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## LATHAM & WATKINS<sup>LLP</sup>

November 18, 2015

Dr. Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105

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052139-0006

Re: Request that the California Coastal Commission Revoke Grant Funding  
Provided to the City of Oxnard Due to Improper Use of Funds

Dear Dr. Lester:

On November 5, 2015, NRG Energy, Inc., (NRG) was informed that the City of Oxnard, with neither adequate public notice nor direction from the California Coastal Commission (CCC), is proposing several amendments to its Local Coastal Plan (LCP) and zoning ordinance targeted at the Ormond Beach Generating Station (OBGS) and Mandalay Generating Station (MGS) sites (Proposed Amendments).<sup>1</sup> The underlying purpose of the Proposed Amendments is to attempt to impede NRG from processing a pending Application for Certification before the California Energy Commission (CEC) for the Puente Power Project (P3) at the MGS site by attempting to create an apparent land use and Coastal Act inconsistency.

As explained in detail in a separate letter to the City, the Proposed Amendments amount to a targeted and unlawful attack against NRG and P3 instead of a proper land use planning process. As explained below, NRG also believes this action is inconsistent with the Local Coastal Plan (LCP) grant the CCC awarded the City to prepare a comprehensive LCP update. NRG therefore requests that the CCC direct the City to act in accordance with the grant and cease processing of the Proposed Amendments, or withdraw the grant and ask the City to return all grant funds to the CCC.

In summary, the Proposed Amendments will:

- Breach the conditions of the LCP grant awarded to the City;

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<sup>1</sup> Planning Commission Staff Report, Planning and Zoning (PZ) Permit Nos. 15-410-01 (Local Coastal Plan Amendment), from Chris Williamson to the Planning Commission, PZ 15-580-02 (Coastal Zone Text Amendment), PZ 15-570-06 (Zone Change) for Properties Located at 251 and 393 North Harbor Boulevard, and PZ 15-570-07 (Zone Change) for Properties Located at 6635 Edison Drive, dated November 19, 2015 (Staff Report) (attached as Attachment A).

- Necessitate expensive and time-consuming California Environmental Quality Act (CEQA) review and/or, possibly, CEQA-related litigation, requiring more staff time and taxpayer cost;
- Squander City financial and staff resources that should be applied to diligently pursuing the comprehensive LCP update;
- Waste limited resources of the CCC reviewing the targeted amendments that should be spent on the comprehensive LCP update; and
- Invite unnecessary controversy.

The City is either improperly relying upon grant funds to prepare this targeted attack on NRG or clearly has additional funds available for LCP-related activities and does not truly need the grant funding. If the City is improperly using grant funding for the Proposed Amendments, it should immediately cease doing so and return any previously used funds to the CCC for reallocation to communities in need. In any instance, the City's extraneous actions pursuing a targeted attack against NRG instead of diligently pursuing the comprehensive LCP update demonstrate that the City does not have an actual need for the limited grant funding, in which case, the City should return any remaining grant funds to the CCC for reallocation to a community in need, consistent with the Budget Act of 2014 and conditions included in the CCC's Proposed Local Coastal Program Local Assistance Grant Awards for Fiscal Year 2014/2015 Using Funds from Budget Augmentation (Grant Award Recommendation). See <http://documents.coastal.ca.gov/reports/2014/11/W7-11-2014.pdf>.

Specifically, the CCC grant includes conditions that limit the City's discretion to use the grant funding, including:

- "If a grantee fails to properly execute the contract or fails to meet the performance criteria and benchmarks in the grant contract, the Executive Director or his designee may cancel the contract and re-allocate any unspent funds to one or more of the other approved grantees whose grant was not fully funded." Grant Award Recommendation at 40.
- "***Should a jurisdiction not need the full amount of funds awarded by the Coastal Commission, they shall notify Commission staff as soon as possible so that any remaining allocated but unspent funds may be redistributed, as feasible.***" *Id.* (emphasis added).
- "All grant contracts shall require progress reports at least every 3 months, and all subject to Executive Director review and approval." *Id.* at 39.

Moreover, in an Addendum to the Grant Award Recommendation, dated November 7, 2014, the CCC defined the expected outcome of the grant to the City of Oxnard:

- The Addendum confirms that “The City of Oxnard is requesting grant funds *to complete a comprehensive update*, including a sea-level rise analysis and adaptation section.” Addendum at 27.
- The Addendum recognizes that the City will complete CEQA review of the LCP update and sea level rise study. *Id.*
- Notably, the Addendum concludes: “**The outcome of this grant is expected to be a submittal of a comprehensive LCP Update for Commission certification.**” *Id.* (emphasis in original).

The City’s Application for grant funding and the CCC’s response make clear that the Proposed Amendments are not within the scope of the LCP grant. In its Application, the City highlighted its moratorium on new or repowered power plants and its intent to address power plants in the LCP update. Application at 7 (“The City Council sent a clear message that it is serious about updating the LCP and that neither the energy industry nor the California Energy Commission should rely upon the outdated Oxnard LCP with regard to the three existing, and possibly fourth, power plants located on the Oxnard beach.”).

In response, the CCC recognized the Coastal Act’s identification of industrial facilities as priority uses in the Coastal Zone and strongly cautioned the City against viewing the grant as any type of concurrence about the proposed prohibition:

The City has also identified two once-through cooling power generation facilities as being at risk from sea-level rise and has proposed to prohibit such facilities within its coastal zone. *The Coastal Act includes a number of policies identifying industrial facilities as priority uses in the coastal zone. Approval of this grant to Oxnard should not be construed as the Commission’s approval, even in concept, of the City’s proposed prohibition.* The City should review Coastal Act policies, specifically 30260 and 30264, when updating its LCP to evaluate whether such a prohibition is consistent with relevant Coastal Act policies.

Addendum at 28 (emphasis added).

In direct contravention of the express provisions of the Grant Award Recommendation and the Addendum, and the specific guidance of the CCC with respect to the facilities in question, the City has sidetracked the comprehensive LCP update for which the grant funding was provided in favor of a misguided targeted attack on the NRG sites. The City is either misusing grant funding for its targeted attack, or has sufficient resources that could properly be directed to the comprehensive LCP update. In either case, the City must either cease its processing of the Proposed Amendments or return the grant funding to the CCC.

The Staff Report asserts that the Proposed Amendments are exempt from review under CEQA pursuant to California Public Resources Code Section 21080.9 which exempts activities and approvals necessary for the preparation and adoption of a local coastal program. Staff

Report at 24. Staff's reliance on this exemption is misplaced in at least two respects. First, the Proposed Amendments extend beyond the LCP, including designation of a specific parcel outside of the coastal zone as the preferred location for new power generation. Second, the Proposed Amendments piecemeal the CEQA analysis (and set the CCC up to certify a piecemealed CEQA analysis) by relying on the exemption for the Proposed Amendments, which the Staff Report acknowledges are "within the scope and direction of the comprehensive LCP Update in progress." Staff Report at 9. By its own admission, the City is advancing a portion of the broader LCP Update on the basis of the exemption, to be followed by the broader action presumably to be supported by another CEQA analysis. This is the very definition of a piecemealed CEQA analysis, which the City will then ask the CCC to certify. The CCC should not allow itself to be placed in this position.

Although NRG's sites are clearly the target of the Proposed Amendments, the CCC should be aware that the Proposed Amendments would have far-reaching consequences for the entire Oxnard coastal zone. Without public outreach or community input, the City is proposing to conditionally allow the development of solar power generation facilities, electric substations, electric transmission facilities, and energy storage facilities on any Coastal Recreation (RC) zoned lands, which covers many coastal properties. The City's attempt to short-circuit the appropriate planning process and do away with the Energy Coastal subzone entirely by rezoning NRG's and SCE's properties as RC has the consequence of rezoning much of Oxnard's coastal zone, including several parks and recreation areas. The City has evidently deemed those areas appropriate for development of energy storage facilities, solar power generation facilities, electric substations, and electric transmission facilities, but has conducted no public outreach, nor any public participation to consider the impacts and implications of those revisions. That the City has ignored the consequences of its proposed actions makes clear that it is driven solely by tunnel vision focused on negatively impacting NRG's property without regard to the public process.

There are many other defects associated with the Proposed Amendments laid out in NRG's letter to the City that are perhaps less directly related to the CCC, but which further illustrate the folly of the action which the City plans to submit to the CCC for review and approval. In pursuing this course of action, the City is squandering its own resources and/or the grant funding provided by the CCC. It will further impose upon the resources of the CCC to review its actions in a piecemeal fashion, as opposed to proceeding with the comprehensive LCP update, including adequate supporting analysis pursuant to CEQA, for which the grant funding was provided in the first place.

NRG has pursued good faith efforts to work with the City to resolve areas of concern and to ensure that P3, if approved by the CEC with input from the CCC, will comply with all federal, state and local requirements and make a positive contribution to the City and its residents. NRG remains very interested in having this dialogue in a productive manner. As such, NRG has strongly requested that the City cancel the proposed Planning Commission meeting on November 19 and cease processing the Proposed Amendments.

In conclusion, for the reasons provided above, we respectfully request your review of: (1) whether the City has improperly used the LCP grant funds to pay for the Proposed

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Amendments, in which case, the funds should be returned to the CCC for reallocation to a community in need; and (2) whether the City's use of staff and Planning Commission resources processing the Proposed Amendments instead of diligently pursuing the comprehensive LCP update demonstrates that the City does not have an actual need for the grant funding and, therefore, any remaining funds should be returned to the CCC for reallocation to a community in need.

We thank you for taking the time to consider this request. If you have any questions, please feel free to contact me at the contact information provided above.

Very truly yours,



Michael J. Carroll  
of LATHAM & WATKINS LLP

Enclosure

cc:

City of Oxnard Planning Commissioners (w/o enclosure) (via maria.santana@ci.oxnard.ca.us)

- Deirdre Frank, Chair
- Stephen Huber, Vice-Chairman
- Patrick Mullin, Commissioner
- Steven Nash, Commissioner
- Sonny Okada, Commissioner
- Vincent Stewart, Commissioner
- Orlando Dozier, Commissioner

City of Oxnard, City Councilmembers (w/o enclosure)

- Tim Flynn, Mayor
- Carmen Ramirez, Mayor Pro Tem
- Brian A. MacDonald, Councilmember
- Dorina Padilla, Councilmember
- Bert E. Perello, Councilmember

Tom Luster, California Coastal Commission (w/enclosure)

Alison Dettmer, California Coastal Commission (w/enclosure)

Christopher Williamson, City of Oxnard (w/o enclosure)

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**ATTACHMENT A**

**City of Oxnard Planning Commission Staff Report For The Proposed Amendments**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Christopher Williamson, PhD, AICP, Principal Planner

**DATE:** November 19, 2015

**SUBJECT:** Planning and Zoning (PZ) Permit Nos. 15-410-01 (Local Coastal Plan Amendment), PZ 15-580-02 (Coastal Zone Text Amendment), PZ 15-570-06 (Zone Change) for Properties Located at 251 and 393 North Harbor Boulevard, and PZ 15-570-07 (Zone Change) for Properties Located at 6635 Edison Drive.

- 1) **Recommendation:** That the Planning Commission recommend that City Council approve and submit to the California Coastal Commission (CCC) for certification the following:
  - a) PZ No. 15-410-01, Local Coastal Plan (LCP) Amendment to Policy 62.
  - b) PZ No. 15-580-02, Coastal Zone Text Amendment to Oxnard City Code section 17-22.
  - c) PZ No. 15-570-06, Zone Change from Energy Coastal (EC) to Coastal Recreation (RC) and Resource Protection (RP) for seven parcels at the McGrath SCE Peaker Plant and Mandalay Generation Station located at 251 and 383 North Harbor Boulevard, respectively.
  - d) PZ No. 15-570-07, Zone Change from EC to RC and PC for four parcels and portions of two parcels at the Ormond Beach Generation Station located at 6635 Edison Drive.
  
- 2) **Project Description and Applicant:** Local Coastal Plan (LCP) land use map and policy changes, Oxnard City Code Chapter 17 (Coastal Zoning) text amendments, and two rezonings that, collectively, require consolidation of new power plants at one location; change the land use and subzone designations of the NRG Mandalay and Ormond Generating Stations and McGrath SCE Peaker Plant from EC to Coastal Recreation CR; change the land use designation and subzones of several vacant parcels to Resource Protection; and modify the CR zone to allow continued operation of the Southern California Edison (SCE) McGrath Peaker Plant with related SCE substation facilities and conditional development of certain renewable energy facilities. Filed by Ashley Golden, Director, Development Services Department, Planning Division, 214 South C Street, Oxnard.
  
- 3) **Existing & Surrounding Land Uses:** The McGrath/Mandalay and Ormond Beach EC-designated areas are located adjacent to the Pacific Ocean between public beaches, endangered species protected habitat areas, agriculture, open space, recreation, and wetland resource areas. The seven McGrath/Mandalay assessor parcels are: APNs 183002101, 183002102, 183002103, 183002201, 183002202, 183002203, and 183001058. The six Ormond Beach assessor parcels

are: APNs 231004028, 231004032 (portion zoned EC), 231004033, 231004034, 231004035, and 231004036 (portion within Coastal Zone).

Existing and surrounding uses at each site are presented in Attachment A vicinity map and described below in separate tables:

McGrath Peaker and Mandalay Generation Stations (7 parcels)

LOCATION	ZONING	COASTAL PLAN	EXISTING LAND USE
Project Site	Energy Coastal	Public Utility/Energy Resource Protection	Mandalay Generating Station, SCE McGrath Peaker Plant, oil pipeline service area, SCE substation and transmission lines, cooling water canal, about 35 acres vacant backdune
North	Open Space (County)	Open Space/Urban Reserve (County)	McGrath Lake, Habitat Restoration area, McGrath State Beach, oil operations
South	Coastal Recreation Resource Protection		McGrath State Beach, Mandalay Beach Park
East	Agriculture (County)	Agriculture (County)	Oil wells, agriculture (County)
West	Coastal Recreation		Public beach, Pacific Ocean

Ormond Beach Generating Station (4 parcels, 2 partial parcels)

LOCATION	ZONING	COASTAL PLAN	EXISTING LAND USE
Project Site	Energy Coastal	Public Utility/Energy Facility	Ormond Beach Generating Station, 66 vacant upland area
North	Agriculture (County)	Agriculture (County)	Southland sod farms, SCE transmission line
South	Resource Protection	Resource Protection	Wetlands, public beach, Pacific Ocean
East	Agriculture (County)	Agriculture (County)	Southland sod farm
West	Resource Protection, Coastal Dependent Industry	Resource Protection, Coastal Dependent Industry	Wetlands, Southland sod farm

- 4) **Background:** The three natural gas-fired electric power generation peaker power plants, or stations, are located in the Oxnard Coastal Zone proposed for rezoning from EC to RC. The EC coastal zoning designation (Oxnard City Code, § 17-20) provides areas for siting, construction, modification, and maintenance of power generating facilities with electrical substations that, when the LCP was adopted in 1982, required ocean water for cooling. The RC coastal zoning designation (Oxnard City Code, § 17-20) provides open space for various forms of outdoor private or public recreation compatible with surrounding natural resources. The proposed rezoning will not require a cessation of operations for the existing power plants or mandate their



demolition. Pursuant to Oxnard City Code section 17-50, the existing use (i.e., the power plants) may continue to operate as a legal non-conforming use.

The circumstances behind the proposed rezoning span over 30 years of efforts by the City to remove industrial uses dating from the early 1900's when oil drilling operations began, through World War II when certain beaches were used as firing ranges, and into the 1960's when the Ormond Beach area was marketed as a location for industrial uses such as the Halaco metal smelter that operated until 2004. In tandem with the national environmental movement that began with the 1969 Santa Barbara oil spill only 30 miles away and the public's passage of Proposition 20 in 1972 that created the Coastal Act, Oxnard began to change its vision of the City's ten-mile coastal zone to preserve and enhance sensitive habitat and wetlands and develop beach recreation and eco-tourism.

Over 30 years ago, the Oxnard Local Coastal Plan (LCP), adopted in 1982, stated the City's opposition to a new power plant in Policy 62. More recently, the 2030 General Plan, adopted in 2011, clearly indicates the City's direction to end the use of coastal locations for power plants that no longer need ocean water for cooling. The proposed rezonings complement State-initiated "Once-Through-Cooling" (OTC) policies that implement the 1972 Federal Clean Water Act. The City is implementing the 2006 California "Global Warming Solutions Act" (AB32) utilizing the just-adopted CCC Sea Level Rise Policy Guidance for local governments prepared to update local LCP's. Finally, these proposed actions are the result of 18 months of research following the City Council adoption in June 2014 of a two-year moratorium prohibiting the expansion of existing, or development of new, energy generation facilities within the Oxnard Coastal Zone pending studies and changes in the LCP, implementing coastal zoning ordinance, and other applicable regulations.

Background information is summarized below.

#### **A. Ormond Beach, Mandalay, and McGrath Generation Stations**

The three peaker power plants provide local reliability to the SCE Big Creek/Ventura Moorpark subarea. All three are peaker plants, meaning they do not run continuously but are dispatched by the California Independent System Operator (CalISO).

Ormond Beach Generating Station (OBGS) The OBGS consists of two natural gas-fired generating units with a combined capacity of 1,516 MW. Ocean cooling water is drawn from an offshore intake pipeline. Unit 1 began operation in 1971, Unit 2 in 1973. The EC-zoned area is approximately 136 acres and includes about 66 acres of vacant upland habitat owned by SCE and the Coastal Conservancy.

Mandalay Generating Station (MGS) The MGS is a natural gas-fired facility with two conventional steam turbine units (Units 1 and 2) and one gas combustion unit (Unit 3). Units 1 and 2 were constructed in the 1950's and have a combined generating capacity of 430 MW. Ocean cooling water for Units 1 and 2 is drawn from the Edison Canal which, in turn, draws from the Channel Islands Harbor. Unit 3 is a jet-engine-powered unit commissioned in 1970 with a capacity of 130 MW. The EC-zoned area is approximately 59 acres and includes about 35 acres on the east side of Harbor Blvd. that are largely backdune habitat.

McGrath Peaker Plant: In 2006, in response to a heat wave throughout California, the California Public Utilities Commission (CPUC) directed SCE to install five 45 MW peaker plant that could quickly augment the availability of electricity during peak periods. SCE's application to build a 45 MW facility on the former tank farm property just south of the MGS was denied by the City because the facility was not coastal dependent. SCE eventually gained entitlements over the City's objections and the facility was completed in 2012. The 10.6 acre SCE parcel on the east side of Harbor Blvd. and south of the SCE canal has a recorded conservation easement that was required by the CCC as a component of the SCE McGrath Peaker coastal development permit.

## **B. Proposition 20 and the California Coastal Act**

The 1972 passage of Proposition 20 established the California Coastal Commission (CCC) which was followed by the 1976 adoption of the California Coastal Act. The Coastal Act requires coastal jurisdictions to adopt a Local Coastal Program (LCP) composed of a Land Use Plan and an Implementation Plan. The Land Use Plan assigns allowed and conditional land uses and specifies the general policies which apply to each use. The Implementation Plan is generally a zoning code chapter. Once a city or county has a CCC-certified LCP, that city or county takes over the responsibility for implementing the LCP and issuing coastal development permits, with certain exceptions including power plants over 50 megawatts

Coastal Act section 30264 states, "...new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission [i.e. Energy Commission] to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516."

## **C. Oxnard Local Coastal Program**

In 1982, Oxnard was one of the first cities to complete a CCC-certified LCP. LCP Chapter 3.6 "Industrial and Energy Development" contains an "Issues" section that briefly describe the MGS and OBGS which, in 1982, were both owned by SCE and oil-fueled. Both the MGS and OBGS had oil tank farms that were later demolished and the land remediated after both plants converted to natural gas. LCP Maps Nos. 12 and 15 designate the two power plant areas with an Energy Coastal (EC) use. The EC use designation is implemented by Section 17-20 of Chapter 17 of the Oxnard City Code (Coastal Zoning). LCP Industrial and Energy Development Policies 50, 51, 52, 54, 55, 56, 62, 63, and 64 provide policy direction to the City and the CCC regarding the two power plants. Policies 50, 51, and 52 address environmental impacts and hazardous waste. Policies 54 and 55 address compatibility with visitor serving and residential uses. Policy 56 prohibits industrial development in the 100-year flood/wave run up area. Policy 64 encourages recycling of industrial wastewater.

Policy 62 is the only LCP policy regarding siting of a new power plant. It states, "Although authority for new power plants siting rests with the California Energy Commission and the City has expressed opposition to a new power plant in the City, if a new plant is to be sited in the

Ormond Beach area, the City shall encourage the use of the land immediately adjacent to the existing Ormond Beach station.”

#### **D. Ormond Beach Wetlands Restoration 2009 Feasibility Study**

The State Coastal Conservancy (SCC), a sister agency to the CCC, targeted the Ormond Beach area for habitat restoration and enhancement in the early 1980s. Its initial goal for habitat restoration was at least 750 acres. That goal rose to at least 1,000 acres within the Ormond Beach area as a result of new sea level rise findings and the need to remove in-holdings and existing industrial development that would obstruct restoration. The target area today is roughly between the Pacific Ocean to McWane Avenue and from Port Hueneme city limits to Arnold Road. In 2002, the SCC acquired 260 acres of land in the Ormond Beach area, and subsequently began the process of evaluating the long-term feasibility of, and needs for, establishing a sustainable coastal ecosystem. In 2005, The Nature Conservancy (TNC) purchased an additional 280 acres of land adjacent to the SCC property. Six wetland restoration plan alternatives were created, three unconstrained alternatives assume the OBGS is removed and the OBGS area restored to wetlands. The SCC analysis found that restoring the wetlands to “go around” the OBGS in the constrained alternatives was both expensive and less effective.

#### **E. Oxnard 2030 General Plan, LCP Update, and Sea Level Rise Mapping**

##### Oxnard 2030 General Plan

In 2002, the City initiated an update to the then 2020 General Plan. In the initial visioning exercise with the public, “Conserve Beaches – No Industrial Uses” consistently ranked high. In 2007, the 2020 update was changed to be a comprehensive revision that incorporated sustainability goals and policies in response to the passage of The Global Warming Solutions Act of 2006 (AB32) and the planning horizon extended to 2030. The 2030 General Plan was adopted in 2011. The sustainable community (SC) chapter included “Sea Level Rise Awareness and Planning” as Goal SC-2 with four implementing policies. They are:

##### ***SC-2.1 Sea-Level Rise and Updating the Local Coastal Program***

Include best-available information regarding possible sea-level rise in the next revision of the Local Coastal Program, which should be initiated within one year of adoption of the 2030 General Plan.

##### ***SC-2.2 Sea Level Monitoring System***

Consider installation of a sea-level monitoring system that detects small changes to coastal sea level and tidal change.

##### ***SC-2.3 Sea Level Rise Consideration in Decision-Making***

Ensure that all planning, public works, and related decisions take rising sea level into consideration and take steps to reduce risk of damage or loss of life and property.

##### ***SC-2.4 Avoidance of Coastal Armoring or Hardening***

Wherever feasible, avoid coastal armoring or hardening in new development or in mitigating current and future risk to existing development.

The community development (CD) chapter includes Goal CD-21, “Update the Oxnard Local Coastal Program” with four implementing policies, three of which are directed towards energy production and the three coastal power plants. The policies are:

***CD-21.2 Modify non-Coastal Dependent Energy Uses***

When the LCP is being updated, clarify that non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act.

***CD-21.2 Future Use of Coastal Power Plants***

Initiate an update to the Oxnard LCP that has the intent and effect of eventual decommissioning of the SCE Peaker Plant, Mandalay and Ormond Beach power generation facilities by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods. After adoption and Coastal Commission certification of an updated Local Coastal Plan, initiate and implement policy and regulatory actions, and support actions of other relevant agencies that implement the LCP with regard to the future use of the SCE Peaker Plant, Mandalay and Ormond Beach power plants.

***CD-21.3 Coastal Zone Land Use Designation Changes***

When the LCP is being updated, change land use designations within the Coastal Zone to those included in the 2030 General Plan Land Use Map (Figure 3-1), if and as amended.

Goal CD-22, “Restoration of the Ormond Beach Wetlands” denotes Alternative 2U as the City’s preferred restoration plan that requires the OBGS to be demolished and the underlying land converted to wetlands.

***CD-22.1 Participation in the Ormond Beach Wetlands Restoration Plan***

Consider the California Coastal Conservancy’s Ormond Beach Wetland Restoration Feasibility Study preferred Alternative 2U, “Restore Seasonally Open Wetland Habitats and Ponds (Unconstrained)” when reviewing planning and related entitlement applications, including but not limited, to the South Ormond Beach Specific Plan and in the update to the Oxnard Local Coastal Program (LCP). Include in the LCP update the complete remediation of the Halaco Superfund Site.

**Oxnard LCP Update**

Soon after the 2011 adoption of the 2030 General Plan and to implement General Plan Goal CD-21, staff applied for LCP Update grant funding for a comprehensive LCP Update consistent with CCC guidelines. The fourth grant application was awarded in late 2014, local additional funding secured, and consultants retained in 2015. During the same period, the CCC was developing a Sea Level Rise Guidance for LCP’s and Coastal Development Permits (SLR Guidance) which was adopted in August, 2015.

The SLR Guidance establishes a series of LCP Update steps which are incorporated into the LCP grant contract between the City and the CCC. Oxnard’s LCP Update Task 2 is the preparation of sea level rise (SLR) maps and vulnerability assessments fully consistent with the adopted CCC SLR Guidance. Step 3 is “Assess potential risks from sea level rise to coastal resources and development in LCP planning area/segment.” This assessment includes a risk assessment of “Critical Infrastructure such as...some power plants and energy transmission infrastructure” with

a footnote that states, “Critical infrastructure can vary from community to community. For planning purposes, a jurisdiction should determine criticality based on the relative importance of its various assets for the delivery of vital services...” (SLR Guidance, pg. 80). If a critical facility is found to be at risk, adaptation and mitigation is required. The SLR Guidance lists general adaptation strategies, one of which is, “Update land use designations and zoning ordinances.” This strategy discussion further states “For example, areas that are particularly vulnerable to sea level rise impacts can be designated as hazard zones and specific regulations can be used to limit new development and/or encourage removal of existing development in such zones.” (*ibid.* pg. 89)

### Sea Level Rise Mapping

The City contracted with Dr. David Revell, a coastal geomorphologist with extensive experience in coastal processes and climate change. Dr. Revell was a lead scientist in The Nature Conservancy’s (TNC) Coastal Resiliency mapping project that is recognized by the CCC as a “best available” science for analyzing sea level rise for a LCP Update. (*ibid.*, p. 240) Dr. Revell’s coastal hazards analysis (four hazards are littoral erosion, “El Nino” storm flooding, wave impacts, and highest tidal inundation), recalculated and amplified by expected sea level rise over the expected 30-year operating life of the proposed Mandalay NRG power plant, finds that portions of the MGS site will be regularly exposed to one or more coastal hazards. By 2060, most the MGS site will face significant coastal hazard exposure.

Dr. Revell’s testimony to the California Public Utilities Commission further states that the beach and one sand dune that protects the proposed MGS are sustained by sand moving along the shore from the north. This is consistent with State and Federally-funded Coastal Regional Sediment Management Plan for the Santa Barbara/Ventura region. Dr. Revell’s report documents that the coastal hazard risks to MGS increase substantially if the annual U.S. Army Corps of Engineers sand dredging at the mouth of the Ventura Harbor is reduced or ceases, because this dredging is required to maintain the coastal littoral movement of sand. The supply of coastal sand is not guaranteed, and NRG’s reliance on dredging and natural sand movement for 30 years of coastal protection is an assumption with which the City does not agree.

A second coastal engineering expert retained by the City for the LCP Update, David Cannon, MCE, P.E. modeled tsunami impacts based on the State’s recommended offshore “Goleta 2” landslide scenario and found the MBGS is likely to experience substantial inundation by a tsunami generated by the Goleta 2 Landslide if a hydraulic connection is established between the ocean and generating station site. According to Mr. Cannon’s modeling, the site faces a current risk of inundation from a tsunami generated by the State-defined Goleta 2 Landslide and the amount and extent of potential inundation will increase in the future as sea level increases in accordance with CCC-recommended sea level rise scenarios. The tsunami risk analysis is being updated to reflect new information on a nearby underwater earthquake fault.

Coastal hazard maps with future sea level rise prepared for the entire Oxnard Coastal Zone prepared for the LCP Update also show the OBGS fully flooded under existing storm scenarios and in all future scenarios. Oxnard Police and Fire Departments state that after reviewing the LCP Update flood inundation and tsunami maps, police and fire equipment may not be able to

access the MGS site during an emergency. This same finding is made for the OBGS under certain existing and future flooding events.

Taken together, the City finds that coastal hazards risks and emergency response uncertainty over the operating life of a new power plant adjacent to the existing MGS or immediately adjacent to the OBGS are unacceptable for critical public infrastructure regional power plant facilities.

#### **F. Water Quality Control Board “Once-Through Cooling” (OTC) Policy**

Beginning in 2005, the State Water Resources Control Board (SWRCB) initiated public workshops to receive comments on whether the SWRCB should develop a statewide policy to implement the Federal Clean Water Act §316(b) regulations on cooling water intake structures. At the time, there were 19 coastal power plants that used ocean water for cooling, including both the now NRG-owned OBGS and MGS. In 2010, the SWRCB adopted a final policy that established requirements, a two-track compliance process, and compliance dates. Both the OBGS and MGS have a compliance date of December 31, 2020 at which time one or both plants will cease operations or reduce their ocean water intake by 93 percent. In NRG’s Application For Certification (AFC) to build the MGS replacement Puente Power Plant, NRG states the MGS would be decommissioned, but not demolished, by the SWRCB compliance deadline.

#### **G. Local Capacity Requirements and Request for Offer**

In 2013, SCE issued a Local Capacity Requirements Request for Offers (LCR RFO) for the Big Creek/Moorpark Sub-Area to procure between 215 and 290 MW of electrical capacity in the Moorpark Sub-Area of the Big Creek local reliability area to meet long-term local capacity requirements by 2021, anticipating the eventual decommissioning of the OBGS and MGS. In November 2014, NRG was awarded the SCE contract to replace MGS Units 1 and 2 with a new 262 MW natural gas generation at the site of the existing MGS facility. SCE then submitted its NRG contract to the CPUC for approval, which is pending as of the date of this report. NRG applied to the California Energy Commission (CEC) for the AFC permit to build the new 262 MW power plant immediately adjacent to the existing MGS. NRG does not propose to demolish the existing MGS in their AFC application.

As stated above in Section A, the SCE McGrath Peaker Plan was developed so that it could quickly augment the availability of electricity during peak periods. SCE established the vulnerability to the Big Creek/Moorpark subarea (which extends to Goleta in Santa Barbara County) to an outage should any of three lengthy major transmission lines fail due to earthquake, landslides, or wildfires without local sources of power generation provided by the OBGS and the MGS. The City, relying on SCE LCR RFO published information, considers the three power plants as critical public infrastructure that would provide electricity locally for hospitals and emergency services in the event of a local or major grid failure.

#### **H. Oxnard Emergency Two-Year Moratorium**

On July 1, 2014, the Oxnard City Council unanimously adopted Ordinance No. 2882, an interim urgency measure imposing a moratorium on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction,

expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity with a capacity greater than 25 MW on any property located within the Oxnard Coastal Zone. On July 29, 2014, the City Council unanimously adopted Ordinance No. 2884, which extended Ordinance 2882 to June 30, 2016. The proposed rezoning actions are, by necessity of the fixed term of the moratorium, brought forward in advance of the complete comprehensive LCP Update previously described. The City finds that the proposed rezoning and related LCP amendments are within the scope and direction of the comprehensive LCP Update in progress.

## 5) Proposed Actions and Analysis

### Proposed Actions

Staff recommends the four complementary actions below that initiate the City's comprehensive LCP Update by implementing LCP Policy 62 and 2030 General Plan Policy CD-21.2 consistent with the CCC's Sea Level Rise Policy Guidance and the Coastal Act. The proposed Planning Commission actions are recommendations that the City Council to approve and submit the four actions to the CCC for certification.

#### 1. PZ No. 15-410-01, Amendment to LCP Policy 62.

Proposed changes are shown by ~~strikeout~~ and *addition* in italic bold.

62. Although authority for new power plant siting rests with the California Energy Commission and the City has expressed opposition to a new power plant in the City *in the Coastal Zone*, if a new plant is to be sited *at either the Mandalay or* in the Ormond Beach area, the City shall encourage the use of the land ~~immediately adjacent to the existing Ormond Beach station adjacent to Ormond Beach but outside of the Coastal Zone located on the southeast corner of Hueneme Road and Edison Drive~~.

LCP Policy 62, adopted in 1982, indicated that if any new power plant were to be built along the City's coast, the City supported a location "...immediately adjacent to the existing Ormond Beach station." New information clearly demonstrates that such a location is not feasible due to coastal hazards (current and future), that this area is included in the Coastal Conservancy's Ormond Beach Wetlands Restoration Plan Alternative 2U supported by the 2030 General Plan and the State of California, and that the Coastal Act prohibits significant coastal armoring for new development where feasible alternative locations are available. As any new power generation facility would not need (nor could use) ocean water for cooling, Policy 62 should not now be limited to a location near the ocean. The proposed amendment recognizes that the area adjacent to the OBGS remains the favored site of a new power plant, but also recognizes that this location should not be in the Coastal Zone. CEC staff has also recognized this location as a feasible alternative site to the proposed NRG Mandalay project because of this site's proximity to existing SCE transmission lines, a high-pressure natural gas line, and recycled water. The proposed new site is approximately one mile inland from the OBGS and is not within the Coastal Zone. Although the site is within the unincorporated County, it is contiguous to Oxnard city limits and within the Oxnard Sphere of Influence and the Oxnard City Urban Restriction Boundary (CURB/SOAR "line"). Therefore, the property may be annexed without voter approval. The proposed site has an Oxnard 2030 General Plan designation of "Planning Reserve" denoting "...areas considered likely to urbanize during the planning period..." (2030 General Plan, pg. 3-17). Staff considers the Planning Reserve land use designation as allowing a power plant, subject to detailed site plan and environmental review under the purview of the CEC AFC siting process.

## 2. PZ No. 15-580-02, Coastal Zone Text Amendment to City Code Section 17-22.

Proposed changes are shown by ~~strikeout~~ and *addition* in italic bold.

### SEC. 17-22. RC, COASTAL RECREATION, SUB-ZONE.

#### (A) Purpose -

- (1) The purpose of the RC sub-zone is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential. Such uses should offer recreational activities which complement and are appropriate to the area because of their natural resources and beauty. This sub-zone is designed to implement the recreational policies of the Oxnard coastal land use plan, as outlined in Chapter 3.7.1.
- (2) Nothing in this section shall restrict public and private access to the recreational opportunities provided within the coastal zone of the city. (~~64 Code, Sec. 37-2.13.1~~)
- (3) In particular, public coastal and recreation within North Shore at Mandalay Bay shall be consistent with LCP Land Use Plan Policy No. 82.1.
- (4) *Nothing in this section shall restrict the continued operation of the SCE McGrath Peaker Plant consistent with the 2011 SCE-City of Oxnard Settlement Agreement.*
- (5) *New uses shall be conditioned to allow for naturally occurring permanent shoreline changes due to sea level rise and/or the restoration of the Ormond Beach wetlands.*

#### (B) Permitted uses - The following uses which are coastal dependent, open space, and nonstructural in nature are permitted in the RC sub-zone:

- (1) Unimproved outdoor public and private passive recreational uses, e.g., parks and playgrounds;
- (2) Unimproved riding, hiking, biking, and walking trails;
- (3) Unlighted sand volleyball courts;
- (4) Portable lifeguard stations of a seasonal nature;
- (5) Temporary wind fences for seasonal beach sand stabilization not to exceed 36 inches in height, which will not interfere with lateral or vertical public access and related permitted uses; and
- (6) Unimproved, open air educational and scientific research.

#### (C) Conditionally permitted uses - The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of article V of this chapter.

- (1) Structures and facilities of an accessory nature required to support the recreational uses permitted in this sub-zone, including, but not limited to, parking areas, water and sanitary facilities, boat launching facilities, barbeques and fire rings, bicycle parking facilities, ranger stations, and limited concession facilities;
- (2) Swimming and tennis clubs;
- (3) Public and private day use picnic facilities;
- (4) Public and private camp grounds (nonvehicular);
- (5) Recreational vehicle parks;
- (6) Residential structure for a caretaker to protect human life and property; ~~and~~
- (7) Oil and gas production activities within existing known fields, as identified by the California Division of Oil and Gas. (Policies 37 and 38) (~~64 Code, Sec. 37-2.13.3~~);
- (8) Improved (paved) riding, hiking, biking and walking trails for North Shore at Mandalay Bay;
- (9) *Installation, operation, and maintenance of a solar power generation facility under 10 MW capacity as a primary use;*
- (10) *Subterranean and surface power transmission facilities that connect off-shore renewable power facilities to the local and regional power transmission network; and*
- (11) *Energy grid substations, transmission and distribution facilities, and electric power storage facilities.*

#### (D) Applicable provisions - All uses shall be subject to the applicable standards of this chapter, including standards contained in the following sections:



The proposed RC zone text amendments recognize that SCE has significant investment in generation, transmission, and substation facilities at the OBGS and MGS. Within each rezoned area, the proposed RC zone text amendments allow SCE facilities to be modified to produce and/or connect to new sources of renewable energy production, such as small scale solar farms or offshore wind turbine farms. The RC zoning allows a range of commercial recreation uses such as a RV park. New uses at Ormond Beach would be conditioned to be compatible with an adopted Ormond Beach Wetlands Restoration Plan and/or project.

**3. PZ No. 15-570-06, Mandalay/McGrath rezoning from EC to RC (Attachment B)**

The proposed action changes the zoning of six assessor parcels located at 251 and 383 North Harbor Boulevard from Energy Coastal (EC) to Coastal Recreation (RC), and changes the zoning of one assessor parcel with an existing conservation easement from EC to Resource Protection (RP). SCE owns four parcels totaling 47.1 acres with the McGrath Peaker Plant, substation, and transmission facilities. SCE also owns the 10.5-acre conservation parcel. NRG California South LP owns two parcels: 36.5 acres with the three-unit MGS and support facilities and an 8.6-acre portion of the Edison Canal east of Harbor Blvd to city limits. Ventura County owns a 2.2-acre parcel leased to an offshore oil pipeline maintenance facility.

After rezoning the SCE-owned and operated McGrath Peaker Plan facility from EC to RC, operations would continue under the 2011 SCE-City of Oxnard Settlement Agreement. The SCE substation and transmission facilities would remain as conditionally allowed uses as currently listed in the EC zone.

After rezoning the 10.5 acre SCE conservation parcel from EC to RP, the site could be remediated with limited public access, possibly along the southside of the SCE canal as part of a reuse of the SCE canal into a recreation amenity.

After rezoning the MGS area from EC to RP, the MGS would continue to operate as a legal nonconforming use, presumably, until the OTC compliance deadline of December 31, 2020. If the MGS were to comply with OTC requirements and operate past December 31, 2020, the MGS will continue to be a legal nonconforming use and may not be allowed to expand operations under City Code. If the proposed Puente Power Plant were approved and developed, it would operate as a legal nonconforming use under City Code. NRG, or a subsequent owner, could seek development of solar power generation, energy storage (i.e. "battery") facility, and/or offshore energy transmission facilities. Alternatively, the RC-zoned areas could redevelop as commercial RV parks and/or other allowed RC uses.

After rezoning the 2.2-acre oil pipeline maintenance facility on the County lease area from EC to RC, the facility would continue to operate as a conditionally allowed use in the same manner as under the EC zone designation.

**4. PZ No. 15-570-06, Ormond Beach GS rezoning from EC to RC (Attachment C)**

The proposed action changes the zoning of four complete and two partial parcels located at 6635 Edison Drive from Energy Coastal (EC) to Coastal Recreation (RC) and Resource Protection (RP). NRG California South LP owns a 37-acre parcel with the OBGS and its support facilities.

SCE owns a 12.6-acre parcel with transmission and substation facilities. The Coastal Conservancy owns a 4.8-acre parcel with an unused former oil tank, a 12.5-acre vacant parcel, and a 69.2 and 42.8-acre vacant parcels that are partially zoned EC.

After rezoning the SCE parcel from EC to RC, the SCE substation and transmission facilities would remain as conditionally allowed uses as currently listed in the EC zone.

After rezoning the OBGS from EC to RC, the OBGS would continue to operate as a legal nonconforming use, presumably, until the OTC compliance deadline of December 31, 2020. If the OBGS were to comply with OTC requirements and operate past December 31, 2020, the OBGS would continue to be a legal nonconforming use and may not be allowed to expand operations under City Code. NRG, or a subsequent owner, could seek development of solar power generation, energy storage (i.e. "batter") facility, and/or offshore energy transmission facilities. Alternatively, the RC-zoned areas could redevelop as commercial RV parks and/or other allowed RC uses.

After the Coastal Conservancy parcels are rezoned from EC to RP, the Coastal Conservancy would manage the site while it seeks funding and additional property acquisitions for the Ormond Beach wetlands restoration.

## **6) 2030 General Plan and LCP Consistency**

### Consistency with the 2030 General Plan

In Oxnard LCP is a companion and complementary regulatory document to the 2030 General Plan. The LCP sets goals, policies, and implementing regulations for a subset of General Plan Elements required by the Coastal Act and relevant to Oxnard's unique coastal zone: agriculture; habitat areas; diking, dredging, filling, and shorelines structures; commercial fishing; visual resources; coastal hazards; utilities; land use and development; industry and energy production; coastal access and recreation; public access and recreation; visitor serving uses; and public land acquisition. If a topic is not within the LCP and/or Oxnard City Code Chapter 17 (implementing LCP zoning), the 2030 General Plan and Oxnard City Code Chapter 16 applies. Where a topic is in both the LCP and/or Chapter 17 and the 2030 General Plan and/or Chapter 16, the LCP and/or Chapter 17 supersede the 2030 General Plan and/or Chapter 16. LCP Policy 2 states, "If there are any conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail."

The 2030 General Plan land use designation for the subject site is Public Utility/Energy Facility which "Applies to large electrical generating and transmission facilities." Approval of the four proposed actions is determined to be consistent with the 2030 General Plan and the property's land use designation based on the following consistency analysis procedure required by Section 9.2, "Consistency Procedure" (2030 General Plan, pgs 3-16 and 9-2, respectively).

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Project or Program  
(full text of the policy and an explanation).

- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

LEVEL	POLICY	TITLE AND POLICY	EXPLANATION
I	Policy SC-2.1	<b>Sea-Level Rise and Updating the Local Coastal Program</b> Include best-available information regarding possible sea-level rise in the next revision of the Local Coastal Program, which should be initiated within one year of adoption of the 2030 General Plan.	Revised Policy 62 consolidates power generation facilities at a location outside of coastal hazard areas determined by the LCP Update Coastal Hazards with Sea Level Rise analysis. The rezoning to RC prevents future development in the coastal hazard areas.
I	Policy SC-2.3	<b>Sea Level Rise Consideration in Decision-Making</b> Ensure that all planning, public works, and related decisions take rising sea level into consideration and take steps to reduce risk of damage or loss of life and property.	
I	Policy SC-2.4	<b>Avoidance of Coastal Armoring or Hardening</b> Wherever feasible, avoid coastal armoring or hardening in new development or in mitigating current and future risk to existing development.	
I	Policy SC-3.10	<b>Alternatives to Power Plant Generation</b> Evaluate the feasibility of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants.	The proposed revision to the RC zone use table allows for renewable energy facilities compatible with the coastal location.
I	Policy CD-5.1	<b>Industrial Clustering</b> Encourage the clustering of industrial uses into areas that have common needs and are compatible in order to maximize their efficiency.	The revision to Policy 62 maintains the current policy in the 1982 LCP to direct energy development away from the Coastal Zone and to consolidate any energy facility immediately adjacent to an existing industrial uses and SCE transmission lines.
I	Policy CD-5.3	<b>Available Services</b> Encourage industrial activities to locate where municipal services are available including adequate storm drainage and water facilities, as well as easy access to multiple modes of transportation.	The revision to Policy 62 maintains the current policy in the 1982 LCP to direct energy development away from the Coastal Zone and to locate industrial development near a recycled water main, high-pressure natural gas line, and a designated truck route.
I	Policy CD-21.2	<b>Modify non-Coastal Dependent Energy Uses</b> When the LCP is being updated, clarify that non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act.	The proposed revision to the RC zone use table allows for renewable energy facilities compatible with the coastal location.

I	Policy CD-21.3	<p><b>Future Use of Coastal Power Plants</b>                  Initiate an update to the Oxnard LCP that has the intent and effect of eventual decommissioning of the SCE Peaker Plant, Mandalay and Ormond Beach power generation facilities by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods. After adoption and Coastal Commission certification of an updated Local Coastal Plan, initiate and implement policy and regulatory actions, and support actions of other relevant agencies that implement the LCP with regard to the future use of the SCE Peaker Plant, Mandalay and Ormond Beach power plants.</p>	<p>The proposed revision to LCP Policy 62 and rezonings of EC to RC are consistent with the direction in CD-21.3 to modify the LCP land use designations to eliminate non-coastal dependent energy uses except renewable energy projects. In addition, this land use change is consistent with the Coastal Commission Sea Level Rise Policy Guidance as appropriate action when a critical public infrastructure land use is incompatible with highest sea level rise scenario coastal hazards during the facility's anticipated lifetime.</p>
I	Policy CD-22.1 and Policy ER-2.1	<p><b>Participation in the Ormond Beach Wetlands Restoration Plan</b>                  Consider the California Coastal Conservancy's Ormond Beach Wetland Restoration Feasibility Study preferred Alternative 2U, "Restore Seasonally Open Wetland Habitats and Ponds (Unconstrained)" when reviewing planning and related entitlement applications, including but not limited, to the South Ormond Beach Specific Plan and in the update to the Oxnard Local Coastal Program (LCP). Include in the LCP update the complete remediation of the Halaco Superfund Site.</p>	<p>The proposed rezoning of all EC-zoned land in Ormond Beach fully supports the implementation of the Ormond Beach Wetlands Restoration Plan Alternative 2U which shows the OBGS and surrounding uses as restored wetlands.</p>
I	Policy ICS-17.1	<p><b>Electric Facilities</b>                  Ensure that electric facilities (such as the Southern California Edison generating facilities located within the City) services and facilities are built in accordance with the California Public Utilities Commission and meet demonstrated need and incorporate feasible solar, wind, and other renewable sources of energy.</p>	<p>The revision to Policy 62 demonstrates the City's support for energy generation facilities that meet or exceed Local Capacity Requirements, and the RC zone text amendments allow for renewable generation and connection to off-shore renewable power projects.</p>
I	Policy ICS-17.3	<p><b>Promoting Renewable Energy Production</b>                  Encourage the use of renewable solar, wind, and other electric generation technologies instead of new or expansion of fossil fuel-based generation facilities.</p>	<p>The RC zone text amendments allow for renewable generation and connection to off-shore renewable power projects.</p>
I	Policy ER-2.3	<p><b>Promote Areas for Open Space</b>                  Reserve, preserve, and promote areas particularly suited for open space/recreational uses. Appropriate public access to these resources shall be preserved, enhanced, restored, and properly controlled.</p>	<p>The proposed rezoning provides commercial recreation development opportunities with existing street access and utilities.</p>
I	Policy SH-3.1	<p><b>SH-3.1 Location of New Development</b>                  Encourage new development to avoid areas with high geologic, tsunami, flood, beach erosion, and fire or airport hazard potential.</p>	<p>The revision to Policy 62 maintains the current policy in the 1982 LCP to direct energy development away from the Coastal Zone and therefore would avoid these coastal hazards.</p>

Level II Policies			
II	Policy CD-8.1	<b>Limiting Development</b> Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	<p>Discussion on following page for this group of Level II policies.</p> <p>The proposed four actions indicate the City's determination that any possible future large power plant facility development should be located in an area that is not subject to severe coastal hazards that take into account high scenarios of sea level rise during the expected operational life of the facilities.</p> <p>If a new power plant were proposed for the consolidation location, permit and environmental review would be under the jurisdiction of the CEC. The CEC would request a range of information from the City regarding emergency access, habitat and land use compatibility, viewshed impacts. Air quality impacts would be reviewed by the Ventura County Air Pollution Control District. These Level II 2030 General Plan policies, then, are not directly addressed by the City in a permitting capacity, but indirectly implemented in an advisory role to other agencies over which the City has no jurisdiction.</p> <p>The proposed rezonings to RC provides an opportunity to develop active recreation and/or renewable energy facilities compatible with sensitive surrounding habitat and consistent with LCP policies and uniformly applied development standards.</p>
II	Policy CD-8.2	<b>Services</b> Continue to ensure that public services and facilities are in place at the time of need or prior to the time new development occurs in order to avoid overloading existing urban service systems.	
II	Policy CD-18.5	<b>Land Availability Information</b> Provide land availability information to prospective businesses through the development and maintenance of an Internet based database system available to the public.	
II	Policy ICS-11.13	<b>Water Neutral Policy and Urban Water Management Plans</b> Incorporate the City's Water Neutral Policy regarding new development into the 2010 Urban Water Management Plan and development appropriate ordinances, policies, and/or programs to fully implement the policy wherein new large development brings new water supply to the City equal to or exceeding the project's estimated water demand.	
II	Policy ICS-20.10	<b>Adequate Emergency Access and Routes</b> Require that new development provide adequate access for emergency vehicles, particularly firefighting equipment, and evacuation routes, as appropriate.	
II	Policy ER-2.2	<b>Designation and Protection of Sensitive Habitat Areas</b> Evaluate existing and potential sensitive habitat areas (Environmentally Sensitive Habitat Area in the Coastal Zone – ESHA) as resource protection or open space land uses, including but not limited to: 1) Ormond Beach wetlands and upland areas, 2) Santa Clara River estuary and riverbed, 3) Edison Canal and harbor-related habitat areas, and 4) various dune habitat areas.	
II	Policy ER-4.5	<b>Planning in Sensitive Areas</b> Require careful planning of new development in or near areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat.	
II	Policy ER-6.1	<b>Incorporate Views in New Development</b> Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not significantly impede or disrupt them and ensure that important vistas and view	

		corridors are enhanced. Require development to provide physical breaks to allow views into these vistas and view corridors.
II	<b>Policy ER-6.2</b>	<b><i>Protect and Enhance Major Scenic Resources</i></b> Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.
II	<b>Policy ER-6.4</b>	<b><i>Siting of Transmission Lines</i></b> Work with utility companies to avoid transmission lines interfering with scenic views.
II	<b>Policy ER-8.1</b>	<b><i>Protect Shoreline</i></b> Protect the shoreline and views to and along the Pacific Ocean, recognizing their value as natural and recreational resources.
II	<b>Policy ER-14.10</b>	<b><i>Consultation with Ventura County Air Pollution Control District</i></b> Consult with the Ventura County Air Pollution Control District (VCAPCD) during CEQA review for projects that require air quality impact analysis and ensure that the VCAPCD is on the distribution list for all CEQA documents.
II	<b>Policy SH-6.5</b>	<b><i>Land Use Compatibility with Noise</i></b> Encourage non-noise sensitive land uses to locate in areas that are permanently committed to noise producing land uses, such as transportation corridors and industrial zones.
II	<b>Policy SH-7.4</b>	<b><i>Limiting High Risk Land Uses</i></b> Actively oppose uses being considered by other agencies that pose an unacceptably high risk to the health, safety, and welfare of the residents, workers, visitors, and the natural environment.
II	<b>Policy MC-3.2</b>	<b><i>Vertical Obstructions</i></b> Ensure all new development within the City is developed in accordance with Federal Aviation Regulations (FAR) Part 77 that is generally concerned with any construction or alteration more than 200 feet above ground level.
<b>Level III Policies</b>		
III	<b>All Others</b>	All other policies are considered consistent with the proposed project.

Consistency with Oxnard LCP and Coastal Act Policies

The following is a consistency analysis of the four proposed actions with the 1982 Oxnard LCP and the Coastal Act. This analysis adheres to the organization of the City’s LCP, which sets forth California Coastal Act and LCP policies by issue area (Agriculture; Habitat Areas; Diking, Dredging, Filling and Shoreline Structures; Commercial Fishing, Sport Fishing and Recreational Boating; Visual Resources; Hazards; Service Inventories; Development; Industrial and Energy Development; Coastal Access and Recreation; Visitor-Serving Commercial Facilities; and Affordable Housing). For each topic or issue area, the analysis of Coastal Act policies is followed by an analysis of related City LCP policies.

Following the order in which they are presented in the LCP, Coastal Act Policies and Oxnard LCP Policies applicable to the four proposed actions are presented with a discussion of how the proposed actions are found consistent. Where a Coastal Act and/or LCP policies are not applicable to the consistency analysis, Coastal Act and LCP Policies are noted but not discussed.

COASTAL ACT	LCP POLICY	TEXT	EXPLANATION
	1	If policies of this plan overlap or conflict, the most protective policy of coastal resources shall prevail.	The four actions are an initial action necessary to implement 2030 General Plan policies and bring the LCP and 2030 General Plan into consistency with each other.
	2	If there are any conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail.	
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 maintain healthy populations of all species of marine organism adequate for long-term commercial, recreational, scientific, and educational purposes.	Both the OBGS and MGS must comply with OTC regulations that implement the Clean Water Act and reduce entrainment of marine organisms to acceptable levels. A new power plant would not be permitted to draw ocean water for cooling and would not need to be located near the ocean for that reason.  The LCP Update will include this issue as part of the comprehensive update.
30231		The biological productivity and quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organism and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interferences with surface overflow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian	

		habitats, and minimizing alteration of natural streams.	
30236		Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protection of existing structures in the flood plain is feasible, and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.	
30240		<p>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.</p> <p>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.</p>	The proposed rezoning to RC allows development of recreation and renewable energy facilities with discretionary review. The site plan and project review process will include consideration of impact on sensitive habitat and, through uniformly applied development standards and CEQA-required mitigations. Project components would be moved to avoid impacts.
	6	As part of the Phase III Implementation portion of the LCP process, a resource protection ordinance was created, defining the only uses permitted in areas designated on the land use map with the Resource Protection Zone. [sections a to f omitted]	
	8	Where the sensitive resource area comprises only a part of a parcel or parcels under contiguous ownership, the City may permit an increase in the allowable density of the non-resource areas in return for the preservation of the resource area. Density increases shall only apply for allowable uses as designed to mitigate any adverse impacts on the resource.	
	10	The water quality of the City's coastal waters shall be maintained and, where feasible, restored by the following: [sections a to g omitted]	The State-required decommissioning of the OTC facilities implements this policy.
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	With the phasing out of the two OTC power plants, there will be no



		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 and supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.	existing coastal-dependent uses that require protection. All new uses in the RC zone will be required to adapt to shoreline processes consistent with the adopted Sea Level Rise Policy Guidance that will be fully implemented in the LCP Update.
	13	The construction of shoreline structures such as, but not limited to, retaining walls, groins, revetments and breakwaters shall not be permitted except where absolutely necessary to protect public safety, or to preserve existing public beaches, marinas or structures. All permitted structures shall be designed to minimize adverse impacts, including those on both lateral and vertical access. Bulkheads shall be permitted in areas dredged as inland canals.	
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 coastal area, to minimize the alternation of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly 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, shall be subordinate to the character of its setting.	With rezoning to RC, no large structures will impact coastal scenic resources compared to the no-action option where the OBGS and MGS remain with EC zoning that allows the development of power plants with monolithic structures and exhaust stacks of up to 200 feet in height.
	37	All new development in the coastal zone shall be designed to minimize impacts on the visual resources of the area. Particular care should be taken in areas of special quality, such as those identified in the LCP.	
	38	Height restrictions as defined by the City Zoning Ordinance shall be used to avoid blocking views.	
30253		New development shall: 1) Minimize risks to life and property in areas of high geologic, flood and fire hazard. 2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the	The proposed actions have the effect of preventing new critical power-generation public infrastructure in an area mapped for existing and expected

		site or surrounding area in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs.	significant coastal hazards that increase due to sea level rise over the expected operational life of the facility.
	39	All applications for grading and building permits and subdivisions shall be reviewed for threats from hazards such as seismic activity, liquefaction, tsunami run-up, seiche, beach erosion, flood, storm wave run-up, and expansive soils. Geologic reports may be required in known hazard areas. Appropriate mitigation measures shall be applied to minimize threat from any hazards.	If the rezoning to RC is not taken, new power plants at either the OBGS or MGS would be impacted within their operating life (30 years) by a single storm, tsunami, or series of coastal storms that erode the beach (and, at the MGS, a sand dune) that are the plants' only protection. By not rezoning the OBGS and MGS to RC, this policy cannot be satisfied as either or both plants would require emergency protective devices that would substantially alter the natural erosion of the beach and Mandalay dune.
	40	<p>a. If new development is located within the 100-year flood and storm wave run-up area as designated by the Department of Housing and Urban Development and on the land use map, it shall be designed and engineered to withstand the effects of the flooding and wave run-up without the use of seaways or other protective structures. Particular care shall be given in protecting the necessary gas, electrical, sewer and water connections from breaking in the event of heavy wave run-up. Any person developing property within the 100-year flood line shall agree to indemnify and hold the City harmless from any liability or damages resulting from the construction of his development.</p> <p>b. Any development located on the beach shall be designed to assure lateral beach access.</p> <p>c. Corrective measures to protect and restore the Oxnard Shores Beach may be needed. Specific measures shall be investigated in Phase III.</p>	
30260		<p>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; however, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if:</p> <ol style="list-style-type: none"> <li>1. Alternative locations are infeasible or more environmentally damaging;</li> <li>2. To do otherwise would adversely affect the public welfare; and</li> <li>3. Adverse environmental effects are mitigated to the maximum extent feasible</li> </ol>	The proposed actions are consistent as any new power plant proposed at either OBGS or MGS would not be coastal dependent.

30264	52	Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Sections 25516.1 than available alternatives sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.	The adopted Coastal Commission Sea Level Rise Policy Guidance includes the sea level rise adaptation strategy "Update land use designations and zoning ordinances." The strategy discussion further states "For example, areas that are particularly vulnerable to sea level rise impacts can be designated as hazard zones and specific regulations can be used to limit new development and/or encourage removal of existing development in such zones."
	54	All new industrial and energy-related development shall be located and designed to minimize adverse effects upon public access to the beach. Where appropriate, an access dedication shall be a condition of approval.	If the proposed rezoning is not adopted, both the OBGS and MGS could impact public beach access as sea level rise increases and the public trust boundary moves inland.
	55	Residential and visitor-serving commercial uses shall not be considered compatible with industrial and energy facility zoning as neighboring uses or zoning designations.	The EC-zoned area is adjacent to R-B-1 residential zoning. If the rezoning action at MGS is not adopted, this policy is being violated.
	62	Although authority for new power plant siting rests with the California Energy Commission and the City has expressed opposition to a new power plant in the City, if a new plant is to be sited in the Ormond Beach area, the City shall encourage the use of the land immediately adjacent to the existing Ormond Beach station.	The proposed actions would modify this policy and relocate the new plant site to the nearest area not subject to significant coastal hazards until after 2060.
30211		Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.	If the proposed actions are not taken, the MGS outfall will eventually interfere with public beach access to the first line of vegetation.
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.	Both the OBGS and MGS sites are private ocean-front properties suitable for carefully designed commercial recreation that would be designed to adapt to sea level rise, be resilient to coastal hazards, and could be removed should a

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 agriculture or coastal-dependent industry.	wetland or dune restoration be initiated, respectively.
30213		Lower cost visitor and recreational facilities... shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred.	The proposed actions create opportunities for lower cost commercial recreation facilities such as a RV park. As there are no other feasible locations for RV parks in Oxnard, the OBGS and MGS provide feasible alternatives.
30250		(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.	
	91	The LCP represents the commitment of the City of Oxnard to provide continuous protection and enhancement of coastal resources. Certain areas of the coastal zone may be required further public action to ensure their protection and enhancement. The City will work with the California Coastal Conservancy to meet these needs.	The proposed actions complement the Conservancy's Ormond Beach Wetlands Restoration Plan by rezoning the OBGS to RC and including RC text amendments to ensure eventual inclusion of the OBGS area into a wetlands restoration.
<b>Coastal Act or LCP Policies Not Applicable the Proposed Actions</b>			
30241 30242 30243	3,4,5	Agriculture within the Coastal Zone	These Coastal Act and LCP Policies are not applicable to the proposed actions. As they do not conflict with the proposed actions, they are found consistent.
	7	Public Acquisition of Resource Protection areas	
	9	Wetlands definition	
30233		Diking, Dredging, Filling, and Shoreline Structures	
30236	11, 12	Channelization and Dams	
30224, 30234	14-36	Commercial Fishing, sport fishing, and recreational boating – Channel Islands Harbor	
30254	41-44	Public Works and provision of utilities	
30250 to 30253	45-49.1	New residential and commercial development	
30261 30262 30263	50, 51, 53, 56, 57, 58, 59, 60, 61, 63-66	Industrial and Energy Development	

30210 30212 30220 30223	67-82	Coastal Access and Recreation	
	83-85	Visitor Serving Commercial Facilities	
30213	86-90	Affordable Housing	
	92	Transferable Development Rights program	

**7) Findings**

Based on the entire record presented, the following findings are made:

1. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the Coastal Land Use Program.
2. The proposed amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
3. The proposed amendment maintains or enhances the coastal resources as identified and protected in the Coastal Land Use Program.
4. The proposed amendment is appropriate in light of the established need for the requested amendment at the time and location anticipated by said amendment.
5. The proposed amendment was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.
6. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare.
7. The proposed amendment maintains or enhances the provisions for public access within the Coastal Zone.
8. That the City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the four proposed actions.
9. That the proposed actions implement LCP Policy 62, as amended, by requiring the consolidation of coastal energy production capacity at the nearest feasible location near the OBGS not subject to significant coastal hazards with expected sea level rise, and that the nearest suitable locations are inland along the SCE Mandalay-Moorpark transmission line.
10. That one proposed locations of consolidated coastal energy production at the southeast corner of Hueneme Road and Edison Drive is consistent with the 2030 General Plan, has adequate utility and emergency services, and is a compatible land use with existing uses.

11. That the proposed actions implement the 2030 General Plan and are consistent with the 2030 General Plan.
12. That the proposed actions are consistent with the Coastal Commission Sea Level Rise Policy Guidance.
13. That the proposed actions are exempt from CEQA.

## **8) Environmental Review**

The four proposed actions are the initial first Oxnard LCP Update action necessitated by the pending NRG application with the CEC for the Puente Power Plant. Public Resource Code Section 21080.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments...related to local coastal programs. The CEC has sole jurisdiction over the siting permit and environmental review for a power generation plant over 50 MW.

## **9) Community and Legal Notice**

Planning Division Policy 2.4 requires all proposed discretionary development applications located in or adjacent to established City-identified neighborhoods first be presented to the public at a monthly Planning Division-sponsored workshop. Neither the OBGS nor MGS are located in or adjacent to neighborhoods: therefore the policy does not apply.

State, Coastal Zone, and City legal noticing requirements were met with the mailing of a hearing notice to the property owners of record, property owners within 300 feet of the outer edge of the two EC-zoned areas. There are no residential rental units within 100 feet of either EC-zoned area.

Five hearing notice signs were placed within public right-of-ways at the following locations:

- OBGS: Edison Drive and Hueneme Road
- OBGS: Edison Drive at the OBGS entrance
- MGS: Entrance at 393 Harbor Boulevard
- SCE: Peaker Plant entrance at 252 Harbor Boulevard
- SCE: East side of Harbor Blvd south of the Edison Canal

## **10) Appeal Procedure**

The Planning Commission's action is a recommendation and the matter will be considered by the City Council, tentatively scheduled for December 8, 2015, but subject to change.

## **11) Coastal Commission Certification**

If the proposed actions are subsequently approved by the Oxnard City Council, the actions do not take effect until and unless certified by the Coastal Commission. The City Council's final actions are required to be submitted to the Coastal Commission within 14 days of final

approval. The Coastal Commission would then prepare its own analysis of the proposed actions and proceed under its administrative procedures to provide public notice for Coastal Commission hearings at a future date.

**Attachments:**

- A. Vicinity Map
- B. Mandalay Generating Station Proposed Rezone from EC to RC and RP
- C. Ormond Beach Generating Station Proposed Rezone from EC to RC and RP
- D. Resolution PZ No. 15-410-01, Amendment to LCP Policy 62.
- E. Ordinance PZ No. 15-580-02, RC Text Amendment to Section 17-22.
- F. Ordinance PZ No. 15-570-06, Mandalay and McGrath Zone Change to RC and RP
- G. Ordinance PZ No. 15-570-07, Ormond Beach Zone Change to RC and RP

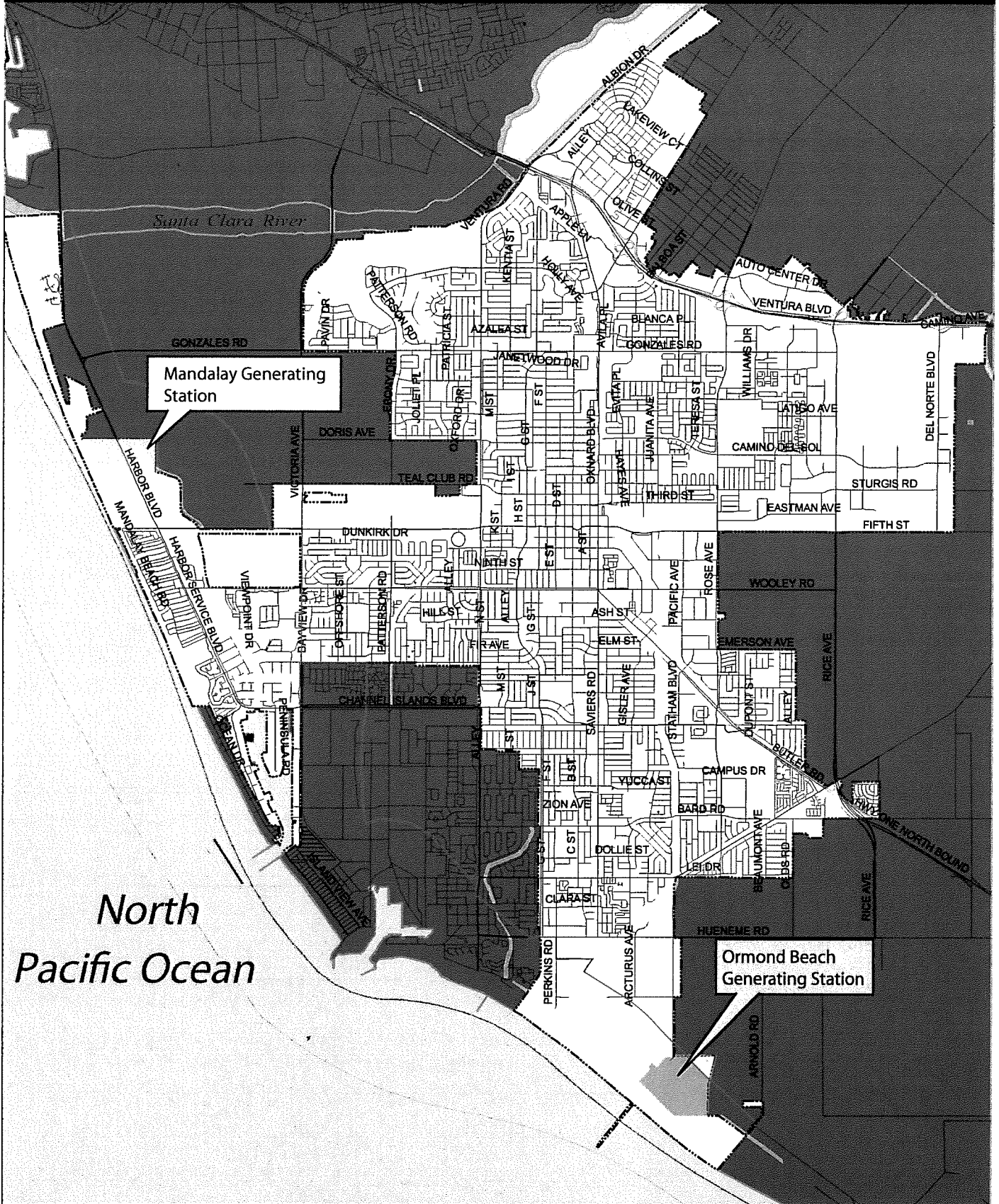
Prepared by: _____ CW
Approved by: _____ AG

ATTACHMENT A

VICINITY MAP



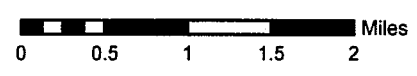
# Vicinity Map



North  
Pacific Ocean

Ormond Beach  
Generating Station

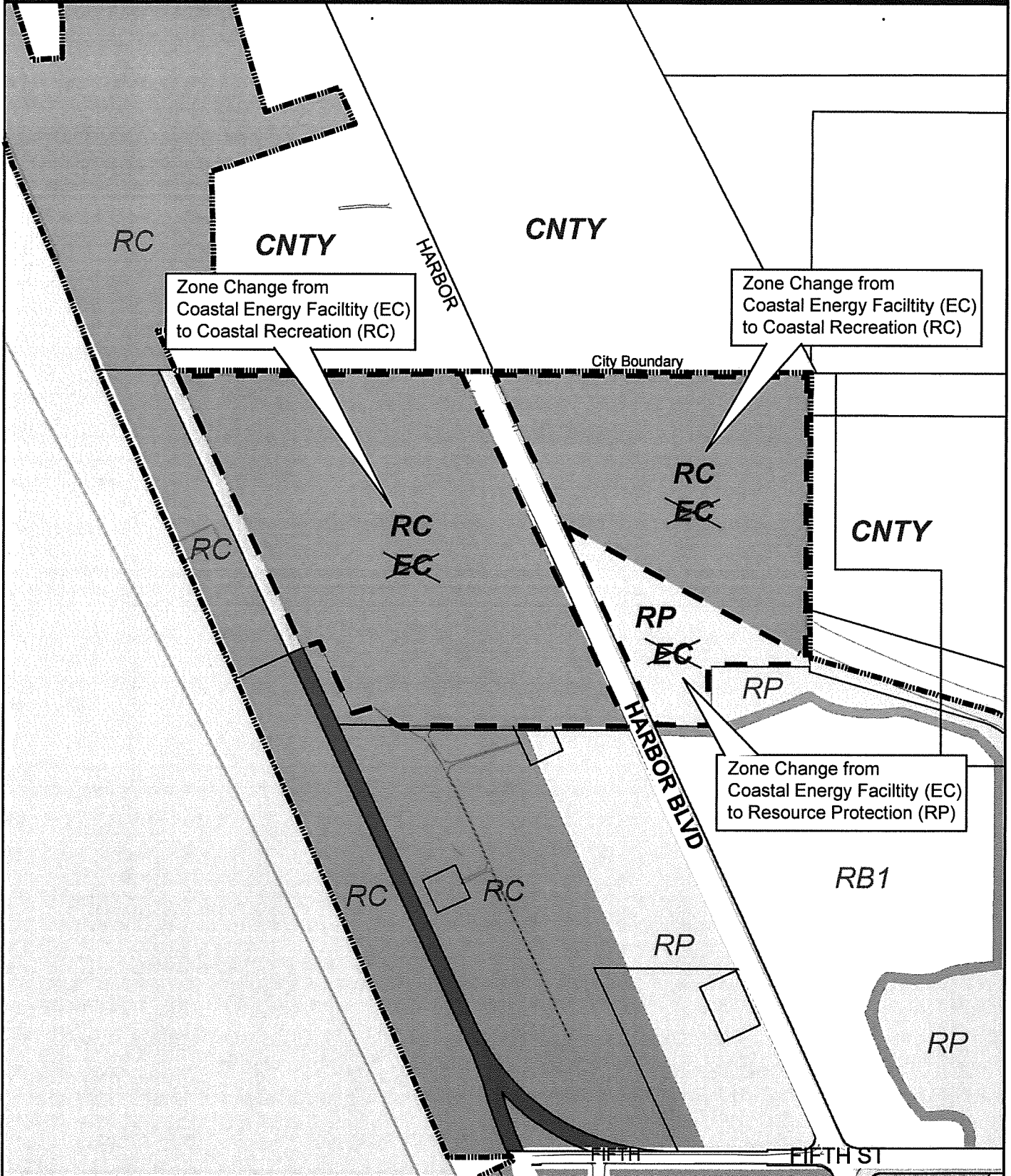
Mandalay Generating  
Station



ATTACHMENT B

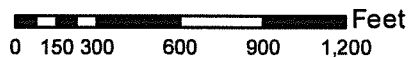
Mandalay Generating Station Rezoning

# Mandalay Generating Station Proposed Re-Zone



Oxnard Planning  
October 6, 2015

**Attachment B**  
PZ 15-410-01, 15,580-02, 15,570-06, 15-570-07



**Mandalay Generating Station  
Proposed Re-Zone**

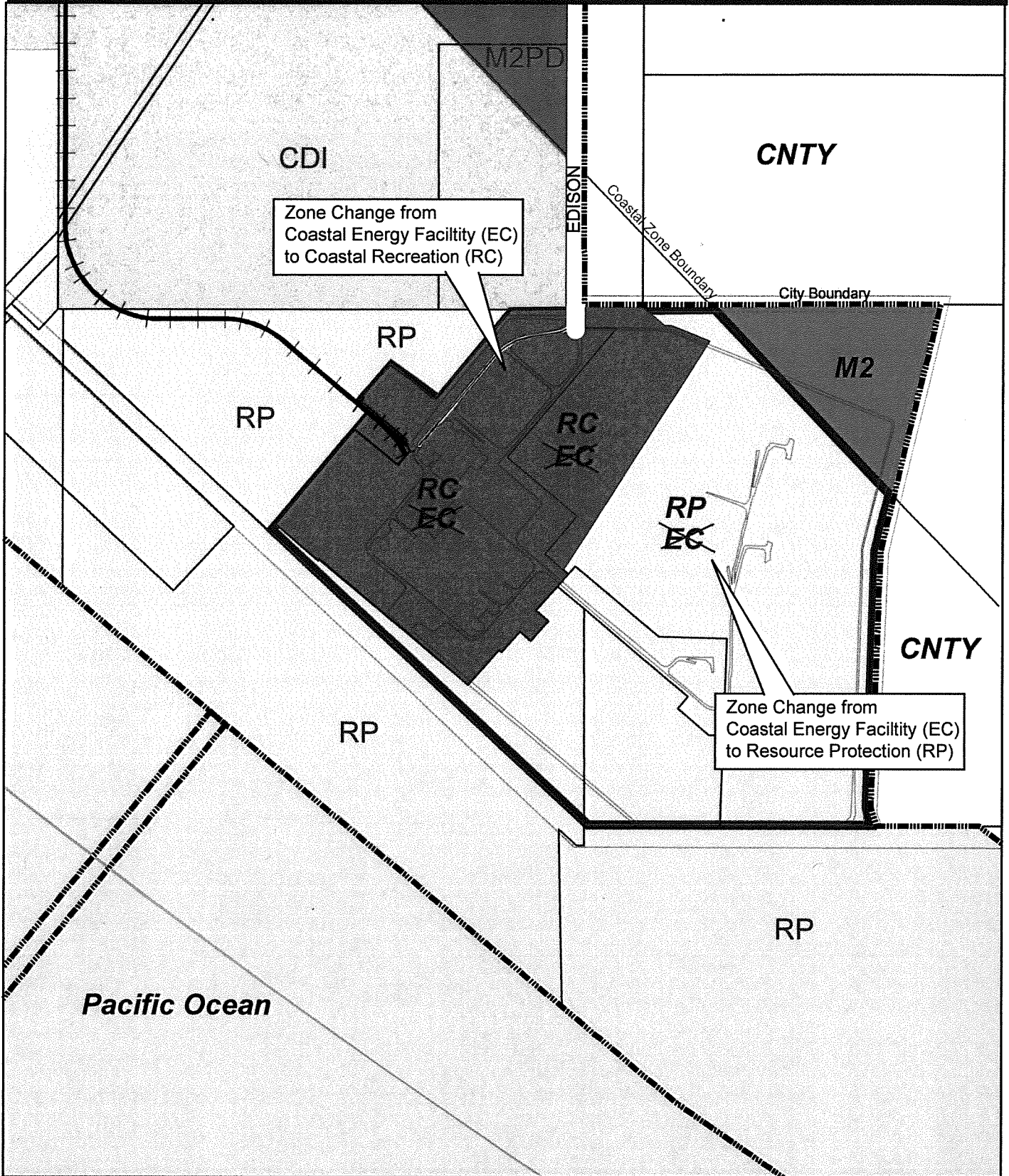


1:8,000

ATTACHMENT C

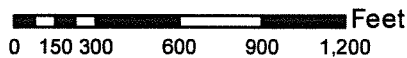
Ormond Beach Generating Station Rezoning

# Ormond Beach Generating Station Proposed Re-Zone



Oxnard Planning  
October 6, 2015

**Attachment C**  
PZ 15-410-01, 15,580-02, 15,570-06, 15-570-07



**Ormond Beach  
Generating Station  
Proposed Re-Zone**



1:8,000

# ATTACHMENT D

Resolution PZ No. 15-410-01, Amendment to LCP Policy 62

ATTACHMENT D

RESOLUTION NO. [PZ 15-410-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OXNARD ADOPT A RESOLUTION APPROVING PLANNING AND ZONING PERMIT NO. 15-410-01 (COASTAL LAND USE PLAN AMENDMENT) MAKING A TEXT AMENDMENT TO POLICY 62. FILED BY ASHLEY GOLDEN, DEVELOPMENT SERVICES DEPARTMENT, CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered a proposed amendment to Policy 62 of the Local Coastal Land Use Plan (LCP) relating to the possible siting of a new electric-generation power plant in the Ormond Beach area; and

WHEREAS, Public Resource Code section 21080.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments related to local coastal programs, and that the California Energy Commission has sole jurisdiction over the siting permit and environmental review for a power generation plant over 50 MW; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, pursuant to Section 13551(b) of title 14 of the California Code of Regulations, the City intends to adopt the proposed amendment to its LCP after it has been approved by the California Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds pursuant to Section 17-57 (C)(8)(c) of the Oxnard City Code that:

1. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.
2. The proposed amendment was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.
3. The proposed amendment, in addition to the three other proposed actions, will maintain and enhance coastal resources as identified and protected in the originally certified Coastal Land Use Plan.

4. The proposed amendment is appropriate in light of an established need for the requested amendment at the time and location anticipated by the amendment.
5. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare.
6. The proposed amendment maintains and enhances the provisions for public access within the coastal zone as the proposed change is the zone created for public access.

**SECTION 2.** Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission also finds that:

1. The proposed amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
2. The City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the proposed amendment and three related proposed actions.
3. The proposed amendment, in addition to the three other proposed actions, implements LCP Policy 62, as amended, by requiring the consolidation of coastal energy production capacity at the nearest feasible location near the Ormond Beach Generation Station not subject to significant coastal hazards with expected sea level rise, and that the nearest suitable locations are inland along the Southern California Edison Mandalay-Moorpark high-voltage transmission line.
4. One proposed location for consolidated coastal energy production at the southeast corner of Hueneme Road and Edison Drive is consistent with the 2030 General Plan, has adequate utility and emergency services, and is a compatible land use with existing uses.
5. The proposed amendment, in addition to the three other proposed actions, is consistent with the Coastal Commission Sea Level Rise Policy Guidance.
6. The proposed amendment is exempt from the California Environmental Quality Act per Public Resource Code Section 21080.9.

**SECTION 3.** The Planning Commission of the City of Oxnard hereby recommends that the City Council of the City of Oxnard approve Planning and Zoning Permit No. 15-410-01 (Coastal Land Use Plan Amendment), to amend the Coastal Land Use Plan as shown below (proposed changes are shown by ~~strikeout~~ and **addition** in italic bold):



62. Although authority for new power plant siting rests with the California Energy Commission and the City has expressed opposition to a new power plant in the City *in the Coastal Zone*, if a new plant is to be sited *at either the Mandalay or in the Ormond Beach area*, the City shall encourage the use of the land ~~immediately adjacent to the existing Ormond Beach station~~ *adjacent to Ormond Beach but outside of the Coastal Zone located on the southeast corner of Hueneme Road and Edison Drive.*

SECTION 4. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of November, 2015.

---

Diedre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 19th day of November, 2015, and carried by the following vote:

AYES:           Commissioner(s):

NOES:           Commissioner(s):

ABSENT:        Commissioner(s):

ABSTAIN:       Commissioner(s):

---

Ashley Golden, Secretary

# ATTACHMENT E

Ordinance PZ No. 15-580-02, RC Text Amendment to Section 17-22.

ATTACHMENT E

RESOLUTION NO. [PZ 15-580-02]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OXNARD ADOPT AN ORDINANCE APPROVING PLANNING AND ZONING PERMIT NO. 15-580-02 (ZONE TEXT AMENDMENT) MAKING A TEXT AMENDMENT TO SECTION 17-22 OF THE OXNARD CITY CODE. FILED BY ASHLEY GOLDEN, DEVELOPMENT SERVICES DEPARTMENT, CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered a proposed text amendment to Section 17-22 of the Oxnard City Code conditionally allowing certain energy production and transmission uses within the Coastal Recreation (RC) subzone; and

WHEREAS, Public Resource Code section 21080.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments related to local coastal programs; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, pursuant to Section 13551(b) of title 14 of the California Code of Regulations, the City intends to adopt the proposed Ordinance after it has been approved by the California Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds pursuant to Section 17-57 (C)(8)(c) of the Oxnard City Code that:

1. The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.
2. The proposed zone text amendment was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.
3. The proposed zone text amendment, in addition to the three other proposed actions, will maintain and enhance coastal resources as identified and protected in the originally certified Coastal Land Use Plan.

4. The proposed zone text amendment is appropriate in light of an established need for the requested amendment at the time and location anticipated by the amendment.
5. The proposed zone text amendment will not be detrimental to the public interest, health, safety, convenience or welfare.
6. The proposed zone text amendment maintains and enhances the provisions for public access within the coastal zone as the proposed change is the zone created for public access.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission also finds that:

1. The proposed zone text amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
2. The City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the proposed zone text amendment and three related proposed actions.
3. The proposed zone text amendment, in addition to the three other proposed actions, is consistent with the Coastal Commission Sea Level Rise Policy Guidance.
4. The proposed zone text amendment is exempt from the California Environmental Quality Act per Public Resource Code Section 21080.9.

SECTION 3. The Planning Commission of the City of Oxnard hereby recommends that the City Council approve Planning and Zoning Permit No. 15-580-02 (Zone Text Amendment) to amend Section 17-22 of the Oxnard City Code as shown in Attachment A, attached hereto.

SECTION 4. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of November, 2015.

---

Diedre Frank, Chair

Planning and Zoning Permit No. 15-580-02  
November 19, 2015  
Page 3

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 19th day of November, 2015, and carried by the following vote:

AYES:           Commissioner(s):

NOES:           Commissioner(s):

ABSENT:        Commissioner(s):

ABSTAIN:       Commissioner(s):

---

Ashley Golden, Secretary

## ATTACHMENT A

### ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 15-580-02 (ZONE TEXT AMENDMENT) MAKING A TEXT AMENDMENT TO SECTION 17-22 OF THE OXNARD CITY CODE. FILED BY ASHLEY GOLDEN, DEVELOPMENT SERVICES DEPARTMENT, CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, on November 19, 2015, the Planning Commission approved Resolution No. 2015-XX recommending that the City Council adopt an ordinance approving Planning and Zoning Permit No. 15-580-02 (Zone Text Amendment) to amend Section 17-22 of the Oxnard City Code, filed by the City of Oxnard; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to Planning and Zoning Permit No. 15-580-02 (Zone Text Amendment); and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 15-580-02 (Zone Text Amendment); and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, Public Resource Code Section 21080.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments related to local coastal programs.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council finds pursuant to Section 17-57 (C)(8)(c) of the Oxnard City Code that:

1. The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.
2. The proposed zone text amendment was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.
3. The proposed zone text amendment, in addition to the three other proposed actions, will maintain and enhance coastal resources as identified and protected in the originally certified Coastal Land Use Plan.
4. The proposed zone text amendment is appropriate in light of an established need for the requested amendment at the time and location anticipated by the amendment.
5. The proposed zone text amendment will not be detrimental to the public interest, health, safety, convenience or welfare.
6. The proposed zone text amendment maintains and enhances the provisions for public access within the coastal zone as the proposed change is the zone created for public access.

Part 2. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council also finds that:

1. The proposed zone text amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
2. The City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the proposed zone text amendment and three related proposed actions.
3. The proposed zone text amendment, in addition to the three other proposed actions, is consistent with the Coastal Commission Sea Level Rise Policy Guidance.
4. The proposed zone text amendment is exempt from the California Environmental Quality Act per Public Resource Code Section 21080.9.

Part 3. Section 17-22 of the Oxnard City Code is hereby amended to read as shown herein in that attached Exhibit A.

Planning and Zoning Permit No. 15-580-02  
November 19, 2015  
Page 6

Part 4. Within fifteen days after passage, the City Clerk shall cause this Ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, 2015, and finally adopted on \_\_\_\_\_, 2015, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tim Flynn, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Fischer, Interim City Attorney



## EXHIBIT A

Proposed changes are shown by ~~strikeout~~ and *addition* in italic bold:

### SEC. 17-22. RC, COASTAL RECREATION, SUB-ZONE.

#### (A) Purpose -

- (1) The purpose of the RC sub-zone is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential. Such uses should offer recreational activities which complement and are appropriate to the area because of their natural resources and beauty. This sub-zone is designed to implement the recreational policies of the Oxnard coastal land use plan, as outlined in Chapter 3.7.1.
- (2) Nothing in this section shall restrict public and private access to the recreational opportunities provided within the coastal zone of the city. (64 Code, Sec. 37-2.13.1)
- (3) In particular, public coastal and recreation within North Shore at Mandalay Bay shall be consistent with LCP Land Use Plan Policy No. 82.1.
- (4) *Nothing in this section shall restrict the continued operation of the SCE McGrath Peaker Plant consistent with the 2011 SCE-City of Oxnard Settlement Agreement.*
- (5) *New uses shall be conditioned to allow for naturally occurring permanent shoreline changes due to sea level rise and/or the restoration of the Ormond Beach wetlands.*

#### (B) Permitted uses - The following uses which are coastal dependent, open space, and nonstructural in nature are permitted in the RC sub-zone:

- (1) Unimproved outdoor public and private passive recreational uses, e.g., parks and playgrounds;
- (2) Unimproved riding, hiking, biking, and walking trails;
- (3) Unlighted sand volleyball courts;
- (4) Portable lifeguard stations of a seasonal nature;
- (5) Temporary wind fences for seasonal beach sand stabilization not to exceed 36 inches in height, which will not interfere with lateral or vertical public access and related permitted uses; and
- (6) Unimproved, open air educational and scientific research.

#### (C) Conditionally permitted uses - The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of article V of this chapter.

- (1) Structures and facilities of an accessory nature required to support the recreational uses permitted in this sub-zone, including, but not limited to, parking areas, water and sanitary facilities, boat launching facilities, barbeques and fire rings, bicycle parking facilities, ranger stations, and limited concession facilities;
- (2) Swimming and tennis clubs;

- (3) Public and private day use picnic facilities;
  - (4) Public and private camp grounds (nonvehicular);
  - (5) Recreational vehicle parks;
  - (6) Residential structure for a caretaker to protect human life and property; and
  - (7) Oil and gas production activities within existing known fields, as identified by the California Division of Oil and Gas. (Policies 37 and 38) (~~64 Code, Sec. 37-2.13.3~~);
  - (8) Improved (paved) riding, hiking, biking and walking trails for North Shore at Mandalay Bay;
  - (9) Installation, operation, and maintenance of a solar power generation facility under 10 MW capacity as a primary use;**
  - (10) Subterranean and surface power transmission facilities that connect off-shore renewable power facilities to the local and regional power transmission network; and**
  - (11) Energy grid substations, transmission and distribution facilities, and electric power storage facilities.**
- (D) Applicable provisions - All uses shall be subject to the applicable standards of this chapter, including standards contained in the following sections:
- (1) Section 17-5, General requirements;
  - (2) Article III, Specific Coastal Development and Resource Standards;
  - (3) Article IV, General Coastal Development and Resource Standards; and
  - (4) Article V, Administration.

# ATTACHMENT F

Ordinance PZ No. 15-570-06, Mandalay GS and McGrath Peaker Zone Change

RESOLUTION NO. [PZ 15-570-06]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OXNARD ADOPT AN ORDINANCE APPROVING PLANNING AND ZONING PERMIT NO. 15-570-06 (ZONE CHANGE) REZONING SEVEN PARCELS LOCATED AT 251 AND 393 NORTH HARBOR BOULEVARD FROM ENERGY COASTAL (EC) TO COASTAL RECREATION (RC) AND RESOURCE PROTECTION (RP). FILED BY ASHLEY GOLDEN, DEVELOPMENT SERVICES DEPARTMENT, CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered a proposed zone change of seven parcels generally located at 251 and 393 North Harbor Boulevard (Assessor Parcel Numbers: 183002101, 183002102, 183002103, 183002201, 183002202, 183002203, and 183001058), commonly known as the Mandalay Generating Station and Southern California Edison McGrath Peaker Plant; and

WHEREAS, Public Resource Code section 21080.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments related to local coastal programs; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, pursuant to Section 13551(b) of title 14 of the California Code of Regulations, the City intends to adopt the proposed Ordinance after it has been approved by the California Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds pursuant to Section 17-57 (C)(8)(c) of the Oxnard City Code that:

1. The proposed zone change is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.
2. The proposed zone change was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.

3. The proposed zone change, in addition to the three other proposed actions, will maintain and enhance coastal resources as identified and protected in the originally certified Coastal Land Use Plan.
4. The proposed zone change is appropriate in light of an established need for the requested amendment at the time and location anticipated by the amendment.
5. The proposed zone change will not be detrimental to the public interest, health, safety, convenience or welfare.
6. The proposed zone change maintains and enhances the provisions for public access within the coastal zone as the proposed change is the zone created for public access.

**SECTION 2.** Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission also finds that:

1. The proposed zone change meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
2. The City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the proposed zone change and three related proposed actions.
3. The proposed zone change, in addition to the three other proposed actions, is consistent with the Coastal Commission Sea Level Rise Policy Guidance.
4. The proposed zone change is exempt from the California Environmental Quality Act per Public Resource Code Section 21080.9.

**SECTION 3.** The Planning Commission of the City of Oxnard hereby recommends that the City Council approve Planning and Zoning Permit No. 15-570-06 (Zone Change) as shown in Attachment A, attached hereto and incorporated herein by this reference.

**SECTION 4.** The Secretary shall certify the adoption of this Resolution.

Planning and Zoning Permit No. 15-570-06  
November 19, 2015  
Page 3

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of November, 2015.

---

Diedre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 19th day of November, 2015, and carried by the following vote:

AYES:           Commissioner(s):

NOES:           Commissioner(s):

ABSENT:       Commissioner(s):

ABSTAIN:       Commissioner(s):

---

Ashley Golden, Secretary

EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 15-570-06 (ZONE CHANGE) REZONING SEVEN PARCELS LOCATED AT 251 AND 393 NORTH HARBOR BOULEVARD FROM ENERGY COASTAL (EC) TO COASTAL RECREATION (RC) AND RESOURCE PROTECTION (RP). FILED BY ASHLEY GOLDEN, DEVELOPMENT SERVICES DEPARTMENT, CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the City Council has carefully reviewed the application, staff report, minutes of testimony, and record of proceedings at the Planning Commission public hearing; and

WHEREAS, On November 19, 2015, the Planning Commission approved Resolution No. 2015-XX recommending that the City Council adopt an ordinance approving Planning and Zoning Permit No. 15-570-06 (Zone Change), filed by the City of Oxnard; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to Planning and Zoning Permit No. 15-570-06 (Zone Change); and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 15-570-06 (Zone Change); and

WHEREAS, the Oxnard Local Coastal Plan document contains Maps Nos. 2, 12, and 19 that depict the subzone and land use designations for the subject seven parcels; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, Public Resource Code Section 21089.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments related to local coastal programs.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council finds pursuant to Section 17-57 (C)(8)(c) of the Oxnard City Code that:

1. The proposed zone change is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.
2. The proposed zone change was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.
3. The proposed zone change, in addition to the three other proposed actions, will maintain and enhance coastal resources as identified and protected in the originally certified Coastal Land Use Plan.
4. The proposed zone change is appropriate in light of an established need for the requested amendment at the time and location anticipated by the amendment.
5. The proposed zone change will not be detrimental to the public interest, health, safety, convenience or welfare.
6. The proposed zone change maintains and enhances the provisions for public access within the coastal zone as the proposed change is the zone created for public access.

Part 2. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council also finds that:

1. The proposed zone change meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
2. The City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the proposed zone change and three related proposed actions.
3. The proposed zone change, in addition to the three other proposed actions, is consistent with the Coastal Commission Sea Level Rise Policy Guidance.



4. The proposed zone change is exempt from the California Environmental Quality Act per Public Resource Code Section 21080.9.

Part 3. The zoning governing the properties depicted on "Map 2" and "Map 12" as changed from "EC" to "RC" or "RP" in Exhibits "A" and "B" attached hereto, respectively, and incorporated herein by reference are changed by amending their respective existing zone designation as indicated on Exhibits "A" and Exhibit "B" as of the date this Ordinance takes effect.

Part 4. The land use designations depicted on "Map 19" as changed from the graphic symbol for "Energy Facilities" to "Recreation Area" and "Resource Protection" in Exhibit "C" attached hereto and incorporated herein by reference are changed by amending their respective existing designations as indicated on Exhibit "C" as of the date this Ordinance takes effect.

Part 5. Pursuant to Government Code section 65863.5, the City Clerk shall mail a copy of this Ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this Ordinance.

Part 6. Within fifteen days after passage, the City Clerk shall cause this Ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, 2015, and finally adopted on \_\_\_\_\_, 2015, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

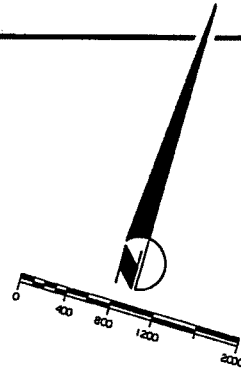
\_\_\_\_\_  
Tim Flynn, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

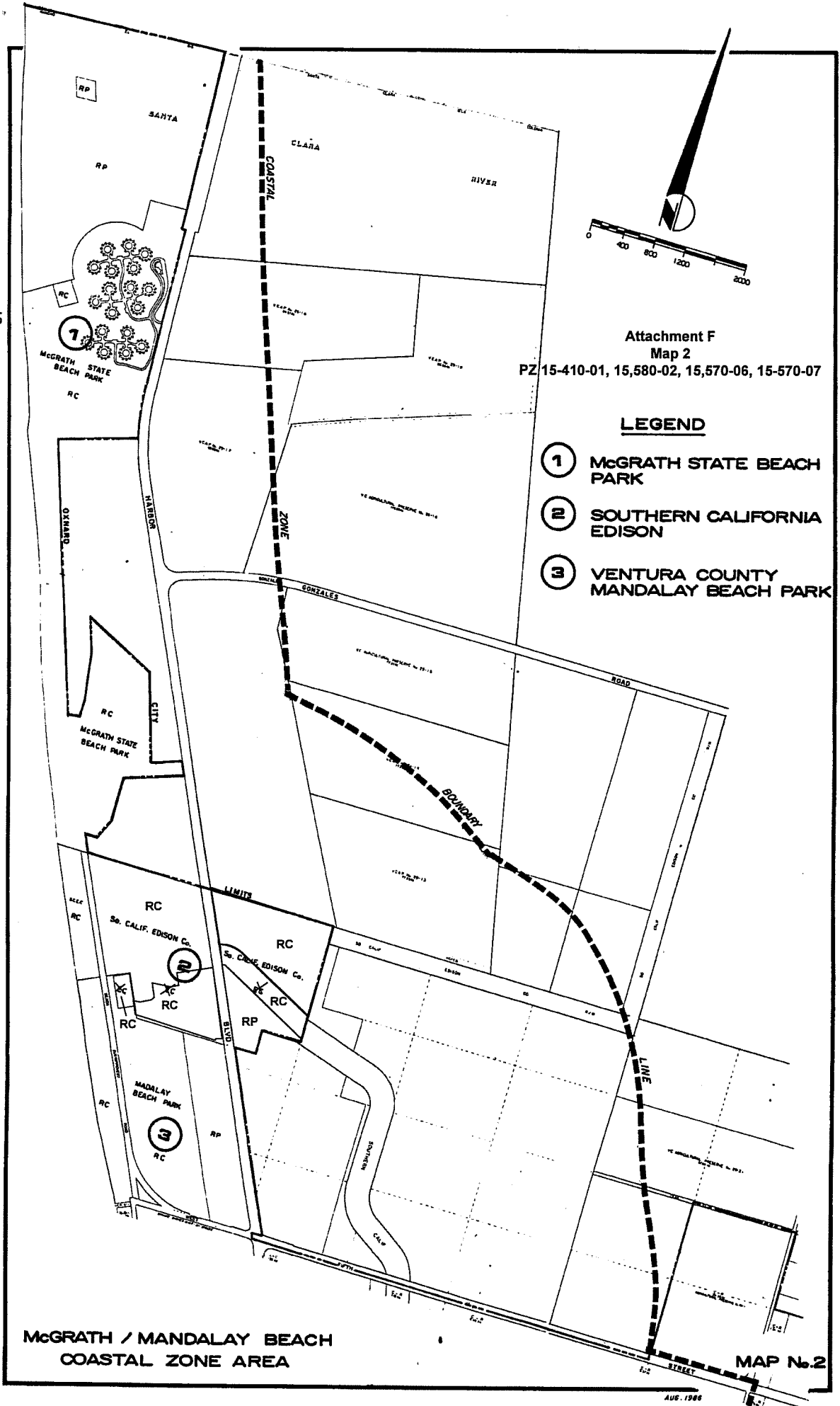
\_\_\_\_\_  
Stephen M. Fischer, Interim City Attorney



Attachment F  
 Map 2  
 PZ 15-410-01, 15,580-02, 15,570-06, 15-570-07

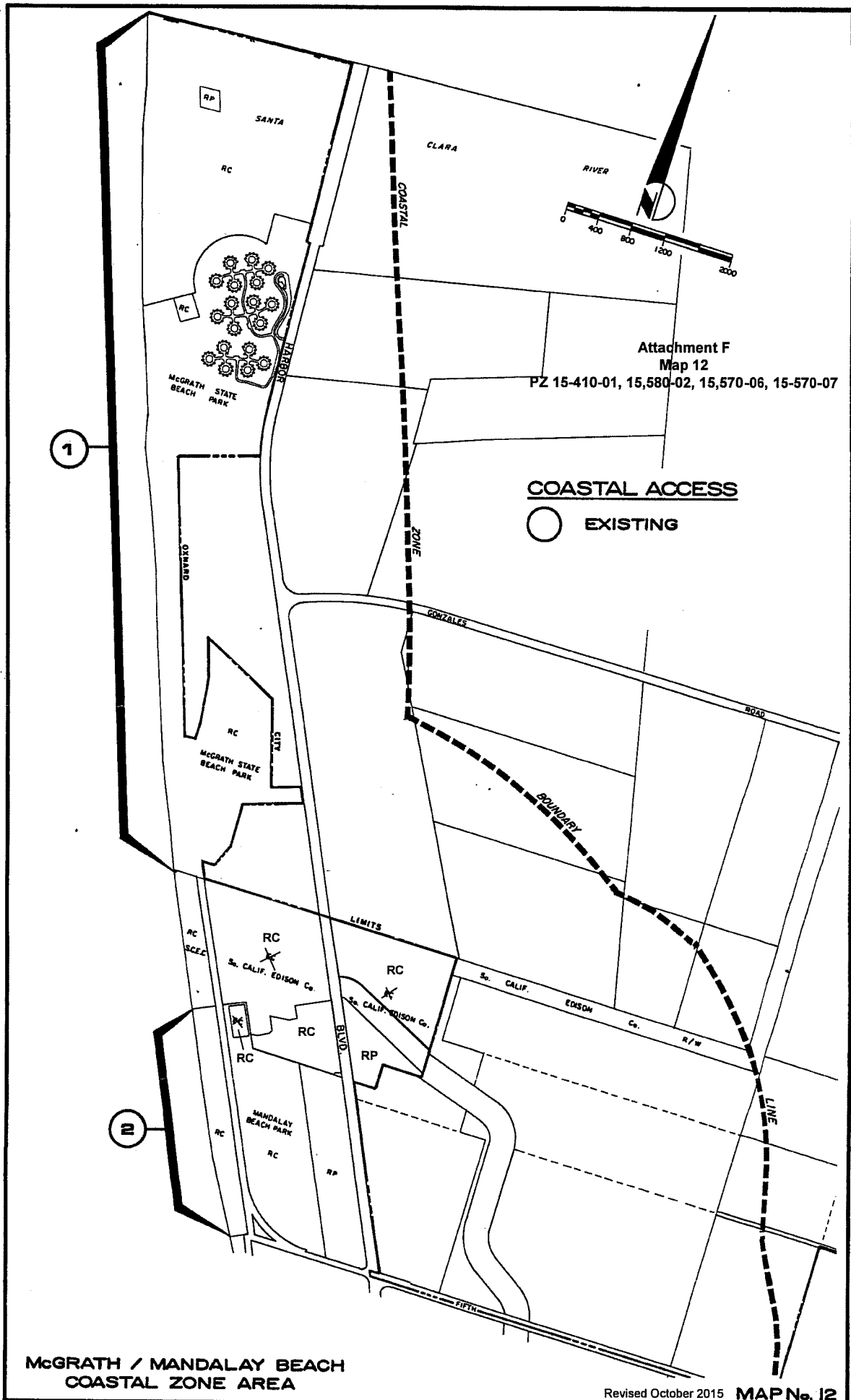
**LEGEND**

- ① McGRATH STATE BEACH PARK
- ② SOUTHERN CALIFORNIA EDISON
- ③ VENTURA COUNTY MANDALAY BEACH PARK



**McGRATH / MANDALAY BEACH  
 COASTAL ZONE AREA**

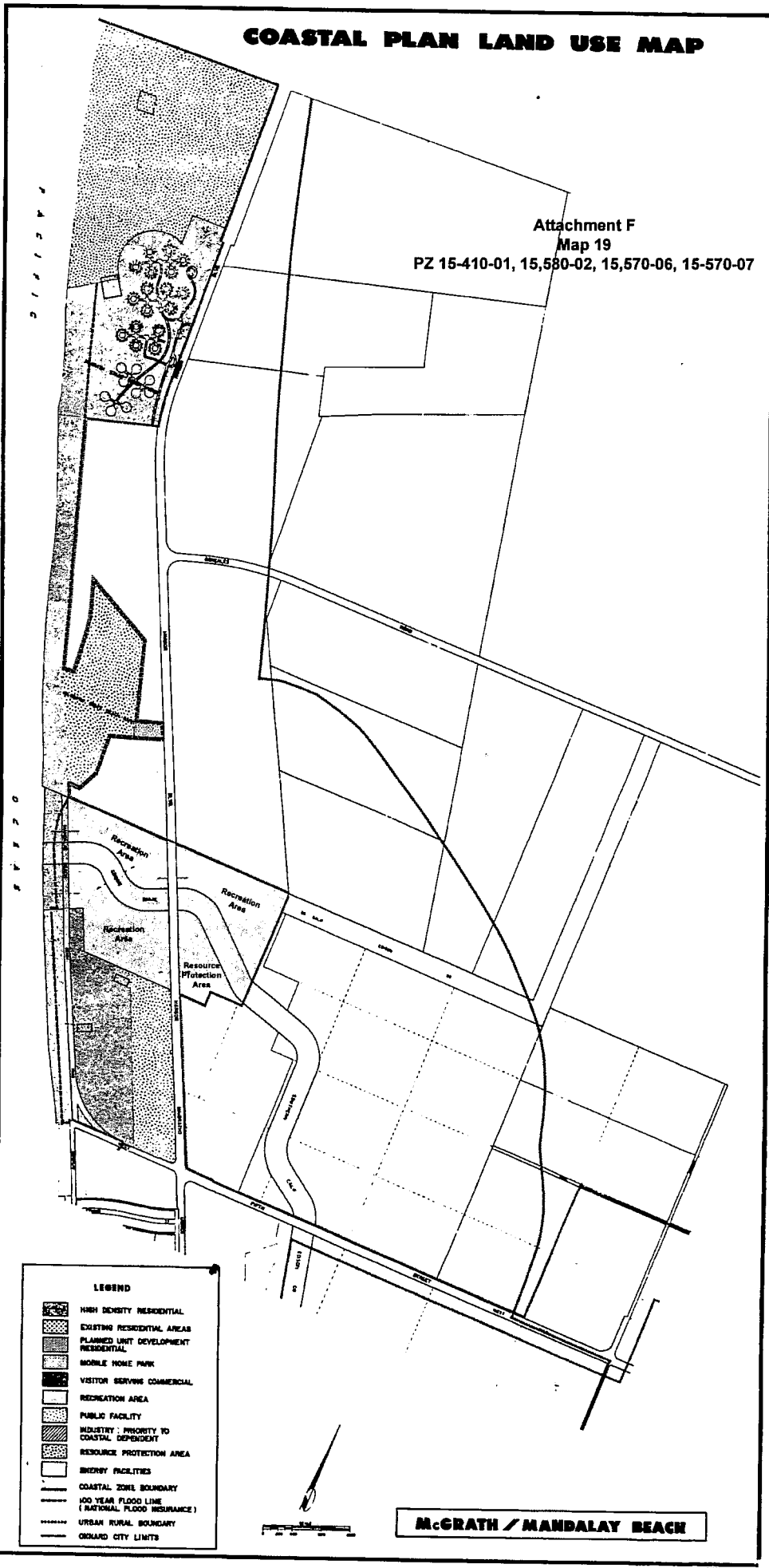
**MAP No. 2**



McGRATH / MANDALAY BEACH COASTAL ZONE AREA

# COASTAL PLAN LAND USE MAP

Attachment F  
 Map 19  
 PZ 15-410-01, 15,580-02, 15,570-06, 15-570-07



**LEGEND**

	HIGH DENSITY RESIDENTIAL
	EXISTING RESIDENTIAL AREAS
	PLANNED UNIT DEVELOPMENT RESIDENTIAL
	MOBILE HOME PARK
	VISITOR SERVING COMMERCIAL
	RECREATION AREA
	PUBLIC FACILITY
	INDUSTRY: PRIORITY TO COASTAL DEPENDENT
	RESOURCE PROTECTION AREA
	BERRY FACILITIES
	COASTAL ZONE BOUNDARY
	100 YEAR FLOOD LINE (NATIONAL FLOOD INSURANCE)
	URBAN RURAL BOUNDARY
	OAKLAND CITY LIMITS

**MCGRATH / MANDALAY BEACH**

# ATTACHMENT G

Ordinance PZ No. 15-570-07, Ormond Beach Zone Change

RESOLUTION NO. [PZ 15-570-07]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OXNARD ADOPT AN ORDINANCE APPROVING PLANNING AND ZONING PERMIT NO. 15-570-07 (ZONE CHANGE) REZONING SIX PARCELS, OR PORTIONS THEREOF, LOCATED AT 6635 EDISON DRIVE FROM ENERGY COASTAL (EC) TO COASTAL RECREATION (RC) AND RESOURCE PROTECTION (RP). FILED BY ASHLEY GOLDEN, DEVELOPMENT SERVICES DEPARTMENT, CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered a proposed zone change of six parcels, or portions thereof, generally located at 6635 Edison Drive (Assessor Parcel Numbers 231004028, 231004032, 231004033, 231004034, 231004035, and 231004036), commonly known as the Ormond Beach Generating Station; and

WHEREAS, Public Resource Code Section 21080.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments related to local coastal programs; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, pursuant to Section 13551(b) of title 14 of the California Code of Regulations, the City intends to adopt the proposed Ordinance after it has been approved by the California Coastal Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds pursuant to Section 17-57 (C)(8)(c) of the Oxnard City Code that:

1. The proposed zone change is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.
2. The proposed zone change was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.
3. The proposed zone change, in addition to the three other proposed actions, will maintain and enhance coastal resources as identified and protected in the originally certified Coastal Land Use Plan.

4. The proposed zone change is appropriate in light of an established need for the requested amendment at the time and location anticipated by the amendment.
5. The proposed zone change will not be detrimental to the public interest, health, safety, convenience or welfare.
6. The proposed zone change maintains and enhances the provisions for public access within the coastal zone as the proposed change is the zone created for public access .

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission also finds that:

1. The proposed zone change meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
2. The City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the proposed zone change and three related proposed actions.
3. The proposed zone change, in addition to the three other proposed actions, is consistent with the Coastal Commission Sea Level Rise Policy Guidance.
4. The proposed zone change is exempt from the California Environmental Quality Act per Public Resource Code Section 21080.9.

SECTION 3. The Planning Commission of the City of Oxnard hereby recommends that the City Council approve Planning and Zoning Permit No. 15-570-07 (Zone Change) as shown in Attachment A, attached hereto and incorporated herein by this reference.

SECTION 4. The Secretary shall certify the adoption of this Resolution.

Planning and Zoning Permit No. 15-570-07  
November 19, 2015  
Page 3

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of November, 2015.

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Diedre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on 19th day of November, 2015, and carried by the following vote:

AYES:           Commissioner(s):

NOES:           Commissioner(s):

ABSENT:        Commissioner(s):

ABSTAIN:       Commissioner(s):

---

Ashley Golden, Secretary



EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 15-570-07 (ZONE CHANGE) REZONING SIX PARCELS, OR PORTIONS THEREOF, LOCATED AT 6635 EDISON DRIVE FROM ENERGY COASTAL (EC) TO COASTAL RECREATION (RC) AND RESOURCE PROTECTION (RP). FILED BY ASHLEY GOLDEN, DEVELOPMENT SERVICES DEPARTMENT, CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the City Council has carefully reviewed the application, staff report, minutes of testimony, and record of proceedings at the Planning Commission public hearing; and

WHEREAS, on November 19, 2015, the Planning Commission approved Resolution No. 2015-XX recommending that the City Council adopt an ordinance approving Planning and Zoning Permit No. 15-570-07 (Zone Change), filed by the City of Oxnard; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to Planning and Zoning Permit No. 15-570-07 (Zone Change); and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 15-570-07 (Zone Change); and

WHEREAS, the Oxnard Local Coastal Plan document contains Maps Nos. 5, 15, and 17 that depict the subzone and land use designations for the subject six parcels; and

WHEREAS, in accordance with Section 30514 of the California Public Resource Code, a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the Coastal Commission; and

WHEREAS, Public Resource Code Section 21089.9 provides an exemption from the California Environmental Quality Act (CEQA) for activities and approvals by local governments related to local coastal programs.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council finds pursuant to Section 17-57 (C)(8)(c) of the Oxnard City Code that:

1. The proposed zone change is consistent with the objectives, policies, general land uses and programs of the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.
2. The proposed zone change was processed in conformity with the procedural requirements of Section 17-58 of the Oxnard City Code.
3. The proposed zone change, in addition to the three other proposed actions, will maintain and enhance coastal resources as identified and protected in the originally certified Coastal Land Use Plan.
4. The proposed zone change is appropriate in light of an established need for the requested amendment at the time and location anticipated by the amendment.
5. The proposed zone change will not be detrimental to the public interest, health, safety, convenience or welfare.
6. The proposed zone change maintains and enhances the provisions for public access within the coastal zone as the proposed change is the zone created for public access.

Part 2. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council also finds that:

1. The proposed zone change meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200) of the Public Resources Code (the "Coastal Act").
2. The City is proceeding with a comprehensive LCP Update in accordance with a scope approved by the California Coastal Commission that will incorporate the proposed zone change and three related proposed actions.
3. The proposed zone change, in addition to the three other proposed actions, is consistent with the Coastal Commission Sea Level Rise Policy Guidance.

4. The proposed zone change is exempt from the California Environmental Quality Act per Public Resource Code Section 21080.9.

Part 3. The zoning governing the properties depicted on "Map 5" and "Map 15" as changed from "EC" to "RC" or "RP" in Exhibits "A" and "B" attached hereto, respectively, and incorporated herein by reference are changed by amending their respective existing zone designation as indicated on Exhibits "A" and Exhibit "B" as of the date this Ordinance takes effect.

Part 4. The land use designations depicted on "Map 17" as changed from the graphic symbol for "Energy Facilities" to "Recreation Area" and "Resource Protection" in Exhibit "C" attached hereto and incorporated herein by reference are changed by amending their respective existing designations as indicated on Exhibit "C" as of the date this Ordinance takes effect.

Part 5. Pursuant to Government Code section 65863.5, the City Clerk shall mail a copy of this Ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this Ordinance.

Part 6. Within fifteen days after passage, the City Clerk shall cause this Ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, 2015, and finally adopted on \_\_\_\_\_, 2015, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

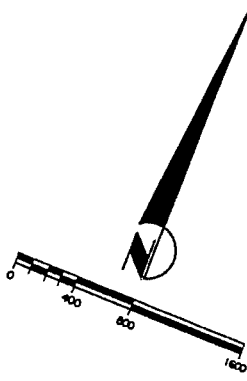
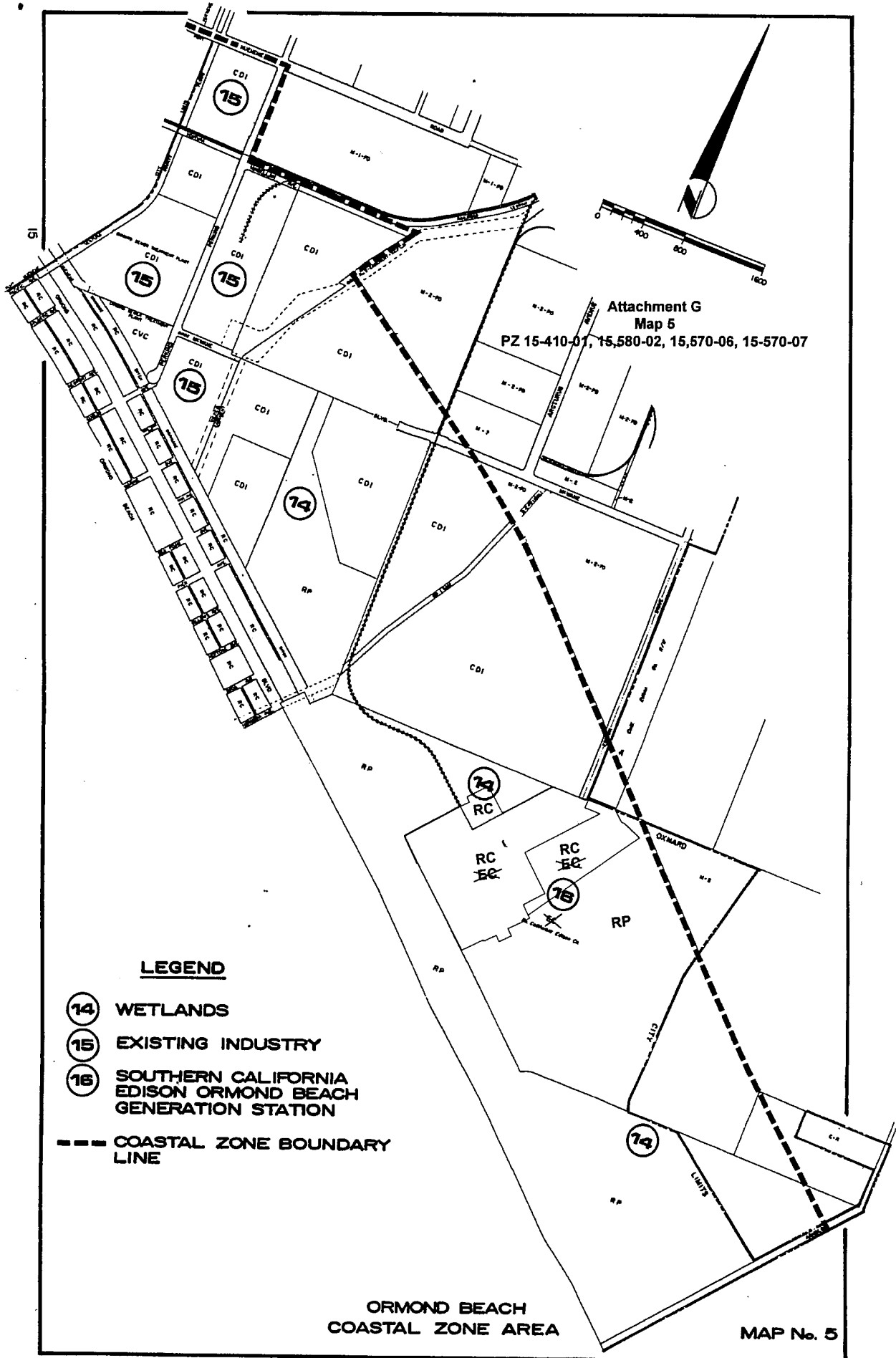
\_\_\_\_\_  
Tim Flynn, Mayor

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Fischer, Interim City Attorney

Planning and Zoning Permit No. 15-570-07  
November 19, 2015  
Page 7



Attachment G  
 Map 5  
 PZ 15-410-01, 15,580-02, 15,570-06, 15-570-07

**LEGEND**

- 14** WETLANDS
- 15** EXISTING INDUSTRY
- 16** SOUTHERN CALIFORNIA EDISON ORMOND BEACH GENERATION STATION
- COASTAL ZONE BOUNDARY LINE

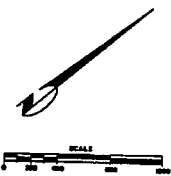
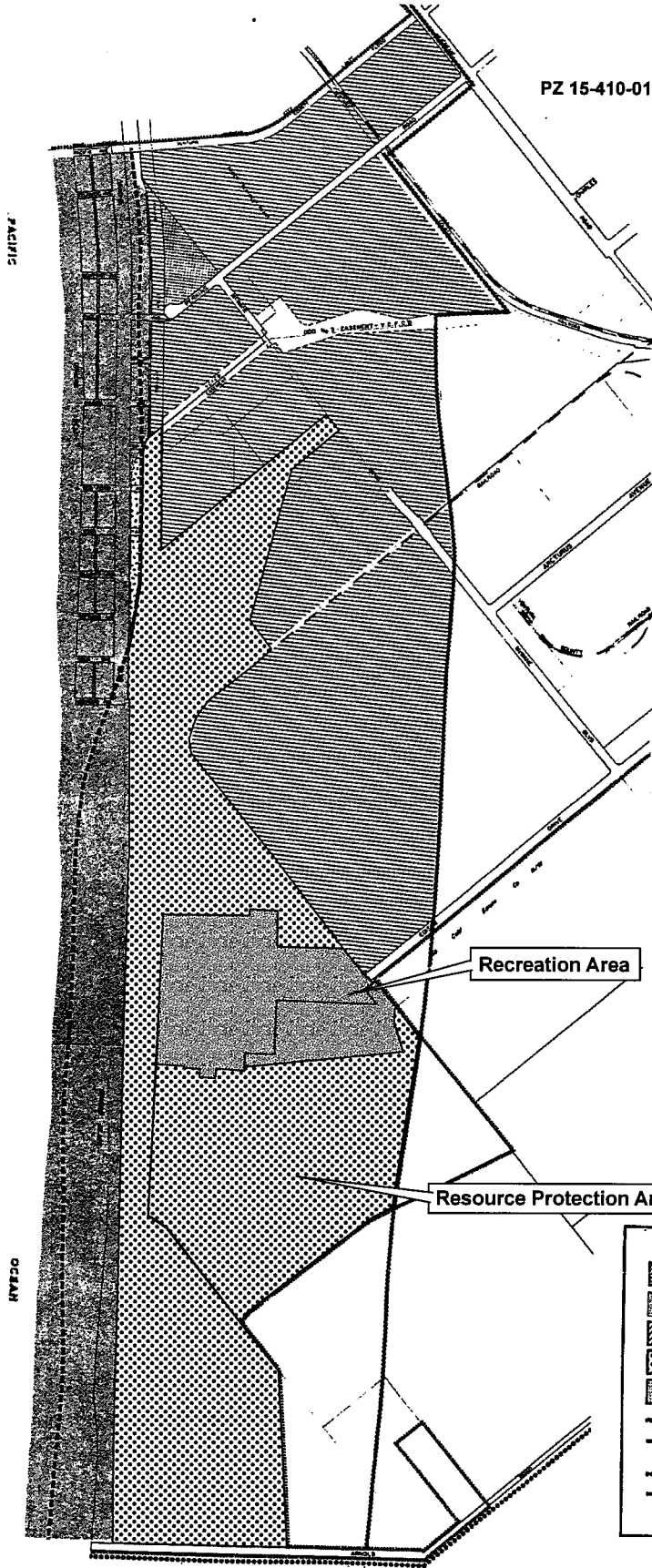
ORMOND BEACH  
 COASTAL ZONE AREA

MAP No. 5



# COASTAL PLAN LAND USE MAP

Attachment G  
 Map 17  
 PZ 15-410-01, 15,580-02, 15,570-06, 15-570-07



LEGEND	
	VISITOR SERVING COMMERCIAL
	RECREATION AREA
	INDUSTRY : PRIORITY TO COASTAL DEPENDENT
	RESOURCE PROTECTION AREA
	ENERGY FACILITIES
	COASTAL ZONE BOUNDARY
	100 YEAR FLOOD LINE ( NATIONAL FLOOD INSURANCE )
	URBAN RURAL BOUNDARY
	OXNARD CITY LIMITS

**ORMOND BEACH**