street, Clara Street and Ventura Road. The Port Hueneme Water Agency (PHWA) provides domestic water to the City and the Oxnard Wastewater Treatment Facility (OWTF) provides wastewater treatment. The Commission reviewed these two public service issues in the City's LCP Amendment No. 1-98 certifying the City's update to the LCP. The Commission's findings for this Amendment conclude that there are adequate water resources and wastewater treatment capacity to serve all of the existing and projected development allowed by the LCP update. Given that the increase in projected growth allowed in LCP Amendment No. 1-98 can be accommodated with adequate water resources and wastewater treatment capacity, potential conflicts or adverse effects on priority land uses, such as visitor serving development are not expected. Therefore, the proposed Low Density Residential land use designation allowing future new residential development is located in an existing developed area with adequate public services and will not have significant adverse effects on coastal resources.

Thus, the Commission finds that the proposed Land Use Plan Amendment, as submitted, is consistent with Coastal Act Sections 30222 and 30250.

B. 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 prepared a Mitigated Negative Declaration under Sections 15091 and 15381 of CEQA; the City Council adopted it on May 21, 2003.

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

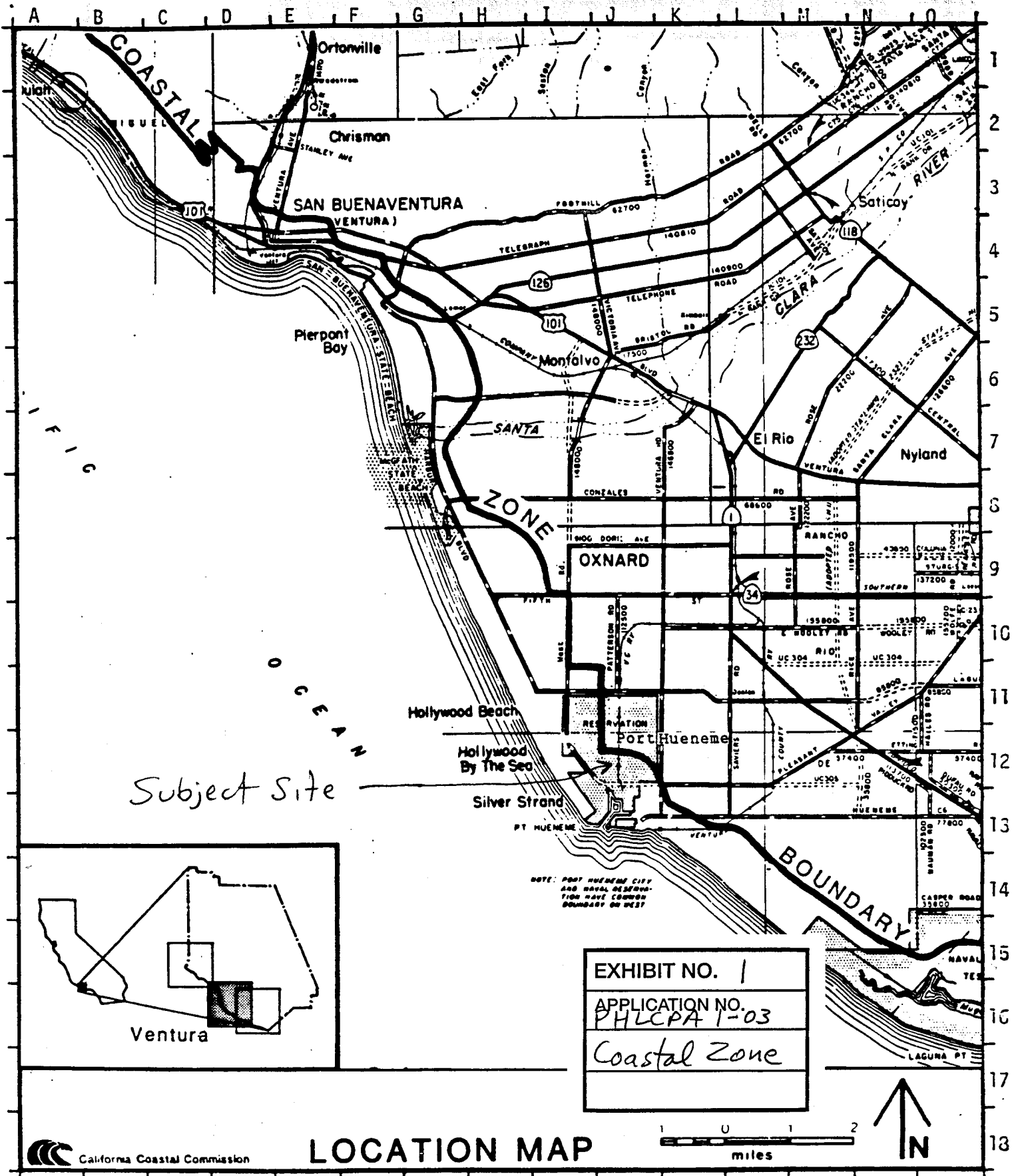
Administrative Regulations require that the Commission cannot approve or adopt a Local Coastal Program amendment "if there are feasible alternatives or feasible mitigation measures available" which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed in the findings above, the proposed amendment as submitted would have no significant adverse environmental 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 through 2002 by the Commission.

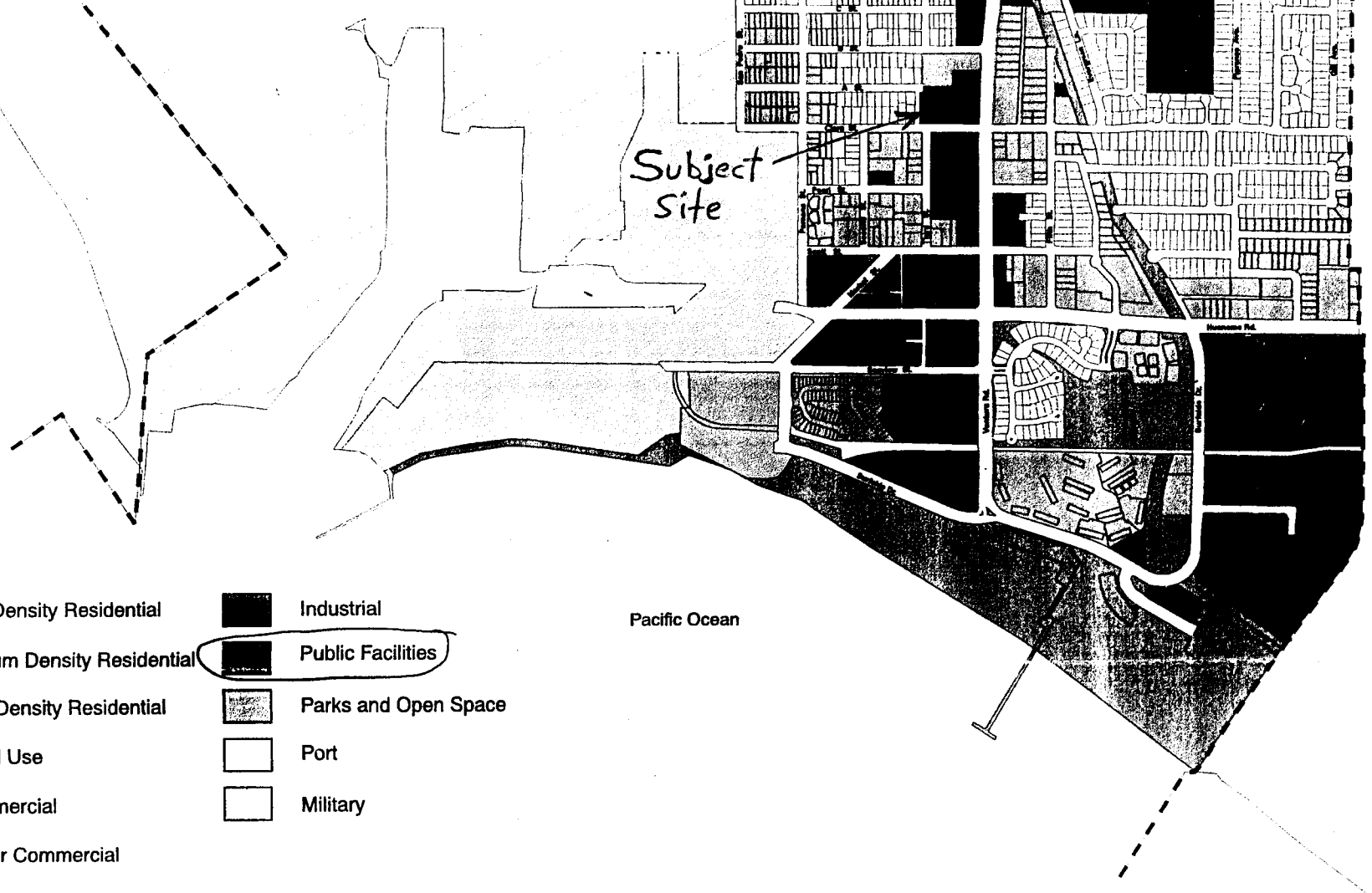
phlcpa1-03report



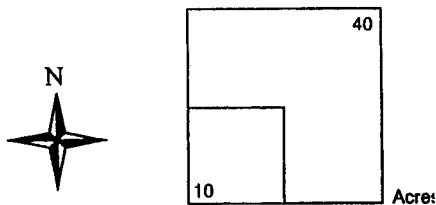


Subject Site

EXHIBIT NO. 2
APPLICATION NO. PH/CCPA-1-03
Port Hueneme
Street Map



- | | | | |
|--|----------------------------|--|----------------------|
| | Low Density Residential | | Industrial |
| | Medium Density Residential | | Public Facilities |
| | High Density Residential | | Parks and Open Space |
| | Mixed Use | | Port |
| | Commercial | | Military |
| | Visitor Commercial | | |



0 400 800 1200 1600 2000 2400 Feet

300 600 800 1000 Meters



COTTON/BELAND/ASSOCIATES
Urban and Environmental Planning

Rev. January 15, 1999

CITY OF PORT HUENEME
GENERAL PLAN

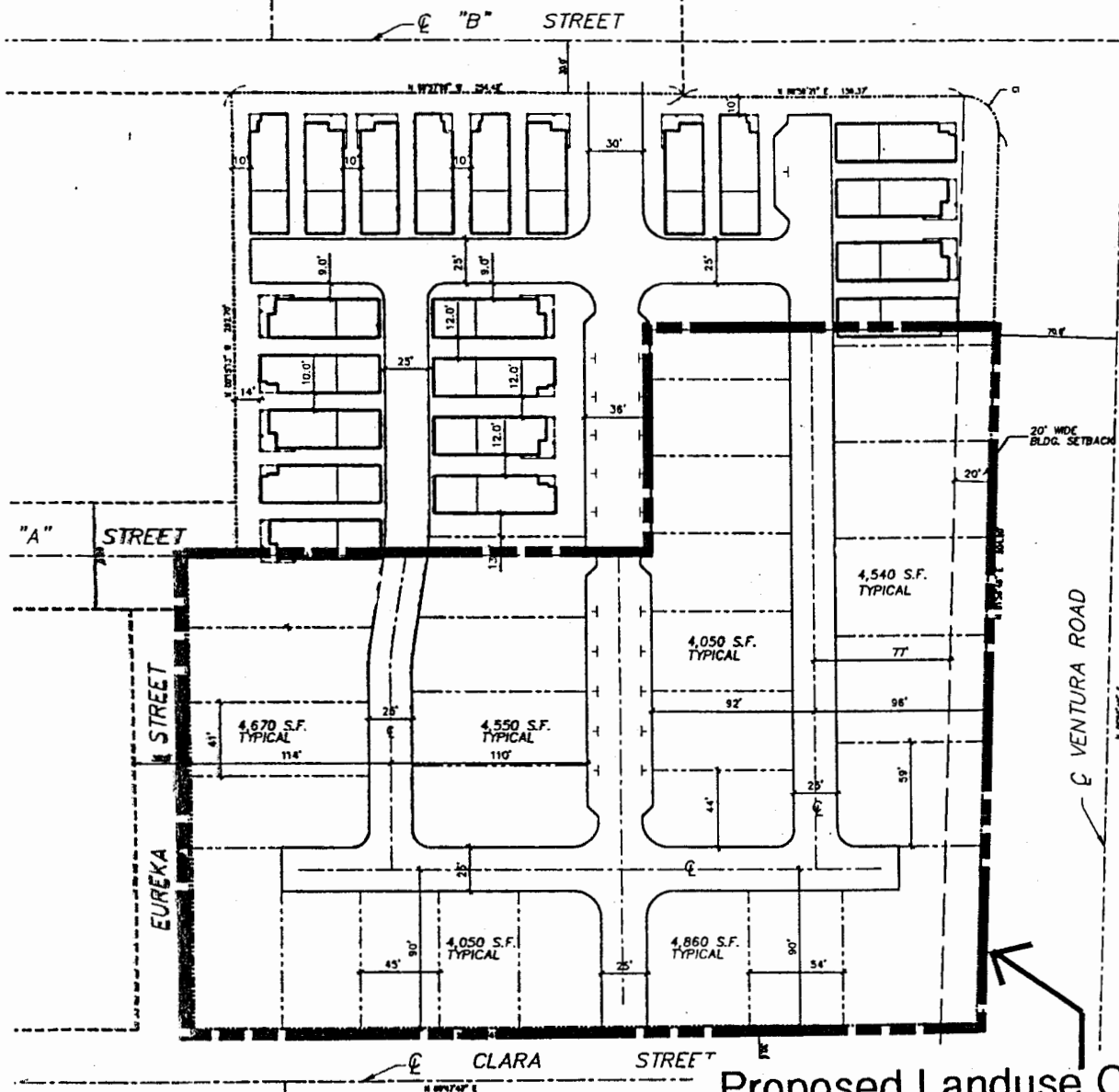
EXHIBIT NO. 3
APPLICATION NO. PHCDA 1-03
Land Use
Policy Map

Figure LU-4
Land Use Policy Map

LAND USE ELEMENT

17-100-000

17-100-000
P.O. BOX 1000
17-100-000



SUMMARY:

TOTAL ACREAGE: 5.28 AC
 TOTAL UNITS: 49 DU
 - 22 TOWNHOMES
 - 27 SFD ALLEY HOMES (4,040 SF TO 4,860 SF)
 TOTAL UNITS: 9.3 UNITS / ACRE
 GUEST PARKING: 25 SPACES - REQUIRED
 26 SPACES - PROVIDED

• AVERAGE S.F. CALCULATIONS ARE TAKEN TO CENTER LINE OF ALLEY

CONCEPTUAL SITE PLAN

Proposed Landuse Change
 from "Public Facilities"
 to "Low Density Residential"



17-100-000



VENTURA / CLARA
 Port Hueneme, California
 The Olson Company

EXHIBIT NO. 4
APPLICATION NO. PHCCPA 7-03
Proposed Low Density Residential

Subject Site

Port
Hueneme
Harbor

Pacific
Ocean

Pleasant Valley Rd








School
Bard





Port Hueneme Rd

Ventura Rd

Surfside Dr

Zoning Classification

-  R-1 Single-Family
-  R-2 Limited Multi-Family
-  R-3 Multi-Family
-  R-4 Mixed Use
-  R-5 Transitional Residential/Coastal-related Industry
-  C-1 Commercial
-  C-2 Special Commercial

-  M-1 Light Industrial
-  M-PR Port Related Uses
-  P-R Park Reserve
-  P Planned Development Overlay

c:\profile\720\zoning dsl 12/21/98 jmr

0 500 1000 feet



ITTON/BELAND/ASSOCIATES
an and Environmental Planning



PORT HUENEME

Zoning Map

EXHIBIT NO. 5

APPLICATION NO. 1-03

Existing LCP

Zoning Map

RESOLUTION NO. 3349

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME
ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION, ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM, GRANTING
CONDITIONAL APPROVAL OF TENTATIVE TRACT MAP APPLICATION NO.
PH-779, GRANTING CONDITIONAL APPROVAL OF DEVELOPMENT PERMIT
APPLICATION NO. PHPD-780, AND GRANTING APPROVAL OF BOUNDARY
CHANGE APPLICATION NO. PHBC-781 AND AUTHORIZING TRANSMITTAL
OF SAME TO THE COASTAL COMMISSION OF THE STATE OF CALIFORNIA
AMENDING THE CITY'S LOCAL COASTAL PROGRAM THEREFORE
(Anacapa Walk Homes)

ARTICLE I -- RECITALS

Recitals

A. WHEREAS, a public hearing has been held as required by law to consider applications filed with the City of Port Hueneme ("City"), by "The Olson Company", (referred to as "Developer" and/or "Permittee") for a land use map Boundary Change, Tentative Tract Map, and Planned Development Permit allowing construction of a 49-unit detached single-family home development encompassing approximately 5.40 acres of land bounded by East "B" Street to the north, East Clara Street to the south, Eureka Street to the west, and North Ventura Road to the east situated within the City of Port Hueneme, California, further identified as Ventura County Assessor's Parcel Nos. 206-051-41, and -33 (referred to as "Project"); and

B. WHEREAS, the proposed Project represents a discretionary action subject to the environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as amended (Public Resources Code Section 21000 et. seq.), and by operation of Section 15381 of the California Administrative Code, the City of Port Hueneme is deemed "Lead Agency" for the purposes of CEQA;
and

EXHIBIT NO. 6
APPLICATION NO. PHLCPA 7-03
City Resolution
Pg 1 of 25

C. WHEREAS, the City, through its consultant, Rincon Consultants, Inc., has caused to be prepared an Initial Study which analyzes the potential significant environmental effects of the Project in its current setting resulting in a Mitigated Negative Declaration determination that there is no substantial evidence that the proposed Project may have a significant effect on the environment and has also prepared a Mitigation Monitoring and Reporting Program as required by CEQA to insure implementation of identified mitigation measures, which documents are on file with the Department of Community Development of the City of Port Hueneme; and

D. WHEREAS, the City Council has considered the Final Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and all comments received during the public review period prior to taking any action related to the proposed Project; and

E. WHEREAS, the City Council considered the effects of this project on the regional need for public services, and available fiscal and environmental resources before deciding on this matter; and

F. WHEREAS, a public hearing was held by the City Council as required by law to consider the Project and public testimony was solicited and considered by the City Council prior to their action on this matter; and

G. WHEREAS, the proposed Project involves property situated within a non-appealable development area of the Coastal Zone of the State of California; and

H. WHEREAS, as prescribed in Article II and Article III, of this Resolution, the proposed Project is deemed consistent with and furthers the objectives and

policies of the City's General Plan, Zoning Ordinance, and Local Coastal Program;
and

I. WHEREAS, not less than twenty-five percent (25%) of all dwelling units developed under the Project shall be sold by the Developer for a price greater than the maximum sum affordable to a low or moderate-income person or family of a size appropriate to a unit based upon the criteria set forth in California Health and Safety Code Section 50052.5 or pay an in-lieu fee pursuant to City Municipal Code Section 10804(C) for the units so as to fulfill affordable housing requirements set forth in California Government Code Section 65590(d); and

J. WHEREAS, it is proposed to vacate a portion of the public right-of-way on East "A" Street located at its southeast terminus with Eureka Street in the City of Port Hueneme as depicted on the Project's Tentative Tract Map No. 5406 to better accommodate the Project; and

K. WHEREAS, City staff recommended approval of Boundary Change Application No. PHBC-781, conditional approval of Tentative Tract Map Application No. PH-779, and conditional approval of Planned Development Permit Application No. PHPD-780.

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, written and oral, received in conjunction with that certain public hearing conducted on May 21, 2003.

(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 hearing to consider the Project.

(c) All oral, written, and visual materials presented by City staff and Rincon Consultants, Inc., in conjunction with said public hearing.

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

(i) That certain written report on the proposed Project submitted by the Department of Community Development of the City of Port Hueneme dated May 21, 2003, incorporated by reference herein (hereinafter referred to as "Staff Report").

(ii) The proposed Project's Final Initial Study, Mitigated Negative Declaration, and written comments received thereon, dated October 2002, prepared by Rincon Consultants, Inc. accompanying the Staff Report.

(iii) The proposed Project's Mitigation Monitoring and Reporting Program prepared by Rincon Consultants, Inc., attached hereto as Exhibit "A".

(iv) The proposed Project applications and supporting Preliminary Development Plans encompassing the Staff Report including, but not limited to, preliminary building elevations, floor plans, and conceptual landscape/site plan.

(v) The proposed Project's Tentative Tract Map No. 5406 prepared by Land Design Consultants, Inc., dated April 7, 2003, accompanying the Staff Report.

(vi) The proposed Project's sample exterior material and color elevation board on file with the Director of Community Development.

Public Review

B. BE IT FURTHER RESOLVED that:

1. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in Title 7, Division 1, of the Government Code of the State of California, Article X, Section 10352 of the

City's Municipal Code, and Division 13 of the California Public Resources Code commencing with Section 21050, and Title 14 of the California Administrative Regulations commencing with Section 15000, as such procedures and requirements pertain to this Project, and the California Environmental quality Act (CEQA), have been lawfully satisfied:

(a) Written notice of the availability of public review draft documents pertaining to the proposed Project's land use Boundary Change together with public hearing date before the City Council was mailed to all government agencies and persons known to be interested in Local Coastal program matters on July 25, 2002. In addition, copies of the review draft documents for the Boundary Change 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.

(b) Written notice of public hearing before the City Council on the Project applications was mailed to all governmental agencies and persons who were know to be interested in the Project and all persons owning property within 300 feet of the boundaries of the Project site and all tenants residing within 100 feet of said boundaries, which notice was mailed not later than ten (10) calendar days prior to the date of said hearing.

(c) Written notice of public hearing before the City Council regarding the Final Mitigated Negative Declaration and Project applications was published in a legal section of a newspaper of general circulation a minimum of ten days prior to said public hearing.

(d) Written notice of the availability of the Initial Study and Draft Mitigated Negative Declaration for the proposed Project was disseminated to interested persons and agencies on August 30, 2002, a minimum of thirty (30) days prior to the City Council's final action on the proposed Project. Copies of the review draft documents were also made available for copying and public perusal at the Port Hueneme Civic Center, Ray D. Prueter Library, and South Central Coast Area Office of the Coastal Commission a minimum of thirty (30) days prior to the City Council's final action on the proposed Project.

Environmental Findings

C. BE IT FURTHER RESOLVED, it is the City Council's independent judgment, as Lead Agency, that the proposed Project's Initial Study and Final Mitigated Negative Declaration meets the requirements of CEQA.

D. BE IT FURTHER RESOLVED that on the basis of evidence presented in the proposed Project's Initial Study and Final Mitigated Negative Declaration containing comments received during the public review process, and with the incorporation of all mitigation prescribed in Exhibit "A" of this Resolution, changes or alterations will be required in, or incorporated into, the proposed Project which mitigate or avoid the significant environmental effects thereof as identified in the Initial Study so that the proposed Project will not have a significant effect on the environment.

E. 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.

F. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme has reviewed and considered the content of the Final Mitigated Negative Declaration and related Reporting and Monitoring Program for the proposed Project and hereby certifies and adopts the Final Mitigated Negative Declaration and related Reporting and Monitoring Program for the proposed Project and declares that approval granted herein is subject to and contingent upon: (i) implementation of all conditions prescribed in the Project Approval set forth in Article III, Paragraphs B and C of this Resolution; and (ii) implementation of the Mitigation Monitoring and Reporting Program as set forth in Exhibit "A", attached hereto.

Mitigation Fee Findings

G. BE IT FURTHER RESOLVED that as a condition of Project approval, certain dedications and fees listed in Article III hereunder are required to help

avoid or substantially mitigate potentially injurious or detrimental effects to the public health, safety or welfare.

H. BE IT FURTHER RESOLVED that the purpose and nexus for traffic fees identified in Williams-Kuebelbeck & Associates *Nexus Analysis Calculations for Citywide Traffic Impact Fee* dated April 14, 1997, are hereby adopted for this Project pursuant to Goal 4 of the City of Port Hueneme 1997 General Plan Land Use Element calling for the "Fair Share" payment for use of City services and facilities.

I. BE IT FURTHER RESOLVED that considering the local climate, predominant wind direction and strength, proximity to existing residential development, configuration of the Project site, and design objectives of the City, future passive and natural heating or cooling opportunities are provided, to the extent feasible, without reducing Project density.

Coastal Act Findings

J. 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 land use map change from "Public Facilities" to "Low Density Residential" is located over 2,600 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. The proposed land use change and component Project will result in beneficial support of coastal access by providing a pedestrian link between East "B" Street in the north through the proposed Project site to Eureka Street and North Ventura Road in the south.

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 land use map change is not comprised of oceanfront land and is not expected to have any significant adverse impact on existing water-oriented recreational activities.

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 land use map change does not include marine environment property and is not expected to have any significant impacts on the biological resources or coastal waters. (The proposed residential Project related to the boundary change 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 land use map change 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 land use map change serves to implement a 49-unit single-family subdivision that is consistent with current underlying zoning classifications that will enhance the right of public access by providing a landscaped pedestrian link between East "B" Street and Eureka Street and North Ventura Road.

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

affordable dwelling units available to tenants, contractors, and employees of the nearby deepwater Port of Hueneme and U.S. Navy base. The former Anacapa Adventist Hospital currently occupies the site of the proposed land use map change. The property ceased functioning as a general hospital with acute care in 1985 and switched operations to service primarily adolescent substance abuse treatment, which ceased operations for financial reasons in March of 2002.

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 49-unit Project is located in the Ventura West geographic subarea of the City's Coastal Zone. The proposed Project proposes a boundary change to the improved portion of the property (former hospital site) that would reclassify its land use from "Public Facilities", which reflected its prior use as a hospital, to "Low Density Residential", which is consistent with its current underlying "R-1: Single Family" residential zone classification. The proposed land use map revision, together with the proposed Project, will complement abutting residential land use designations and implement the Local Coastal Program's Land Use Policies for the Ventura West Neighborhood by constructing new detached single-family homes as set forth in the Ventura West Specific Plan.

ARTICLE III -- PROJECT APPROVAL

LCP Amendment & Boundary Change

A. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme does hereby approve Boundary Change Application No. PHBC-781 encompassing revision of the General Plan Land Use Map as illustrated in Exhibit "B" attached hereto; and further approves and recommends Coastal Commission approval of said Boundary Change as a Local Coastal Program Amendment to the Local Coastal Land Use Plan.

Tentative Tract Map

B. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme hereby grants and approves Tentative Tract Map Application No. PH-779 ("Map") subject to the following conditions:

1. That the Map is granted to the Permittee for the area, size, location, and configuration of the Project as described in the application and attachments thereto, and as shown in the Map accompanying the Staff Report and, by this reference, incorporated herein, except or unless indicated otherwise herein. The terms and conditions of this Map shall be perpetual and all future owners and predecessors in interest to fee title of the subject property shall be bound hereunder.

2. That the land to which this Map pertains shall be developed in accordance with and pursuant to Development Permit No. PHPD-780, approved concurrent herewith.

3. That prior to recordation, the Map shall be reviewed and approved by the City's Director of Public Works and Director of Community Development, each of whom shall have the authority to make minor corrections and amendments as deemed necessary and appropriate. Thereafter, a Final Tract Map ("Final Map"), prepared in accordance with the Subdivision Map Act, as amended, shall be submitted to the City Council for ratification prior to sale or occupancy of any dwellings within the Project site.

4. That concurrent with preparation and submittal of the Final Map for the Project, the Permittee shall prepare and submit to the City's Director of Community Development for approval and prior to recordation, the Subdivision Public Report; Articles of Incorporation; Bylaws; and Covenants, Conditions, and Restrictions ("CC&R's") to establish a common-interest development and Homeowners Association delineating architectural controls and responsibilities for maintenance of all exterior landscaping, site improvements, fencing, lighting, and all other common areas of the Project. Said CC&R's shall be recorded prior to sale or occupancy of any dwelling within the Project. In addition, as part of the CC&R's, the City shall be named as Third Party beneficiary with powers of enforcement in the event of either the Permittee or Homeowners Association's failure to abide by the terms and provisions thereof. The CC&R's shall disclose that this Project is subject to all of the terms and conditions prescribed in Development Permit set forth in Paragraph B, below, and that the streets within the Project are substandard in size with respect to those standards which apply to public rights-of-way and, as such, the streets will not be accepted for dedication to the City. With respect to said common areas, the Homeowners Association shall have the

exclusive right, responsibility, and obligation to maintain at its expense in a continuous state of good repair and condition, all private streets, exterior site lighting, all landscaping and irrigation as depicted on the preliminary landscape plan, decorative screen walls/fencing, stamped concrete, project signs, easement areas, and all driving surfaces within the project site, and all other common area improvements including off-site improvements, if any, keeping these areas free of all weeds, trash, rubbish, graffiti and debris. Furthermore, any and all modifications proposed to the exterior of any Project dwelling, lot, or common area shall be subject to the Homeowners Association's prior written approval. Following Homeowners Association approval and prior to issuance of Building or other Permits for any such modification, application for planned development permit amendment shall first be submitted to and approved by the City pursuant to the provisions of Section 10352(H) of the City's Municipal Code. The CC&R's shall disclose that North Ventura Road is a truck route and that affected dwellings on the Project site have been equipped with various sound attenuation measures so as to comply with State interior noise standards. The CC&R's shall also require homeowners located at the dead-end hammer-head private street segments of the Project to place individual refuse containers for pick up so that refuse trucks do not need to back-up to accomplish refuse container pick-up.

5. That all Project dwellings shall be constructed in conformity with the State of California Noise Insulation Standards as specified in Title 25, Chapter 1, Subchapter 1, Article 4, Section 1092 of the California Code of regulations.

6. That this Map is subject to the granting and recordation of easements as are deemed necessary by the City's Utility Services Director and Pubic Works Director to implement that which is depicted on the Map and/or the conditions prescribed in Article III, Paragraphs B and C of this Resolution. In this regard, the Permittee shall grant the City and other public utilities non-exclusive easements for access and maintenance of public infrastructure and utilities, which exist or are planned to traverse the Project site. The Permittee shall also provide the necessary easements for adjoining neighbor yard use and owner building maintenance for the proposed zero lot line concept as designed in the building floor plans and elevations accompanying the Staff Report.

7. That prior to recordation of the Project's Final Tract Map, the Permittee shall pay all fees in the amount then prescribed by ordinance, resolution, statute or other such instrument of law which apply to this Project, except and unless otherwise waived or modified by the City.

8. That the structural sections and cross-sections of all driveways and streets of the Project shall meet the requirements of the City. All drainage within, entering, or across this Project shall be conveyed to acceptable points of discharge to the satisfaction of the City's Utility Services Director and Director of

Public Works. Drainage easements shall be recorded as necessary to accomplish the foregoing.

9. That arrangements be made with the Permittee for abandonment of any existing easements and/or rights-of-way no longer required as well as arrangements for the dedication of the new easements and/or rights-of-way required as conditions of approval of the Map herein and the Development Permit prescribed in Paragraph C, below. Said arrangements shall include the Permittee's submittal of legal descriptions, documents, and exhibits deemed necessary by the City's Director of Public Works.

10. That a complete set of civil and public improvements plans for this Project shall be submitted to the City's Director of Public Works for review and approval at the time the Project's Final Tract Map or Project construction documents are filed for plan check pursuant to Condition No. 3, above or Paragraph C, Condition No. 17, below whichever ever occurs first. The City's plan check and inspection fee for the Project's civil and public improvements shall equal five percent (5%) of the cost of said improvements and be paid at time the civil and public improvements plans are submitted to the City for required plan check. Prior to issuance of Building Permits or recordation of said Final Tract Map, whichever ever occurs first, a performance bond and agreement for all proposed public improvements shall be filed with and approved by the City's Director of Public Works.

11. That at the time of making survey for the Final Tract Map associated with the Project, the Permittee, through his/her engineer or surveyor, shall set sufficient durable monuments to conform with the standards prescribed in section 8771 of the California Business and professions Code. At least one exterior boundary line for the Project site shall be so marked before the Final Tract Map is recorded.

12. That prior to the filing the Project's Final Tract Map with the City, the Permittee shall file with the Clerk of the County of Ventura, a certificate from the Ventura County Assessor's Office showing that there are no liens against any part of the Project site for any unpaid state, County, Municipal, or local taxes or special assessments collected as taxes, except taxes of special assessments not yet payable.

13. That the conditions of approval prescribed in this Paragraph supersede all conflicting notations, specifications, dimensions, or typical sections which may be shown on the Map.

14. That approval of the Project's Tract Map granted herein shall expire in twenty-four (24) months from the date of adoption of this Resolution. An extension of time may be granted prior to the end of said 24-months by the

Director of Community Development for a period not to exceed thirty-six (36) months from the date of adoption of this Resolution.

15. That prior to final tract map approval by the City, that portion of the public right-of-way on East "B" Street proposed for street vacation to better accommodate the Project shall be vacated and accomplished as part of the final map to the satisfaction of the City pursuant to Section 66434(g) of the California Subdivision Map Act.

Development Permit

C. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme hereby grants and approves Planned Development Permit No. PHPD-780 ("Permit") subject to the following conditions:

1. That the Permit is granted to the Permittee for the area and use as described in the application and attachments thereto, and as shown in the Preliminary Development Plans accompanying the Staff Report and, by this reference, incorporated herein. The terms and conditions of this Permit shall be perpetual and all future owners and predecessors in interest to fee title of the subject property shall be bound hereunder.

2. That the location and development of all the Project's structures, driveways, parking areas, landscaping, lighting, utilities and other such facilities and features shall be substantially as shown in all the Preliminary Development plans accompanying the Staff Report, except or unless indicated otherwise herein. The architecture color, texture and physical composition of all exterior building surfaces shall substantially conform to the elevations depicted in the Staff Report, or as amended herein. Any mechanical and/or electrical equipment, including solar collector panels, satellite dish antennas, receiving and/or transmitting antennas on the roof of any structure or "pad" mounted on the site shall be appropriately screened from public view in a manner acceptable to the Director of Community Development or as otherwise governed by the provisions of Section 10203(H) of the Port Hueneme Municipal Code.

3. That conditional approval of this Permit shall expire in twenty-four (24) months from the date of adoption of this City Council Resolution unless substantial use is inaugurated or substantial construction commenced within said time frame. In this regard, the term substantial shall mean over ten dwelling unit foundations being finalized by the City's Building Official. A twelve (12) month extension of time may be granted by the Director of Community Development for a total development period not exceeding thirty-six (36) months.

4. That the Project shall be developed in a single phase or pursuant to a phasing schedule approved by the Director of Community Development prior to issuance of the Project's first building permit with the following stipulations:

(a) That the entire scope of on and off-site improvements deemed necessary by the Director of Community Development to appropriately serve each Project dwelling shall be completed by the Permittee requisite to release of occupancy of each residential unit unless otherwise approved by the Director of Community Development. Until such time that each phase is developed, the property comprising each such phase or portion of each phase shall be maintained in a continuous state of good repair and condition, free of rubbish, trash, debris and weeds. No stockpiling of fill or material of any kind shall be allowed on any undeveloped portion of the site unless prior written approval is granted by the Director of Public Works. In addition, the Permittee shall be responsible for maintaining a six-foot high chain link fence in a continuous state of good repair and condition along undeveloped portions of the property to prevent pedestrian traffic from trespassing and cutting across the vacant lot(s).

(b) In the event that subsequent Project Phase(s) are not commenced prior to expiration of the development Permit approved herein, the Community Development Director may require the Permittee to obtain and deliver to the City a surety performance bond in an amount equal to the estimated cost of providing the private on-site street improvements, storm drains, and perimeter Project front yard landscaping and irrigation treatments depicted in the Staff Report materials, which bond, shall guarantee that said improvement shall be installed.

(c) That prior to issuance of building permits for each corresponding phase of development, the Permittee shall pay the fees listed or described in Exhibit "C" attached hereto and, by this reference, incorporated herein, which fees correspond to the scope and cost of improvements required to mitigate identified environmental effects, apportioned according to the level of impact attributable to the Project as prescribed by the Final Mitigated Negative Declaration or by ordinance, resolution or statute.

5. That Improvement of the perimeter curb, gutter and sidewalk, provision of eight electroleirs, and private roadway as it relates to each phase of the Project shall be commenced prior to or concurrent with issuance of the first building permit for dwelling unit construction at said phase subject to specification and approval by the Director of Public Works. In addition, installation of all perimeter (front yard, end yard, and private street) landscape planters, irrigation, fencing, site lighting, and plant materials as it relates to each phase of the Project shall be completed prior to sale or occupancy of any lot or dwelling unit in said phase. Alternatively a bond guaranteeing installation may be provided to the City pursuant to Condition No. 8, below.

6. That the existing overhead utilities lines running along the east side of Eureka Street through to East "B" Street shall be under grounded within its easement or other City approved location by the Permittee to a point north of East "B" Street and to a point south of East Clara Street concurrent with performance of the Project site's grading/demolition and/or dry utilities. That said utility easement area abutting west of the Project's existing chain link fence (approximately five feet in width) shall be dedicated by easement or deed by the Permittee to the adjoining property owners and that the surface of this area shall be returned to the same or better condition as is existed before construction and utility under grounding to the satisfaction of the City's Community Development Director.

7. That the following modifications to the Preliminary Development Plans accompanying the Staff Report 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 grading, construction, landscape, and irrigation plans and specifications as required herein:

(a) Type, sizing and density of all plant materials including the following changes to better reinforce the City's tropical seaside character and complement other beach area planned developments:

- (i.) Change the *Raphiolepis Indica* 'Ballerina' to a larger variety with pink flowers.
- (ii.) Add *Agapanthus africanus* throughout Project as sub shrub and consider including *Pittosporum tobira* 'wheelers dwarf' mock orange and *Carissa grandiflora*.
- (iii.) All trees shall be minimum 24-inch box size and street trees should have minimum spacing of 35-feet on center. Add *Pyrus Kawakamii* as street tree along "B" Street frontage and replace proposed street tree on Clara Street with *Plantus acerifolia* 'Bloodgood'.
- (iv.) Increase density by adding 8-10 *Washingtonia* palm trees to open spaces along common paseo area. In addition, add trees to driveway areas and to front yards so that most homes have 1 tree on each side of its front entry walk. Save and prune the seven (7) existing eucalyptus trees near back of sidewalk along Ventura Road as vertical background.
- (v.) Replace trees in proposed palette adding *Melaleuca quinquenervia*, *Eucalyptus ficifolia*, and *Eucalyptus maculata*.
- (vi.) Add a hedgerow of trees to the five-foot wide planter on Project's landlocked western edge between "A" and "B" Streets.

(b) Provide the following site items: (1) concrete driveways and rock salt finish to walkways and driveways; (2) minimum 10-foot property line setback for Lot #24's yard wall fronting Ventura Road; (3) masonry walls with cap and pilasters throughout Project with the exception of side yard property line separations not exposed to HOA maintained landscape areas, which may be wood fencing; (4) landscape screening at terminus of vehicle hammer-heads fronting Ventura Road and East "B" Street; (5) Eliminate the proposed street sidewalk in front of lots 5, 6, 7, and south of the C-2 unit front entry; and (6) berming throughout the Project is encouraged to help diminish the scale of two-story construction.

(c) The option for a fifth bedroom is not allowed.

(d) Provision of projecting foam trim sills (minimum 4-inches) to enhance and distinguish window openings from field stucco.

(e) Provision of exterior light fixture for each unit at its garage door side wall (thematic to unit style).

(f) Provision of concrete stoops for all exterior patio and side garage doors with side doors being installed with raised panels.

(g) Provision of an integral stoop or separate concrete slab within all secured patio/yard areas to accommodate the storage of one 95-gallon trash can and one 95-gallon recycling can and/or provide an area under stairways that open into the garage for can storage or similar design solution for such trash can storage to be approved by the City's Director of Community Development.

(h) Patio locations, sizes, gates, and design to be approved by the City's Director of Community Development with the goal of pulling back fencing from perimeter streets and driveways to the maximum extent feasible to enhance open space and to provide landscape and tree plantings to the maximum extent wherein Homeowners Association maintenance would occur.

(i) Provide mailbox gang box with roof and architectural treatment to complement project.

(j) For the Spanish Colonial Revival units: (1) add 8"-12" box-out of front elevation walls at selected locations on Plan 2, Plan 3, and Plan 4 ; (2) provide authentic exterior wrought iron accents versus "decorative metal" for depicted window treatments; (3) Consider a hip roof change to the Plan 5 front elevation including possible Dutch gable treatment for the Contemporary unit; (4) angle the exterior chimney on the Plan 4 unit; (5) provide radius upper corners for the garage door openings; and (6) consider the use of foam trim without stucco at selected locations to simulate stone.

(k) For the Contemporary units: (1) repeat front elevation wood roof brackets on rear elevations for Plan 1 and 5 units; (2) wrap the wood siding on the plan 3 unit to the inside stairway wall and on the Plan 4 unit from the chimney to inside the Kitchen window; and (3) add shutters to the one main rear window on the Plan 2 and Plan 4 units.

Should an impasse be reached with the Community Development Director as to resolution of any or all of the matters listed herein, such matter or matters shall be submitted to the City Council for its deliberation as a Major Modification pursuant to the provisions of Section 10352(H) of the Municipal Code of the City of Port Hueneme.

8. 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 dwelling depicted, all common area landscaping, irrigation, and thematic improvements for each corresponding phase or subphase of development 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.

9. That during construction, the Permittee shall adhere to all requirements as are necessary to mitigation noise impacts.

10. The Permittee shall install Project street signs mounted on timber poles to complement the City's established street scene subject to the approval of the Director of Community Development and Public Works.

11. That exterior lighting shall be provided for all access driveways, parking areas and pedestrian walkways so as to facilitate protection of private property and the safe pedestrian movement throughout the project site. Such lighting shall be accomplished in such a manner as to not illuminate adjacent properties or streets, which might be considered objectionable by adjacent property owners or hazardous to passing motorists. Detailed architectural plans depicting the location and type of all on-site lighting features shall be submitted to and approved by the Director of Community Development as part of the construction plans submitted herein.

12. That prior to construction, grading and site utility plans shall be submitted to the Utility Services Director and Director of Public Works for approval as to grading and the location, type and adequacy of water and sewer lines.

13. Prior to obtaining building permits, the Permittee shall obtain a Ventura County Fire Department Form #126 "Requirements for Construction" for approval as to the size, location and water flow of hydrants, which plans shall also denote the location of existing hydrants within 300 feet of the project site. All required fire hydrants shall be installed and made serviceable prior to any combustible construction and shall conform to the minimum standards of the Water Works Manual of the City of Port Hueneme, which standards include, but are not limited to, the following:

(a) Each hydrant shall be a six-inch wet barrel design and shall have two (2) four-inch and one (1) 2-1/2-inch outlet(s):

(b) The required fire flow shall be achieved at no less than 20 psi residual pressure;

(c) Fire hydrants shall be spaced 500 feet on-center, and so located that no structure shall be farther than 250 feet from any one hydrant; and

(d) Fire hydrants shall be recessed in from the curb face, 24 inches on-center.

The minimum fire flow for such hydrants shall be determined by the type of building construction, proximity to other structures, fire walls, and fire protection devices provided, as specified by the I.S.O. Guide for Determining Required Fire Flow. Given the present plans and information, the required fire flow is approximately 1,000 gallons per minute at 20 psi for a minimum 2-hour duration. The Permittee shall verify that the water purveyor can provide the required quantity at the Project site. Dwelling address numbers, at a minimum of six inches in height, shall be installed on the front of the dwellings and at the rear garages prior to building occupancy, shall be of contrasting color to the dwellings background, and shall be readily visible at night, plans for which shall be

submitted to and approved by the Ventura County Bureau of Fire Prevention. The Permittee shall also comply with the Ventura County Fire Protection District's conditions for Project approval prescribed in Exhibit "C" of this Resolution

14. That the Permittee shall comply with all applicable conditions and requirements of the Ventura Countywide Storm Water Quality Management Program, National Pollutant Discharge Elimination System Permit No. CAS004002, Order No. 00-108 and other provisions set forth in Exhibit "D" of this Resolution. Should it be determined by the City's Utility Service Director or Director of Public Works to be necessary to relocate any existing on-site utilities, it shall be done at Permittee's expense. All underground irrigation, water, and other pipes and/or openings, which may be encountered during construction, shall be removed or sealed in a manner satisfactory to the Public Works Director. All new utility facilities serving this Project shall be installed underground by the Permittee in easements as required by the utility companies, and approved by the City's Utility Service Director and/or Director of Public Works. All utility lines and subconnections to this Project shall be installed before any paving is placed and all utility boxes shall be placed underground or in inconspicuous locations, screened from public view, so as not to impair the architectural quality of the Project.

15. That all parking and driveway areas designated on the site plans accompanying the Staff Report shall be surfaced with asphalt concrete or concrete, which improvements shall be subject to specification and approval by the Director of Public Works. Detailed engineering plans for all street and public improvements shall be submitted to and approved by the Director of Public Works prior to issuance of building permits for corresponding phases of development.

16. That to the extent practicable, all construction and demolition debris from the Project shall be recycled. This should include, but is not limited to, asphalt, concrete, metal, brick, vegetation/brush, wood, dirt/earth, and rocks. Separate container(s) should be provided for similar materials so they can be taken to the appropriate recycling facility.

17. That all building construction shall comply with applicable City Building Code requirements and the Permittee shall obtain all required building permits and adhere to all governmental laws, ordinances and regulations governing the site's use and development. Prior to the issuance of building permits for corresponding phases of the Project, detailed construction plans and energy calculations shall be submitted to and approved by the City Building Official and Ventura County Bureau of Fire Prevention. In addition to other construction techniques and information, which may be required, the Permittee shall follow the manufactures "Hardboard Siding" specifications, incorporated by reference herein. Compliance with said "Hardboard Siding" specifications includes, without limitation, the requirement to use Masonite Corporation or

Weyerhaeuser manufactured products or such other manufacturers with similar guarantees; that all end joints be concealed by corner moldings; that no staggered joints be allowed; and that all hardboard siding products shall be protected from excessive moisture.

The Permittee, as deemed necessary by the City Building Official, shall employ a Deputy Inspector or a qualified Laboratory Technician for continuous inspection of hardboard siding or other materials or features during installation. The Permittee shall make provision, where appropriate and feasible, for cost-effective energy and water conservation features. At the time of completion of each dwelling, the Permittee shall make formal written request for final City inspection, which request shall be accompanied by certification from the Project architect as to the Project's conformity with approved plans and specifications, including indication as to any deviation therefrom; provided, further, that the Permittee shall provide the Department of Community Development with "as-built" plans on reproducible Mylar or transparencies prior to the last "Certificate of Occupancy" being issued for the Project.

18. That the hours of construction of this 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 chain link 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 or his/her designee 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 City's Chief Building Official, Utility Service Director, or Public Works Director 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 City's Chief Building Official, Utility Service Director, Public Works Director, or Chief of Police. 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, Utility Service Director, or Public Works Director, the work is required for the protection, health or safety of the general public.

19. That not later than prior to issuance of Building Permits or within thirty (30) days of the date of approval of this Resolution, the Permittee shall file with the Director of Community Development written acceptance of the conditions stated herein. Compliance with and execution of all conditions, procedures and requirements listed herein shall be necessary prior to obtaining final building inspection clearance. Deviation from any condition, procedure or requirement listed herein shall only be allowed by written approval of the Director of Community Development or as otherwise governed by the modification provisions of Section 10203(H) of the Municipal Code of the City of Port Hueneme.

20. That prior to issuance of building permits to any individual property owner for subsequent construction not built as part of the original Project construction, Plans shall be submitted for review and approval by the Director of Community Development, the design of which shall conform with the original Project construction and architecture treatment employed for the primary dwelling.

21. That no "Certificate of Occupancy" shall be issued for any dwelling constructed on the site until such time that all landscaping, parking, on-site lighting and related improvements corresponding to each phase or subphase of development has been fully installed or acceptable guarantee filed with the City to ensure completion to the City's satisfaction.

22. That all mitigation measures that the Permittee is responsible for as set forth in the Mitigation Monitoring and Reporting Program contained in Exhibit "A", attached hereto shall be accomplished in the manner and time frame identified including the payment of traffic fees totaling \$556 per dwelling unit for the 49 proposed Project units.

23. That not less than twenty-five percent (25%), or 12 of the Project's 49 dwelling units, shall be sold by the Developer for a price greater than the maximum sum affordable to a low or moderate-income person or family of a size appropriate to the unit based upon the criteria set forth in California Health and Safety Code Section 50052.5 or, alternatively, the Developer may pay to the City an In-Lieu Fee for each unit otherwise required to be affordable to low and moderate-income households prior to a final building permit or issuance of a Certificate of Occupancy therefore pursuant to City Municipal Code Section 10804(C) so as to fulfill affordable housing requirements set forth in California Government Code Section 65590(d).

24. That all improvements constructed on the Project site and adjoining public rights-of-way including, without limitation, all parking areas, landscaping, irrigation, monument and building signs, lighting and exterior building surfaces, shall be maintained by the Permittee, at the Permittee's sole expense, in a continuous state of good condition and repair, clean and free of rubbish, to the satisfaction of the City until the Project is completed and responsibility for the

common area and dwelling units is fully transferred to individual homeowners and to the Homeowners Association.

25. That the Permittee shall take all actions necessary to control dust and dirt throughout the duration of construction including, without limitation, excavation, grading and material transport operations. Prior to commencement of grading and/or construction on any portion of the site, the Permittee shall develop a dust control program and submit it for review and approval by the Director of Public Works. Said program shall and shall include provision for removal of all construction debris from public streets and gutter flow lines on a regular basis. Said program shall also make provision for dust and dirt control on all portions of the project site, all phases inclusive, prior to their actual physical development.

26. That the Permittee shall be responsible for all traffic control during construction and shall review all traffic control measures with the Director of Public Works for his approval prior to commencement of construction. All street closures, detours, and barricades shall be in strict conformance with the "Manual of Traffic Controls for Construction and Maintenance Work Zones", most current edition, issued by the State of California Business and Transportation Agency, Department of Transportation. The Permittee shall also be responsible for replacement with like kind and quality of any existing features, fixtures or facilities (roads, pavement, curbing, utility, etc.) damaged by the Permittee during construction to the satisfaction of the City.

27. That the Permittee and all subsequent occupants of the site shall comply with all applicable requirements of the State of California, County of Ventura, City of Port Hueneme and all other governmental agencies having jurisdiction over the project and/or property on which it is to be developed.

28. That the Permittee shall prepare and submit a Project demolition plan acceptable to the City's Building Official and Ventura County Bureau of Fire Prevention District concurrent with its submittal of detailed construction plans for review and approval by the City.

29. That violation of any or all of the conditions of this Development Permit shall be considered a violation of the Zoning Ordinance of the City of Port Hueneme and shall constitute grounds for revocation of said Permit.

30. That in the event any legal proceeding is commenced by a third party regarding this Permit, or the component CEQA determination for said Permit, including without limitation any proceeding relating to conditions and covenants legally affecting the Project, Permittee shall defend, indemnify, and hold harmless the City and its appointed and elected officials, employees, and agents from and against any and all claims, including without limitation monetary claims including legal fees and costs.

Effective

D. BE IT FURTHER RESOLVED, that 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 Hueneme.

E. 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.

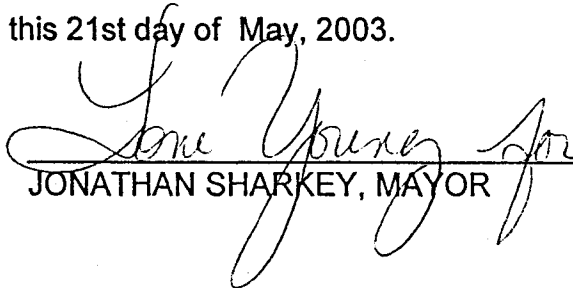
F. BE IT FURTHER RESOLVED that approval of the Development Permit, Tentative Tract Map, and Boundary Change Amendment herein shall not become effective until said Boundary Change has also been certified by the California Coastal Commission and until conveyance of fee title and delivery of possession of the Project site is obtained by the Developer.

H. 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 to this Resolution as Exhibit "E" as prescribed in California Government Code Section 66020(d)(1) has begun on the adoption date of this Resolution.

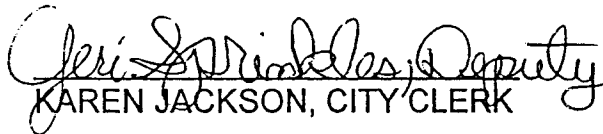
I. BE IT FINALLY RESOLVED that the Director of Community Development of the City of Port Hueneme is hereby authorized to file said Land Use Map Boundary Change with the Coastal Commission of the State of California and to provide such additional documents and information with

appropriate governmental agencies as may be required to implement the Land Use Map Boundary Change and Local Coastal Program Land Use Map Amendment granted herein and that the Local Coastal Program Amendment shall take effect after approval and certification by the Coastal Commission and acceptance by resolution of the City Council consistent with California Code of Regulations Section 13544(a).

PASSED and ADOPTED this 21st day of May, 2003.


JONATHAN SHARKEY, MAYOR

ATTEST:


KAREN JACKSON, CITY CLERK

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


MARK D. HENSLEY, CITY ATTORNEY


ROBERT L. HUNT, CITY MANAGER