

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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November 29, 2006

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER M. DOUGLAS, Executive Director
John Ainsworth, District Director
Steve Hudson, Planning Supervisor
James Johnson, Coastal Program Analyst

SUBJECT: **Staff Recommendation Port of Hueneme, Oxnard Harbor District, Port Master Plan Major Amendment, No. 7** (Change land use designation for 5.1 acres of Parcel 1 from "*Petroleum Products*" to "*Autos/General Cargo*" within the Harbor District's boundaries). For Commission Consideration and Action at the Meeting of December 12, 2006.

SUMMARY OF AMENDMENT DESCRIPTION AND STAFF RECOMMENDATION

Staff is recommending that the Commission **certify** the amendment, as proposed, to change the land use designation for 5.1 acres on Parcel 1 from "*Petroleum Products*" to "*Autos/General Cargo*" located within the Port of Hueneme, Oxnard Harbor District's boundaries. Parcel 1 is located west of the District offices and north of the Harbor's dock (Exhibits 1 and 2). Parcel 1 is no longer used for the storage of petroleum products and is now needed for the temporary storage of automobiles and general cargo offloaded from docking ships. The standard of review is Coastal Act Chapter 8. The staff recommends that the Commission find that the proposed amendment conforms with the applicable port development policies of Chapter 8 of the Coastal Act. **The recommended motion and resolution are provided on Page 3.**

I. PORT MASTER PLAN AMENDMENT PROCEDURE

Section 30716(a) and California Code of Regulations, Title 14 Section 13636 call for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of the regulations states that upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act. The subject amendment was deemed submitted on September 22, 2006, pursuant to Coastal Act Section 30714. Within 90 days of this submittal date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. The Commission may not modify the

amendment as a condition of certification. If the Commission fails to take action on the amendment submittal within the 90-day period, without a waiver of the time period by the applicant, the proposed amendment is deemed certified. The date by which the Commission must take action, absent a waiver by the Harbor District, is December 21, 2006.

Section 30714 also states that the Commission shall certify the amendment if the Commission finds both that:

- 1 *The certified portions of the amendment conform with and carry out the policies of Chapter 8 of the Coastal Act.***
- 2 *Where the amendment provides for development listed as appealable in Section 30715, such development is in conformity with all the policies of Chapter 3 of the Act.***

The proposed Port Master Plan Amendment changes the land use designation from “*Petroleum Products*” to “*Autos/General Cargo*” for 5.1 acres on Parcel 1. Parcel 1 is located about 400 feet north of the docking area of the harbor and west of the District’s offices within the Harbor District’s boundaries (Exhibits 1 and 2). Parcel 1 is an interior parcel completely surrounded by other parcels that are specifically designated for port related uses including “*Auto/General Cargo*” and “*Warehousing*,” the parcel is not located adjacent to the harbor dock. The project site was formerly leased to Southern California Edison. Since prior to 1979, Edison operated the property as the Port of Hueneme Fuel Oil Facility to fuel the electrical generating station at Ormond Beach located 2 miles to the southeast. This oil storage facility consisting of three large circular oil storage tanks and associated pumping equipment was decommissioned pursuant to an Oil Facilities Decommissioning and Restoration Project and Mitigated Negative Declaration adopted by the District in 2005. The site was restored to a paved fenced lot by Southern California Edison in 2006. If this PWP Amendment is approved this parcel would be available for use by the District for the storage of automobiles and general cargo to reduce the current congestion in the common use areas of the Harbor District.

The proposed “*Autos/General Cargo*” land use designation on Parcel 1 would allow for a use on the site that is designated as a non-appealable use under Sections 30711 and 30715. Thus, the standard of review for this Amendment would be the policies of Chapter 8 of the Coastal Act.

II. STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission certify the Port of Hueneme, Oxnard Harbor, District Port Master Plan Amendment No. 7.*

STAFF RECOMMENDATION OF CERTIFICATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Port Master Plan Amendment and adoption of the following resolution and findings. The motion to certify passes only upon an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY PORT MASTER PLAN AMENDMENT:

The Commission hereby certifies the Port of Hueneme, Oxnard Harbor District, Port Master Plan Major Amendment No. 7 and adopts the findings set forth below on grounds that the amendment is consistent with Chapter 8 of the Coastal Act. Certification of the 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 amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the port master plan amendment.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Previous Commission Action. The Commission certified the Port of Hueneme, Oxnard Harbor District Port Master Plan on May 15, 1979. The Commission has reviewed six amendments to the Port Master Plan since that date, most recently in May 2002.

B. Contents of Port Master Plan Amendments. Section 30716(a) of the Coastal Act and California Code of Regulations Title 14, Section 13656 call for Port Master Plan

Amendments to be certified in the same manner as Port Master Plans. Section 30711 of the Coastal Act provides, in part, that a Port Master Plan shall include all the following:

1. *The proposed uses of land and water areas, where known.*
2. *The proposed design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.*
3. *An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.*
4. *Proposed projects listed as appealable in Section 30715 in sufficient detail to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.*
5. *Provisions for adequate public hearings and public participation in port planning and development decisions.*

The Port of Hueneme, Oxnard Harbor District proposes to change the land use designation on Parcel 1 from “*Petroleum Products*” to “*Autos/General Cargo*.” The proposed location of the port land area for storage use by “*Autos/General Cargo*” is intended to serve commercial traffic within the area of jurisdiction of the port governing body which is within the boundaries of the Oxnard Harbor District. Sections 30711 (4) and 30715 of the Coastal Act limits the types of new development that may occur pursuant to a certified Port Master Plan that would be appealable to the Commission (including oil and gas facilities, waste water treatment facilities, roads, etc). The storage of automobiles and general cargo is not an appealable type of development under Section 30715 of the Coastal Act. Therefore, the proposed change in land use designation to “*Autos/General Cargo*” would allow for only non-appealable uses/developments to occur on the site.

A Mitigated Negative Declaration was adopted by the Oxnard Harbor District on August 28, 2006, after public review since July 10, 2006 and the receipt of one comment letter from the City of Port Hueneme. On August 28, 2006, the Oxnard Harbor District held a hearing and approved the Port Master Plan Amendment No. 7 and adopted the Negative Declaration for submittal to the Coastal Commission (Exhibits 3 and 4). No impacts on habitat areas or the marine environment were found in the Negative Declaration as a result of the change in land use designation.

Therefore, the Commission finds that the proposed Port Master Plan Amendment conforms with the provisions of Section 30711 of the Coastal Act.

C. Summary of Proposed Plan Amendment

The Port of Hueneme, the only deep water port between Los Angeles and San Francisco, is shared between the Oxnard Harbor District and the Navy. Designated as an international port of entry, many major commodities move through the port including automobiles, bananas, citrus, fruit, lumber, meat, livestock, fish, offshore oil supplies, woodpulp, vessel fuel, and other general cargo.

A Mitigated Negative Declaration was adopted by the Oxnard Harbor District on August 28, 2006 after public review and the receipt of one comment letter from the City of Port Hueneme. On August 28, 2006, the Oxnard Harbor District held a hearing and considered the written comments received from the City of Port Hueneme. The District approved the Port Master Plan Major Amendment No. 7 and adopted the Negative Declaration for submittal to the Coastal Commission (Exhibits 3 and 4).

D. Conformance with the Coastal Act. In order for the Commission to certify the proposed amendment, the Commission must determine that the amendment conforms to Chapters 3 and 8 for appealable development and Chapter 8 policies of the Coastal Act for allowable development. In this case, the proposed amendment does not involve any appealable development; therefore, the standard of review is the Chapter 8 policies of the Coastal Act. The following sections discuss the proposed development and its conformance with the applicable Chapter 8 policies. The following are the applicable Coastal Act Policies:

1. Project Need.

Section 30701 of the Coastal Act states:

The Legislature finds and declares that:

(a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

(b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

The proposed land use change from Petroleum Products to Autos/General Cargo is a port related land use within an existing Port. The Commission finds that the proposed land use change is consistent with Coastal Act Section 30701 by allowing for the modernizing and construction of necessary facilities within Port boundaries to eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

2. Requirements for Port-Related Developments

Section 30708 of the Coastal Act states:

All port-related developments shall be located, designed, and constructed so as to:

- (a) Minimize substantial adverse environmental impacts.
- (c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.
- (d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.

The Coastal Act requires that all port-related developments shall minimize substantial adverse environmental impacts and be located, designed and constructed to give highest priority to the use of existing land space within harbors for port purposes including necessary support facilities and provide for other beneficial uses consistent with the public trust to the extent feasible.

The Port of Hueneme, Oxnard Harbor District proposes to amend its port master plan by changing the land use designation for 5.1 acres of Parcel 1 from "*Petroleum Products*" to "*Autos/General Cargo*." Parcel 1 is located about 400 feet north of the docking area in the harbor and west of the District's offices within the Harbor District's boundaries (Exhibits 1 and 2). Parcel 1 is an interior parcel completely surrounded by port related uses, specifically "*Auto/General Cargo*" and "*Warehousing*;" the parcel is not located adjacent to the harbor dock. The project site was formerly leased to Southern California Edison. Since prior to 1979, Edison operated the property as the Port of Hueneme Fuel Oil Facility to fuel the electrical generating station at Ormond Beach located 2 miles to the southeast. This oil storage facility consisting of three large circular oil storage tanks and associated pumping equipment was decommissioned pursuant to an Oil Facilities Decommissioning and Restoration Project and Mitigated Negative Declaration adopted by the District in 2005. The site was restored to a paved fenced lot by Southern California Edison in 2006. If this amendment is approved this

parcel would be available for use by the District for the storage of automobiles and general cargo to reduce the current congestion in the common use areas of the Harbor District.

For this proposed Port Master Plan Amendment to change the land use designation from "*Petroleum Products*" to "*Autos/General Cargo*," the Harbor District adopted a Negative Declaration on August 28, 2006. The Negative Declaration concluded that changing the land use designation from "*petroleum products*" to "*autos/general cargo*" will not have a significant effect either individually or cumulatively on the environment. The proposed use of the site includes storing imported automobiles in addition to general cargo. Depending upon the size of the automobiles and the storage configuration, the District estimates that the site will accommodate 760 automobiles. These automobiles are temporarily stored for about 10 days until they are relocated to the import manufactures' processing facilities offsite. The use of Parcel 1 for temporary automobile or general cargo storage is not an intensification of use for the Port as the Port currently uses other common areas within the Port for this temporary storage or what the District terms "first point of rest" after offloading from cargo ships. Therefore, the proposed Amendment gives highest priority to the use of existing land space within harbors for port purposes including necessary support facilities.

Water quality issues were considered in the Negative Declaration to create no impact as a result of this change in land use. The use of Parcel 1 for "*Autos/General Cargo*" will not contribute to any excess surface water quantity or degradation of water quality. The change in land use has no impacts and requires no mitigation. The use of Parcel 1 has the potential to create water quality impacts as a result of the storage of automobile or general cargo. The Port Master Plan includes three water quality policies to protect the water quality of the Port and ocean as a result of Amendment No. 6 certified by the Commission in March 2002 and found consistent with Coastal Act Sections 30230 and 30231. The policies include requirements for the District to implement its Storm Water Pollution Prevention Plan of October 2001 and its Storm Water Monitoring and Reporting Plan of October 2002 and any future updates or amendments of these plans. As required by the State Water Resources Control Board, these plans were prepared in accordance with the District's General Industrial Storm Water Discharge Permit. As a result, no impacts to water quality and the marine environment are anticipated. Therefore, the proposed Amendment will minimize any substantial adverse environmental impacts.

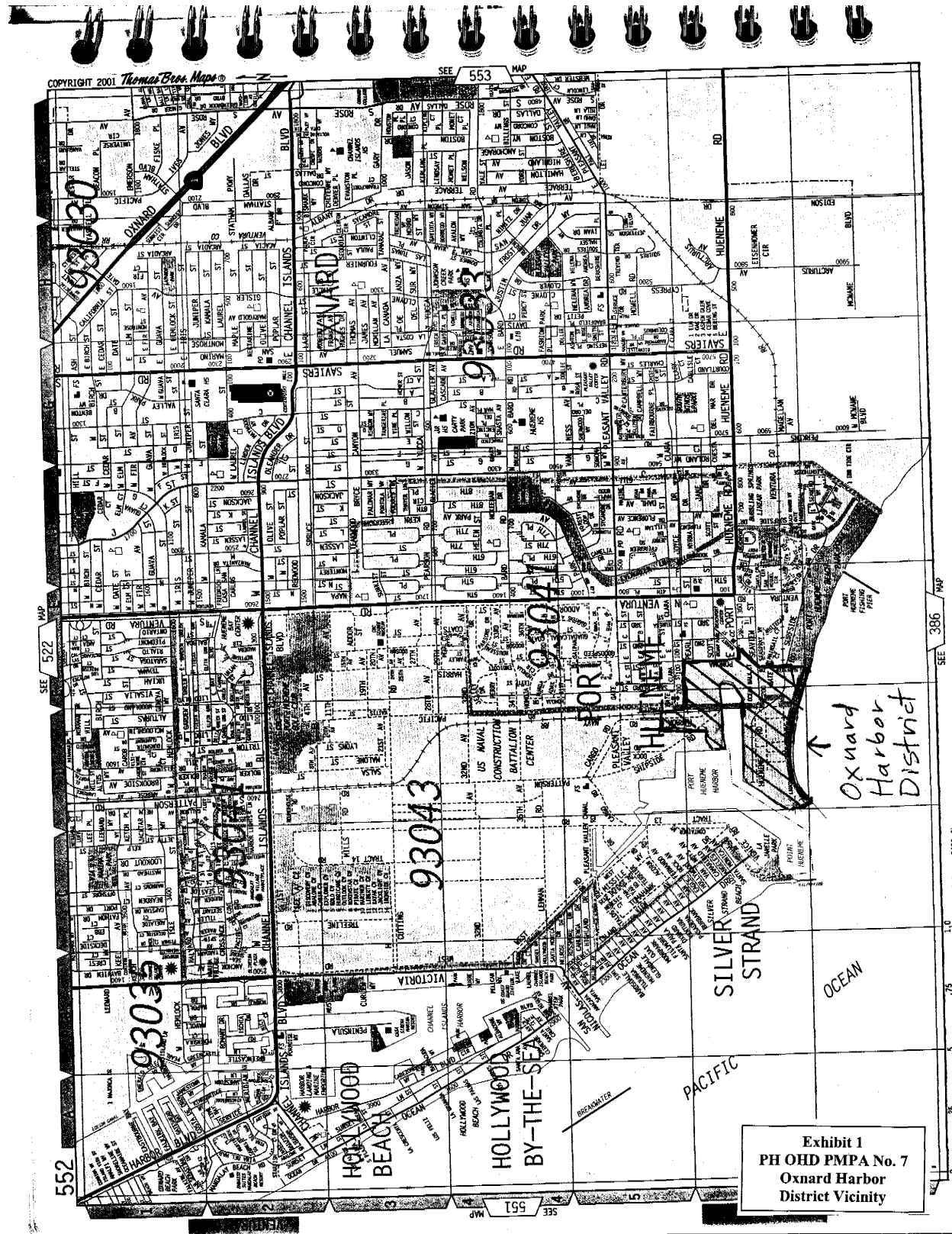
Since the site was fully developed for oil storage tanks and is now decommissioned and restored to a paved lot surrounded by fencing, there are no recreation or habitat areas present on site. The site is an interior parcel located about 400 feet north of the docking area in the harbor and west of the District's offices within the Harbor District's boundaries. Therefore, there are no other beneficial uses consistent with the public trust including recreation and wildlife habitat uses that are appropriate for Parcel 1.

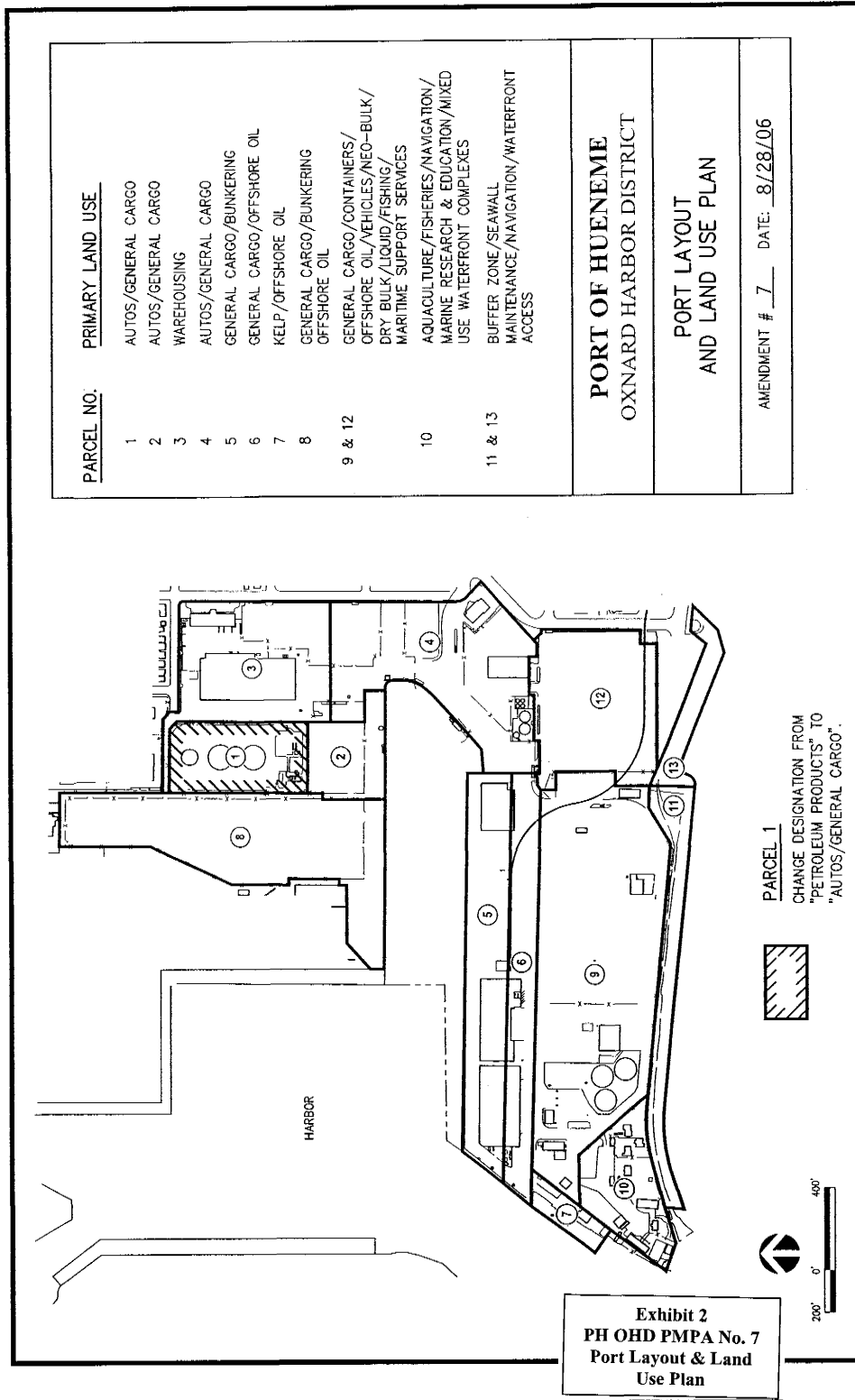
The Commission finds that the proposed land use designates existing land space in the Port for port related purposes. There are no public trust uses consistent with the site.

Therefore, the Commission finds that this amendment will not result in any substantial adverse environmental impacts and will provide for the appropriate prioritization of land uses within the Port consistent with the provisions of Coastal Act Section 30708.

E. Consistency with the California Environmental Quality Act (CEQA)

The California Environmental Quality Act requires less environmentally damaging alternatives to be considered and the imposition of mitigation measures to lessen significant adverse effects that may result from this proposal. The Commission finds that for the reasons discussed in this report, all adverse effects have been mitigated to a level of insignificance, thus, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Oxnard Harbor District adopted a Negative Declaration to comply with CEQA. The Negative Declaration found that the proposed future development of the site would not have any significant adverse effects on the environment. Therefore, the Commission finds that the proposed Port Master Plan Major Amendment No. 7 will not result in significant adverse environmental effects within the meaning of CEQA.





RESOLUTION NO. 960

RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE OXNARD HARBOR DISTRICT ADOPTING A NEGATIVE DECLARATION FOR THE AMENDMENT TO PORT MASTER PLAN NO. 7 - PARCEL ONE (1) LAND USE CHANGE FROM PETROLEUM PRODUCTS TO AUTOS/GENERAL CARGO

WHEREAS, On July 10, 2006 the Board of Harbor Commissioners approved an "Initial Study" for the proposed Master Plan Amendment No. 7 - Parcel One (1) Land Use Change from Petroleum Products to Autos/General Cargo and approved the Notice of Oxnard Harbor District of its Intent to Adopt a Negative Declaration; and

WHEREAS, the Board of Harbor Commissioners set a public hearing on the draft Negative Declaration for August 28, 2006 to hear comments; and


WHEREAS, the Board of Harbor Commissioners set a review period to receive comments on the draft Negative Declaration for July 14, 2006 through August 28, 2006; and

WHEREAS, the Board has held the public hearing and considered all comments on the draft Negative Declaration;

NOW THEREFORE, BE IT RESOLVED, that the Board of Harbor Commissioners does hereby determine and order that:

1. The Board finds on the basis of the Initial Study and the public hearing that there is no substantial evidence that the land use change from petroleum products to autos/general cargo will have a significant effect on the environment.
2. The Negative Declaration including the Initial Study (attached hereto), is incorporated herein by reference, and is approved.
3. The Executive Director of the Oxnard Harbor District is authorized and directed to file a Notice of Determination with the County Clerk of the County of Ventura.

APPROVED, ADOPTED AND SIGNED this 28th of August, 2006.


RAYMOND E. FOSSE, PRESIDENT
Board of Harbor Commissioners
Oxnard Harbor District

ATTEST:



JESS HERRERA, SECRETARY
Board of Harbor Commissioners
Oxnard Harbor District

Exhibit 3
PH OHD PMPA No. 7
Resolution No. 960

RESOLUTION NO. 961

RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE OXNARD HARBOR DISTRICT APPROVING AMENDMENT TO PORT MASTER PLAN NO. 7 TO THE ORIGINAL PORT MASTER PLAN, CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION ON MAY 15, 1979, AND ADOPTED BY THE OXNARD HARBOR DISTRICT BOARD OF HARBOR COMMISSIONERS ON JULY 9, 1979

WHEREAS, the former Southern California Edison lease (Parcel 1) at Port of Hueneme, comprising approximately 5 acres of land at 222 W. Clara Street, Port Hueneme, CA 93041 has been terminated and is ready for use; and

WHEREAS, the Oxnard Harbor District has approved a Draft Port Master Plan Amendment No. 7 - Parcel One (1) Land Use Change from Petroleum Products to Autos/General Cargo; and;

WHEREAS, The Oxnard Harbor District has given Public Notice as required by Public Resources Code Section 30712 and 30716 and has held a public hearing pursuant to Section 30712; and

WHEREAS, The Oxnard Harbor District has considered all public comments and testimony; and


WHEREAS, the Oxnard Harbor District has adopted a Negative Declaration for the Amendment to Port Master Plan No. 7 - Parcel One (1) Land Use Change from Petroleum Products to Autos/General Cargo; and

WHEREAS, a Master Plan Amendment requires certification by the California Coastal Commission, upon prior acceptance and approval by the Board of Harbor Commissioners;

NOW THEREFORE, BE IT RESOLVED, that the Board of Harbor Commissioners of the Oxnard Harbor District hereby accepts and approves the Port Master Plan Amendment No. 7, a copy of which is attached hereto, and

BE IT FURTHER RESOLVED, that the Board of Harbor Commissioners directs the Executive Director to submit the Port Master Plan Amendment No. 7 to the California Coastal Commission for certification together with all public comments received during the comment period.

APPROVED, ADOPTED AND SIGNED this 28th of August, 2006.


RAYMONDE FOSSE, PRESIDENT
Board of Harbor Commissioners
Oxnard Harbor District

ATTEST:

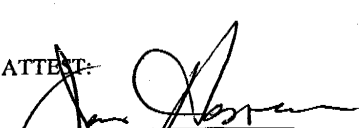

JESS HERRERA, SECRETARY
Board of Harbor Commissioners
Oxnard Harbor District

Exhibit 4
PH OHD PMPA No. 7
Resolution No. 961