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4.6 LAND USE

This section describes land use and land use designations in the vicinity of the proposed Puente Power Project (P3 or project). It also summarizes adopted local plans and policies that pertain to the project, and presents an analysis of its compatibility with existing land uses and consistency with adopted local plans and policies. This section also describes local planning actions that will be required for P3.

The project area discussed in this section refers to all areas of temporary and permanent disturbance associated with the construction and operation of the new plant and ancillary systems, and construction laydown areas. No new offsite linear facilities are required for P3. The study area for land use evaluated in this section is defined as the area within a 1-mile radius of the P3 site.

The sections below provide an overview of the affected environment; an evaluation of the environmental consequences of the proposed project to land use; a cumulative impact analysis; identification of mitigation measures that will avoid and reduce project impacts to less-than-significant levels; and applicable laws, ordinances, regulations, and standards (LORS).

4.6.1 Affected Environment

4.6.1.1 Project Site

The P3 site is within the boundaries of the existing Mandalay Generating Station (MGS) in the County of Ventura, City of Oxnard, California, south of the City of Ventura and west of the City of Camarillo. MGS is the NRG California South LP-owned power-generating facility, currently comprising three power-generating units, supported by tanks, a maintenance building, an administration building, and other ancillary features. This location has been the site of power-generating facilities for approximately 60 years. The MGS was constructed from 1956 through 1959 as part of Southern California Edison's (SCE) 10-year work program to double its power output to keep up with the growing power needs of the rapidly growing region.

Transmission infrastructure necessary to support MGS has also been a prominent use in the area for nearly 60 years. The SCE switchyard is the SCE-owned and operated switchyard facility immediately east of the MGS. The SCE switchyard was constructed circa 1959, and distributes power from the MGS through the Mandalay-Santa Clara Transmission Line, eventually connecting to the Santa Clara Substation 15 miles northeast of the MGS. The SCE Substation is an SCE-owned and operated substation facility across Harbor Boulevard from the MGS and SCE switchyard, and in the same parcel through which the Mandalay-Santa Clara Transmission Line crosses. The SCE Substation was constructed to aid in the distribution of the power generated by the MGS to communities in the counties of Ventura and Santa Barbara. The SCE Substation was built in 1958. The Mandalay-Santa Clara Transmission Line is the SCE-owned electric transmission line constructed to transmit power generated by the MGS to the Santa Clara Substation for ultimate distribution to communities in Ventura and Santa Barbara counties. The transmission line was constructed circa 1958, concurrent with the MGS.

4.6.1.2 Regional Setting

The P3 site is adjacent to land in unincorporated Ventura County, as shown on Figure 4.6-1. The City of Oxnard continues north along the coastal beach dunes, and terminates at the Santa Clara River, about 1.8 miles to the north.

The City of Oxnard is in western Ventura County. It is one of ten incorporated cities in the county. The city covers about 27 square miles, extending about 6.8 miles east from the Pacific Ocean, and about 9 miles north-south. The city is bordered on the north by unincorporated Ventura County and the City of Ventura; on the east by unincorporated Ventura County and the City of Camarillo; on the south by the

City of Port Hueneme; and on the west by the Pacific Ocean. The City of Oxnard's population is approximately 198,000 (U.S. Census Bureau, 2010a). Ventura County's population is approximately 823,000 (U.S. Census Bureau, 2010b). Additional details regarding study area demographics and population trends are provided in Section 4.10, Socioeconomics.

City of Oxnard land uses range from highly urbanized to rural lands; and historically, the population and economy have been closely linked to agricultural production throughout the Oxnard Plain. The interior sections of the city are urban, suburban/residential, commercial, and light industrial. Although much of the current urbanized areas were formerly in agricultural production, the northwestern portion of the city, near the MGS, is separated from the urbanized northern and eastern portions of the city by agricultural land in unincorporated Ventura County, generally between Harbor Boulevard and Patterson Road, about 2.3 miles east of Harbor Boulevard. The Oxnard Airport is about 2 miles southeast of the MGS site.

4.6.1.3 Land Use in the Site Vicinity

The land immediately surrounding the P3 site is used for industrial, recreational, and agricultural purposes. Land in the broader vicinity of the project site contains a mix of industrial, agricultural, and residential uses, and undeveloped open space, as shown on Figure 4.6-2. Several vacant or undeveloped parcels are in the project vicinity. All of the agricultural lands shown on Figure 4.6-2 are in conventional irrigated row-crop production (primarily strawberry production).

Harbor Boulevard runs north-south along the eastern edge of the MGS property. Major cross streets include West 5th Street to the south and Gonzales Road to the north. West 5th Street runs east-west between Victoria Avenue to the east and Harbor Boulevard to the west, about 0.7 mile south of the P3 site.

4.6.1.3.1 Industrial Uses in Site Vicinity

The existing MGS facility, of which the P3 project site is a portion, is in an industrial area that includes SCE-owned power generation and transmission facilities, and oil drilling and processing operations.

The SCE-owned transmission facilities in the vicinity of the project site are described above. In addition, the McGrath Peaker Project, a 49-megawatt peaking plant owned and operated by SCE, is located immediately southeast of the MGS. The McGrath Peaker Project was completed and went into operation in 2012. It is expected to have a useful life of approximately 30 years, and affirms that the area in the vicinity of the P3 site will continue to be used for power generation for the foreseeable future.

There are 21 oil wells within 0.5 mile of the P3 project site (EDR, 2015). Figure 4.4-5 in Section 4.4, Geologic Hazards and Resources, depicts oil fields and oil and gas wells in the project area. The West Montalvo Oil Field, owned and operated by California Resources Corporation, is situated on multiple properties both east and west of Harbor Boulevard. East of Harbor Boulevard, oil production facilities are interspersed with agricultural production, and there are two sites with consolidated oil and gas processing equipment. West of Harbor Boulevard, numerous active oil and gas production wells and associated pumping, oil storage, and treatment facilities are located along a narrow coastal strip west and north of McGrath Lake, south of the McGrath Beach State Park campground facilities, and immediately east of the coastal dunes. The oil field facilities are in unincorporated Ventura County, except for two well pads south of the MGS property, in the City of Oxnard.

The coastal oil and gas wells and certain wells east of Harbor Boulevard have bottom-hole locations in offshore production zones regulated by the California State Lands Commission (CSLC). These offshore lease areas are referred to as Public Resources Code (PRC) Lease 735 and Lease 3314.

4.6.1.3.2 Recreational and Open Space Uses in Site Vicinity

Adjacent to the MGS and north of the P3 site is undeveloped open space that surrounds McGrath Lake. A restoration mitigation site associated with the future North Shore at Mandalay Bay residential development is immediately north of the MGS property. A few idled oil and gas production wells are also in this area, between Harbor Boulevard and McGrath Lake.

McGrath Beach State Park is north, west, and south of the Montalvo Oil Field coastal lease facilities, generally surrounding McGrath Lake and extending south to the northwestern perimeter of the MGS property. The park is bounded by Harbor Boulevard to the east, the Santa Clara River to the north, and the Pacific Ocean to the west. Overnight camping is available in the northernmost portion of the park (when open), and the remainder of the park property is maintained as open space. Designated public use trails are generally limited to the campground area and the beach area below the foredunes. Much of the beach in this area is closed to public access during Western snowy plover and California least tern nesting season, from March to September. The Santa Clara Estuary Natural Preserve is in the Santa Clara River estuary, immediately north of McGrath Beach State Park.

The land directly south of the MGS property, and extending south to West 5th Street, is undeveloped open space except for two oil well pads associated with the West Montalvo Oil Field. These wells are in the City of Oxnard, whereas the remainder of the oil field facilities are in unincorporated Ventura County. The open space in this area is designated as Mandalay State Beach, and the open space immediately west of the MGS property is designated as Mandalay County Park, administered by Ventura County.

4.6.1.3.3 Residential Uses in Site Vicinity

The nearest existing residential area is the Oxnard Shores Mobile Home Park, which is approximately 0.75 mile from the P3 stack to the south. The North Shore at Mandalay Bay is a proposed residential development currently under construction. The distance from the proposed P3 stack to the closest North Shore at Mandalay Bay development boundary is approximately 0.47 mile.

4.6.1.3.4 Agricultural Uses in Site Vicinity

The predominant land use in the study area east of Harbor Boulevard is conventional irrigated row crop agriculture, interspersed with oil field operations (well pads, piping, and centralized storage and processing facilities) associated with the West Montalvo Oil Field, and undeveloped open space. SCE owns and operates an electric utility substation east of Harbor Boulevard and due east of the MGS property, in the City of Oxnard. A SCE power transmission corridor runs easterly through the agricultural fields adjacent to Doris Drain. Doris Drain is an open, channelized drainage feature that flows from east to west and discharges into the Edison Canal east of Harbor Boulevard.

A list of assessor's parcel numbers and ownership information for all parcels within 1,000 feet of the P3 site is provided in Appendix G.

4.6.1.4 Land Use Designations

The P3 site is in the Coastal Zone in the City of Oxnard. The California Coastal Commission (CCC), in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Five jurisdictions are within 1 mile of the P3 site: City of Oxnard, County of Ventura, CCC, California Department of Parks and Recreation, and the CSLC. Figure 4.6-1 identifies jurisdictional boundaries in the area surrounding the P3 site. Land in unincorporated Ventura County is immediately adjacent to and north of the project site, and to the east of the site, across Harbor Boulevard. McGrath Beach State Park and Mandalay State Beach are in the jurisdiction of the California Department of Parks and Recreation.

The CSLC has exclusive jurisdiction over all non-granted tidelands and submerged lands owned by the State (PRC, Sections 6216 and 6301). The 1-mile radius study area includes land within the CSLC's jurisdiction (i.e., the submerged lands in the Pacific Ocean offshore), the City of Oxnard, and Ventura County; however, no project components would be on CSLC jurisdictional lands.

The discussion below of Coastal Plan, General Plan, and Zoning designations presents the land use designations within 1 mile of the P3 site, as specified by the City of Oxnard and County of Ventura.

4.6.1.4.1 General Plan Land Use Designations

The P3 site has a land use designation of Public Utility/Energy Facility, based on the General Plan Land Use Map. This map includes the City of Oxnard Local Coastal Plan (LCP) land use designations for reference purposes. Land use designations in the Coastal Zone indicate the City's legislative intent, but are not effective unless certified by the CCC.

General Plan land use designations within 1 mile of the P3 site are shown on Figure 4.6-3 and Table 4.6-1 (City of Oxnard, 2011; County of Ventura, 2014). This information is presented to illustrate the local agencies' planned pattern of land use development in the study area. The General Plan land use designations adjacent to the project site include Recreation (REC) and Open Space-Urban Reserve to the north, Resource Protection (RP) to the east, RP and REC to the south, and REC to the west.

As identified on Figure 4.6-3, the study area is primarily designated for low-density uses such as agriculture, open space/resource protection, and recreation. Although the land immediately north of the P3 site is within the jurisdiction of Ventura County with a designation of Open Space-Urban Reserve, it is also within the City of Oxnard's sphere of influence, and is designated RP in the General Plan.

The City of Oxnard's General Plan also accounts for growth management, including the City Urban Restriction Boundary (CURB) and City Buffer Boundary. In 1998, the voters of the City of Oxnard adopted the Save Open Space and Agricultural Resources (SOAR) initiative, establishing the CURB and re-designating "Agricultural Planning Reserve" as "Agriculture." CURB defines the urban development boundary for the City of Oxnard until December 31, 2020. The SOAR initiative also established the City Buffer Boundary, which lies outside of the CURB line and is coterminous with the Oxnard Area of Interest. (The Area of Interest is the area adopted by Ventura County Local Agency Formation Commission to define major geographic areas where only one incorporated city is permitted. Significant development proposals in the unincorporated areas of the Oxnard Area of Interest are referred by Ventura County to the City of Oxnard for review.) The Oxnard 2030 General Plan expressly preserves these SOAR requirements. The City of Oxnard General Plan Jurisdiction Boundaries Map (General Plan Figure 1-2) identifies the P3 site within the CURB.

4.6.1.4.2 Coastal Land Use Plan

The project site is in the California Coastal Zone. Established by the 1976 Coastal Act, the Coastal Zone boundary in the study area generally extends 1,000 yards inland from the Pacific Ocean coastline, and a similar distance inland from the Edison Canal.

Land uses in the Oxnard Coastal Zone are governed by the City of Oxnard's Coastal Land Use Plan (CLUP) and its Coastal Zoning Ordinance (CZO), adopted pursuant to the California Coastal Act and certified by the CCC. Together, these documents make up the City's LCP.

The Oxnard CLUP was adopted in 1982 and is implemented by City Code Chapter 17, Coastal Zoning. The CLUP has four planning areas and the project site is in the McGrath-Mandalay Planning Area. Recreation is the predominant use in the McGrath-Mandalay area of the City's coastal zone, although as discussed above, the area also includes numerous industrial uses in the vicinity of the P3 project site.

According to the CLUP, little new development is expected in the McGrath-Mandalay area (City of Oxnard, 1982).

The City of Oxnard is presently in the process of updating its LCP. According to a July 2014 grant application that the City submitted to the CCC, Ocean Protection Council, and the Coastal Conservancy, the City's LCP update has been in progress since January 1, 2014, and has an estimated end date of June 30, 2016. The City has identified a target date of December 2016 for submission of the LCP update to the CCC for certification. The proposed update to the LCP is discussed further in Section 4.6.5.3.1, which addresses the project's consistency with the City of Oxnard General Plan.

4.6.1.4.3 Zoning Designations

Zoning designations within 1 mile of the P3 site are shown on Figure 4.6-4 and listed in Table 4.6-2. The zoning designations adjacent to the project site include Coastal Open Space to the north, EC Coastal Energy Facility (EC) to the east, and Coastal Recreation (RC) to the south and east.

The P3 site is in the City of Oxnard's Coastal Zone. The city considers the Coastal Zone the primary zone, and has established sub-zoning designations for land in the Coastal Zone. The P3 site has a sub-zoning designation of EC. The purpose of the EC sub-zone is to provide areas that allow for siting, construction, modification, and maintenance of power-generating facilities and electrical substations consistent with Policies 51, 52, 54, 55, and 56 of the Oxnard CLUP. Additionally, the EC sub-zone is designed to provide a framework for coordinating the requirements and responsibilities of applicable city, state, and federal regulatory agencies vested with the authority for reviewing energy facility development (City Code Section 17-20).

An electrical power-generating plant and accessory uses normally associated with said power-generating facility is a conditionally permitted use in the EC sub-zone, subject to the approval of a coastal development permit (City Code Section 17-20), except in cases of California Energy Commission (CEC) jurisdictional projects where that approval is subsumed within the CEC's certification.

4.6.1.4.4 Important Farmland

The California Department of Conservation, Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality of land designated as Prime Farmland. The maps are updated every 2 years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. For environmental review purposes under the California Environmental Quality Act (CEQA), the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Grazing Land constitute "agricultural land." The remaining map categories are used for reporting changes in land use (PRC Section 21060.1). A description of the different map categories is provided below:

- **Prime Farmland** is land that has the best combination of physical and chemical characteristics for crop production. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.
- **Farmland of Statewide Importance** is land similar to Prime Farmland, but with minor shortcomings, such as greater slopes, or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the 4 years prior to the mapping date.

- **Unique Farmland** is farmland of lesser-quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 years prior to the mapping date.
- **Farmland of Local Importance** is farmland of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- **Grazing Land** is land on which existing vegetation is suited to the grazing of livestock.
- **Urban and Built-Up Land** is land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- **Other Land** is land not included in any other mapping category. Common examples include low-density rural developments, brush timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines; borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Figure 4.6-5 identifies the important farmland in the study area and land under Williamson Act Contract (California Department of Conservation, 2014). There is no important farmland or land under a Williamson Act Contract on or immediately adjacent to the P3 site. The P3 site and adjacent land is designated as Other Land and Urban and Built-Up Land by the FMMP.

Much of the land in the study area east of Harbor Boulevard is designated as Prime Farmland or Farmland of Statewide Importance; this area has a long history of supporting irrigated row crops, primarily strawberries. The majority of this designated Prime Farmland and Farmland of Statewide Importance is also under a Williamson Land Conservation Act (Williamson Act) contract. (The California Land Conservation Act of 1965—commonly referred to as the Williamson Act—enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use.)

4.6.1.5 Project Parcel Legal Status

P3 will be sited in the northern portion of the existing 36-acre MGS property at 393 North Harbor Boulevard in Oxnard, Ventura County, California, 93035, at Assessor's Parcel Number 183-0-022-025. The project site is in the Rio De Santa Clara Spanish Land Grant Sections inferred as 35 and 36, Township 2 North, Range 23 West, on the U.S. Geological Survey Oxnard/Oxnard OE Topographic Map Quadrangles (Latitude: 34.207115; Longitude: 119.250000). The MGS property is owned by NRG California South LP, a wholly owned subsidiary of NRG. The project area is unsectioned and outside of the township and range system. The P3 facilities will be situated on approximately 3 acres of the MGS property that will be leased from NRG California South LP to the project owner, NRG Oxnard Energy Center LLC, which is also a wholly owned subsidiary of NRG.

4.6.1.6 Recent and Proposed Zoning and General Plan Amendments

Based on the January 2015 Quarterly Project List (City of Oxnard, 2015), there are no recently approved or proposed City of Oxnard zoning changes or general plan amendments within the 1-mile study area. Similarly, in unincorporated Ventura County, there are no recent or proposed zone changes or general

plan amendments within the 1-mile study area, per the January 5, 2015 Ventura County pending and approved project list (County of Ventura, 2015).

4.6.2 Environmental Consequences

4.6.2.1 Significance Criteria

The following sections evaluate the potential impacts to land use and agriculture associated with construction and operation of P3. Appendix G of CEQA describes project-related effects that would normally be considered to have a significant effect on the environment. Based on this guidance, project-related land use and agricultural impacts are considered significant if the project would do any of the following:

- Physically divide an established community;
- Conflict with any applicable land use plan and policies;
- Conflict with any applicable habitat conservation plan or natural community conservation plan; or
- Result in degradation or loss of available agricultural land, agricultural activities, or agricultural land productivity in the project site through:
 - Alteration of agricultural land characteristics due to plant air emissions;
 - Conversion of prime or unique farmland, or farmland of statewide importance, to non-agricultural use;
 - Conflict with existing zoning for agricultural use or Williamson Act; or
 - Involve other changes in the existing environmental which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

Consistency with applicable habitat conservation and natural community plans is discussed in Section 4.2, Biological Resources. The remaining criteria are evaluated below.

4.6.2.2 Compatibility with Established Land Uses

The proposed project would not physically divide an established community. The project would result in continuation of an existing power-generating use. The proposed P3 facilities would be constructed wholly within the existing MGS property, which has been in operation for more than 60 years. The project would redevelop approximately 3 acres of the MGS property that is currently unused, and all construction laydown and parking areas would also be on the MGS property. Therefore, given its location in an existing industrial developed site, P3 would not physically divide an established community.

P3 is consistent with other industrial uses in the vicinity of the MGS facility. This includes SCE-owned power transmission and generating facilities. Transmission infrastructure necessary to support MGS, including the SCE switchyard, SCE Substation, and Mandalay-Santa Clara Transmission Line, has been a prominent use in the area for nearly 60 years. In addition, the McGrath Peaker Project, a small electrical power plant that operates during periods of high demand, is immediately south of MGS. The McGrath Peaker Project was completed and went into operation in 2012. It is expected to have a useful life of approximately 30 years, and affirms that the area in the vicinity of the P3 site will continue to be used for power generation for the foreseeable future.

As has been the case with MGS for approximately 60 years, P3 will be compatible with established nonindustrial land uses in the vicinity of the project. Consistent with current use of the site, the P3 facilities will be separated from adjacent nonindustrial uses with a secured fence, and sufficiently set back from sensitive uses so that conflicts with other nearby uses (e.g., changes in the coastal viewshed, additional traffic, or increased presence of industrial uses near coastal recreational and natural resource protection areas) are not anticipated. Please refer to other sections of this Application for Certification (AFC) for a full analysis of the project's potential to affect surrounding uses in areas including visual resources, biological resources, and air quality. The conclusion of that analysis is that the P3 project will not have any unmitigated significant impacts on adjacent properties. Therefore, no land use compatibility impacts are expected. Section 4.6.5 presents the applicable goals and policies, and the proposed project's conformance with those goals and policies.

4.6.2.3 Impacts to Habitat Conservation Plan or Natural Community Conservation Plan

The P3 project would not cause any impacts to habitat conservation plans or natural community conservation plans. For a complete analysis of the project's potential impacts to biological resources, please refer to Section 4.2, Biological Resources.

4.6.2.4 Impacts to Agricultural Lands

Agricultural uses occur within 1 mile of the P3 site; however, the P3 site has been developed as a power-generating facility since 1959. No agricultural uses, or Williamson Act contracts, exist on the site, therefore the project will not result in a direct impact to agricultural uses.

There are agricultural lands in the general vicinity of the P3 site as shown on Figure 4.6-5 that could be subject to air emissions and deposition from construction and/or operations. Ambient air quality standards are developed to be protective of both human and biological health. P3 would meet local, regional, state and federal air quality standards. In addition, a nitrogen deposition analysis was conducted for the project. For a full discussion of the project's air quality analysis, please refer to Section 4.1, Air Quality. No impacts to soils or agriculture are expected from the project's air emissions.

4.6.3 Cumulative Impacts Analyses

The cumulative project list in Section 4.0 identifies five projects, including three residential subdivisions, a commercial shopping center, and a specific plan. As identified on Figure 4-1, there are no projects adjacent to the project site, nor are there any energy projects on the cumulative project list. Of the five projects on the cumulative project list, only one, the North Shore Subdivision, is within the 1-mile land use study area. The North Shore Subdivision is approximately 0.47 mile to the south of P3, east of Harbor Boulevard.

The proposed project would not physically divide an established community, as identified above. The proposed P3 facilities would be constructed wholly within the existing MGS property. Development of P3 on a portion of the existing MGS property would increase the development intensity on site. However, the MGS property is already used for energy generation and is currently separated from adjacent land uses by a secured fence. Therefore, P3 will be compatible with established land uses, and would not contribute to cumulative impacts on land use compatibility.

The limited new development in the vicinity of P3 is consistent with the CLUP, which anticipated little new development in the McGrath-Mandalay area. It is also consistent with the long-range development plans for the region (City of Oxnard and County of Ventura General Plans), which have designated the land use study area primarily for low-density uses such as agriculture, open space/resource protection, and recreation, as well as public utility and energy facility uses, as identified on Figure 4.6-3, Designated Future Uses. P3 would be constructed entirely within the existing MGS site that is designated on the

CLUP Coastal Land Use Map as Energy Facility. The Energy Facility designation allows for energy-related facilities, including an electrical generating station. Consideration of the five cumulative projects does not change this consistency conclusion. Because the project will not result in impacts related to consistency with adopted local goals and policies, it will not contribute to any such cumulative impacts.

The proposed project would not conflict with agricultural zoning, convert agricultural land, or result in other changes to the environment that could result in the conversion of agricultural land to nonagricultural use. The MGS property that includes the P3 site is zoned for energy uses, and has been developed as a power-generating facility since 1959. No agricultural lands would be converted. There are agricultural lands in the general vicinity of the P3 site, as shown on Figure 4.6-5, that could be subject to air emissions and deposition from construction and/or operations. Ambient air quality standards are developed to be protective of both human and biological health. P3 would meet local, regional, state, and federal air quality standards described in Section 4.1 Air Quality; therefore, no impacts to soils or agriculture are expected from the project's air emissions either individually or cumulatively. The project will not result in impacts to agriculture, and therefore will not contribute to cumulative impacts to agriculture.

4.6.4 Mitigation Measures

No significant adverse land use impacts were identified; therefore, no mitigation measures are proposed.

4.6.5 Laws, Ordinances, Regulations, and Standards

Federal, state, and local LORS applicable to land use are discussed below and summarized in Table 4.6-3, Summary of LORS – Land Use.

4.6.5.1 Federal

No federal LORS are applicable to land use in the vicinity of the project.

4.6.5.2 State

4.6.5.2.1 California Coastal Act

The California Coastal Act establishes a comprehensive scheme to govern land use planning along the entire California coast (PRC § 30000 et seq.). The California Coastal Act requires the CCC to prepare a consistency and suitability report to the CEC on any new power-generating facility proposed to be sited in the designated Coastal Zone (PRC § 30413[d]). Guidance for preparing the consistency and suitability report is contained in the March 31, 2005, “Draft Agreement Between the CEC and the California Coastal Commission Regarding the Coastal Commission’s Statutory Role in the Energy Commission’s AFC Proceedings” (CEC/CCC Memorandum of Agreement [MOA]). The consistency and suitability report must contain consideration of, and findings regarding, all of the following:

(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources (PRC § 30413[d][1])

Whether a proposed facility is compatible with the goal of protecting coastal resources depends on the extent to which the project is consistent with relevant Coastal Act policies. Attachment B of the CEC/CCC MOA identifies the relevant policies, which fall into four issue areas:

- Effects of Proposed Project on Marine Biology (Coastal Act Sections 30230 and 30231)

P3 will not use ocean water for cooling, and will replace existing MGS Units 1 and 2, which currently rely on ocean water for cooling. In this respect, P3 will have a beneficial impact on marine biological resources. The potential for P3 to impact biological resources is fully analyzed

in Section 4.2 , Biological Resources. The conclusion of that analysis is that the P3 project will not have any unmitigated significant impacts on biological resources.

- Effects of Proposed Project on Public Access to the Shoreline (Coastal Act Sections 30210, 30211, and 30212(a))

Because P3 would be constructed entirely within the boundaries of the existing MGS property, it will not result in any interference with existing right-of-access to the shoreline. Furthermore, there is currently adequate public access to the beach in the vicinity of the P3 project site (e.g., at West 5th Street to the south, and McGrath Beach State Park to the north). This existing public access would not be impacted by P3, because it would be located entirely within the existing fenced and secured MGS property.

- Effects on Coastal Erosion (Coastal Act Section 30253)
- P3 will be constructed entirely within the boundaries of the existing MGS property, and would not alter current patterns of coastal erosion. The beach adjacent to the MGS property has experienced significant sand deposition, rather than erosion. Aerial photographs indicate that the beach pictured in 2014 was approximately 300 feet wider than that pictured in 1947. Even using the conservative assumptions for future erosion presented in the Coastal Resilience Report (ESA-PWA, 2013), and assuming that historical accretion will not continue, this suggests that the beach would be approximately the same width in 2060 as it was in 1947 (see discussion in Section 4.15, Water Resources).
- Effects on Scenic and Visual Resources (Coastal Act Section 30251)

The potential for the P3 project to have impacts on scenic and visual resources is fully addressed in Section 4.14, Visual Resources. The conclusion of that analysis is that the P3 project will not result in significant visual impacts in the coastal zone.

(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal dependent land uses at or near the site [PRC § 30413(d)(2)]

As discussed above, the P3 facilities will be compatible with established land uses, because they will be sited on the MGS property, which has functioned as a power-generation site for approximately 60 years, and because power generation is consistent with other uses in the vicinity of the MGS property. Consistent with current use of the site, the P3 facilities will be separated from adjacent nonindustrial uses with a secured fence, and set back far enough from sensitive uses that conflicts with other nearby uses are not anticipated. Therefore, no land use compatibility impacts are expected.

(3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values (PRC § 30413[d][3])

The potential for the P3 project to have impacts on scenic and visual resources is fully addressed in Section 4.14, Visual Resources. The conclusion of that analysis is that the P3 project will not result in significant visual impacts in the coastal zone.

(4) The potential adverse environmental effects on fish and wildlife and their habitats (PRC § 30413[d][4])

P3 will not use ocean water for cooling, and will replace existing MGS Units 1 and 2, which currently rely on ocean water for cooling. In this respect, P3 will have a beneficial impact on marine biological resources. The potential for P3 to impact biological resources is fully analyzed in Section 4.2, Biological

Resources. The conclusion of that analysis is that the P3 project will not have any unmitigated significant impacts on biological resources.

(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdiction which would be affected by any such development (PRC § 30413[d][5])

The P3 project would conform with the City of Oxnard's CLUP and its CZO, adopted pursuant to the California Coastal Act and certified by the CCC. Together, these documents make up the City's LCP.

The CLUP contemplates use by energy facilities:

- The CLUP calls out the existing use of the site for the P3 facility (p. II-3; p. III-38).
- The CLUP includes "Energy Facility" as a designated land use category. This designation allows the development of energy facilities in areas so designated (p. II-4).
- The CLUP states that new development should be located contiguous with or in close proximity to existing development, to minimize intrusion into sensitive areas (p. III-30).
- Section 3.6 of the CLUP sets forth specific policies related to energy facilities, which the P3 project has been designed to meet. For example, the Land Use Plan provides that new energy-related development must conform to applicable air quality regulations (Policy 51); should not be located in coastal resource areas (Policy 52); should be located and designed to minimize adverse effects upon public access to the beach (Policy 54); and should not be located seaward of the 100-year flood/wave run-up line (Policy 56).
- The CLUP states that the City is opposed to a new power plant in the City; however, the Land Use Plan acknowledges that "authority for new power plant siting rests with the California Energy Commission" (Policy 62).

The CZO contemplates use by energy facilities:

- The Project site is zoned EC – Coastal Energy Facilities Sub-Zone. The stated purpose of the EC zone is "to provide areas that allow for siting, construction, modification, and maintenance of power-generating facilities and electrical substations, consistent with Policies 40 and 41 of the Oxnard Coastal Land Use Plan."
- The CZO provides that "[c]oastal dependent energy facilities shall be encouraged to locate or expand within existing sites, and shall be permitted reasonable long-term growth, where consistent with this article."
- CZO Section 37-2.11.2 states that energy facilities are a conditionally permitted use in the EC zone: "The following uses are permitted subject to the approval of a coastal development permit pursuant to the provisions of Article 5 (Administration): (2) Electrical power generating plant and accessory uses normally associated with said power generating facility." Therefore, the proposed P3 is a permitted use.
- The project would be required to abide by Article 3 and 4 of the CZO, which are General and Specific Standards for development in the Coastal Zone. These standards generally require that the Project comply with air quality standards, not be sited in habitat areas, protect cultural areas, protect coastal access, and avoid hazards. The P3 has been designed with these specific standards in mind.

(6) *The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal dependent uses at or near the site and promote the policies of this division (PRC § 30413[d][6])*

As set forth in each resource-specific section of this AFC, specific design features and mitigation measures have been included in the P3 project to avoid adverse effects on coastal resources, minimize conflict with existing or planned coastal dependent uses at or near the site, and promote the policies of the Coastal Act.

4.6.5.3 Local

4.6.5.3.1 City of Oxnard General Plan

The City of Oxnard 2030 General Plan (adopted October 2011) is a comprehensive, long-range plan that guides future development. The General Plan is implemented by zoning ordinances and CZOs. Specific land use policies in Oxnard's General Plan applicable to the project include:

Sea Level Rise Awareness and Planning

Policy 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.

Sea-level rise over the lifespan of the project was taken into consideration as part of the design of P3. Potential impacts related to sea-level rise are addressed in Section 4.15, Water Resources.

Balanced Community

Policy CD-1.7 Compact Development: Promote the use of development patterns that are more compactly built and use space in an efficient aesthetic manner as part of the community vision.

P3 would be constructed wholly within the existing MGS property on an approximately 3-acre brownfield site that is currently unused. Therefore, the proposed project would make efficient use of land already dedicated for energy-generating uses.

Neighborhood Stabilization and Revitalization

Policy CD-3.1 Neighborhood Preservation. Protect existing neighborhoods from encroachment of incompatible activities and land uses as determined through environmental review and/or determined by the Planning Commission.

P3 would be constructed wholly within the existing MGS property on an approximately 3-acre vacant site. The MGS property on which P3 will be located has operated as a power plant for more than 60 years, and P3 will not represent a new industrial use in the area. There are no residential neighborhoods adjacent to the P3 site. Currently, the closest existing residential neighborhood is the Oxnard Shores Mobile Home Park, approximately 0.75 mile to the south. Pending the completion of the North Shore at Mandalay Bay residential development, the closest distance from the P3 site to the development boundary will be approximately 0.47 mile.

Appropriate Industrial development

Policy CD-5.1 Industrial Clustering: Encourage the clustering of industrial uses into areas that have common needs and are compatible in order to maximize their efficiency.

Policy CD-5.2 Compatible Land Use: Ensure adequate separation between sensitive land uses (residential, educational, open space, healthcare) to minimize land use incompatibility associated with noise, odors, and air pollutant emissions.

Policy CD-5.3 Available Services: 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.

Policy CD-5.5 “Green” Major Transportation Routes: Guide industrial development to locate near transportation facilities capable of handling goods movements in an efficient manner without decreasing the level of service on the transportation network or dividing existing neighborhoods.

P3 would be constructed wholly within the existing MGS property on an approximately 3-acre brownfield site. Therefore, the proposed project would make efficient and compact use of land already dedicated to energy-generating uses. P3 will be interconnected to the existing SCE switchyard, adjacent to the P3 site. P3 will use natural gas, already supplied to the MGS property by the Southern California Gas Company, and will connect to a new gas metering station adjacent to the project site. The process water source and potable water source will be water from the City of Oxnard that is already supplied to the MGS property. Sanitary wastewater will be discharged to the MGS existing septic system. Process wastewater will be stored in one of the MGS existing basins, and ultimately discharged to the ocean via the existing outfall. Stormwater runoff from the project site will be directed via a new stormwater conveyance system to either the service water tank for reuse, offsetting potable water use, or to the existing North and South Basins and eventually discharged through the existing outfall to the Pacific Ocean.

The MGS property on which P3 will be located has operated as a power plant for more than 60 years, and P3 will not represent a new industrial use in the area. As noted above, the Oxnard Shores Mobile Home Park is approximately 0.75 mile to the south, and the closest distance from P3 to the future North Shore at Mandalay Bay residential development boundary is approximately 0.47 mile. This distance is sufficient to ensure adequate separation between residential land uses to minimize land use incompatibility associated with noise, odors, and air pollutant emissions. Similarly, there will be adequate separation between the P3 facilities and nearby open space.

As discussed in Section 4.12, Traffic and Transportation, transportation of project-related materials and services will take place on existing major roads without decreasing the level of service on the transportation network or dividing existing neighborhoods.

Compatible Agriculture

Policy CD-6.1 Agricultural Buffers: Require that agricultural land uses designated for long-term protection and production be buffered from urban land uses through the use of techniques including, but not limited to, greenbelts, open space setbacks, fencing, berming, and windrows.

There are no agricultural uses adjacent to the project site. The nearest agricultural land in the land use study area is east of Harbor Boulevard, approximately 0.2 mile east of the project site. Therefore, the proposed project would be adequately buffered from existing agricultural uses.

Coordinated Development

Policy CD-16.5 Industrial and Commercial Development Standards: Require high quality development standards that increase the efficient use of existing industrial and commercial development areas so as to preserve agricultural land and minimize adverse environmental impacts.

P3 would be constructed wholly within the existing MGS property on an approximately 3-acre vacant brownfield site. The proposed project would repurpose facilities from MGS Units 1 and 2 to minimize environmental impacts, and would make efficient and compact use of land already dedicated to energy-generating uses.

Update the Oxnard Local Coastal Program

Policy 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.(3-39).

Policy CD-21.3 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.

The Applicant is aware of the City's planned amendments to the LCP; however, at the time of AFC filing, these proposed policy changes are still under review, and P3 is consistent with the current adopted LCP, as described in detail above.

Gas and Electric utilities

Policy ICS-17.1 Electric Facilities: Ensure that electric facilities (such as the Southern California Edison generating facilities located within the City) are built in accordance with the California Public Utilities Commission regulations and incorporate feasible solar, wind, and other renewable sources of energy.(4-20)

Policy ICS-17.3 Promoting Renewable Energy Production: Encourage the use of renewable solar, wind, and other electric generation technologies instead of new or expansion of fossil fuel-based generation facilities.

P3 will be sited, designed, constructed, and operated in accordance with California Public Utilities Commission regulations. Applicable California Public Utilities Commission standards are listed in Chapter 2.0, Project Description. P3 is designed to ensure continued reliability and to help integrate renewable energy into the grid. As new technology is deployed, including large-scale cost-effective electricity storage, California's ability to rely on renewable energy sources for a greater percentage of its overall electricity needs will increase. In the interim, flexible and efficient natural-gas-fired generation, like P3, will play a critical role in integrating renewable sources into the grid while ensuring a stable and reliable supply of electricity. Operating on a limited, as-needed basis to ensure reliability, P3 will act as a bridge from our current mix of electrical generation to a future that is more heavily reliant on renewable sources.

Protection of Natural and Cultural Resources

Policy ER-1.2 Protect Surrounding Agriculture and Open Space: Protect open space and agricultural uses around Oxnard through continued adherence to the Guidelines for Orderly Development, Ventura County Greenbelt programs, the Save Open-Space and Agricultural

Resources Ordinance, and other programs or policies that may subsequently be adopted such as the SB 375 Sustainable Communities Strategy.

Although there is agricultural and open space land in the study area, P3 facilities would be constructed wholly within the existing MGS property. Therefore, P3 would make efficient use of land already dedicated to energy-generating uses, and would not require additional land that has the potential to adversely impact agricultural or open space uses.

Coastal Resources

Policy ER-8.1 Protect Shoreline: Protect the shoreline and views to and along the Pacific Ocean, recognizing their value as natural and recreational resources.

Policy ER-8.2: New Coastal development: Design new development along primary access routes to the beach so as to maintain and enhance the scenic quality of such routes.

P3 would be constructed wholly within the existing MGS property. Therefore, P3 would make efficient use of land already dedicated to energy-generating uses, minimizing impacts to coastal land resources. Please refer to Section 4.6.4.2.1 for a complete discussion of the project's consistency with applicable policies intended to protect coastal resources.

Agriculture and Soil Resources

Policy ER-12.12 Rerouting Roads and utilities around Agricultural Areas. Develop new roads and utilities around prime agricultural areas rather than through them, where feasible.

P3 would be constructed wholly within the existing MGS property, and no changes to the existing offsite roads or utility connections are proposed. There are no agricultural uses adjacent to the project site. Therefore, rerouting roads and utilities around prime agricultural areas would not be needed. Please refer to Section 4.6.2.3 for a discussion of the project's potential to impact agricultural resources.

New Development Mitigations

Policy SH-31 Location of New Development. Encourage new development to avoid areas with high geologic, tsunami, flood, beach erosion, and fire or airport hazard potential.

P3 would be constructed to current building standards entirely in the existing MGS property. Geologic and hydrologic conditions and applicable project design features are addressed in Section 4.4, Geologic Hazards and Resources, and Section 4.15, Water Resources; other potential hazards and design features are discussed in Section 4.5, Hazardous Materials Handling. The project has been designed to minimize potential impacts from natural and fire hazards.

The Federal Aviation Administration (FAA) Regulations Part 77 establishes standards for determining obstructions in navigation space and sets forth requirements for notification of proposed construction. These regulations require notification of any construction over 200 feet in height above ground level. The closest airfield is the Oxnard Municipal airport, which is approximately 2 miles southeast of the project site. The closest airfield with regularly scheduled commercial flights is approximately 44 miles away (Santa Barbara Airport). The P3 stack will be 188 feet above ground; therefore, the FAA's height notification threshold of 200 feet is not triggered, and a Notice of Construction or Alteration will not be required to be filed with the FAA. Local air uses will be reviewed to determine the need for other aviation safety markings. Therefore, potential airport hazard impacts will be minimized.

4.6.5.3.2 City of Oxnard Coastal Land Use Plan

The policies established by the City's CLUP are based on the 1976 Coastal Act and are the standards by which future projects in the coastal zone are evaluated. The CLUP contemplates use by energy facilities:

- The CLUP calls out the existing use of the site for the P3 facility (p. II-3; p. III-38).
- The CLUP includes "Energy Facility" as a designated land use category. This designation allows the development of energy facilities in areas so designated (p. II-4).
- The CLUP states that new development should be located contiguous with or in close proximity to existing development, to minimize intrusion into sensitive areas (p. III-30).
- Section 3.6 of the CLUP sets forth specific policies related to energy facilities, which the P3 project has been designed to meet. For example, the Land Use Plan provides that new energy-related development must conform to applicable air quality regulations (Policy 51); should not be located in coastal resource areas (Policy 52); should be located and designed to minimize adverse effects upon public access to the beach (Policy 54); and should not be located seaward of the 100-year flood/wave run-up line (Policy 56).
- The CLUP states that the City is opposed to a new power plant in the City; however, the Land Use Plan acknowledges that "authority for new power plant siting rests with the California Energy Commission" (Policy 62).

Specific land use policies in the CLUP applicable to the project include:

Local Coastal Policies:

Policy 1: If policies of this plan overlap or conflict, the most protective policy of coastal resources shall prevail.

Policy 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.

The most protective policies of the CLUP will apply to P3 if there are overlapping or conflicting land use policies. Likewise, the CLUP will prevail if there are conflicts with General Plan policies.

Policy 3: All urban development shall be restricted to the area within the urban-rural boundary.

The CLUP indicates that the P3 site is outside the CLUP urban rural boundary (August 21, 2000, Exhibit 2.2, Urban Rural Boundary Amendment Map No. 6 [City Resolution No. 12, 143]). The City of Oxnard General Plan Jurisdiction Boundaries Map (General Plan Figure 1-2) identifies the P3 site in the CURB, as noted above. However, as noted above in CLUP Policy 2, if there are conflicts between the policies or land use designations of the Coastal Plan and the existing General Plan, the Coastal Plan shall prevail.

Policy 6: ...A resource protection ordinance was created defining the only uses permitted in areas designated on the land use map with the Resource Protection Zone...the following (land use) policies which the City will implement to the extent of its legal and financial ability (includes):

d. New Development adjacent to wetlands or resource protection areas shall be sited and designed to mitigate any adverse impacts to the wetlands or resource.

A buffer of 100-feet in width shall be provided adjacent to all resource protection areas. The buffer may be reduced to a minimum of 50 feet only if the applicant can demonstrate the large buffer is unnecessary to protect the resources of the habitat area. All proposed development shall demonstrate that the functional capacity of the resource protection area is maintained. The standards to determine the appropriate width of the buffer area are:

- 1. Biological significance of the area*
- 2. Sensitivity of species to disruption*
- 3. Susceptibility to erosion*
- 4. Use of natural and topographic features to locate development*
- 5. Parcel configuration and location of existing development*
- 6. Type and scale of development proposed*
- 7. Use of existing cultural features to locate buffer zones*

When a development is proposed within an environmentally sensitive habitat or resource protection area, or within 100 feet of such areas, a biological report shall be prepared which includes applicable topographic, vegetative and soils information.....

P3 would be constructed wholly within the existing MGS property on an approximately 3-acre site that is currently unused. The P3 site is adjacent to a habitat restoration area to the north. However, this land is in Ventura County, and has a zoning designation of open space. Resource Protection is a designation in the City of Oxnard CLUP, and because the parcel to the north is in Ventura County, it is not addressed in the Oxnard CLUP. An existing berm separates the MGS property and P3 site from the properties to the north. In addition, an approximately 185-foot buffer would be provided between the nearest component of the P3 facilities and the restoration site, which would be adequate to avoid impacts. Additional information pertaining to biological resources is addressed in Section 4.2, Biological Resources, including potential impacts to adjacent open space and restoration areas.

Policy 52. Industrial and energy-related development shall not be located in coastal resource areas, including sensitive habitats, recreational areas and archaeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts. All new industrial development shall be designed and screened to minimize aesthetic impacts. Screening shall be primarily vegetative.

Development of P3 on a portion of the existing MGS property would increase the development intensity on site. However, because the MGS site is already used for energy generation and is currently separated from adjacent land uses by a secured fence, significant adverse impacts on adjacent recreation and habitat restoration areas are not anticipated. Please refer to Section 4.2, Biological Resources, and Section 4.3, Cultural Resources for additional information related to potential biological and cultural resources impacts. Visual resources, including measures needed to minimize aesthetics impacts, are addressed in Section 4.13, Visual Resources.

Policy 54. All new industrial development 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.

P3 would be a continuation of a power-generating use. The project would be constructed entirely within the existing MGS site property, which has been in operation for more than 60 years, and will not interfere with any existing public access. Furthermore, there is currently adequate public access to the beach, and public access would not be impacted because the proposed project would be entirely within the existing fenced and secured MGS property.

Policy 56. No industrial or energy-related development shall be located seaward of the 100-year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration and the Land Use Map.

The reference to the 100-year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration is outdated. The National Flood Insurance Program and federal flood hazard mapping program are managed by the Federal Emergency Management Agency (FEMA). “Zone VE” is the designation on the FEMA Flood Insurance Rate Map for a 100-year coastal flood zone in an area where wave heights exceed 3 feet. The base flood elevation in “Zone VE” is calculated in part by assessing wave runup. The P3 site is in “Other Areas Zone X” (areas determined to be outside the 0.2 percent annual chance floodplain), and therefore is not within the 100-year flood/wave run-up line (FEMA, 2010). P3 would be constructed to current building standards entirely within the existing MGS property. Existing beach dunes separate the MGS property and P3 site from the ocean. Design features to address potential hazards such as flooding and wave run-up are described in Section 4.15, Water Resources.

Policy 58. The Coastal Act’s definition of “development” (Section 30106) shall be used to determine what operations will require a coastal development permit.

P3 would meet the definition of development as defined by the Coastal Act.

Policy 63. Except for oil and gas wells and accessory structures, all energy facilities proposed for the coastal zone shall be permitted uses only in the areas designated “Energy Development Areas” on the land use map.....

P3 would be constructed entirely within the existing MGS property, which is currently designated as Energy Facility on the Coastal Land Use Map. This designation allows for energy-related facilities, including an electrical-generating station.

4.6.5.3.3 City of Oxnard Coastal Zoning

The entire MGS property is zoned by the City of Oxnard as EC. The EC sub-zone allows for the siting, construction, modification, and maintenance of power-generating facilities and electrical substations consistent with CLUP Policies 51, 52, 54, 55, and 56. Compliance with CLUP policies 52, 54, and 56 have been discussed above. LCP policy 51 pertains to air quality and is discussed in Section 4.1, Air Quality. LCP policy 55 indicates that residential and visitor-serving commercial uses shall not be considered compatible with energy facility zoning as neighboring uses or zoning designations. As identified on Figure 4.6-2, Existing Land Uses, there are no residential- or visitor-serving commercial uses adjacent to the P3 site, nor is adjacent land zoned for such uses, as shown on Figure 4.6-4, Zoning Designations.

Coastal Zoning Code Section 17-20 further indicates that to assure consistency with the Oxnard CLUP, the following coastal act provisions and land use plan policies shall apply:

1. Coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth, where consistent with this article (Coastal Act, Section 30260).

P3 would be constructed wholly within the existing MGS property on an approximately 3-acre site that is currently unused. Therefore, P3 would make efficient use of land already dedicated for energy-generating uses.

2. All new energy related development shall conform to the air quality regulations set forth by the Ventura County Air Pollution Control District, the air quality management plan and new source review rule 26. (CLUP Policy 51)

P3 compliance with air quality standards is addressed in Section 4.1, Air Quality.

3. Energy related development shall not be located in coastal resource areas including sensitive habitats, recreational areas and archeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts. (CLUP Policy 52)

As discussed above, development of P3 on a portion of the existing MGS property would increase the development intensity on site. However, because the MGS property is already used for energy generation and is currently separated from adjacent land uses by a secured fence, significant adverse impacts on adjacent recreation, open space, and habitat restoration areas are not anticipated. Refer to Section 4.2, Biological Resources, and Section 4.3, Cultural Resources for additional information related to potential impacts to biological and cultural resources.

4. All new energy related development shall be located and designed to minimize adverse effects upon public access to the beach. (LCP Policy 54)

Please refer to the CLUP Policy 54 discussion above.

5. No energy related development shall be located seaward of the 100-year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration and the land use map of the Oxnard CLUP. (CLUP Policy 56)

Refer to the CLUP Policy 56 discussion above.

6. Wastewater from any energy related facilities shall be treated as necessary and put to reuse including, but not limited to the following:
 - a) Re-injection into the aquifer or ground water recharge system; and
 - b) Recycling for industrial, agricultural or urban use. (CLUP Policy 64).

P3 will use very little water for process water needs (i.e., service water and inlet air evaporative cooling) and includes recirculation. Therefore, P3 will generate a very small amount of process wastewater (approximately 6.5 acre-feet per year). This is substantially less than the amount of wastewater (i.e., once-through cooling and process wastewater combined) currently discharged to the ocean by MGS Units 1 and 2 (approximately 47,780 to 122,427 acre-feet per year during 2010-2014). Project compliance with wastewater requirements is discussed in Section 4.15, Water Resources.

Electrical power-generating plant and accessory uses normally associated with said power-generating facility are a conditionally permitted use in the EC sub-zone, subject to the approval of a coastal development permit. The findings used by the City of Oxnard when making a determination on a coastal development permit include the following (City Code Section 17-57, C5):

- The proposed use is conditionally permitted within the subject sub-zone and complies with all of the applicable provisions of this chapter.

As discussed above, P3 is consistent with the applicable coastal act provisions and land use plan policies.

- The proposed use would not impair the integrity and character of the subject sub-zone.

P3 would not introduce a new type of land use to the EC sub-zone. The purpose of the EC sub-zone is to provide an area that allows for the siting, construction, modification, and maintenance of power-generating facilities and electrical substations. P3 would be constructed wholly within the existing MGS property, and would make efficient use of land already dedicated to energy-generating uses.

- The location and intensity of use of the subject site would be physically suitable and would protect and maintain adjacent coastal resources.

The proposed use would be physically suitable because the site is already developed for power-generation uses and associated infrastructure. As described throughout this AFC, the proposed use would avoid or minimize impacts to adjacent coastal resources.

- The proposed use would be compatible with the land uses presently on the subject site.

P3 would be constructed wholly within the existing MGS property. Therefore, the proposed project would be compatible with uses currently on the subject site, because the site is already dedicated to energy-generating uses.

- The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.

P3 would be constructed wholly within the existing MGS property that is sub-zoned EC. The purpose of the EC sub-zone is to provide area that allow for the siting, construction, modification, and maintenance of power-generating facilities and electrical substations. As discussed in Section 4.6.2.2 above, P3 will be compatible with established land uses because it will be on the MGS property, which has functioned as a power-generation site for more than 60 years. Consistent with current use of the site, the P3 facilities will be separated from adjacent uses with a secured fence, and sufficiently set back from sensitive uses so that conflicts with other nearby uses (e.g., changes in the coastal viewshed, additional traffic, or increased presence of industrial uses near coastal recreational and natural resource protection areas) are not anticipated.

- There are adequate public services for the proposed use, including, but not limited to, fire and police protection, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

Adequate public services are available to the project, as discussed in Section 4.10, Socioeconomics. Project compliance with water requirements is discussed in Section 4.15, Water Resources.

- The proposed use will provide a type and level of public access consistent with the access policies and standards of the certified Oxnard CLUP.

There is currently adequate public coastal access (e.g., at West 5th Street to the south, and McGrath Beach State Park to the north), and public access would not be impacted because the proposed project would be situated entirely within the existing fenced and secured MGS property.

- The proposed use would be appropriate in light of an established need, based on the underlying goals and objectives of specific Oxnard CLUP policies, applicable to the proposed location.

The project site is located in the EC sub-zone in the Coastal Zone that allows for the siting, construction, modification, and maintenance of power-generating facilities and electrical substations. As discussed in Section 4.6.5.3.2, P3 is consistent with the current certified Oxnard CLUP.

- The proposed use would be consistent with all of the applicable policies of the certified Oxnard CLUP.

As discussed in Section 4.6.5.3.2, P3 is consistent the current certified Oxnard CLUP.

4.6.5.3.4 Ordinances

On July 1, 2014, the City of Oxnard City Council adopted an interim urgency ordinance imposing a moratorium on certain developments in the coastal zone, pending the City's update to its LCP (discussed above). The moratorium was adopted through 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 onsite generation of electricity on any property in the Oxnard coastal zone until the City can update its LCP. The moratorium was adopted to prohibit the actions described above, pending "studies and changes in the LCP, land use plan, and implementing zoning ordinance, and other applicable regulations."

The interim urgency ordinance was adopted pursuant to California Code Section 65858, which allows for urgency measures "prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time." Urgency measures adopted pursuant to Government Code Section 65858 are temporary in nature. They initially expire 45 days following adoption. Upon subsequent notice and public hearing, the urgency ordinance can be extended for up to an additional 10 months and 15 days, and may thereafter be extended for another year, for a total period of 2 years. The urgency ordinance cannot be extended beyond this 2-year period.

The original moratorium would have expired on August 15, 2014. On July 29, 2014, the City Council adopted Ordinance No. 2884, which extends the moratorium for an additional 10 months and 15 days by prohibiting the expansion of existing, or development of new, electrical-generating facilities in the Oxnard Coastal Zone pursuant to the SCE Request for Offer process, pending studies and changes in the Oxnard LCP and zoning ordinances and other land use regulations (City of Oxnard, 2014). Thus, the moratorium is currently set to expire on June 30, 2015.

At this time, it is not clear what the status of the moratorium or the LCP update will be when this AFC comes before the CEC for a decision. At that time, if the moratorium has been further extended and remains in place, or if the LCP has been updated and certified in a manner that is inconsistent with development of the P3 project, Applicant will seek a finding of overriding considerations from the CEC.

4.6.6 Involved Agencies and Agency Contacts

Involved agencies are listed in Table 4.6-4. The P3 site is in the jurisdiction of the City of Oxnard. The city will review the proposed development plans for consistency with their land use plans and ordinances. In addition, the CCC will prepare a consistency and suitability report for the CEC regarding P3, in accordance with PRC § 30413(d)(5) and (d)(6).]

4.6.7 Permits Required and Permit Schedule

Other than certification from the CEC, no state, federal, or local permits are required by the project for management of Land Use.

The CEC has exclusive authority to license power plants in California. According to PRC Section 25500:

The issuance of a certificate by the Commission shall be in lieu of any permit, certificate or similar document required by any state, local or regional agency. . . and shall supersede any applicable statute, ordinance or regulation of any state, local or regional agency . . .

Nonetheless, barring a finding that a project is required for the public convenience and necessity, and that there are no more prudent and feasible means of achieving that convenience and necessity (20 California Code of Regulations 7752 [1]), the CEC may not issue a license for a project that is inconsistent with local land use designations. As noted above, at the time of AFC filing, the proposed project was consistent with local land use designations, with the exception of the interim ordinance 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 onsite generation of electricity on any property in the Oxnard coastal zone until the City can update its LCP. The City has also initiated the process of updating its LCP in a manner that could be inconsistent with the proposed development of P3. It is not clear now what the status of the moratorium or the LCP update will be when this AFC comes before the CEC for a decision. At that time, if the moratorium remains in place, or if the LCP has been updated and certified in a manner that is inconsistent with development of the P3 project, Applicant will seek a finding of overriding considerations from the CEC.

4.6.8 References

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- County of Ventura, 2014. Ventura County General Plan Land Use Map, Figure 3.1 South Half, revised December 8, 2014.
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- FEMA (Federal Emergency Management Agency), 2010. Flood Insurance Rate Maps 06111C0885E and 06111C0905E, Ventura County, California. Effective Date January 20, 2010.
- U.S. Census Bureau, 2010a. American Fact Finder: City of Oxnard Profile of General Population and Housing Characteristics: 2010. Available online at: <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>. Accessed March 1, 2015.
- U.S. Census Bureau, 2010b. American Fact Finder: Ventura County Profile of General Population and Housing Characteristics: 2010. Available online at: <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>. Accessed March 1, 2015.

Table 4.6-1 General Plan Designations Within 1 Mile of the Project	
General Plan Designation	
City of Oxnard	
Public Utility/Energy Facility	
Residential Existing	
Mobile Home Park Coastal	
Visitor-serving Commercial	
Recreation	
Resource Protection	
Easement	
Ventura County	
Agricultural	
Agricultural-Urban Reserve	
Open Space	

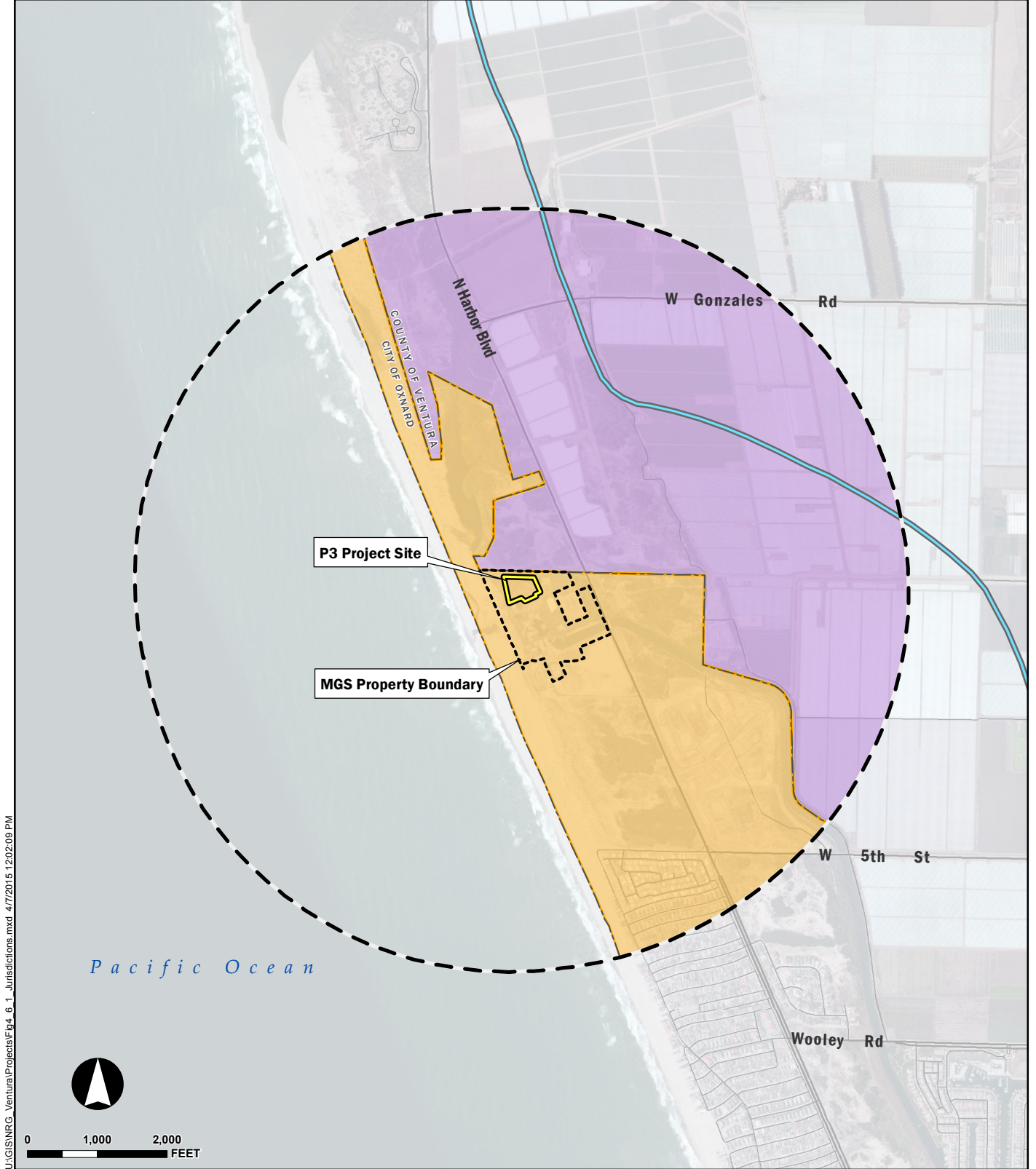
**Table 4.6-2
Zoning Designations Within 1 Mile of the Project**

City of Oxnard	
EC – EC Coastal Energy Facility	The purpose of the EC sub-zone is to provide areas that allow for siting, construction, modification, and maintenance of power-generating facilities and electrical substations consistent with Policies 51, 52, 54, 55, and 56 of the Oxnard CLUP. Additionally, the EC sub-zone is designed to provide a framework for coordinating the requirements and responsibilities of applicable city, state, and federal regulatory agencies vested with the authority for reviewing energy facility development.
MHPC – Mobile Home Park Coastal	The purpose of the MHP-C sub-zone is to implement Policy No. 65 of the Oxnard CLUP relating particularly to the preservation of low- to moderate-income housing in the city’s coastal zone. Policy No. 65 states: “Existing mobile home parks shall not be demolished or converted to another use, including purchase mobile home lots, unless an equal or greater number of comparably priced housing units are built in the coastal zone to replace the demolished or converted units.”
RB1 – Single-Family Beach	The purpose of the R-B-1 sub-zone is to provide areas in which the low-profile, small-scale character of existing single-family beach-oriented neighborhoods may be preserved, to provide reasonable protection to existing low- to moderate-income housing, and in which to designate areas of future development for low-density residential use. Development in the R-B-1 sub-zone shall be consistent with the policies of the Oxnard CLUP. In particular, development in North Shore at Mandalay Bay shall be consistent with LCP Land Use Plan Policy No. 49.1.
R3C – Garden Apartment Coastal	The purpose of the R-3-C sub-zone is to provide an area of medium-density multiple-family dwellings and new development for existing multiple-family residential neighborhoods, particularly to preserve existing low- to moderate-income housing in the city's coastal zone. Development in the R-3-C sub-zone shall be consistent with the policies of the Oxnard CLUP.
RBF – Beachfront Residential	The purpose of the R-BF sub-zone is to provide an area for beachfront residential development, consisting primarily of single-family beachfront, between the Pacific Ocean and the first public road parallel thereto.
CVC – Coastal Visitor Serving Commercial	The purpose of the CVC sub-zone is to provide coastal-dependent visitor-serving commercial/recreational opportunities for both the visiting public and the residents of the city. This sub-zone is designed to assure an orderly and balanced use of Oxnard’s coastal resources—and provide maximum access, enjoyment, and use of these resources—by all segments of the public, while protecting scenic resources in environmentally sensitive habitat areas. Development in the CVC sub-zone shall be consistent with the policies of the Oxnard CLUP, including Policy 46.

Table 4.6-2 Zoning Designations Within 1 Mile of the Project (Continued)	
RC – Coastal Recreation	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 that will protect and enhance areas which have both active and passive recreation potential. Such uses should offer recreational activities that 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 CLUP, as outlined in Chapter 3.7.1.
CR – Community Reserve	The purpose of the C-R Community Reserve Zone is to provide a district of predominantly open land uses, which in the public interest, should retain this character.
RP – Coastal Resource Protection	The purpose of the RP sub-zone is to protect, preserve, and restore environmentally sensitive habitat areas in the coastal zone of the city. The major resource or habitat areas in the city’s coastal zone include—but are not limited to—wetlands, sand dunes, riparian habitats, endangered species habitats, and marine habitats. Development in the RP sub-zone shall be consistent with Policies 6, 8, 10, 11, 12, and 13 of the certified Oxnard CLUP, and Sections 30230, 30231, 30236, and 30240 of the 1976 Coastal Act. Additionally, resource protection and development in North Shore at Mandalay Bay shall be consistent with LCP Land Use Plan Policy No. 10.1.
Ventura County	
AE-Agricultural Exclusive	The purpose of this zone is to preserve and protect commercial agricultural lands as a limited and irreplaceable resource; to preserve and maintain agriculture as a major industry in Ventura County; and to protect these areas from the encroachment of nonrelated uses which, by their nature, would have detrimental effects on the agriculture industry.
CA-Coastal Agricultural	The purpose of this zone is to preserve and protect commercial agricultural lands as a limited and irreplaceable resource; to preserve and maintain agriculture as a major industry in the coastal zone of Ventura County; and to protect these areas from the encroachment of nonresidential uses that, by their nature, would have detrimental effects on the agriculture industry.
COS-Coastal Open Space	The purpose of this zone is to provide for the preservation, maintenance, and enhancement of natural and recreational resources in the coastal areas of the County, while allowing reasonable and compatible uses of the land.
Notes: CLUP = Coastal Land Use Plan LCP = Local Coastal Plan	

Table 4.6-3 Summary of LORS – Land Use			
LORS	Administering Agency	Applicability	AFC Section
Federal			
None Applicable			
State			
California Coastal Act, PRC §30000 et seq.	California Coastal Commission	Establishes comprehensive scheme to govern land use planning along the coast, administered by the California Coastal Commission.	4.6.1.3, 4.6.2.3, 4.6.5.2
Local			
City of Oxnard, CLUP	City of Oxnard	Land use plan that governs the City of Oxnard Coastal Zone.	4.6.1.3, 4.6.2.3 4.6.5.3
City of Oxnard 2030 General Plan	City of Oxnard	General Plan identifies the long-range development intent of the City and includes policies to guide new development.	4.6.1.3 4.6.2.3 4.6.5.3
Coastal Zoning Ordinance	City of Oxnard	Implements the CLUP	4.6.1.3 4.6.2.3 4.6.5.3
Notes: AFC = Application for Certification CLUP = Coastal Land Use Plan LORS = Laws, Ordinances, Regulations, and Standards PRC = Public Resources Code			

Table 4.6-4 Involved Agencies and Agency Contacts				
Issue	Agency	Contact/Title	Telephone	E-mail
Coastal Zone	California Coastal Commission	Tom Luster	(415) 904-5248	tluster@coastal.ca.gov
City Land Use Policy	City of Oxnard	Ashley Golden (Interim) Planning Division Manager	(805) 385-7858	Ashley.golden@ci.oxnard.ca.us
County of Ventura land adjacent to project site	Ventura County	Kim Prillhart, Planning Director	(805) 654-2481	Kim.prillhart@ventura.org



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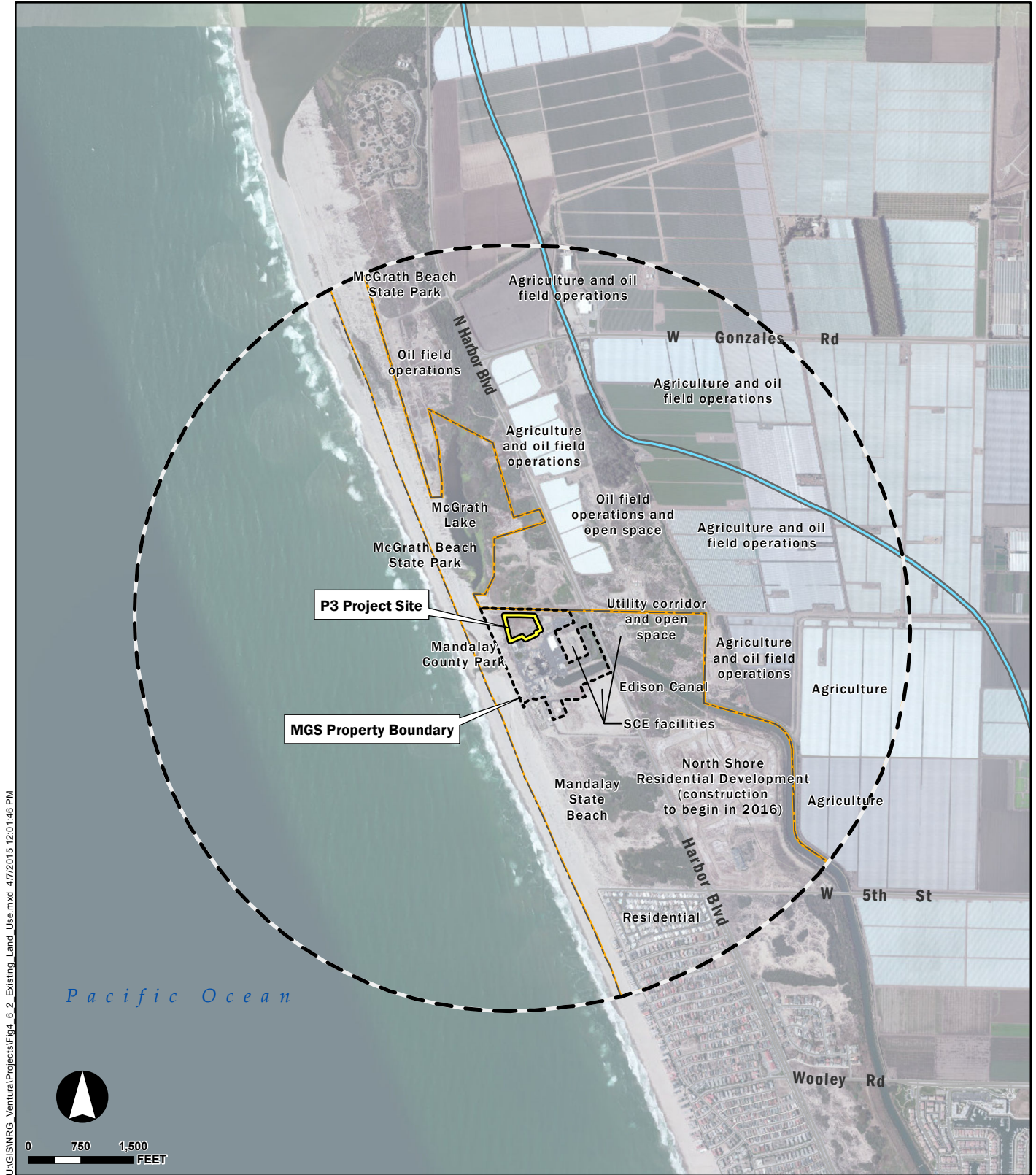
Source: Imagery, ESRI 2012; Jurisdictions, Ventura County, Coastal Zone, CA Coastal Commission.

- Puente Power Project (P3) Site
- 1-mile Buffer of P3
- Mandalay Generating Station Property
- Jurisdiction Boundary
- California Coastal Zone (inland extent)
- City of Oxnard
- County of Ventura

JURISDICTIONAL BOUNDARIES IN THE AREA SURROUNDING THE SITE

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Oxnard, California
April 2015

FIGURE 4.6-1



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Source: USGS 7.5' Topo Series; Land Use, Ventura County 2012; Coastal Zone, CA Coastal Commission; California Protected Areas Data Portal, 2015

- Puente Power Project (P3) Site
- 1-mile Buffer of P3
- Mandalay Generating Station Property
- Jurisdiction Boundary
- California Coastal Zone (inland extent)

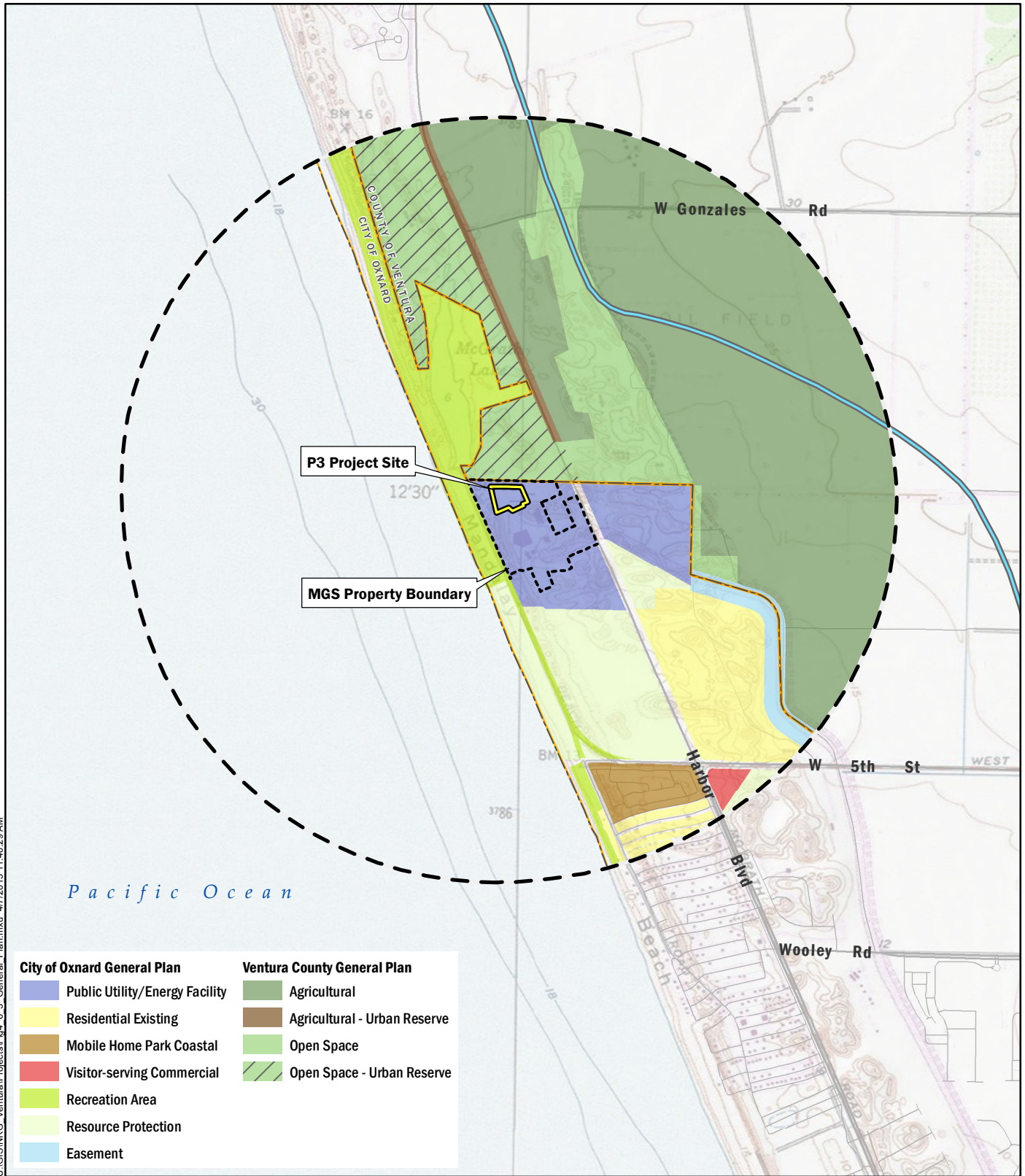
Note: All agriculture is conventional irrigated row crop (primarily strawberries)

EXISTING LAND USES IN THE AREA SURROUNDING THE SITE

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Oxnard, California
April 2015

FIGURE 4.6-2

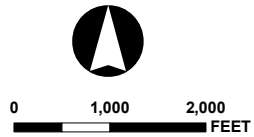
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City of Oxnard General Plan	Ventura County General Plan
Public Utility/Energy Facility	Agricultural
Residential Existing	Agricultural - Urban Reserve
Mobile Home Park Coastal	Open Space
Visitor-serving Commercial	Open Space - Urban Reserve
Recreation Area	
Resource Protection	
Easement	

Source: USGS 7.5' Topo Series; Future uses, Ventura County 2012 and City of Oxnard 2014; Coastal Zone, CA Coastal Commission.

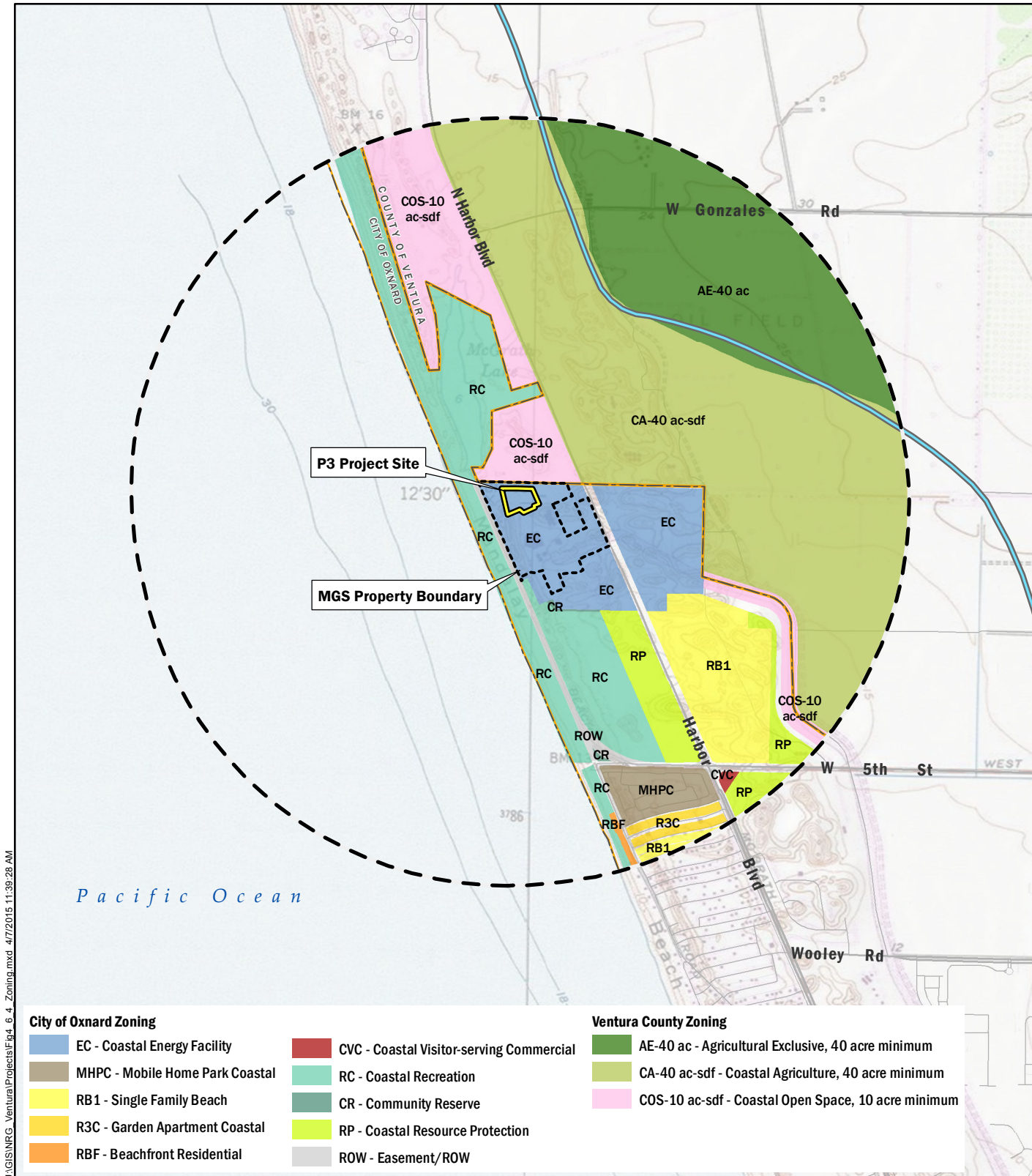
- Puente Power Project (P3) Site
- 1-mile Buffer of P3
- Mandalay Generating Station Property
- Jurisdiction Boundary
- California Coastal Zone (inland extent)



DESIGNATED FUTURE USES

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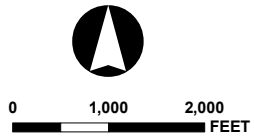
FIGURE 4.6-3



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Source: USGS 7.5' Topo Series; Zoning, Ventura County 2010 and City of Oxnard 2010; Coastal Zone, CA Coastal Commission.

- Puente Power Project (P3) Site
- 1-mile Buffer of P3
- Mandalay Generating Station Property
- Jurisdiction Boundary
- California Coastal Zone (inland extent)



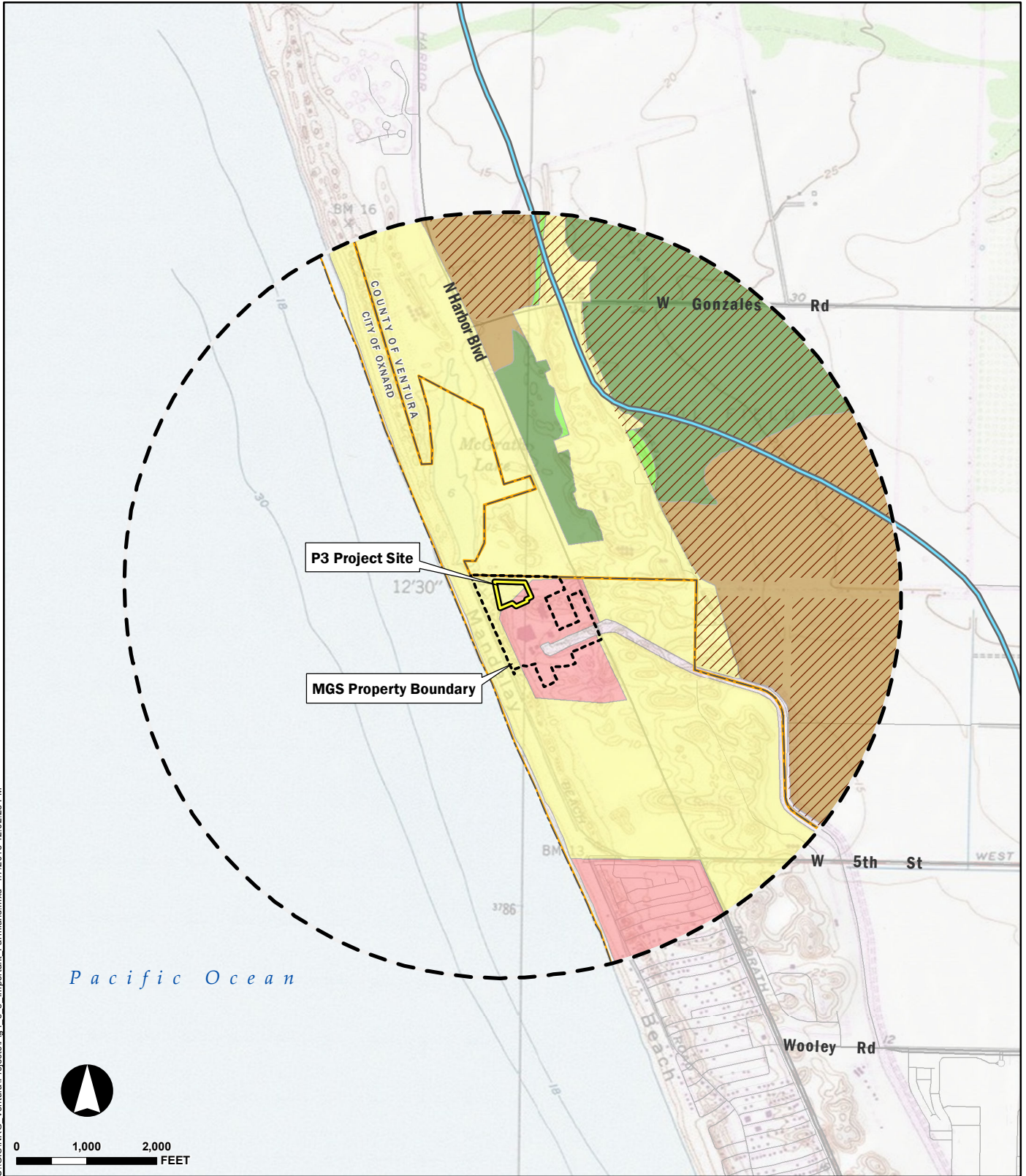
ZONING DESIGNATIONS

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April 2015

FIGURE 4.6-4

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Source: USGS 7.5' Topo Series; Farmland designations, CA Dept. of Conservation 2012; Coastal Zone, CA Coastal Commission.

- | | | |
|---|---|--|
|  | Puente Power Project (P3) Site | Farmland Designation |
|  | 1-mile Buffer of P3 |  Prime Farmland |
|  | Mandalay Generating Station Property |  Farmland of Statewide Importance |
|  | Jurisdiction Boundary |  Unique Farmland |
|  | California Coastal Zone (inland extent) |  Urban and Built-Up Land |
| | |  Other Land |
| | |  Williamson Act Lands |

IMPORTANT FARMLAND AND WILLIAMSON ACT LANDS

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Oxnard, California

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FIGURE 4.6-5