

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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W27a

DATE: November 21, 2013

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Senior Deputy Director
Steve Hudson, District Manager
Barbara Carey, Supervisor, Planning and Regulation
Jacqueline Blaugrund, Coastal Program Analyst

SUBJECT: City of Port Hueneme Local Coastal Program Amendment No. LCP-4-PTH-13-0208-1 for Public Hearing and Commission Action at the December 11, 2013 Commission Meeting at the Radisson Hotel Fisherman's Wharf.

DESCRIPTION OF THE SUBMITTAL

The City of Port Hueneme is requesting an amendment to the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP) to make modifications to the development provisions relating to Key Development Site 1 in Area K-Channel Islands, and to modify both the land use and zoning designation of Key Development Site 1 (one approximately 4.49 acre parcel) from Commercial to Mixed-Use Residential and from C-1(PD): General Commercial (Planned Development) to R-4(PD): Mixed-Use (Planned Development), to allow a mix of permitted uses, including residential.

The City of Port Hueneme submitted Local Coastal Program Amendment LCP-4-PTH-13-0208-1 to the Commission on June 4, 2013. After the submittal of additional information requested by Commission staff, the amendment proposal was deemed complete and filed on October 21, 2013. Pursuant to Section 30512 of the Coastal Act and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP that combines changes to the LUP and IP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **deny** the proposed City of Port Hueneme Land Use Plan and Implementation Plan Amendment LCP-4-PTH-13-0208-1 as submitted, and **approve** the proposed City of Port Hueneme Land Use Plan and Implementation Plan Amendment LCP-4-PTH-13-0208-1 with two suggested modifications. The modifications are necessary because the proposed amendment, as submitted, is not adequate to ensure consistency with the Chapter Three policies of the Coastal Act. Further, the LIP amendment, as submitted, does not conform with and is inadequate to carry out the provisions of the Land Use Plan. The motions to accomplish this recommendation are found on **Page 4** of this staff report.

SUBSTANTIVE FILE DOCUMENTS

City of Port Hueneme Local Coastal Plan; City Council Resolution No. 4052, June 4, 2013; City of Port Hueneme City Council Meeting Minutes, dated June 3, 2013; City Council Agenda Staff Report, dated May 20, 2013 and June 3, 2013; City of Port Hueneme Local Coastal Program Amendment 1-87; An Assessment of the Economic viability of Visitor-Serving Uses at the Victoria Mixed-Use Project Site, HR&A advisors, September 9, 2013, revised October 2, 2013.

Additional Information: For further information, please contact Jacqueline Blaugrund at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the City of Port Hueneme Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission.

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- Exhibit 3. Aerial Photograph of Area K- Channel Islands Key Development Site 1**
- Exhibit 4. City of Port Hueneme City Council Resolution No. 4052**
- Exhibit 5. Potential Development Site Plan**

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)...” (Section 30512(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review that the Commission uses in reviewing the adequacy of the Land Use Plan, as the City is proposing to amend it, is whether the Land Use Plan, as amended, would remain consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the Implementation Plan, with the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Port Hueneme’s certified Local Coastal Program, as amended.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held public hearings on the subject amendment request on May 20, 2013 and June 3, 2013. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolution for this amendment states that the amendment will take effect after Commission certification. However, in this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves the proposed amendment pursuant to the staff recommendation, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the amendment to become effective (California Code of Regulations, Title 14, Sections 13544 & 13544.5; and Sections 13542(b) and 13537(b)). Pursuant to Section 13544 of the Code of Regulations, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

II. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE LAND USE PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to the resolution.

A. DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

Motion:

*I move that the Commission **certify** City of Port Hueneme Land Use Plan Amendment LCP-4-PTH-13-0208-1 as submitted.*

Staff recommends a **NO** vote. Failure of this motion will result in denial of Land Use Plan Amendment LCP-4-PTH-13-0208-1 as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby **denies** certification of Land Use Plan Amendment LCP-4-PTH-13-0208-1, as submitted by the City of Port Hueneme, and adopts the findings set forth below on the grounds that the Land Use Plan, as submitted, does not meet the requirements of and is not in conformity with the policies of Chapter Three of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental

Quality Act because there are feasible alternatives and/or mitigation measures that could substantially lessen any significant adverse impacts that the Land Use Plan amendment may have on the environment.

B. CERTIFICATION OF THE LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion:

*I move that the Commission **certify** City of Port Hueneme Land Use Plan Amendment LCP-4-PTH-13-0208-1, if it is modified as suggested in this report.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of Land Use Plan Amendment LCP-4-PTH-13-0208-1 with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby **certifies** Amendment LCP-4-PTH-13-0208-1 to the City of Port Hueneme Land Use Plan if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment, with suggested modifications, will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment, if modified as suggested, 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 Land Use Plan 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 Land Use Plan if modified.

III. STAFF RECOMMENDATION, MOTIONS, & RESOLUTIONS ON THE IMPLEMENTATION PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to the resolution.

A. DENIAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

Motion:

*I move that the Commission **reject** City of Port Hueneme Implementation Plan Amendment LCP-4-PTH-13-0208-1 as submitted.*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan Amendment LCP-4-PTH-13-0208-1 and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby *denies* certification of City of Port Hueneme Implementation Plan Amendment LCP-4-PTH-13-0208-1, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan amendment, as submitted, does not conform with and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

B. CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

Motion:

*I move that the Commission **certify** City of Port Hueneme Implementation Plan Amendment LCP-4-PTH-13-0208-1 if it is modified as suggested in this staff report.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby *certifies* the City of Port Hueneme Implementation Plan Amendment LCP-4-PTH-13-0208-1, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Implementation Plan amendment if modified as suggested 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 Implementation Plan 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.

IV. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the proposed LUP/IP amendment, with two modifications as shown below. Language presently contained within the certified LCP is shown in straight type. Language proposed to be added by the City of Port Hueneme in this amendment is shown underlined. Language recommended by Commission staff to be inserted is shown double underlined. Language proposed by the City of Port Hueneme in this amendment to be deleted is shown in ~~strikethrough~~.

A. SUGGESTED MODIFICATION NUMBER ONE

Page 43 of the Land Use Plan relating to Area K: Channel Islands shall be modified as follows:

Locating New Development

Development within Area K shall be consistent with that of the use designations and performance standards applicable to the underlying zone classifications of land upon which such development is proposed. No development on any portion of undeveloped land within Area K shall be approved in the absence of a comprehensive master plan for all of the property designated for such use. Should development of Key Development Site 1 located in Area K (LCP Figure 2) be approved for a mixed commercial/residential use, said mixed-use development must include not less than 10,000 19,000 square feet of ground-floor visitor-serving or commercial space of which 3,300 square feet may consist of live/work recreational space, listed as a permitted or conditional use in the City of Port Hueneme "C-S: Special Commercial Zone" which may include a grocery store use consistent with all other applicable policies of the LCP.

B. SUGGESTED MODIFICATION NUMBER TWO

Section 10462- Conditional Uses relating to the R-4: Mixed-Use Residential Zone of the Implementation Plan shall be modified as follows:

E. Residential units may be developed on Key Development Site 1 in Area K- Channel Islands as a part of a mixed-use development, only if the residential uses are developed concurrently with a minimum of 19,000 square feet of ground floor commercial of which 3,300 square feet may consist of live/work space. All ground floor square footage fronting Victoria Avenue shall only be developed with commercial space. A lease or rental agreement shall be required for all tenant(s) of live/work space, limiting the use of such space to solely live/work.

V. FINDINGS FOR DENIAL OF THE LUP/IP AMENDMENT AS SUBMITTED, AND APPROVAL OF THE LUP/IP AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the proposed Land Use Plan and Implementation Plan Amendment as submitted, and approval of the Land Use Plan and Implementation Plan Amendment if modified as indicated in Section IV (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

The City of Port Hueneme is requesting an amendment to the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP) to make modifications to the development provisions relating to Key Development Site 1 in Area K- Channel Islands, and to modify both the land use and zoning designation of Key Development Site 1 (one approximately 4.49 acre parcel) from Commercial to Mixed-Use Residential and from C-1(PD): General Commercial (Planned Development) to R-4(PD): Mixed-Use (Planned Development), to allow a mix of permitted uses, including residential. Specifically, the City is proposing to amend the development provisions for Area K: Channel Islands Development Site 1 on page 43 of the LUP as follows:

Locating New Development

Development within Area K shall be consistent with that of the use designations and performance standards applicable to the underlying zone classifications of land upon which such development is proposed. No development on any portion of undeveloped land within Area K shall be approved in the absence of a comprehensive master plan for all of the property designated for such use. Should development of Key Development Site 1 located in Area K (LCP Figure 2) be approved for a mixed commercial/residential use, said mixed-use development must include not less than 10,000 square feet of ground-floor visitor-serving or commercial recreational space listed as a permitted or conditional use in the City of Port Hueneme "C-S: Special Commercial Zone" which may include a grocery store use consistent with all other applicable policies of the LCP.

The City of Port Hueneme ("City") is located in the southwest portion of Ventura County between the Pacific Ocean and the Oxnard Plain. The City is surrounded by the City of Oxnard to the north and east; the Channel Islands Harbor, Port of Hueneme and U.S. Naval Construction Battalion Center are located to the west; and the ocean is located to the south. Specifically, Key Development Site 1 of Area K- Channel Islands is located approximately 500 feet north of the intersection of Victoria Avenue and Channel Islands Boulevard, within the City, as shown on Exhibit 1. Key Development Site 1 is approximately 4.49 acres, and is the last remaining vacant property located within the City's Channel Islands Area K, which covers approximately 160

acres of land. Land uses immediately surrounding Key Development Site 1 within Area K include 134 single-family residences, 970 multi-family units, and two commercial shopping centers, which contain approximately 308,615 square feet of commercial development, as shown on Exhibit 3.

The subject project-driven LCP amendment has been initiated by BASN Victoria Corporation/Pacific Heritage Community Corporation. Approval of the subject LCP amendment is anticipated to facilitate the future development of a mixed-use project that would include approximately 112 residential units and approximately 19,000 square feet of ground floor commercial development, which is envisioned to include a grocery store, general retail space, a leasing office, and up to four live/work units. The City is currently processing an application by the property owner for Conditional Use Permit Application No. PHCU-819, which would allow for construction of the above mentioned mixed-use development.

The City of Port Hueneme's LCP was effectively certified on November 28, 1984. At its August 26, 1987 hearing, the Commission approved LCP Amendment 1-87, which modified both the land use and zoning designation of one approximately 21 acre parcel located immediately adjacent to Key Development Site 1 from Local, Neighborhood, and General Commercial to Low Density Residential and from C-1PD General Commercial to R-1PD Single Family Residential. The property which is the subject of the currently proposed LCP amendment, however, was not a part of the LCP Amendment 1-87.

B. NEW DEVELOPMENT AND CUMULATIVE IMPACTS

The following policies and provisions of the City of Port Hueneme Local Coastal Plan and the Coastal Act, as incorporated into the LCP, relate to land use, new development, and cumulative impacts.

Coastal Act Section 30222, as incorporated into the City of Port Hueneme LCP, states:

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), as incorporated into the City of Port Hueneme LCP, states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

[T]he incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

City of Port Hueneme Land Use Plan Objective LCP-3 states:

To accommodate expansion of Port Hueneme in a manner which is compatible with the policies and land use designations of the LCP.

City of Port Hueneme Area K-Channel Islands Locating New Development Policy states:

Development within Area K shall be consistent with that of the use designations and performance standards applicable to the underlying zone classification of land upon which such development is proposed. No development on any portion of undeveloped land within Area K shall be approved in the absence of a comprehensive master plan for all of the property designated for such use.

City of Port Hueneme Area K-Channel Islands Recreation and Visitor-Serving Facilities Policy states:

By virtue of its proximity to the Channel Island Marina and the extent of existing and planned recreational and visitor-serving facilities the commercial development within Area K shall not be limited exclusively to such facilities and uses.

Section 30222 of the Coastal Act maintains that lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over residential, industrial, or general commercial development. Coastal Act Section 30250 requires that new development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. City of Port Hueneme LUP Objective LCP-3 and New Development policy require that development is consistent with the both the LUP policies and the underlying zoning designation. Additionally, the City of Port Hueneme policy regarding Recreation and Visitor-Serving Facilities maintains that due to its close proximity to Channel Islands Harbor, development within Area K shall not be limited to solely recreational and visitor serving facilities.

The proposed amendment would modify both the land use and zoning designation of Key Development Site 1 from Commercial to Mixed-Use Residential and from C-1(PD): General Commercial (Planned Development) to R-4(PD): Mixed-Use (Planned Development). Additionally, the City is proposing to amend the development provisions for Area K- Channel Islands Key Development Site 1 within the LUP. Although the subject site is not specifically designated for a visitor-serving commercial use, the loss of the land available for new commercial development in the City's Coastal Zone could result in potential impacts to visitor serving and recreational resource opportunities. Pursuant to Coastal Act Sections 30222 and 30250(a), as incorporated into the City's LCP, it is necessary to analyze whether the proposed modification of both the land use and zoning designation of the subject property has the potential

to result in significant adverse effects, either individually or cumulatively, on visitor-serving and recreational resource opportunities. Further, it is necessary to determine if the proposed land use and zoning modification would result in new development that would be located outside existing developed areas or where there are not adequate public services.

Key Development Site 1 is situated in the Area K- Channel Islands area of the City, as seen on Exhibit 2. This area of the City has been developed with a variety of uses, including single-family residential, multi-family residential, and commercial development. Section 30250 of the Coastal Act requires that new development be located within, or in close proximity to, existing developed areas able to accommodate development. As the subject property is the last remaining vacant lot within the Channel Islands sub-area, it will be located adjacent to and contiguous with existing developed areas. As such, the development of a potential mixed-use project on the subject property would be consistent with the surrounding land uses, and would also not have an adverse impact on visual or sensitive biological resources.

As described within the Area K-Channel Islands Locating New Development Policy, the City's LCP specifically states that development on Key Development Site 1 should not consist solely of recreational and visitor-serving facilities due to its proximity to nearby Channel Islands Harbor. However, the subject property is currently designated commercial, which would allow for the development of visitor serving facilities, such as hotels, motels, and boatels.

Although the subject property is not currently designated specifically for a commercial visitor-serving use, the proposed modification of both the land use and zoning designation of the subject property would result in the conversion to a lower priority land use (mixed-use), which could result in potential impacts to visitor serving and recreational resource opportunities. As such, the City has submitted an Assessment of the Economic Viability of Visitor-Serving Uses at the Victoria Mixed-Use Project Site, completed by HR&A advisors, and dated September 9, 2013 and October 2, 2013 which examines the feasibility of developing commercial and/or commercial visitor serving facilities on the subject site both currently and into the future. The submitted report finds that there is no market demand today, or projected over the next 20 years, that would be sufficient to support the development of a hotel at the subject property. The report also concludes that over the next 20-years the projected amount of additional retail and dining square footage that could be supported within the City would be approximately 17,000 square feet.

The Commission has been generally supportive of mixed-use proposals, which provide for different types of visitor-serving uses, as long as a means to balance the uses to obtain a true "mixed-use" is achieved. The major Coastal Act concern raised by the proposed amendment is that it would not ensure that all areas of the site appropriate for commercial development will be reserved for such use. In this case, the amendment would only provide that a minimum of only 10,000 square feet of ground-floor area would set aside for such use. However, based on Commission staff's review of the Economic Analysis for the property prepared by the property lessee's consultants, the project site could feasibly support approximately 19,000 square feet of commercial development on site.

In addition, the anticipated development on Key Development Site 1, pursuant to the pending CUP for the related development proposal on site, would provide for approximately 19,000 square feet of commercial development on the ground floor of the site; however, the LCP amendment as proposed, would not be adequate to ensure that this currently proposed level of commercial development would actually be required. Thus the proposed amendment, if approved, would diminish the visitor-serving potential of both the subject site and the surrounding community, contrary to Sections 30210, 30213, 30222, and 30223 of the Coastal Act.

Commission staff has discussed these concerns with City staff, and has collaborated with City staff to craft **Suggested Modification One (1)** which requires that any new mixed-use development on site provide for a minimum of 19,000 square feet of ground floor commercial space (of which 3,300 square feet may consist of live/work space) be included as a component of any development project on the subject property. The inclusion of commercial and/or live/work space as a component of the development on the subject property will maintain the availability of land suitable for commercial facilities. In addition, to ensure that commercial development is appropriately sited, **Suggested Modification One (1)** also provides that all ground floor square footage fronting Victoria Avenue shall only be developed with commercial space.

Furthermore, as a component of the subject LCP amendment, the City has also proposed to amend the development provisions for Area K- Channel Islands Key Development Site 1 within the LUP, and has proposed the following language:

Should development of Key Development Site 1 located in Area K (LCP Figure 2) be approved for a mixed commercial/residential use, said mixed-use development must include not less than 10,000 square feet of ground-floor visitor-serving or commercial recreational space listed as a permitted or conditional use in the City of Port Hueneme “C-S: Special Commercial Zone” which may include a grocery store use consistent with all other applicable policies of the LCP.

However, in order for the proposed zoning modification to be consistent with and adequate to carry out the certified land use plan, specificity regarding development standards must be placed within the City’s certified IP. As such, **Suggested Modification Two (2)** adds provisions to Section 10462- Conditional Uses relating to the R-4: Mixed-Use Residential Zone of the City’s Implementation Plan which require that a minimum of 19,000 square feet of commercial (of which 3,300 square feet may consist of live/work space) be provided as a component of any mixed-use development on Key Development Site 1. Additionally, as described above, the anticipated development is expected to include four live/work units. However, in order to ensure that the land available for new commercial development on the Key Development Site 1 does not become additional residential space through the conversion of “Live/Work” Units and result in potential impacts to visitor serving and recreational resource opportunities **Suggested Modification Two (2)** further requires that a lease or rental agreement, which limits the use of live/work space, be required for all live/work tenant(s).

In conclusion, the LUP amendment as proposed will not be adequate to carry out the provisions of the Coastal Act. However, with the suggested modification, the LUP amendment can be approved as being adequate to carry out the provisions of the Coastal Act. Further, the proposed amendment to the CZO/IP will not be fully adequate to carry out the certified land use plan, and incorporated Coastal Act policies, for the above-stated reasons and is denied as submitted. With the suggested modification, however, the proposed CZO/IP amendment can be approved as being consistent with and adequate to carry out the certified land use plan.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code (PRC) - within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the Natural Resources Agency found the Commission's LCP review and approval program to be functionally equivalent to the EIR process, see 14 C.C.R. Section 15251(f), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for each LCP. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission's regulations (see 14 C.C.R. Sections 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC Section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed amendment is to the City of Port Hueneme's certified Local Coastal Program Land Use Plan and Implementation Plan. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the intent of the applicable policies of the Coastal Act and the certified Land Use Plan and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the Coastal Act and certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA.



Exhibit 1
LCP-4-PTH-13-0208-1
Vicinity Map

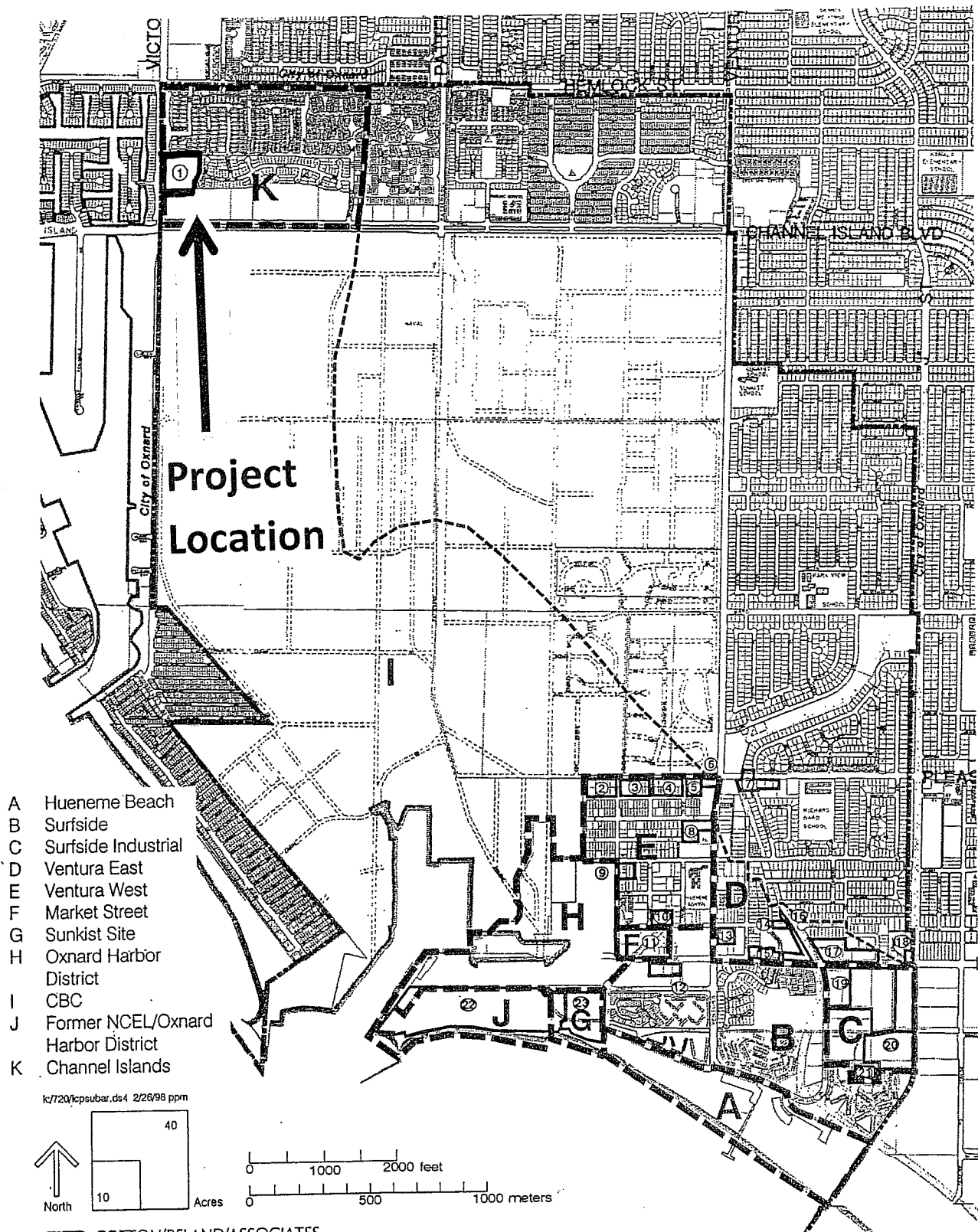


Figure 2

Coastal Zone Subareas and Key Development Sites



CITY OF PORT HUENEME
LOCAL COASTAL PLAN

Exhibit 2
LCP-4-PTH-13-0208-1
City of Port Hueneme Coastal Zone Sub-Areas Map

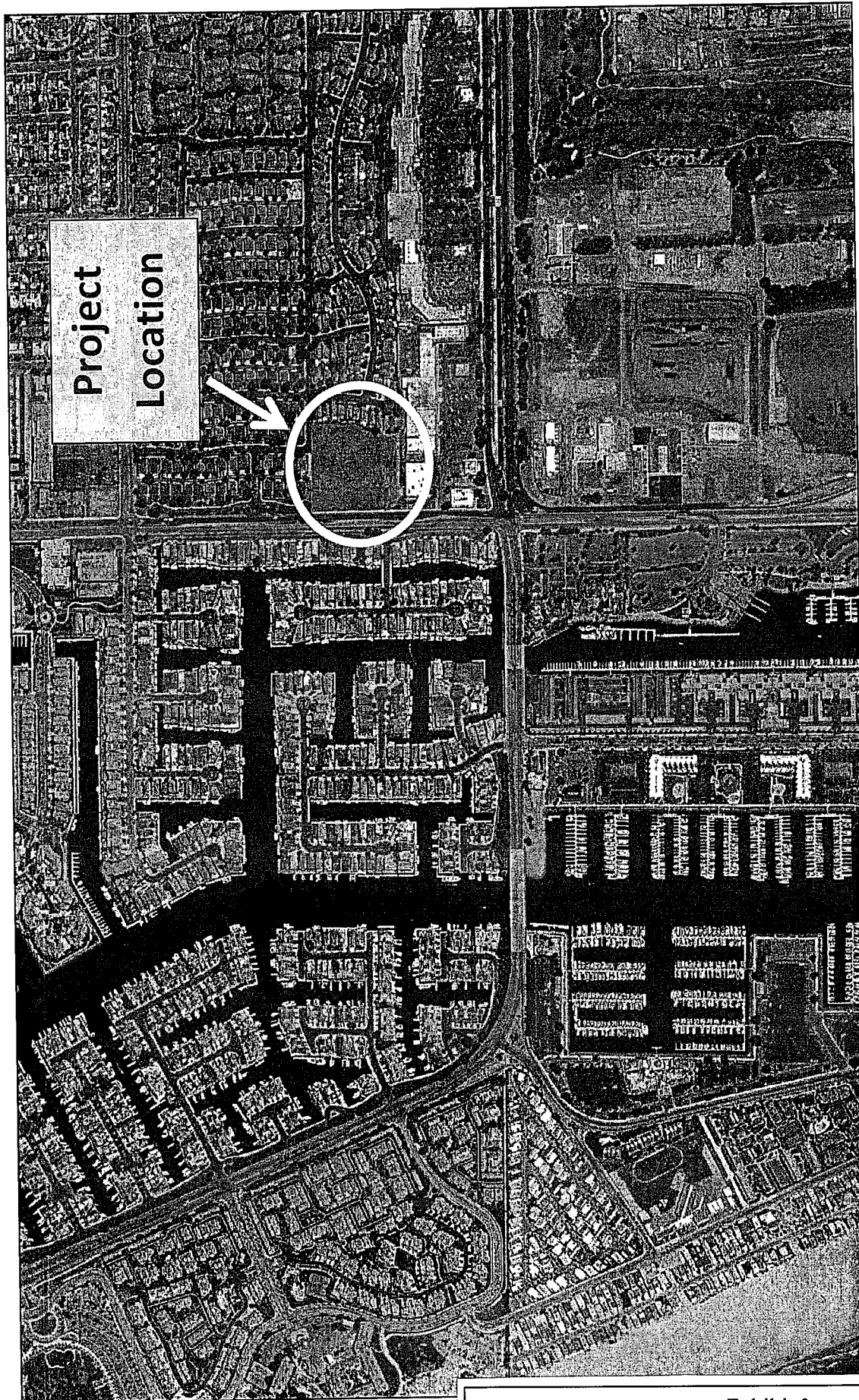


Exhibit 3
LCP-4-PTH-13-0208-1
Aerial Photograph of Area K-Channel Islands Key Development
Site 1

JUN 04 2013

California Coastal Commission
South Central Coast District**RESOLUTION NO. 4052**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION AND ITS RELATED MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONALLY APPROVING A MIXED-USE RESIDENTIAL/COMMERCIAL DEVELOPMENT INVOLVING BOUNDARY CHANGE APPLICATION NO. PHBC-818 TO RECLASSIFY ZONING, GENERAL PLAN, AND LOCAL COASTAL PROGRAM LAND USE MAPS AND CONDITIONAL USE PERMIT APPLICATION NO. PHCU-819 TO AMEND LOCAL COASTAL PROGRAM LAND USE TEXT AND APPROVE CONSTRUCTION FOR THE PROPOSED PROJECT LOCATED NEAR THE NORTHEAST INTERSECTION OF WEST CHANNEL ISLANDS BOULEVARD AND SOUTH VICTORIA AVENUE AND AUTHORIZING TRANSMITTAL OF SAME TO THE CALIFORNIA COASTAL COMMISSION AS AN AMENDMENT TO THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM (VICTORIA MIXED-USE PROJECT)

ARTICLE I – RECITALS**A. Recitals**

1. WHEREAS, a public hearing has been held as required by law to consider applications filed by BASN Victoria Corporation dba Pacific Heritage Community Corporation, 1263 Westwood Boulevard, #210, Los Angeles, California 90024 ("Applicant" or "Permittee") seeking amendment to the City of Port Hueneme ("City") Zoning Map and General Plan and Local Coastal Program Land Use Maps, and seeking issuance of a Conditional Use Permit that also serves to amend text for development standards in the City's Local Coastal Program Land Use Plan for a mixed-use Project on a vacant 4.49-acre site involving 112 residential dwellings built above retail and commercial space and related improvements as more fully described herein situated approximately 500 feet northeast of the West Channel Islands Boulevard and South Victoria Avenue intersection in the City of Port Hueneme, County of Ventura, State of California, also identified as Ventura County Assessor's Parcel No. 189-010-42, (hereinafter referred to as "Project"); and

2. WHEREAS, pursuant to Municipal Code Section 10004 the proposed Zoning and General Plan Land Use Map reclassifications require the issuance of a Boundary Change by the City; and

3. WHEREAS, said Boundary Change involves rezoning the 4.49-acre Project site from "C-1(PD): General Commercial (Planned Development)" to "R-4(PD): Mixed-Use (Planned Development)" and remapping its corresponding "Commercial" General Plan land use designation to "Mixed Use" as depicted in Exhibit "A" attached hereto; and

4. WHEREAS, the City received certification of its first Local Coastal Program ("LCP") on July 25, 1984, with the LCP existing as an amendment to the City's

Exhibit 4 LCP-4-PTH-13-0208-1 City of Port Hueneme City Council Resolution
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General Plan whereby the City's General Plan text, Zoning Ordinance text, Zoning Map, and General Plan Land Use Map constitute the LCP for that portion of the coastal zone within the City pursuant to Municipal Code Section 10006; and

5. WHEREAS, pursuant to California Government Code Section 30514 and Municipal Code Section 10006, any amendment to adopted development and use standards or boundary change to land situated within the California Coastal Zone constitutes an amendment of the City's certified LCP and shall not take effect or become final until it is approved and certified by the California Coastal Commission; and

6. WHEREAS, pursuant to Municipal Code Section 10462, the Project requires processing and issuance of a Conditional Use Permit (Development Permit) to allow commercial and office uses and related parking in conjunction with residential activities on the same site; and

7. WHEREAS, the City does not have a planning agency other than the legislative body itself and the Project's proposed boundary amendment of the General Plan Land Use and Zoning Maps of the City are hereby initiated by the City Council of the City of Port Hueneme acting for itself and as the planning agency and by the Applicant acting under the powers granted it by the property owner, the F. Oliveira Ranch Company, a California limited partnership, under that certain option for ground lease of the property dated November 23, 2009; and

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

9. WHEREAS, in order to comply with CEQA, a Draft Initial Study/ Mitigated Negative Declaration was prepared for the Project by the City through its consultant, Rincon Consultants Inc., to analyze the potential significant environmental effects of the Project, whereby an Initial Study/Final Mitigated Negative Declaration, California State Clearing House Number #2012101027 ("FMND"), was prepared in accordance with CEQA; and

10. WHEREAS, through its consultant, Rincon Consultants Inc., the City has prepared a Mitigation Monitoring and Reporting Program as required by CEQA to ensure implementation of mitigation measures identified in the FMND; and

11. 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

12. WHEREAS, City staff and the City Council of the City of Port Hueneme, acting as the planning agency, recommends that the proposed Project be conditionally approved as set forth herein pursuant to Government Code Sections 65855 and 65856.

ARTICLE II – DECLARATIONS

A. Record

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

1. Prior to rendering a decision on any aspect of the Project and FMND prepared pursuant thereto, the City Council duly considered the following:

a. All public testimony, both written and oral, and supporting materials and exhibits relevant to the proposed Project received in conjunction with that certain public hearing conducted May 20, 2013, continued to June 3, 2013 ("Public Hearing)."

b. All oral, written, and visual materials presented by City staff, Rincon Consultants, and Applicant and Applicant's design team in conjunction with the Public Hearing.

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

i. That certain written report submitted by the City's Community Development Director dated May 20, 2013 (hereinafter referred to as "Staff Report").

ii. The FMND, California State Clearing House Number #2004061032, dated December 2012 commissioned by the City for the Project.

iii. The FMND's Mitigation Monitoring and Reporting Program for the Project attached hereto as Exhibit "B."

iv. All written and oral comments received as a result of the distribution of LCP public review draft documents for the Project on August 24, 2012 and received in conjunction with the Public Hearing accompanying the FMND in Appendix H.

v. The Project's Preliminary Development Plans encompassing the Project's site summaries including, but not limited to, preliminary building elevations, floor plans, and site and landscape plans accompanying the Staff Report.

vi. Boundary Change Application No. PHBC-818 and Conditional Use Permit Application No. PHCU-819 for the Project situated on approximately 4.49 acres of vacant flat land together with supporting Project materials accompanying the Staff Report ("Application").

B. Public Review

1. That on the basis of evidence hereinafter listed, all administrative procedures and public participation requirements pertaining to the General Plan, LCP, and Zoning Amendments and issuance of a Boundary Change prescribed in Title 7,

Division 1 of the Government Code of the State of California, Division 20 of the Public Resources Code, and Article X of the Port Hueneme Municipal Code, have been lawfully satisfied.

a. Notice of Intent to Adopt a Mitigated Negative Declaration for the Project was distributed for public review between October 8, 2012 and November 6, 2012 to the interested individuals, County Clerk (5), California Coastal Commission, City of Oxnard, U.S. Naval Base Ventura County, California Department of Transportation, local School Districts, and the State Clearinghouse (15).

b. Written notice of the availability of LCP public review draft documents pertaining to the proposed Project together with separate notice of the public hearing date before the City Council was mailed to all governmental agencies and persons known to be interested in General Plan and LCP matters. In addition, copies of the review draft documents were made available for public perusal at the Port Hueneme Civic Center, Ray D. Prueter Library, and South Central Coast Area Office of the California Coastal Commission. The review draft notice and documents were mailed and/or delivered on August 24, 2012, a minimum of forty-five (45) days prior to the City Council's final action on the proposed Project.

c. Written Notice of the Project's Public Hearing before the City Council of the City of Port Hueneme was mailed to all governmental agencies and persons who were known to be interested in General Plan and LCP matters and to all persons who have filed written request for such notice, which Notice was mailed not later than ten (10) calendar days prior to the date of said hearing.

d. Written Notice of the Project's Public Hearing before the City Council of the City of Port Hueneme was mailed to all property owners within 300 feet of the boundaries of the Project site and to all residents within 100 feet of said boundaries, which Notice was mailed not later than ten (10) calendar days prior to the date of said hearing.

e. Written notice of the Public Hearing before the City Council to consider adoption of the FMND and the Project entitlements was published in the legal section of a newspaper of general circulation on May 10, 2013, a minimum of ten (10) calendar days prior to the date of said hearing, with proposed response to comments regarding the FMND supplied to commenting agencies a minimum of ten (10) calendar days prior to said Public Hearing.

C. Environmental Impact Findings

1. BE IT FURTHER RESOLVED that on the basis of evidence presented in this Resolution (including the Initial Study and any comments received), the City Council hereby certifies that the Project's FMND has been completed in compliance with CEQA and that the City Council has conducted a public hearing as required by law to consider the proposed Project and it has reviewed and considered the information contained in the FMND and all comments received during the public review process prior to taking any action related thereto and that the FMND reflects the City Council's independent judgment and analysis.

2. BE IT FURTHER RESOLVED that on the basis of evidence presented in this Resolution (including the Initial Study and FMND and any comments received), and with the incorporation of all mitigation prescribed in the FMND's Mitigation Monitoring and Reporting Program, that there is no substantial evidence that the Project will have a significant effect on the environment and for the purposes of Municipal Code Section 10462, the City Council finds the proposed Project will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zone in which the use or uses will be situated, nor will the Project expose the proposed residential uses to offensive noise, especially from traffic or late night activity or obnoxious odors generated on-site or in the immediate vicinity.

3. BE IT FURTHER RESOLVED that the City Council hereby adopts both the Project's FMND and its Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B." The location and custodian of record of the proceedings upon which the City Council's decision is based shall be with the City's Community Development Director in the City's Department of Community Development, 250 North Ventura Road, Port Hueneme, California 93041.

4. BE IT FURTHER RESOLVED that the City's Community Development Director is hereby authorized to file any and all documents to implement the FMND's approval and adoption herein including filing a Notice of Determination with the Ventura County Clerk and the California Office of Planning and Research and providing a copy to the California Coastal Commission.

D. Mitigation Fee Findings

1. BE IT FURTHER RESOLVED that as a condition of Project approval, certain dedications and fees listed in Article III of this Resolution are required to help avoid or substantially mitigate potentially injurious or detrimental effects to the public health, safety or welfare.

2. 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, is hereby adopted for this Project pursuant to Goal 4 of the City of Port Hueneme 2015 General Plan Land Use Element calling for the "Fair Share" payment for use of City services and facilities.

3. 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.

E. Coastal Act Findings

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 and that California Coastal Commission Regulations establish the standards by which proposed land developments or other activities are evaluated to ensure consistency with the Act and that the two local LCP policy groups of primary concern identified in the LCP for the project amendment area is "Visitor-Serving and Recreational Facilities" and "Locating and Planning New Development" and that on the basis of the evaluations presented below, the proposed Project is deemed consistent with and furthers the objectives of Chapter 3 of the California Coastal Act of 1976:

1. SHORELINE ACCESS

a.1. Coastal Act Sections 30210 and 30211: Maximum access and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from over use. Development shall not interfere with the public's right of access to the sea.

a.2. Consistency Statement: The 4.49-acre amendment area is the lone remaining vacant lot in the surrounding urbanized neighborhood. The amendment area is located approximately 1,000 feet from public water areas of the Channel Islands Recreational Harbor and over three-fourths of a mile from the nearest coastal shoreline at Mandalay Beach. The amendment area is separated from the harbor and shoreline by existing commercial, visitor-commercial, and residential developments. The proposed re-designation of the amendment area from commercial to mixed-use land use (residential/commercial) will not change the established pedestrian or vehicular patterns or limit or interfere with public access to coastal resources or recreational activities or facilities. On the contrary, the amendment area's proposed Project will enhance coastal access by providing circulation improvements including a new traffic signal at the Victoria Avenue/Monaco Drive intersection, modification of the median between Monaco Drive and Channel Islands Boulevard, and re-striping northbound Victoria Avenue between Hemlock Street and Channel Islands Boulevard from two to three lanes including a new bike lane along northbound lanes and a new bus stop space along southbound lanes.

2. VISITOR SERVING AND RECREATION FACILITIES

a.1. Coastal Act Sections 30212.5, 30213, and 30220: Wherever appropriate and feasible, public facilities, including parking, shall be distributed throughout an area to mitigate against the impacts of overuse of any single area. Lower-cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Developments providing public recreational opportunities are preferred. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

a.2. Consistency Statement: According to local LCP policy for the Project site (Area K), by virtue of its proximity to the Channel Islands Marina and the extent of existing and planned recreational and visitor-serving facilities in the area, commercial development within the Project site shall not be limited exclusively to recreational and visitor-serving facilities. However, while the Project site is not

specifically designated for visitor-serving commercial use, there is a concern that the loss of C-1 General Commercial zoned vacant land for mixed use could result in the potential loss of higher priority visitor-serving and recreational resource opportunities. Accordingly, the Project proposes an amendment to the City's LCP Land Use Plan that adds language requiring a minimum of 10,000 square feet of ground floor mixed-use space be restricted to visitor-serving or commercial recreational space (see Article III, Section B of this Resolution). With regard to potential overuse of coastal recreational opportunities, any additional incremental demand for recreational facilities resulting from the land use re-designation will be somewhat offset by the Project's proposed creation of a resident common area pool, spa, and recreation room with resident lounge, theater room, and fitness center.

3. WATER ORIENTED RECREATION

a.1. Coastal Act Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development, unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

a.2. Consistency Statement: According to local LCP policy for the Project site (Area K), by virtue of its proximity to the Channel Islands Marina and the extent of existing and planned recreational and visitor-serving facilities in the area, commercial development within the Project site shall not be limited exclusively to recreational and visitor-serving facilities. The amendment area is located approximately three-fourths of a mile northeast from the nearest oceanfront land (Mandalay Beach) and is separated from the first public road paralleling the ocean by several existing residential, commercial/retail, and hotel uses. The Project site (Area K) constitutes an "in-fill" lot, located within an existing urbanized area nearly 1,000 feet from public water areas of the Channel Islands Recreational Harbor, separated from the harbor by the South Victoria Avenue and Channel Islands Boulevard arterial roadways. The Project site's proximity to the harbor is not well suited for development of water-dependent or water-oriented recreational activities given its distance from the water coupled with the intervening arterial roadway barriers.

b.1. Coastal Act Section 30222: 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.

b.2. Consistency Statement: Current LCP policy expressly does not limit the commercial site to recreational or visitor-serving facilities. In re-designating the amendment area from general commercial to mixed-use, the Project proposes an amendment to the City's LCP Land Use Plan that adds language requiring a minimum of 10,000 square feet of ground floor mixed-use space be restricted to visitor-serving or commercial recreational space as listed in the permitted or conditional uses in the City's "C-S: Special Commercial Zone" classification.

4. WATER AND MARINE RESOURCES

a.1. Coastal Act Section 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

a.2. Consistency Statement: Not applicable. The amendment area is located approximately three-fourths of a mile northeast from the nearest beach (Mandalay Beach) and nearly 1,000 feet from public water areas of the Channel Islands Recreational Harbor and is not expected to adversely impact marine resources. Indirect impacts from surface water drainage will be treated and discharged in accordance with operative regulations and statutes under the National Pollution Discharge Elimination System (NPDES).

b.1. Coastal Act Section 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

b.2. Consistency Statement: The re-designation of land use from commercial to mixed use in a fully urbanized area will not change the requirement to mitigate off-site water quality impacts. Surface water drainage from new development, regardless of use, will be treated and discharged in accordance with operative regulations, statutes, and permitting system under the National Pollution Discharge Elimination System (NPDES). Under conditions of the Permit, the Project applicant would be required to eliminate or reduce non-storm water discharges to waters of the nation, develop and implement a Storm Water Pollution Prevention Plan for project construction activities, and perform inspections of the storm water measures and control practices to ensure conformance with the Plan. The state permit prohibits the discharge of materials other than storm water discharges, and prohibits all discharges that contain a hazardous substance in excess of reportable quantities. The Project would also be required to comply with Municipal Code Section 7454, which requires the preparation of a Storm Water Pollution Control Plan pursuant to Ventura County's NPDES permit (CAS004002), which also requires the use of best management practices to control runoff.

c.1. Coastal Act Section 30236: Canalizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to: necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing

development, or developments where the primary function is the improvement of fish and wildlife habitat.

c.2. Consistency Statement: Not applicable. No rivers or streams flow through or near the amendment area. As such, the re-designation of land use and subsequent mixed-use development will not entail canalization, dams, or other substantial alteration of surface water features.

5. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

a.1. Coast Act Section 30233(a): The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and subsequent development (regardless of use) will not entail diking, filling, or dredging of open coastal waters, wetlands, estuaries, or lakes.

b.1. Coast Act Section 30233(b): Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats.

b.2. Consistency Statement: Not Applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and subsequent development (regardless of use) will not entail dredging and spoils disposal in coastal waters, wetlands, estuaries, or lakes.

6. COMMERCIAL FISHING, AND RECREATION BOATING

a.1. Coastal Act Section 30224: Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

a.2. Consistency Statement: Not applicable. The re-designation from commercial to mixed-use does not change the priority placed on recreation boating and similar water-dependent land uses. Moreover, the amendment area does not encompass oceanfront or harbor land and its designation does not allow dry storage areas.

b.1. Coastal Act Section 30234: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has

been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

b.2. Consistency Statement: Not applicable. The re-designation from commercial to mixed-use does not change the priority placed on commercial fishing and similar water-dependent land uses. Moreover, the amendment area does not encompass shoreline, oceanfront, or harbor land.

c.1. Coastal Act Section 30255: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland.

c.2. Consistency Statement: Not applicable. The re-designation from commercial to mixed-use does not change the priority placed on coastal-dependent developments. Moreover, the amendment area does not encompass shoreline land.

7. SHORELINE STRUCTURES

a.1. Coastal Act Section 30235: Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located inland with existing urbanized area between it and the harbor/sea. Project development (regardless of use) will not in itself necessitate revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, or other such construction that alters natural shoreline processes.

8. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

a.1. Coastal Act Section 30240(a): Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

a.2. Consistency Statement: The amendment area constitutes an "in-fill" site, located within an existing urbanized area that according to the Project's FMND is devoid of native habitats or special status species or other significant biological resources. Nearby wetlands and sensitive habitat areas located up-coast and down-coast are separated from the amendment site by existing urban development and are not readily accessible from the amendment area.

b.1. Coastal Act Section 30240(b): Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited

and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

b.2. Consistency Statement: The amendment area constitutes an "in-fill" site located within an existing urbanized area and is not contiguous to sensitive habitat or parks and recreation areas.

9. AGRICULTURE

a.1. Coastal Act Section 30241: The maximum amount of prime agricultural land shall be maintained in production, and conflicts between agricultural and urban land uses shall be minimized. Stable boundaries shall be established separating urban and rural areas. Conversion of agricultural lands shall be limited to areas where the viability of existing agricultural use is already severely limited by conflicts with urban uses, and where the conversion would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

a.2. Consistency Statement: Not applicable. The 4.49-acre amendment area constitutes an "in-fill" site surrounded by residential subdivisions and retail shopping centers, and is not presently used nor has it been used for farming production operations for over 26 years nor does its size make a viable candidate for agriculture as an alternative use.

10. SOILS RESOURCES

a.1. Coastal Act Section 30243: The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site located within an existing urbanized area, and is not presently occupied by or used for timberland production.

11. ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES

a.1. Coastal Act Section 30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

a.2. Consistency Statement: There is no evidence of human or fossil remains onsite. A Sacred Lands Search was conducted by the Native American Heritage Commission in October 2012 and found no evidence of Native American cultural resource sites within one-half mile of the project site. Nevertheless, the proposed Project could have the potential to disturb undiscovered human remains. If encountered, such resources could be damaged or destroyed. Adherence to Section 7050.5(b) of the California Health and Safety Code would protect any previously unidentified buried human remains. In accordance with these codified requirements, in

the event that human bone or bone of unknown origin is found during construction, all work is required to stop in the vicinity of the find and the County Coroner must be contacted immediately. If the remains are determined to be Native American, the Coroner is required to notify the Native American Heritage Commission, who then notifies the person it believes to be the most likely descendent. The most likely descendant would work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Compliance with Section 7050.5(b) of the California Health and Safety Code will ensure that any impacts would be less than significant. Further, no human remains are expected, as cultural resource sites were not identified in the Sacred Lands Search. Nevertheless, in order to ensure impacts to cultural resources remain less than significant, the following condition of Project approval has been required (see Condition No. 10 of this Resolution):

A cultural monitor shall be present during grading to ensure that in the unlikely event site grading uncovers cultural resources, project construction shall be stopped in accordance with the requirements of Section 7050.5(b) of the California Health and Safety Code. This will ensure that impacts to any grave goods, human remains, or other cultural resources will be less than significant.

12. LOCATING AND PLANNING NEW DEVELOPMENT

a.1. Coastal Act Section 30250(a): New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing development areas able to accommodate it, in other areas with adequate public services and where it will have significant adverse effects, either individually or cumulatively on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

a.2. Consistency Statement: The amendment area constitutes an "in-fill" site, located within an existing urbanized area, where over 50 percent of the usable area has been developed. According to the proposed Project's FMND covering the amendment area, all existing services and infrastructure are readily available and no individual or cumulative adverse effects have been identified on coastal resources. The Boundary Change for the amendment area is granted for the use and improvements as proposed under the Conditional Use Permit, which does not entail a land division. The amendment area encompasses land that is currently designated for urban (commercial) use in the City's General Plan and LCP. Baseline impacts from existing use and prospective development have already been factored into the City's assessment of infrastructure and public service. Appropriate mitigation in the form of site-specific improvements and impact fees will be imposed at the time of development. In addition, the proposed Project covering the amendment area will be built pursuant to the new Title 24 California Building Energy Efficiency Program, the new Storm Water Pollution Control Plan and Management Plans, and the "smart growth" principles embodied in the Southern California Association of Governments' Regional Transportation Plan/Sustainable Communities Strategy. For example, the Project represents compact infill development where retail and commercial uses are located with higher density residential uses situated within easy walking distance to public transportation,

commercial and recreation activities at Channel Islands Boulevard/Harbor, and large regional employers at the Naval Base and Port of Hueneme, thereby reducing vehicle trips and increasing non-motorized activity.

b.1. Coastal Act Section 30252: The location and amount of new development should maintain and enhance public access to the coast by:

- (i) facilitating the provision of extension of transit service,
- (ii) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads,
- (iii) providing non-automobile circulation within the development,
- (iv) providing adequate parking facilities or providing substitute means of serving the development with public transportation,
- (v) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

b.2. Consistency Statement: The City's mass transit provider, Gold Coast Transit, added a new route service in February 2013 that serves the amendment area along South Victoria Avenue and Channel Islands Boulevard. As part of this transit expansion the proposed Project covering the amendment area is proposing to provide a new southbound Victoria Avenue bus stop turnout near Monaco Drive. The conditioned mixed-use commercial/residential Project will all result in residential uses built above commercial facilities with existing neighborhood shopping centers abutting south and west along Channel Islands Boulevard. This proximity between new residential uses and proposed and existing commercial retail, and office uses is expected to significantly reduce vehicles miles traveled and reduce the use of coastal access roads (Victoria Avenue and Channel Islands Boulevard). Pedestrian and bicycle circulation internal to new development will be accomplished by means of private streets, sidewalks, and colonnades within the amendment area that will interconnect to South Victoria Avenue and the adjacent shopping centers. All new residential development will be required to satisfy its resident and visitor parking needs on-site within the amendment area in compliance with established zoning standards. Additional incremental demand for recreational facilities resulting from the land use re-designation will be offset through development of a rooftop recreation area including a pool, spa, and recreation room with fully equipped kitchen and resident lounge area, business office, conference/theater room, and fitness center below.

c.1. Coastal Act Section 30253: New development shall:

- (i) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development, and
- (ii) Minimize energy consumption and vehicle miles traveled.

c.2. Consistency Statement: The amendment area constitutes an "in-fill" site located within an existing urbanized area. The proposed land use re-designation will foster logical build out of an existing developed area, and in so doing, result in more

efficient utilization of land and energy resources. According to the Project's FMND, air quality emissions associated with development of the amendment area can be mitigated with standard construction measures and dust control measures. Development of additional housing is assumed to be beneficial to reduce the City's significant imbalance between employment (Navy Base and Port) and housing thereby reducing vehicle miles traveled by providing more housing opportunities for employees who must now commute to live near their workplace.

13. COASTAL VISUAL RESOURCES AND SPECIAL COMMUNITIES

a.1. Coastal Act Section 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic areas, such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government, and shall be subordinate to the character of its setting.

a.2. Consistency Statement. The amendment area has low visual quality consisting of a relatively flat vacant grass/dirt covered lot without trees and surrounded by residential and commercial development. The site is devoid of any significant surface or other natural or man-made features that might otherwise be considered as possessing scenic or visual qualities. City staff and consultants have concluded that the amendment area's proposed Project would generally enhance the appearance of the site by providing an attractive mixed-use development with landscaping and other visual amenities. The amendment area is located approximately three-fourths of a mile from the nearest shoreline and is separated from the first public road paralleling the ocean by existing two-to-four story residential, commercial, hotel uses. Consequently, public views from and over the amendment area (and from adjacent public streets) are obscured by the presence of existing buildings and will be unaffected by subsequent development. All future development within the amendment area, regardless of use, shall: (i) be subject to design and architectural review as part of the City's entitlement permit process; and (ii) adhere to zoning regulations as to height, bulk, size and related aesthetic parameters.

b.1. Coastal Act Section 30253: New development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

b.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site located within an existing urbanized area, where the predominate surrounding land use is residential and neighborhood-serving commercial. Consequently, the amendment area is not situated within or adjacent to special communities or neighborhoods that serve as popular visitor destination points for recreational uses.

14. HAZARD AREAS

a.1. Coastal Act Section 30253: New development shall:

(i) minimize risks to life and property in areas of high geologic, flood, and fire hazard; and,

(ii) assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

a.2. Consistency Statement: The amendment area consists of relatively flat land located over three-fourths of a mile from the shoreline and is not located within a high flood or fire hazard area and is devoid of significant surface features that might otherwise be altered by subsequent development. However, the entire Coastal Zone in Port Hueneme is located within a seismically active region and could expose new development to ground-shaking, liquefaction, soil settlement and fault rupture. All subsequent development, regardless of use, shall: (i) be designed to earthquake standards of the California Building Code Seismic Zone 4; and (ii) embody grading/drainage and erosion control plans to minimize erosion.

15. PUBLIC WORKS

a.1. Coastal Act 30254: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division of the Coastal Act. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state or nation, public recreation, commercial recreation and visitor-serving land uses shall not be precluded by other development.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, where existing services and infrastructure are readily available. The amendment area encompasses land that has been designated for urban use in the current General Plan. Baseline impacts from development of the amendment area have already been factored into the City's assessment of infrastructure and public service. According to the FMND, the amendment area's proposed Project would result in a less-than-significant impact on all utilities and public services. Appropriate mitigation in the form of site-specific improvements and impact fees will be imposed at the time of development.

16. INDUSTRIAL DEVELOPMENT AND ENERGY FACILITIES

a.1. Coastal Act Sections 30255 and 30260: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division of the Coastal Act.

a.2. Consistency Statement: Not applicable. The amendment area does not encompass shoreline land and is not adjacent to any coastal-dependent industrial facilities.

17. HOUSING

a.1. Government Code Section 65590(d) (paraphrased): New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income. Such housing shall be provided on-site as part of each project, or if not if feasible to do so, or at another location within the same city or county, either within the coastal zone or within three miles thereof. In order to assist in providing new housing units, each local government shall offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees.

a.2. Consistency Statement: Residential development resulting from the proposed re-designation of land use within the amendment area will be subject to inclusionary housing requirements codified in Chapter 6, Article X of the Port Hueneme Municipal Code. Under these local regulations, a minimum of twenty-five percent (25%) of all newly constructed or converted housing involving 10 or more dwellings must be made exclusively available to persons of low or moderate income. Residential development within the amendment area will be required to satisfy this inclusionary requirement by one of three means: (i) onsite as part of each new project; (ii) off-site elsewhere within the Coastal Zone; or (iii) payment of in-lieu fees to defray the costs associated with housing assistance programs administered by the City.

BE IT FURTHER RESOLVED that the above Coastal Act policy analysis includes sections of the California Coastal Act applicable to the City of Port Hueneme as set forth in its certified Local Coastal Program commencing on page 7.

BE IT FURTHER RESOLVED that housing policies for coastal areas are now codified in the California Government Code Article 10.7, Section 65590 and as a result, the Local Coastal Program does not discuss coastal housing issues but are included for purposes of this policy analysis.

F. LCP Amendment Findings

BE IT FURTHER RESOLVED that the proposed Project's relationship to and effect on other sections of the City's previously certified LCP are as follows:

1. A land use boundary change is proposed for the Project, which would reclassify the amendment area from its existing "Commercial" General Plan land use designation to "Mixed Use" and would remap its corresponding "C-1(PD): General Commercial (Planned Development)" designation to "R-4(PD): Mixed-Use (Planned Development)" for the 4.49-acre Project site.

BE IT FURTHER RESOLVED that as prescribed in the record, public review, environmental, and LCP findings in Article II and conditions of approval in Article III of this Resolution, the proposed Project is consistent with and furthers the objectives and policies of the City's General Plan, Zoning Ordinance, and Local Coastal Program and

provides for the orderly growth, development, and use of properties and activities in the City of Port Hueneme.

ARTICLE III – PROJECT APPROVAL

A. Boundary Change Application No. PHBC-818

BE IT FURTHER RESOLVED that based upon the City Council's approval and adoption of the Project's FMND, the City Council of the City of Port Hueneme does hereby approve Boundary Change Application No. PHBC-818 for the Project encompassing revisions of the General Plan Land Use Map and Zoning Map as illustrated in Exhibit "A" attached hereto.

B. Conditional Use Permit Application No. PHCU-819

BE IT FURTHER RESOLVED that based upon the City Council's approval and adoption of the Project's FMND, the City Council of the City of Port Hueneme hereby approves and recommends Coastal Commission approval of the following LCP Land Use Plan amendment that would add language requiring a minimum of 10,000 square feet of ground-floor mixed-use space be restricted to visitor-serving or commercial recreational uses (added language denoted by underlined italicized text):

"Area K: Channel Islands

Area K (Channel islands) has developed into a residential area with low and high density uses. In addition, commercial uses have located along Channel Islands Boulevard. The General Plan calls for the continued preservation of these areas as residential neighborhoods and continued development of commercial uses along Channel Islands Boulevard.

Locating New Development

Development within Area K shall be consistent with that of the use designations and performance standards applicable to the underlying zone classifications of land upon which such development is proposed. No development on any portion of undeveloped land within Area K shall be approved in the absence of a comprehensive master plan for all of the property designated for such use. *Should development of Key Development Site 1 located in Area K (LCP Figure 2) be approved for a mixed commercial/residential use, said mixed-use development must include not less than 10,000 square feet of ground-floor visitor-serving or commercial recreational space listed as a permitted or conditional use in the City of Port Hueneme "C-S: Special Commercial Zone" which may include a grocery store use consistent with all other applicable policies of the LCP.*

C. Conditional Use Permit Application No. PHCU-819 – Approval Conditions

BE IT FURTHER RESOLVED that based upon the City Council's approval and adoption of the Project's FMND, the City Council of the City of Port Hueneme hereby

grants and approves Conditional Use Permit Application No. PHCU-819 ("Permit") subject to the following conditions:

1. That the Permit is granted to the Permittee for the area and use as described in the Permit application and attachments thereto, and as shown in the Preliminary Development Plans accompanying the Staff Report and, by this reference, incorporated herein except or unless indicated otherwise herein. The terms and conditions of this Permit shall be perpetual and all future owners and predecessors in interest to fee title of the Project property shall be bound hereunder.
2. That conditional approval of this Permit shall expire in twenty-four (24) months from the effective date of the City's future Zone Change required for the Project unless substantial use is inaugurated or substantial construction commenced. In this regard, the term "substantial" shall mean site grading and foundation work has commenced. An extension of time may be granted prior to the end of said 24-months by the City's Director of Community Development for a period not to exceed thirty-six (36) months.
3. That the location and development of all structures, streets, driveways, parking areas, landscaping, fencing, 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 as attachments to the Staff Report, or as amended herein.
4. That 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 City's Director of Community Development or as otherwise governed by the provisions of Section 10203(H) of the Port Hueneme Municipal Code.
5. That the Permittee shall pay all fees in the amounts then prescribed by ordinance, resolution, statute or other such instrument of law which apply to the Project, except and unless otherwise waived or modified by the City under the City's authority.
6. That the Permittee is required to have on-site property management including implementation of a parking Management Plan and resident Rules and Regulations as generally set forth in Attachment 3 of the Staff Report including garage inspections and assigned parking. For example, residential tenants of the same unit assigned to a tandem garage are required to display windshield stickers or similar identification on each of their vehicles. Vehicles with a tandem garage sticker found parked elsewhere at the project site will be subject to penalties including towing (assuming prior arrangements with management for temporary relief have not been made).

7. That the Permittee is hereby authorized and required to provide a minimum 10,000 square foot grocery store on the ground floor that provides food for tourists, visitors, and residents. Alternatively, the Permittee may substitute the requirement for a grocery market with another permitted or conditional use as set forth in the City's "C-S: Special Commercial Zone" classification which change in use shall be governed by the City's Development Permit amendment provisions of Section 10352(H) of the Port Hueneme Municipal Code as a Major Modification.
8. That the following Project improvements shall be completed by the Permittee prior to any occupancy being issued for the Project by the City's Building Official:
 - a. Installation of the Project's offsite improvements including new traffic improvements, a single-coat micro-surface rolled seal coat of the east half of Victoria Avenue between Channel Islands Boulevard and Hemlock Street, new sidewalk improvements from the Anchor Way/Crossjack Street intersection to the Project site, and the replacement or new Victoria Avenue curb, gutter and sidewalk, electroliers, and any related landscaping/irrigation improvements subject to the City's Standard Construction Details and specification and approval by the Director of Public Works or a surety performance bond in an amount equal to the estimated cost of providing said improvements shall be provided by the Permittee to the City, which bond, shall guarantee that in the event that Project is not completed prior to expiration of the original term of the development permit approved herein, that said improvements shall be installed.
 - b. Traffic improvements shall include a new traffic signal at the Victoria Avenue/Monaco Drive intersection, modification of the Victoria median between Monaco Drive and Channel Islands Boulevard (including landscape and hardscape treatments), and re-striping northbound Victoria between Hemlock Street and Channel Islands Boulevard from two to three lanes (with bike lane space along northbound lanes and future bus stop space along southbound lanes).
9. 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, wood, dirt/earth, and rocks. Separate container(s) shall be provided for similar materials so they can be taken to the appropriate recycling facility.
10. That although there is no evidence of human remains onsite, a Sacred Lands Search was conducted by the Native American Heritage Commission in October 2012 and found no evidence of Native American cultural resource sites within one-half mile of the project site. Nevertheless, the proposed project could have the potential to disturb undiscovered human remains. If encountered, such resources could be damaged or destroyed. Adherence to Section 7050.5(b) of the California Health and Safety Code would protect any previously unidentified buried human remains. In accordance with these codified requirements, in the event that human bone or bone of unknown origin is found during construction,

all work is required to stop in the vicinity of the find and the County Coroner must be contacted immediately. If the remains are determined to be Native American, the Coroner is required to notify the Native American Heritage Commission, who then notifies the person it believes to be the most likely descendent. The most likely descendant would work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. Compliance with Section 7050.5(b) of the California Health and Safety Code will ensure that any impacts would be less than significant. Further, no human remains are expected as cultural resource sites were not identified in the Sacred Lands Search. Nevertheless, in order to ensure impacts to cultural resources remain less than significant, the following condition of project approval is required: The Permittee shall hire a cultural monitor to be present during grading to ensure that in the unlikely event site grading uncovers cultural resources, project construction shall be stopped in accordance with the requirements of Section 7050.5(b) of the California Health and Safety Code. This will ensure that impacts to any grave goods, human remains, or other cultural resources will be less than significant.

11. That as part of the construction plans submitted herein, 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 building final for any dwelling depicted, all 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 one-hundred twenty (120) 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 six (6) 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.
12. That during construction, the Permittee shall adhere to all requirements as are necessary to mitigate noise impacts.
13. That exterior site lighting shall be provided so as to facilitate protection of private property and the safe pedestrian movement throughout the Project site for all access driveways/alley, parking areas and pedestrian walkways. Such lighting shall be accomplished in such a manner as to not directly illuminate adjacent properties or streets, or which might be considered objectionable by passing

motorists as confirmed by the City's Public Works Director. 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.

14. That the Permittee is subject to the inclusionary housing provisions of the Port Hueneme Municipal Code Section 10804, which provides that at a minimum, twenty-five percent (25%) of new coastal development involving ten or more dwellings be made available to persons and families whose total income, all members inclusive, qualifies as being low or moderate income pursuant to limits of affordability established pursuant to Section 50052.5 of the California Health and Safety Code for a minimum term of thirty years. Alternatively, the Permittee may choose to pay an in-lieu fee to help defray the costs associated with affordable housing assistance programs administered by the City. Payment of in-lieu fees on twenty-five percent (25%) of the Project's proposed dwellings ($112 \times 25\% = 28$ units) shall be made prior to the City's Building Official approving permanent utilities for original occupancy on each of the last 28 units completed at the Project.
15. That the Permittee shall comply with all planning conditions promulgated by the Ventura County Fire Prevention District. In conjunction with submitting plans for plan check for issuance of building permits, grading and site utility plans shall be submitted to the Director of Public Works for approval as to grading and the location, type, and adequacy of water and sewer lines. Prior to obtaining City 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.
16. That all mitigation measures assigned to the Permittee, as contained in the Mitigation Monitoring and Reporting Program as set forth hereto as Exhibit "B," shall be accomplished by the Permittee in the manner and time frame identified in the Program.
17. That all improvements constructed on the site 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 expense, in a continuous state of good condition and repair, clean and free of rubbish, to the satisfaction of the City's Community Development Director consistent with the City's property maintenance standards set forth in the City's Zoning Ordinance.
18. That the following clarifications or modifications to the Preliminary Development Plans accompanying the Staff Report shall be subject to further review and approval by the City's Director of Community Development and resolved in conjunction with the Permittee's preparation of detailed grading, construction,

landscape, and irrigation plans and specifications for Project building permits as required herein:

- a. Type, sizing, and density of all plant materials and proposed site improvements including the following changes:
 - i. Provide "Blue" Agapanthus africanus sub shrubs along street scene.
 - ii. Provide concrete mow strips between all turf and shrub areas.
 - iii. Provide Gazania 'Mitsuwa Yellow' ground cover in areas with southern exposure.
 - iv. Provide textured finish to all concrete walkways and stoops such as rock salt, stamps, or decorative scoring.
 - v. Add Eucalyptus Maculata as background trees along Victoria Avenue and one coral tree near the north and southwest corner of the Project site.
 - vi. Add Eucalyptus ficifolia in areas along Victoria Avenue.
 - vii. Palms to be Washingtonia filifara palms at a minimum eight-foot high brown trunk size.
 - viii. Provide vine(s) pockets for walls/fences that abut (within 1-3 feet) all flat work.
- b. Provide sound attenuation features to help ensure that the interior noise levels do not exceed 45 decibels and air filtration units to enhance interior air quality.
- c. Provide concealed rain gutters and downspouts for all buildings.
- d. Provide interior and exterior security cameras and security entry systems plus design features that allow designation as a Crime Free neighborhood project as approved by the City's Police Chief.
- e. The occupancy and use of the four proposed ground-level live/work units depicted on the preliminary development plans (approximately 3,304 square feet) shall be deed restricted to live/work tenancy and/or solely occupied by retail/commercial/office use allowed by zoning prior to issuance of Project building permits in a manner approved by the City's Community Development Director in consultation with the City Attorney. The requirement for the deed restriction is to prohibit exclusive residential occupancy of the proposed live/work units. In addition, should the live/work units be occupied as live/work (residential occupancy in conjunction with retail/commercial/office use), a corresponding number of the Project's apartment units are required to be merged so that the overall residential density at the Project site does not exceed a total of 112 dwelling units. In anticipation of this situation, Project construction documents shall identify four of the Project's apartment units and how they will be merged with adjacent units.

- f. There are two proposed points for vehicle access at the rear of the site. One connects north to Crossjack Street and is limited to emergency access/evacuation only. The second connects south to the Oliveira Plaza Shopping Center, which allows tenant egress only by underground loop sensor and ingress/egress for oversized vehicles such as moving vans and solid waste trucks via gate clickers.
 - g. Provide sidewalk interconnection from the Live/Work storefront walkway to align with the south abutting Oliveira Plaza pedestrian colonnade walkway. Move security gate located behind the end Live/Work unit forward near the interconnection.
 - h. The two proposed monument signs are subject to further review and approval relative to location, size, and design.
 - i. That the open fence on top of the 3' high walls shall be an ornamental tubular steel that is galvanized and powder coated.
 - j. The EVA gate to Crossjack Street (northeast corner of the Project site) shall be a manually-operated and normally-locked gate, reserved for emergency vehicle access use only.
 - k. The tenant gate at the southeast corner of the Project site shall be for site egress only, not ingress and egress.
 - l. Approval of the proposed on-site storm water improvements system is subject to review and approval by the Director of Public Works of the Permittee's Drainage Concepts/Hydraulics & Hydrology Study for Proposed Detention Basin, dated April 4, 2013.
 - m. The proposed easement along the southerly portion of the Project site shall address, to the full satisfaction of the Director of Public Works, interferences that may exist with the use and enjoyment of easements granted under Instruments 88-10177 and 88-33512, as well as the easement granted under Instrument 20100210-00018974-0.
 - n. Should an impasse be reached as to resolution of any or all of the matters listed herein this Condition, 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.
19. That all building construction shall comply with applicable City Building Code requirements and the Permittee shall 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 or components of the Project, detailed construction plans, acoustical study, and energy calculations shall be submitted to and approved by the City Building Official. In addition to other construction techniques and information, which may be required, the

Permittee shall submit for review and approval of the City's Building Official the Project's proposed material specifications, warranties, or such other manufacturers product guarantees as requested.

20. The Permittee, as deemed necessary by the City Building Official, shall employ a Deputy Inspector and/or a qualified Laboratory Technician for continuous inspection of all or some selected aspects of the Project's construction.
21. That at the time of completion, 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 there from; 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 building final being issued and utilities being released for the Project.
22. 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 Chief Building Official or Director of Public Works for emergency work which may be required at such time as the Permittee's representative is not actually on the project site. Whenever the Permittee or his/her representative is not present on any particular part of the work where it may be desired to give directions, orders may be given by the Chief Building Official or Public Works Director. These orders shall be received and obeyed by the superintendent or foreman who may have charge of the particular work in reference to which the orders are given. Should the Permittee's representative or workman not be available, the City may do or have work done by others at the Permittee's expense, if, in the opinion of the Chief Building Official or Public Works Director, the work is required for the protection, health, or safety of the general public.
23. That all dwelling units 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, as amended from time to time. That prior to occupancy of the residential units, the Permittee shall provide Cable Television Service for the Project.
24. That concurrent with submitting plans with the City for building permits, the Permittee shall file 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.

25. That the Permittee shall provide for Project development in a single consecutive build out plan or phase as approved by the City's Director of Community Development.
26. That no building final shall be issued and no permanent utilities released on the site until such time that all landscaping, parking, on-site lighting and related improvements has been fully installed and completed to the City's satisfaction or alternative arrangements made by the Permittee to guarantee installation and completion to the satisfaction of the City's Community Development Director or as otherwise set forth herein.
27. That the Permittee shall grant the City and other public utilities non-exclusive easements for access, installation, and maintenance of public infrastructure, solid waste pick-up, and utilities that must exist or that are planned to traverse the Project site.
28. That the structural sections and cross-sections of all driveways and streets of the Project shall meet the requirements of the City's Director of Public Works. All drainage within, entering, discharging, or otherwise traversing across the Project site shall be conveyed to acceptable points of treatment and discharge to the satisfaction of the City's Public Works Director including off-site drainage improvements deemed necessary to accommodate surface drainage consistent with the City's National Pollutant Discharge Elimination System Permit. In this regard, the Project is required to comply with Municipal Code Section 7454, which requires the preparation of a Storm Water Pollution Control Plan pursuant to Ventura County's NPDES permit (CAS004002), which also requires the use of best management practices to control runoff. Drainage easements shall be recorded as necessary to accomplish the foregoing.
29. That prior to the start of any work on the Project site, including mobilization and site grading, easements required to support the satisfaction of Conditions 8a, 8b, and 18m above shall first be approved by the Director of Public Works, and then recorded in the office of the County Recorder.
30. That a complete set of civil improvements plans shall be submitted to the City's Director of Public Works for review and approval prior to or concurrent with the Permittee's submittal of plans for plan check for the issuance of Project building permits to the City's Building Official. Final civil improvements plans shall be submitted to the City's Director of Public Works not later than the time of City Building Permit plan check or other time period approved by the City's Director of Public Works. A faithful performance bond(s) and agreement(s) for all proposed public improvements shall be filed with and approved by the City's Director of Public Works. The faithful performance bonds and agreements shall not be exonerated and no Project occupancy allowed until the improvements are completed to Public Works' reasonable satisfaction.

31. 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 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.
32. The Permittee shall install "no parking" and similar street signs as deemed necessary by the Directors of Community Development and Public Works.
33. That the Permittee shall provide a storm water drainage plan and a storm water pollution prevention plan that incorporates the mitigation measures prescribed in the Final Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the entire Project to the Director of Public Works for review and approval prior to issuance of initial building permits for any portion of the Project to comply with the NPDES Permit No. CAS004002. Should it be determined by the 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, wells, and other pipes and/or openings, that are known to exist or that may be encountered during construction, shall be removed or sealed in a manner satisfactory to the Public Works Director.
34. Treatment of storm water associated with Standard Urban Storm Water Mitigation Plans shall take place within the project boundaries, and storm water treatment devices shall be owned, operated, and maintained by the Project owner. The City of Port Hueneme will not accept any portion of the storm drain system upstream of a treatment device.
35. That all new utility facilities serving this Project shall be installed underground in easements as required by the utility companies, and approved by the Director of Public Works. All utility lines and sub-connections 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.
36. 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 the City's standard specifications and details approved 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.
37. That City site improvements and encroachment permits shall be obtained prior to the commencement of the work to be covered under the applicable permit. Cash

deposits, in an amount to be determined by the City's Public Works Director not to exceed \$20,000 shall accompany permit applications to ensure compliance with the permit's terms and conditions.

38. That the Project's underground utilities will not be accepted until affected roadways have been accepted by the City's Public Works Director. The Permittee shall be responsible for the operation and maintenance of all Project underground utilities until final acceptance.
39. That the Permittee shall comply with the latest California Department of Transportation manual for adequate sight distance visibility for all Project driveways and streets, which shall be shown on the Project civil plans.
40. Prior to Project sewer plan approval, the City's Director of Public Works may require and the Permittee shall provide a sewer area study for approval by the City's Director of Public Works. The area study shall analyze the proposed Project sites, contributory area, and all existing development contributing sewer to the City of Port Hueneme's wastewater system. The Permittee shall provide a certification, signed by a registered engineer, stating that the existing sewer line(s) in the study area have will have sufficient capacity to serve the Project. The Permittee shall, at its expense, mitigate any existing wastewater system condition in the study area that indicates that a line will carry more than 75 percent of its maximum capacity due to contribution from the Project. All on-site sewer and wastewater improvements shall be privately owned and operated.
41. Prior to Project water plan approval, the City's Director of Public Works may require and the Permittee shall provide a water study for approval by the City's Director of Public Works. Evidence of acceptance of the study by the Ventura County Fire Department is a condition of approval by the Director of Public Works. The study shall analyze the existing City of Port Hueneme water distribution system at the proposed point of connection for the Project. The Permittee shall provide a certification, signed by a registered engineer, stating that the existing water system, at the proposed point of connection, will provide sufficient flow and pressure to satisfy the Project's domestic and fire requirements. The Permittee shall, at its expense, make all changes necessary to the existing water system to ensure that this requirement is satisfied. All on-site water improvements (domestic and otherwise) shall be privately owned and operated.
42. Prior to issuance of Project building permits, the Permittee shall submit a grading plan consistent with the approved site plan, to the satisfaction of the City's Director of Public Works. The Permittee's grading plan shall be based on a detailed engineering geotechnical report, which must be specifically approved by the geologist and/or soils engineer and show all recommendations submitted by them.
43. Prior to grading plan approval, the City's Director of Public Works may require and the Permittee shall provide a storm drain study for approval by the Director of Public Works. The study shall analyze the existing City of Port Hueneme storm

drain system at the proposed point of connection for the Project. The Permittee shall provide a certification, signed by a registered engineer, stating that the existing storm drain system, from proposed point of connection to the point where storm waters discharge into facilities owned, operated, and maintained by the Ventura County Watershed Protection District have sufficient capacity to convey the storm flows identified by the City's Director of Public Works. The Permittee shall, at its expense, make all changes necessary to the existing storm drain system to ensure that this requirement is satisfied. All on-site storm water conveyance and treatment improvements shall be privately owned and operated.

44. That the conditions of approval prescribed in this Resolution supersede all conflicting notations, specifications, dimensions, or typical sections which may be shown on the Preliminary Development Plans.
45. That deviation from any condition, procedure or requirement listed herein shall only be allowed by written approval of the reviewing City Director or if no Director is listed by the Director of Community Development acting within his/her authority or as otherwise governed by the modification provisions of Section 10203(H) of the Municipal Code of the City of Port Hueneme.
46. 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.
47. 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.
48. That the Permittee shall defend, indemnify and hold harmless the City of Port Hueneme and its elected and appointed officials, employees, and agents in any action brought by a third party which in any way seeks to challenge, modify, or void the Project, including without limitation all decisions made by the City related thereto and the City's required LCP Amendment applications with the California Coastal Commission or CEQA review.

D. Effective

1. BE IT FURTHER RESOLVED that pursuant to Public Resources Code Section 30510, the City Council of the City of Port Hueneme hereby reiterates its intent to implement the Local Coastal Program and amendments thereto in a manner fully consistent with the California Coastal Act; and
2. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme hereby adopts and declares that approval granted herein is subject to and contingent upon incorporation and completion of all environmental mitigation prescribed in the FMND's Mitigation Monitoring and Reporting Program as set forth in Exhibit "B," attached hereto.
3. BE IT FURTHER RESOLVED that with regard to Project off-street parking requirements, the building of 43 tandem garages for residential tenants of the same unit

(versus 86 side-by-side spaces) is hereby allowed and that the required parking for the leasing-office (four spaces) and guest parking for the live-work units (two spaces) are hereby allowed to be accommodated by the overall residential guest parking pursuant to Municipal Code Section 10301(D)(2)(a).

4. BE IT FURTHER RESOLVED that the approvals granted herein shall not become effective until the corresponding boundary changes to the City's Zoning and General Plan Land Use maps and text change to the Local Coastal Land Use Plan text have been approved and certified by the California Coastal Commission, and until the thirty first (31st) day after adoption of the necessary Ordinance(s) by the City Council to effect the proposed rezoning.

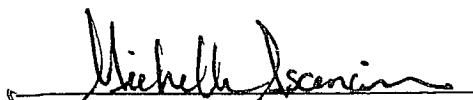
5. BE IT FURTHER RESOLVED that in clarification of Municipal Code Section 10501.A, the City Council of the City of Port Hueneme declares that a grocery store or greengrocer that sells primarily prepared and retail perishable and dry goods, fruits, and vegetables and that provides food or services for tourists, visitors, and residents is deemed to qualify as a Visitor-Serving facility and as a permitted use in the City's C-S: Special Commercial Zone.


6. 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 "C" as prescribed in California Government Code Section 66020(d)(1) has begun on the adoption date of this Resolution.

7. BE IT FINALLY RESOLVED that the City's Director of Community Development is hereby authorized to file all necessary documents with the California Coastal Commission and to provide such additional documents and information with appropriate governmental agencies as may be required to implement the Project and that the LCP Amendments shall take effect after approval by the California Coastal Commission and acceptance by resolution (or adoption of the necessary ordinance) of the City Council consistent with California Code of Regulations Section 13544(a).

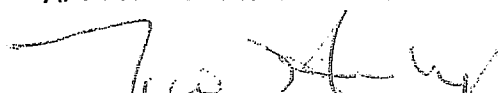
PASSED, APPROVED, AND ADOPTED this 3rd day of June, 2013.

ATTEST:


MICHELLE ASCENCION
CITY CLERK


ELLIS L. GREEN
MAYOR

APPROVED AS TO FORM:

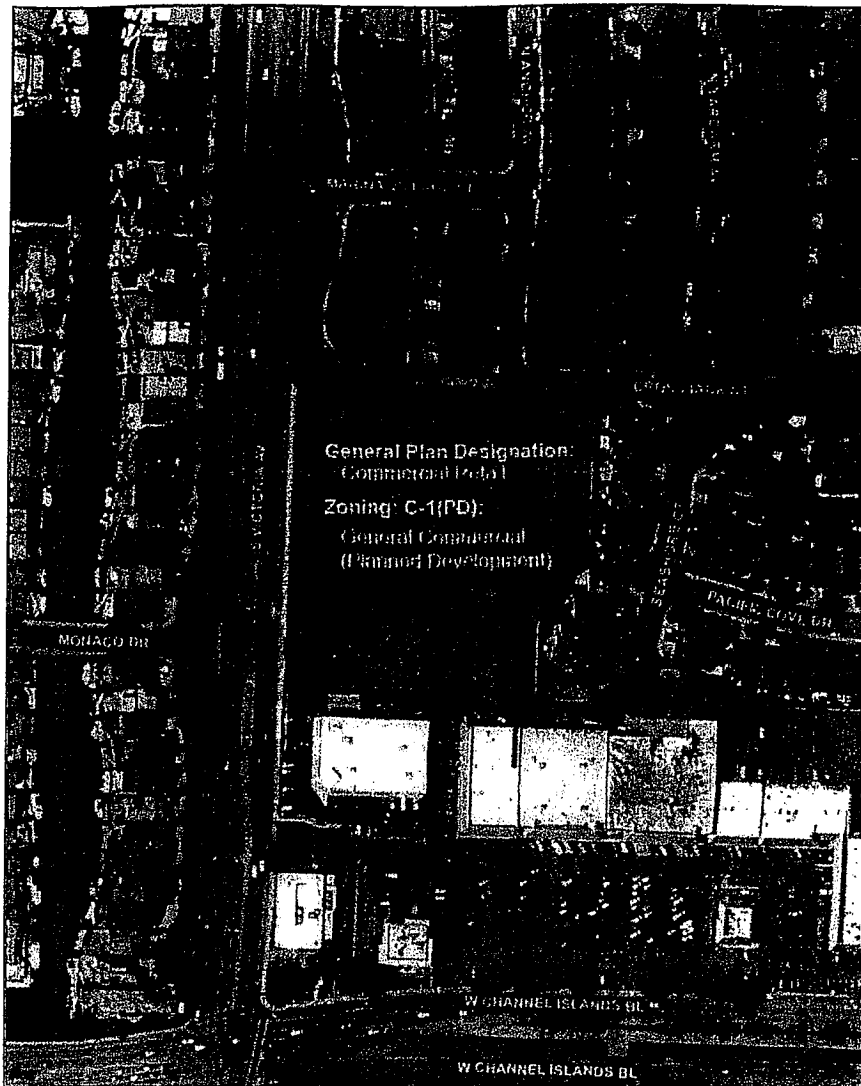

MARK D. HENSLEY
CITY ATTORNEY

APPROVED AS TO CONTENT:


CARMEN NICHOLS
ACTING CITY MANAGER

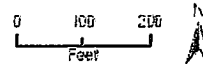
EXHIBIT "A"

(Zoning, General Plan, and LCP Land Use Map Amendments)

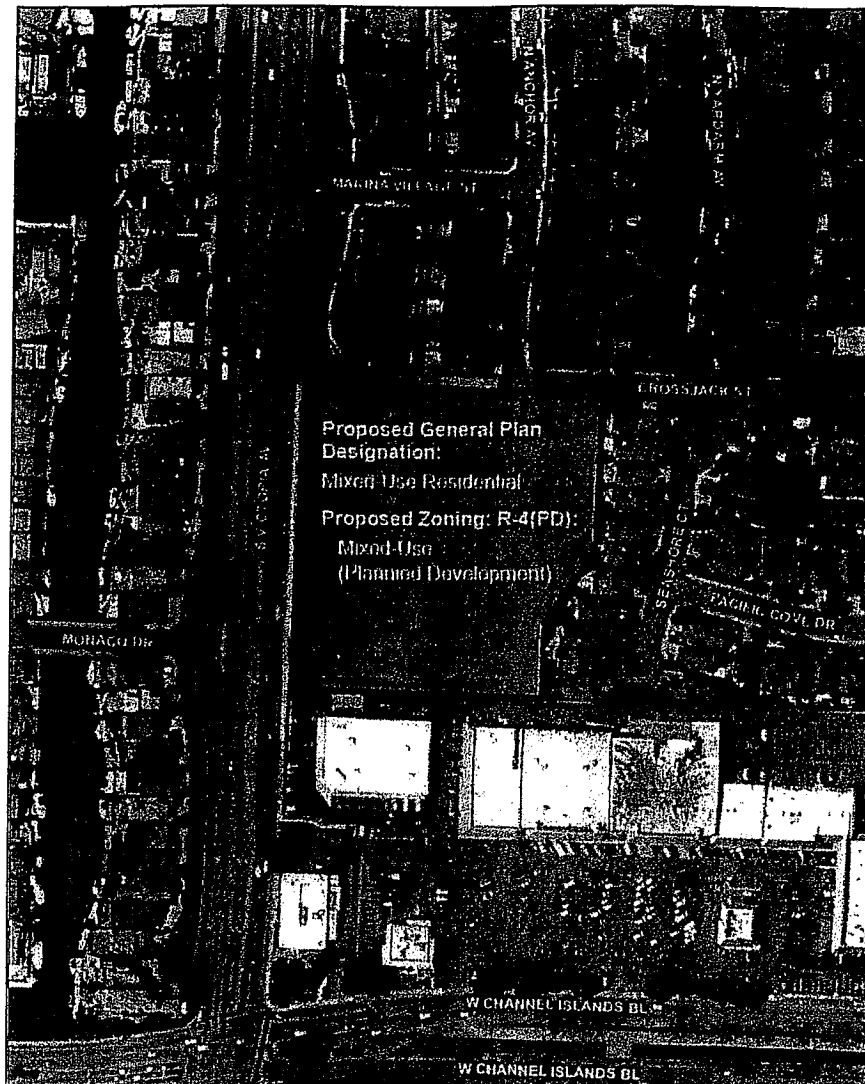


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 Project Site



Existing General Plan Designation and Zoning



Imagery provided by Microsoft's Bing, ESRI and its licensors © 2012.

 Project Site

0 100 200
Feet



Proposed General Plan Designation and Zoning

EXHIBIT "B"

(Mitigation Monitoring and Reporting Program)

MITIGATION MONITORING AND REPORTING PROGRAM

The Final Initial Study/Mitigated Negative Declaration identifies the mitigation measures that will be implemented to reduce the impacts associated with the Victoria Mixed-Use project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code:

... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Port Hueneme departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Victoria Mixed-Use Project
Mitigation Monitoring and Reporting Program

Victoria Mixed-Use Project Final Initial Study-Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan					
Air Quality	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box Date
AQ-1	<p>ROC and NOX Construction Measures. The project applicant shall implement the following emissions control measures so as to reduce ROC and NOX emissions.</p> <ul style="list-style-type: none"> Minimize equipment idling time; Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications; Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time; and Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible. 	On-site construction manager, Community Development Department	Verification of implementation in the field during grading and construction.	Periodically during grading and construction.	
AQ-2	<p>Fugitive Dust Control Measures. The project applicant shall implement the following dust control measures so as to reduce PM10 emissions in accordance with VCAPCD requirements.</p> <ol style="list-style-type: none"> The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust; Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should 	On-site construction manager, Community Development Department	Verification of implementation in the field during grading and construction.	Periodically during grading and construction.	

Victoria Mixed-Use Project
Mitigation Monitoring and Reporting Program

Victoria Mixed-Use Project Final Initial Study Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box Date
<p>penetrate sufficiently to minimize fugitive dust during grading activities.</p> <p>3) Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:</p> <p>a. All trucks shall be required to cover their loads as required by California Vehicle Code §23114.</p> <p>b. All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.</p> <p>4) Graded and/or excavated inactive areas of the construction site shall be monitored by (indicate by whom) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area,</p>				

Victoria Mixed-Use Project
Mitigation Monitoring and Reporting Program

Victoria Mixed-Use Project Final Initial Study Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box Date
<p>the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.</p> <p>5) Signs shall be posted on-site limiting traffic to 15 miles per hour or less.</p> <p>6) During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with the APCD in determining when winds are excessive.</p> <p>7) Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.</p> <p>8) Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations</p>				

Victoria Mixed-Use Project
Mitigation Monitoring and Reporting Program

Victoria Mixed-Use Project Final Initial Study-Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan						
Noise	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
N-1	<p>Interior Noise. At a minimum, all residential structures within the 65 dB(A) noise contour shall include the following or equivalent to achieve an acceptable interior noise level of 45 CNEL:</p> <ul style="list-style-type: none">• Air conditioning or a mechanical ventilation system so that windows and doors may remain closed;• Windows shall be dual pane, laminated, or similar with a Sound Transmission Class rating of at least 30 for all residential units with direct exposure to Victoria Avenue;• Exterior doors facing the street shall have a sound insulating design with an STC rating of at least 35;• Solid core exterior doors with perimeter weather stripping and threshold seals;• Roof and attic vents facing away from Victoria Avenue.	Community Development Department	Monitor proposed construction techniques during plan check as necessary to comply with City Noise Ordinance.	Prior to issuance of building permit.		
N-2(a)	Mufflers. During all project site excavation and grading, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.	On-site construction manager, Community Development Department	Verify equipment compliance during grading and construction.	Ongoing during project grading and construction.		
N-2(b)	Stationary Equipment and Equipment Staging. All equipment staging and stationary construction equipment shall be located as far as practical from the adjacent	On-site construction manager,	Verify equipment compliance during grading and construction.	Ongoing during project grading and construction.		

EXHIBIT "C"

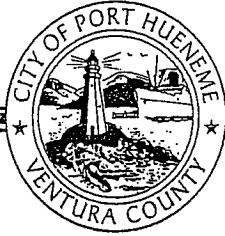
STATEMENT OF THE AMOUNT OR DESCRIPTION OF THE
IMPOSITION OF FEES, DEDICATIONS, RESERVATIONS OR OTHER
EXACTIONS FOR PUBLIC FACILITIES FOR BOUNDARY CHANGE PHBC-818
AND CONDITIONAL USE PERMIT NO. PHPD-819
(Victoria Mixed-Use)

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

Following is the written notice of the City of Port Hueneme's fees, dedications, reservations, or other exactions for the purpose of defraying all or a portion of the cost of public facilities related to the subject Development Permit:

- a. Improvement of the Project's perimeter public rights-of-ways and the East Port Hueneme Road street median's eastward extension with necessary improvements including new flat work, curb, gutter, sidewalk, tree wells, storm water, lighting, and similar utilities as required by the Director of Public Works subject to specification and approval by the Director of Public Works.
- b. Payment of traffic fees totaling \$556 per dwelling unit.
- c. Installation of street identification signs mounted on a timber pole to match City's street scene as deemed necessary by the Director of Community Development and Public Works.
- d. Payment of housing in-lieu fees totaling \$26,500 on 25 percent of the total Dwelling units.

The above fees shall be valid for a period of twenty-four (24) months from the date of adoption of the City Council Resolution approving the Project unless substantial use is inaugurated or substantial construction commenced at each phase within said time frame. On or after 24 months from said date, the City reserves the right to modify the amount of fees.



City of Port Hueneme

CERTIFICATION

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

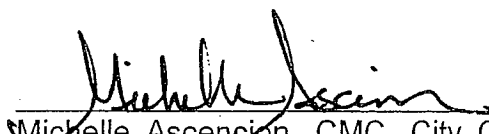
I, Michelle Ascencion, duly appointed and qualified City Clerk of the City of Port Hueneme, do hereby certify that the foregoing **Resolution No. 4052** is a true and correct copy passed, approved, and adopted by the City Council of the City of Port Hueneme at its Regular Meeting of June 3, 2013 by the following vote:

AYES: Council Members Norman E. Griffaw, Sylvia Muñoz Schnopp; Mayor Pro Tem Jonathan Sharkey.

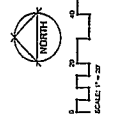
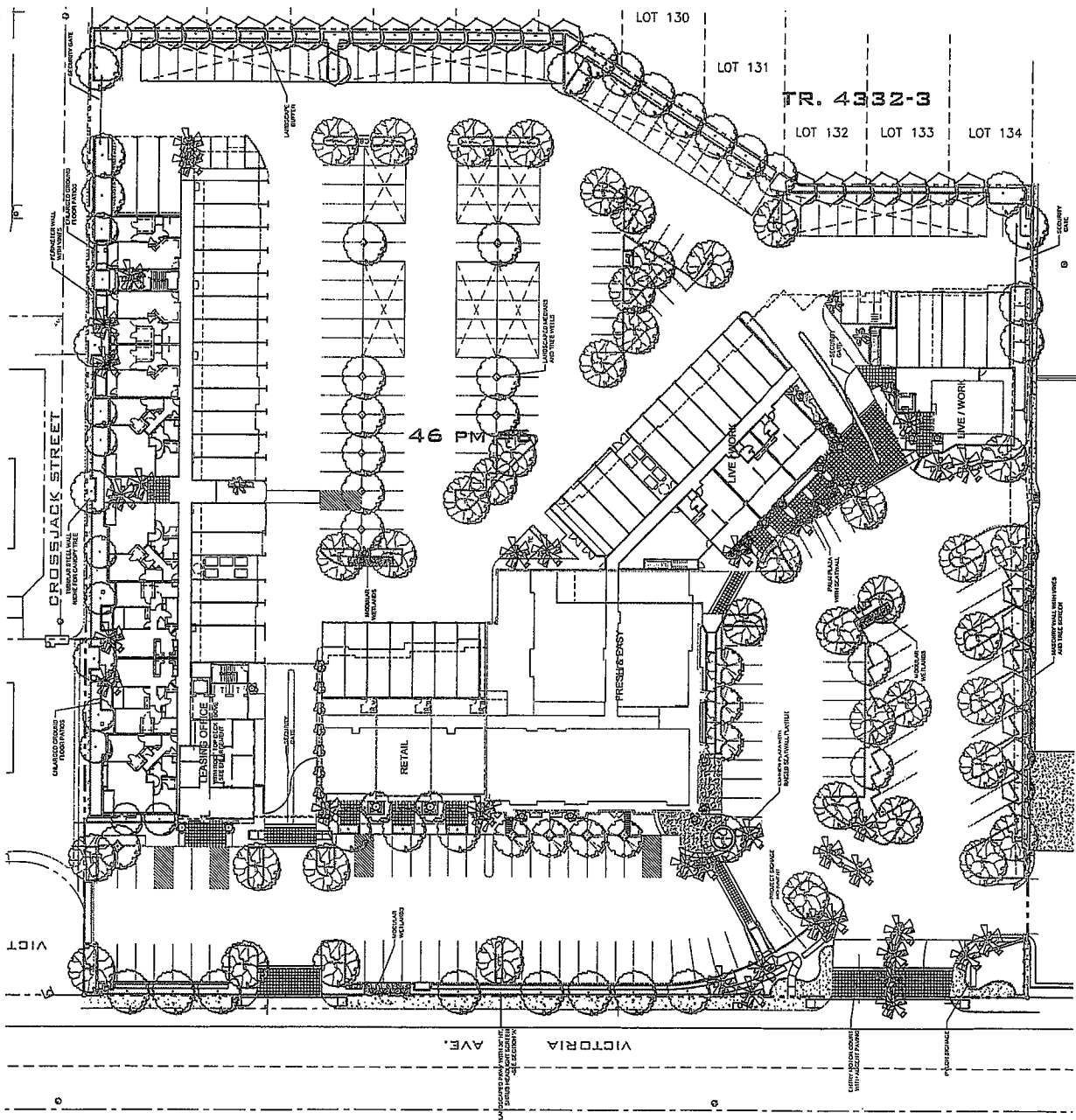
NOES: None.

ABSTAINING: None.

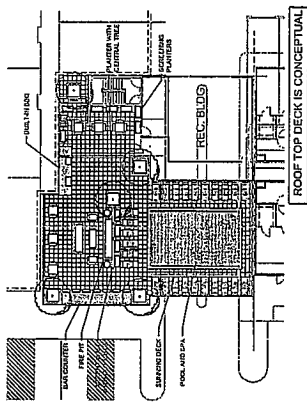
ABSENT: Council Member Douglas A. Breeze, Mayor Ellis L. Green (recused).


Michelle Ascencion, CMC, City Clerk
of the City of Port Hueneme and ex-
officio Clerk of the Council

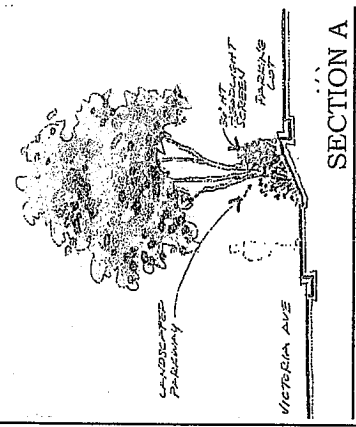
Dated: June 4, 2013



Port Hueneme Mixed Use



ROOF TOP DECK SCALE: 1/16" = 1'-0"



SECTION A

Exhibit 5
 LCP-4-PTH-13-0208-1
 Potential Development Site Plan