

CALIFORNIA COASTAL COMMISSION

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March 20, 1997

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: CHUCK DAMM, SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
LEE MCEACHERN, COASTAL PLANNER, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 1-97 TO THE CITY
OF NATIONAL CITY LOCAL COASTAL PROGRAM (For Public Hearing and
Possible Final Action at the Coastal Commission Hearing of April 8-11, 1997)

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

This submittal consists of several changes to the City's LCP affecting both the Land Use Plan and Implementing Regulations. Specifically, the City proposes to redesignate and rezone several properties, affecting the Industrial, Tourist Commercial and Open Space Zones; revise the LUP and Implementing Regulations to permit grading to occur during the rainy season; and, revise the Implementing Regulations pertaining to allowable uses within the Commercial Automotive Zone and to remove the Redevelopment (RD) Overlay and replace it with Planned Development (PD) Overlay on several properties along National City Boulevard.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval as submitted of the LUP revisions to redesignate several properties. The LUP revision to permit grading during the rainy season is recommended for denial as submitted, then approval with suggested modifications. The Implementation Plan amendments to rezone several properties, change the permitted uses within the Commercial Automotive Zone and remove the Redevelopment Development (RD) Overlay and add the Planned Development (PD) Overlay along National City Boulevard are recommended for approval as submitted. The Implementation Plan amendment addressing grading during the rainy season is recommended to be rejected as submitted, and then approved with suggested modifications.

The appropriate resolutions and motions begin on Page 4. The suggested modifications begin on Page 8. The findings for approval as submitted of the Land Use Plan amendment pertaining to the redesignation of several properties begin on Page 10. The findings for denial as submitted of the Land Use Plan amendment pertaining to rainy season grading

begin on Page 14. The findings for approval, if modified, of the Land Use Plan amendment pertaining to rainy season grading begin on Page 16. The findings for approval as submitted of the Implementation Plan amendment pertaining to rezones begin on Page 14. The findings for denial as submitted of the Implementation Plan amendment pertaining to rainy season grading begin on Page 21. The findings for approval, if modified, of the Implementation Plan amendment pertaining to rainy season grading begin on Page 22.

BACKGROUND

On January 22, 1988, the City of National City formally submitted its Local Coastal Program Land Use Plan (LUP) for the Commission's review and possible certification. At its April 14, 1988 meeting, the Commission certified, with suggested modifications, the National City Local Coastal Program Land Use Plan. Subsequently, on December 11, 1990, the Commission approved the City's Implementation Plan, with suggested modifications. The Commission also made revisions to the staff recommendation which related to three areas where specific plans are to be prepared by the City. The Commission's action certified these three areas, but stipulated that coastal development permit issuing authority would not be transferred to the City for these areas until specific plans are adopted by the City and certified by the Commission. The City has subsequently incorporated the suggested modifications and received Executive Director concurrence, on April 9, 1991, that it has taken the necessary steps to have the local coastal program effectively certified.

ADDITIONAL INFORMATION

Further information on the City of National City LCP Amendment 1-97 may be obtained from Lee McEachern, Coastal Planner, at the San Diego Area Office of the Coastal Commission, 3111 Camino Del Rio North, Suite 200, San Diego, CA, 92108-1725, (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

On September 29, 1981, the City of National City formally submitted its total local coastal program. After staff review of the total LCP submittal, the submittal was determined adequate and formally accepted by the Executive Director. The LCP submittal was subsequently set for public hearing, and a preliminary staff recommendation was drafted. The LCP did not, however, reach the Commission. The staff of the City raised a number of concerns about suggested modifications contained in the staff recommendation. In response to the preliminary staff recommendation, the LCP hearing was first delayed at the City's request, and then the LCP submittal was ultimately withdrawn.

On January 22, 1988, the City again formally submitted its local coastal program; however, this submittal, unlike the one previously withdrawn, was for the land use plan review only, rather than a total LCP submittal. The Land Use Plan was certified with suggested modifications by the Commission on April 14, 1988.

On December 11, 1990, the Commission approved the City's Implementation Plan, with suggested modifications. The Commission's action also certified three areas where specific plans are to be prepared by the City, but stipulated that permit issuing authority would not be transferred to the City on these areas until specific plans are adopted by the City and certified by the Commission.

Subsequently, the City submitted a categorical exclusion request to exempt certain developments in specified areas of the City's coastal zone from the permit requirements of the Coastal Act. This request was approved by the Commission on May 7, 1991, subject to special conditions. In July of 1991, the Commission approved, as submitted, the City's first LCP amendment and in June 1993, the City's second LCP amendment was approved, as submitted, by the Commission. This submittal represents the City's third amendment to its certified LCP.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- A. RESOLUTION I (Resolution to approve certification of the City of National City Land Use Plan Amendment #1-97 (LCP-1996-1/redesignations), as submitted)

MOTION I

I move that the Commission certify the City of National City Land Use Plan Amendment #1-97 to redesignate several properties, as submitted.

Staff Recommendation

Staff recommends a YES vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby approves certification of the amendment request to the City of National City LUP and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific public access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use

plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- B. RESOLUTION II (Resolution to deny certification of the City of National City Land Use Plan Amendment #1-97 (LCP-1996-2/rainy season grading), as submitted)

MOTION II

I move that the Commission certify the City of National City Land Use Plan Amendment #1-97 pertaining to rainy season grading, as submitted.

Staff Recommendation

Staff recommends a NO vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution II

The Commission hereby denies certification of the amendment request to the City of National City Land Use Plan and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will not be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does not meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act as there would be feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- C. RESOLUTION III (Resolution to approve certification of the City of National City Land Use Plan Amendment #1-97 (LCP-1996-2/rainy season grading), if modified)

MOTION III

I move that the Commission certify the City of National City Land Use Plan Amendment #1-97 pertaining to rainy season grading, if it is modified in conformance with the suggestions set forth in this staff report.

Staff Recommendation

Staff recommends a YES vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution III

The Commission hereby certifies the amendment request to the City of National City Land Use Plan, if modified, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- D. RESOLUTION IV (Resolution to approve certification of portions of the City of National City LCP Implementation Plan Amendment #1-97, as submitted)

MOTION IV

I move that the Commission reject the City of National City Implementation Plan Amendment #1-97, as contained in Ordinance No. 96-2124, pertaining to rezones, the Planned Development Overlay and the Commercial Automotive Zone, as submitted.

Staff Recommendation

Staff recommends a NO vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution IV

The Commission hereby approves certification of the amendment request (Ordinance No. 96-2124) to the City of National City Local Coastal Program Implementation Plan, as submitted, on the grounds that the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- E. RESOLUTION V (Resolution to reject certification of the City of National City LCP Implementation Plan Amendment #1-97 pertaining to rainy season grading, as submitted)

MOTION V

I move that the Commission reject the City of National City Implementation Plan Amendment #1-97, as contained in Ordinance No. 97-2129, pertaining to rainy season grading, as submitted.

Staff Recommendation

Staff recommends a YES vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution V

The Commission hereby rejects the amendment (Ordinance No. 97-2129) to the City of National City LCP Implementation Plan, as submitted, on the grounds that the amendment does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- F. RESOLUTION VI (Resolution to approve certification of the City of National City LCP Implementation Plan Amendment #1-97 pertaining to rainy season grading, if modified)

MOTION VI

I move that the Commission approve the City of National City Implementation Plan Amendment #1-97 pertaining to rainy season grading, if it is modified in conformity with the suggested modifications set forth in this report.

Staff Recommendation

Staff recommends a YES vote and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution VI

The Commission hereby approves certification of the amendment request to the City of National City LCP Implementation Plan, based on the modifications and findings set forth below, on the grounds that it conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Land Use Plan Amendment be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language that the Commission suggests be deleted from the language as originally submitted.

A. Land Use Plan Modifications.

1. Marsh Preservation Policy #7 on Page 35 of the LUP shall be revised to read as follows:
 7. Specific erosion control measures shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained in conjunction with all grading activities, consistent with Section X(B)(4)(k) of the Implementation Plan, during the period of November 1 to April 1 each year for all properties which drain directly to marsh and wetland areas. These properties shall include all properties located in the following areas:

All properties between 35th Street and the southerly City limits;

All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street and the MTDB San Diego Trolley Line;

All properties in the City's jurisdiction located westerly of Highway I-5 and south of 24th Street.

B. Implementation Plan Modifications.

2. Section B(4)(k) under Coastal Zone Designation on Page 22 of the Implementation Plan shall be revised to read as follows:

k. Plans for grading specified in marshland preservation regulation j shall include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the City Engineer to protect adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations. Temporary erosion control measures shall include the use of berms, interceptor ditches, filtered inlets, debris basins, silt fences/traps or other similar means of equal or greater effectiveness.

If grading is begun prior to November 1st, all protective measures shall be installed prior to November 1st. If grading is begun on or after November 1st, all protective measures shall be installed before grading is begun. All protective measures shall be maintained in good working order until April 1st of the succeeding year, where grading is done between November 1st and December 31st, or until April 1st of the same year where grading is done between January 1st and April 1st, unless the removal at an earlier date is approved by the City Engineer.

Where a grading permit is issued and the work is commenced after April 1st and before November 1st of any year, and the permit was issued without protective measures as provided for in this regulation, and it appears that the grading and installation of the permanent drainage devices as authorized by the permit will not be completed prior to November 1st, then on or before October 15th, the owner of the site on which the grading is being performed shall file or cause to be filed with the City Engineer details of the required protective measures and shall implement the measures contained in the approved plan by November 1st. A plan check fee for the details of required protective measures shall be paid at the time of submittal and shall be in the amount as may be determined by the City.

For continuation of grading activities, other than installation, maintenance, or repair of the required protective measures, during the wet season, permittee must provide documentation to the City Engineer on the working condition and effective operation of the erosion control measures and apply for and receive, every seven days, special permission to proceed. This weekly requirement may be waived by the City Engineer if there has been no measurable rainfall during the previous seven days.

The City Engineer shall grant permission under this section on the basis of weather forecasts, site conditions, experience and other pertinent factors which indicate the activity may commence or continue without excessive erosion occurring.

The applicant shall post a deposit for such areas to be graded which shall be sufficient to cover the costs of any remedial grading and replanting of vegetation, including any restoration of wetlands, or other environmentally sensitive habitat areas adversely affected by the failure of the erosion control measures required herein, as determined by

the City Engineer. Should the permittee fail to submit the plans, fail to provide the protective measures or fail to obtain permission for wet season activities as required by this regulation by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit security. Thereupon the City Engineer may enter the property for the purpose of installing, by City forces or by other means, the drainage and erosion control devices shown on the approved plans, or if there are not approved plans, as he may deem necessary to protect adjoining property from storm damage, or the City Engineer may cause the owner of the site to be prosecuted as a violator of City ordinances, or he may take both actions.

The City Engineer shall have the authority to require implementation of all erosion control systems and requirements at any time of the year.

PART IV. FINDINGS FOR APPROVAL OF THE NATIONAL CITY LAND USE PLAN AMENDMENT #1-97/LAND USE REDESIGNATIONS, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The amendment request is to change the land use designation on several properties. The first change involves several small adjacent parcels currently designated as Industrial which are proposed to be redesignated to Tourist Commercial/Recreation. The approximately 2.2 acre site (Site A) is located north of Paradise Marsh, on the north and south side of 24th Street. Industrial uses bound the site to the west, north and east. The area to the south is currently designated Tourist Commercial/Recreation.

The other proposed land use change involves technical changes to three small parcels to address updated information on the boundaries of freeway right-of-way. The City of National City, unlike other local jurisdictions in the area, uses a general Open Space designation as a "holding zone" applied to areas such as utility easements, railroad and freeway right-of-ways and flood control channels. This designation does not imply the existence of any recreational values or sensitive resources. The Open Space Reserve designation is applied to those areas where sensitive resources and potential recreational values exist.

The first change pertaining to freeway right-of-way is an approximately 6,000 sq. ft. parcel (Site B) proposed to be redesignated from Open Space to Industrial located adjacent to Interstate 5, just south of 8th Street. The second is an approximately 3 acre area (Site C) located east of Interstate 5 at the southern City limits which is proposed to be redesignated from Industrial to Open Space. The third change is an approximately 13,000 sq. ft. site (Site D) located east of Interstate 5, between 9th Street and Plaza Boulevard which is currently designated as Open Space and is proposed to be removed from the certified Land Use Plan Map as the site lies just outside the coastal zone.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan amendment forwarded in LCP-1996-1 does conform with Chapter 3 of the Coastal Act and the goals of the state for the coastal zone.

C. CONFORMITY WITH CHAPTER 3

The following Coastal Act sections are applicable and state, in part:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation,

maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250

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

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

As stated above, the proposed amendment also involves the redesignation of several sites, three of which are proposed only as technical changes to reflect existing freeway right-of-way. The first site proposed for change is an approximately 2.2 acre area (Site A) located

north of Paradise Marsh, on the north and south side of 24th Street. This area is proposed to be redesignated from Industrial to Tourist Commercial/Recreational. The site currently contains National City's Santa Fe Depot, which is an historic site planned for restoration by the City, and several other industrial parcels. The redesignation of this area has been proposed by the City to increase the amount of visitor-serving area within the City and improve the potential for public access to the City's Harbor District. The only areas of the City's Coastal Zone designated for visitor-serving uses are north and west of Paradise Marsh, where such uses are most desirous. In addition, the changes affects only small parcels that are not necessary for marine-related industry. As such, the proposed land use change for this area is appropriate and may be found consistent with Sections 30250, 30251 and 30252 of the Act.

Site B, the site west of Interstate 5 and south of 8th Street, is proposed to be redesignated from Open Space to Industrial and is currently developed with industrial uses. Again, this site represents excess freeway right-of-way, which was sold by CALTRANS and contains no unique open space values or habitat areas and the change is proposed to reflect the existing use and is consistent with surrounding land use designations. In addition, any future development proposals for the site would have to adhere to all development standards applied by the City, which include standards for landscaping, parking, setbacks, signage, etc. The proposed land use redesignation therefore conforms with Section 30250 of the Act.

The site along Interstate 5 at the southerly City limits, Site C, which is proposed for redesignation from Industrial to Open Space, again is proposed to correct existing mapping errors to reflect existing freeway and railroad rights-of-way. The site, while currently designated as Industrial, currently contains the Interstate 5 north to eastbound Route 54 ramp and a portion of the San Diego Trolley line and their right-of-ways. As such, the proposed general Open Space designation is appropriate. Again, in this instance, the Open Space designation is only a holding zone and does not imply the presence of any habitat or other open space value. However, the redesignation of the site to the Open Space land use category will preserve the transportation corridors and thus, can be found consistent with Sections 30250 and 30252 of the Act.

The site on the east side of Interstate 5, between 9th Street and Plaza Boulevard, Site D, is proposed to be redesignated from Open Space, again is to correct existing mapping errors. This site is currently designated as Open Space reflecting freeway right-of-way. However, the site is not freeway right-of-way and is currently developed with industrial uses. Because the inland extent of Interstate 5 right-of-way also represents the coastal zone boundary, and because this site is not freeway right-of-way, it should not be included on the Land Use Plan Map as being in the coastal zone. As such, the change has been proposed which will remove the CZ designation.

In summary, the proposed changes will not result in adverse impacts to coastal resources in that no sensitive habitat or unique open space areas are affected, adequate infrastructure and services exist to accommodate new development and public access will not be adversely affected. Therefore, the Commission finds that the City's Land Use Plan amendment to

redesignate several properties is consistent with all applicable Chapter 3 policies of the Coastal Act.

**PART V. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF
NATIONAL CITY LAND USE PLAN AMENDMENT #1-97/RAINY
SEASON GRADING, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The City is proposing to amend its Land Use Plan to allow grading to occur during the rainy season (defined in the LUP as November 1 to April 1 of any year) near existing sensitive resource areas identified as Paradise Marsh, Bannister Marsh and the Sweetwater River south of 35th Street.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that this portion of the land use plan amendment (LCP-1996-2) as set forth in the preceding resolutions, is not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act. Section 30001.5 of the Act is cited above in this report. The Commission therefore finds, for the specific reasons detailed below, that this land use plan amendment does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone.

C. NONCONFORMITY WITH CHAPTER 3

1. Environmentally Sensitive Habitat Area. The following Chapter 3 Sections of the Coastal Act are most applicable:

Section 30231

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

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The area of the City of National City that comprises the coastal zone, is for the most part "built-out", with only a few isolated vacant parcels available. In addition, the areas within the coastal zone where sensitive resources have been identified are Paradise Marsh, Bannister Marsh and the Sweetwater River south of 35th Street. In approving the City's LUP, the Commission required policy language be added which restricted grading during the rainy season on properties adjacent to the City's identified sensitive habitat areas. The Commission found that grading can generate on-site erosion which can result in sedimentation off-site into sensitive habitat areas and that one of the most effective means in preventing such erosion is to restrict grading during the rainy months. Therefore, such a restriction was adopted in the City's LUP and it prohibits grading between November 1 and April 1 of any year.

The City has recently found however, that, due to the presence of threatened/endangered bird species in these marsh areas, the Fish and Wildlife Service, has further restricted grading around these areas during the spring and summer months. These additional constraints are necessary to avoid disturbances to endangered bird species during their nesting season (Clapper Rails, etc.). As such, with the rainy season restrictions certified in the land use plan and the nesting season restriction adopted by the wildlife agencies, grading around these areas can only occur for an approximately one and a half month period. This is typically too short a period for many grading operations and construction schedules. Thus, the City has requested to amend the LUP to allow grading to occur during the rainy season, if "specific erosion control measures" are approved and in place during the rainy season.

Given the circumstances, the Commission can support the idea of such a request because other existing LUP policies currently require that runoff from new development be controlled and that minimum 100 ft. buffers be incorporated between proposed development and wetland resources. In addition, the topography surrounding these areas is generally flat, which reduces the risk of off-site sedimentation. However, the proposed amendment language does not contain enough specificity to assure that sensitive resources are protected and that the presently proposed measures would be retained in the future. Section 30108.5 of the Coastal Act defines "Land Use Plan" as those portions of the local government's general plan "which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions." The intent of the Coastal Act is that fundamental land use decisions be made early in the LCP process rather than leave such decisions until review of the zoning ordinances. In addition, given that the standard of

review for revisions to the implementation plan is consistency with the certified land use plan, the Commission has required that key provisions be specified in the land use plan. Because specificity relative to grading and sedimentation controls has not been included in the LUP, the Commission finds the proposed amendment could result in adverse resource impacts and this is inconsistent with the above cited Chapter 3 policies of the Coastal Act.

PART VI. FINDINGS FOR APPROVAL OF THE CITY OF NATIONAL CITY LAND USE PLAN AMENDMENT #1-97/RAINY SEASON GRADING, IF MODIFIED

As stated in the findings for denial of this amendment, while the Commission can support the need to allow controlled grading to occur during the rainy season around the City's sensitive habitat areas, the proposed LUP revision lacks specificity to assure such resources will be adequately protected. Therefore, Suggested Modification #1 has been proposed. This modification references the section of the City's Implementation Plan that specifically details when and under what circumstances grading during the rainy season can occur. Given this revision, the Commission finds the proposed LUP amendment to allow grading to occur during the rainy season will not adversely impact sensitive habitat areas, consistent with Sections 30231 and 30240 of the Coastal Act.

PART VII. FINDINGS FOR APPROVAL, AS SUBMITTED, OF THE NATIONAL CITY IMPLEMENTATION PLAN AMENDMENT PERTAINING TO REZONES, PLANNED DEVELOPMENT OVERLAY AND THE COMMERCIAL AUTOMOTIVE ZONE

A. AMENDMENT DESCRIPTION

This amendment request involves several changes to the City of National City Implementation Plan. Included are:

- Rezoning of several properties: Commercial Automotive (CA-PD-CZ) to Light Manufacturing (ML-PD-CZ); Medium Manufacturing (MM-CZ) to Commercial Tourist (CT-PD-CZ) and several technical corrections reflecting the boundaries of freeway right-of-way (OS-CZ to ML-CZ and ML-CZ to OS-CZ);
- Removing the RD (Redevelopment) Overlay designation and the addition of the PD (Planned Development) Overlay along National City Boulevard;
- Revising the CA (Commercial Automotive) Zone pertaining to permitted uses; and
- Revising the Coastal Zone Designation Regulations to allow grading to occur in areas adjacent to sensitive resources during the rainy season.

Rejection of the Coastal Zone Designation Regulations will be addressed in separate findings, since a different action is proposed for it.

B. FINDINGS FOR CERTIFICATION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. Since there are several different ordinances affected by the subject LCP amendment, each ordinance will be addressed separately below, under applicable subheadings.

1. Light Manufacturing (ML) Zone.

a) Purpose and Intent of the Ordinance. The purpose of the ML Zone, within the City's coastal zone, is to establish low intensity industrial uses in areas near commercial zones; to require all industrial uses to be adequately housed in completely enclosed buildings; and, to limit, through the use of performance standards, the physical effects of industrial activities to levels permitting no objectionable or obnoxious smoke, noise, vibration, fumes, radiation, glare and fire and explosive hazards.

b) Major Provisions of the Ordinance. The ML Zone contains a number of provisions, including:

- specification of the principal uses and structures permitted within the light manufacturing zone;
- specification of the accessory uses and structures permitted; and
- establishment of development standards relating to uses, lot area, required setbacks, signage, parking, building aesthetics and building height.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed amendment pertaining to the ML Zone is the rezoning of two properties. The first is a 1.19 acre site located on the southwest corner of 33rd Street and National City Boulevard proposed to be rezoned from Commercial Automotive (CA-PD-CZ) to Light Manufacturing (ML-PD-CZ). This rezoning was proposed by the owner and supported by the City because both the CA and ML Zones are applied along National City Boulevard and surrounding areas to the north and west are similarly zoned (ML). In addition, either zone implements the Commercial designation applied to the site by the certified land use plan.

The second rezoning affecting the ML Zone is a 6,000 sq. ft. site, Site B, located west of Interstate 5 and south of 8th Street proposed to be rezoned from Open Space (OS-CZ) to Light Manufacturing (ML-CZ). The project site was previous CALTRANS right-of-way for Interstate 5, but has previously been sold and is now developed with industrial uses. The City designates and zones all freeway right-of-way as open space, as was the case for the subject site. However, the site no longer serves as right-of-way and does not contain any

sensitive resources and has no open space values. As such, the proposed rezoning can be supported. Therefore, the Commission finds the subject amendment to be consistent with and able to carry out the certified Land Use Plan.

2. Commercial Automotive Zone.

a) Purpose and Intent of the Ordinance. The purpose and intent of the CA Zone within the City's Coastal Zone is to provide an area for new and used automobile and truck sales and service, and for sales and service that support and complement such uses.

b) Major Provisions of the Ordinance. The CA Zone contains several significant provisions including:

- specification of the permitted uses within the zone;
- specification of the accessory uses and buildings customarily incidental to permitted uses; and
- establishment of development standards relating to uses, lot area, required setbacks, signage, parking, building aesthetics and materials and building height.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed amendment is to revise the permitted uses within this zone. Specifically, the amendment revises the CA Zone such that independent used car sales, services, or repairs will not be permitted unless these activities are part of a new vehicle dealership. The proposed change to discourage used car sales and services, unless part of a new car dealership will reflect the use of the area by the Mile-of Cars, the only area of the City where the CA Zone is applied. In addition, the proposed change is consistent with the Commercial designation applied to the site by the certified land use plan in that it will continue to allow used car sales, but with more controls. Therefore, the Commission finds the proposed amendment will carry out the certified land use plan.

3. Commercial Tourist (CT) Zone.

a) Purpose and Intent of the Ordinance. Within the coastal zone, the purpose of the CT zone is to further accommodate tourist commercial, recreational and open space uses.

b) Major Provisions of the Ordinance. The CT Zone contains several significant provisions including:

- specification of the permitted uses within the CA zone;
- specification of the accessory uses and buildings customarily incidental to permitted uses;

- requirement for the development of specific plans for the CT zoned area within the coastal zone, at which time additional permitted uses shall be determined; and
- establishment of development standards relating to uses, lot area, required setbacks, signage, parking building aesthetics and materials and building height.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed amendment involves the rezoning of several adjacent parcels comprising a total of approximately 2.2 acres from Medium Manufacturing (MM) to Commercial Tourist (CT). The area proposed to be changed and referred to as Site A, is located north of Paradise Marsh, on the north and south sides of 24th Streets. In the LUP, visitor-serving uses are given priority over other uses. Within the City's Coastal Zone, the Commercial Tourist designation is only applied around Paradise Marsh, the area of the City's where such uses would best be suited and are most desirous. The area proposed for rezone is contiguous with other existing CT zoned areas and could serve as the entryway to the City's Harbor District. As such, the proposed rezone can be supported. In addition, the proposed rezoning is consistent with the concurrent action on the LUP, which changed the land use designation on the site to Commercial Tourist. Therefore, the Commission finds the proposed amendment to be consistent with and adequate to carry out the certified LUP, as amended.

4. Planned Development Overlay.

a) Purpose and Intent of the Ordinance. The purpose of the ordinance is to provide for discretionary review to determine whether a proposed development is designed appropriately for its intended use.

b) Major Provisions of the Ordinance. The Planned Development (PD) Overlay contains several provisions including:

- specification of the procedures to obtain approval, including hearing and notice requirements; and
- a provision that planned development permit applications are handled in the same manner as conditional use permits and that no exceptions to Land Use Code requirements may be granted without a variance and an amendment to the local coastal program implementation plan.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The proposed revision applies the PD Overlay to properties along National City Boulevard where previously the Redevelopment (RD) Overlay had been applied. As stated, the PD Overlay is intended to provide for discretionary review of proposed development to ensure it is designed appropriately for its intended use. Applying the PD Overlay to the properties along National City Boulevard will provide the potential for more detailed site plan review to ensure the visual resource policies of the land use plan are carried out. Therefore the

Commission finds the subject amendment consistent with and adequate to carry out the certified LUP.

5. Open Space Designation.

a) Purpose and Intent of the Ordinance. The purpose of the ordinance is to provide an open space combining zone to include public school sites, public and private lands, playground, salt marsh lands, water areas, uninhabited agricultural or aquaculture lands, recreational lands, public utility areas, freeway right-of-ways, railroad right-of-ways, flood control channels, and other scenic and open space areas shown on the Open Space and Conservation Element of the City's General Plan. For areas with sensitive resources, the "Reserve" designation is applied.

b) Major Provisions of the Ordinance. The Open Space Designation ordinance contains provisions that specify the permitted primary and secondary uses allowed within the zone. It provides for permanent open space and open space uses in the coastal zone by limiting development in such designated areas.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The Open Space Ordinance is intended to provide for permanent open space and open space uses in the City; and, in the City's Coastal Zone it is applied exclusively to the Interstate 5 and Route 54 freeway right-of-ways, the MTDB San Diego Trolley right-of-way and the Sweetwater River Flood Control Channel. The subject amendment is to rezone a small 3 acre area located along the southerly City limits from Light Manufacturing (ML-CZ) to Open Space (OS-CZ). The site, although zoned for light manufacturing uses contains portions of Interstate 5, State Route 54, the San Diego Trolley and their respective right-of-ways. As such, the proposed amendment is necessary to correct a mapping error and reflect existing conditions by applying the Open Space designation to these right-of-ways. The proposed rezone is also consistent with the concurrent action on the LUP, which changed the land use designation on the site to Open Space. With the proposed rezoning, the Commission finds the Open Space Designation will be fully consistent with and able to carry out the certified, amended Land Use Plan.

**PART VIII. FINDINGS FOR REJECTION OF THE NATIONAL CITY
IMPLEMENTATION PLAN AMENDMENT #1-97/RAINY
SEASON GRADING, AS SUBMITTED**

As mentioned above, the Coastal Zone Designation would be discussed separately because a different action is proposed for it. This ordinance is recommended to be rejected based on the following findings.

1. Coastal Zone Designation.

a) Purpose and Intent of the Ordinance. The purpose of this ordinance is to identify and give notice that properties with this designation are governed by the City's certified

local coastal program. It also serves as the "triggering" mechanism for application of most of the LCP's most critical provisions for the protection of the City's sensitive coastal resources.

b) Major Provisions of the Ordinance. The Coastal Zone Overlay Designation contains a number of significant provisions including:

- a provision that, in addition to meeting the requirements of the underlying zone, any use on any property within the CZ Overlay must meet the provisions of the City's local coastal program;
- establishment of special regulations for providing public access;
- establishment of specific plan requirements for the Tourist Commercial zoned areas west and north of Paradise Marsh and for the restoration of Paradise Marsh;
- establishment of special regulations and development standards for marshland preservation, that includes the use of appropriate buffers, the mapping of wetlands, the need for open space over wetland resources, limitations on dredging and filling of wetlands, the need to direct drainage away from wetland resources and limitations on grading during the rainy season; and
- establishment of special regulations related to development in flood and geologic hazard areas.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. As discussed in the findings to amend the LUP, the areas within the coastal zone where sensitive resources have been identified are Paradise Marsh, Bannister Marsh and the Sweetwater River south of 35th Street. The City, in review of a proposal to construct a segment of the Bay Route Bike Path adjacent to Paradise Marsh, has recently found that, due to the presence of threatened/endangered bird species in these marsh areas, grading around this area has been restricted so as not to occur during the spring and summer months to avoid disturbances to endangered bird species during their nesting season (Clapper Rails, etc.). As such, with the rainy season restrictions in the LCP and the nesting season restriction placed by the wildlife agencies, grading around these areas can only occur for an approximately one and a half month period. Given the difficulty this creates and a number of unique factors noted in the LUP findings, the LUP as amended herein, allows controlled grading to occur during the rainy season.

The amendment to this ordinance proposes to revise the grading regulations to allow grading in areas adjacent to the City's three identified resource habitat areas to occur during the rainy season. Specifically, the proposed amendment is to remove the existing restriction on grading during the rainy season given specific provisions which require erosion control measures to be approved, incorporated into development and in place, monitored and maintained throughout the rainy season. The proposed amendment also includes more

detailed regulations on how this is to be implemented/managed. While the proposed amendment is generally consistent with the certified amended LUP, the proposed language does not include enough safeguards or specificity to assure adequate protection to sensitive habitat areas. Therefore, the proposed amendment to the Coastal Zone Designation must be rejected.

**PART IX. FINDINGS FOR APPROVAL OF THE CITY OF NATIONAL CITY
IMPLEMENTATION PLAN AMENDMENT PERTAINING TO RAINY
SEASON GRADING, IF MODIFIED**

1. Coastal Zone Designation.

As stated in the findings for denial of this ordinance, while the proposed amendment is for the most part consistent with the certified amended LUP, it does not contain sufficient safeguards/detail to assure adequate protection of sensitive habitat areas. As such Suggested Modification #2 has been proposed. The suggested revisions to the ordinance provide such detail. First, while temporary erosion control measures are required, the amendment language does not specify the full extent of such temporary measures. As such, Suggested Modification #2 details that temporary erosion control measures shall include the use of berms, interceptor ditches, silt fences, etc.

In addition, while the proposed amendment language does require the City Engineer to approve the continuation of grading on a weekly basis, it does not specify what standards will be evaluated or require the applicant to document the effectiveness of existing erosion control measures. As such, Suggested Modification #2 also requires that a permittee provide to the City Engineer each week, details on the working condition and effective operation of all erosion control measures. With this information, the City Engineer can better make an informed decision on whether or not to allow grading to continue.

Finally, while the proposed amendment language would allow for the City Engineer to enter property for the purposes of installing erosion control measures if a permittee is in default of the grading permit, it does not detail the means by which this could be carried out. Therefore, Suggested Modification #2 also requires that an applicant post a deposit sufficient to cover the costs of any remedial grading and/or replanting, including restoration of wetlands or other sensitive habitat areas, adversely affected by failure of erosion control measures. In this way, the City Engineer has the means to act before further damage occurs to such habitat areas. With the proposed modifications, the Commission finds that environmentally sensitive habitat areas will be adequately protected and the Coastal Zone Designation conforms with and is adequate to carry out the certified amended land use plan.

**PART X. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the amendment, incorporating the suggested modifications listed above, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Absent incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Specifically, the LUP modifications will redesignate several properties. Most of the changes have been proposed as technical corrections to reflect existing freeway right-of-way. The proposed redesignation to Commercial Tourist/Recreational north of Paradise Marsh will increase the amount of tourist commercial area in the City and has no affect on permitted uses or sensitive resource area. The LUP revision to allow grading to occur during the rainy season raised a concern in that it lacked the specificity required in an LUP. With the inclusion of a suggested modification referencing the detailed regulations contained in the implementing regulations, this concern was resolved.

Relative to the Implementation Plan, several changes are proposed. Several sites are to be rezoned, consistent with the LUP revisions. In addition, the permitted uses within the Commercial Automotive Zone are revised to discourage used car sales and repairs, unless part of a new dealership along the City's Mile-of-Cars. Also, the Redevelopment Overlay was removed and the Planned Development Overlay added along National City Boulevard. All these changes are acceptable. However, the revision to the Implementation Plan to allow grading during the rainy season raised concerns, again relative to specificity. With the suggested modifications, this concern was resolved.

Given the proposed mitigation measures, the Commission finds the proposed local coastal program amendment, as modified, will not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Furthermore, future individual projects would require coastal development permits from the City of National City. Throughout the City's Coastal Zone, the specific impacts associated with individual development projects would be assessed through the environmental review process; and, the individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the LCP amendment, as modified, can be supported.

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WED 7a

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE REVISED NATIONAL CITY GENERAL PLAN AND
COMBINED GENERAL PLAN/ZONING MAP, AND RELATED
AMENDMENTS TO THE LOCAL COASTAL PROGRAM LAND USE PLAN
APPLICANT: CITY OF NATIONAL CITY
CASE FILE NOS. GP-1996-1, ZC-1996-1, LCP-1996-1

WHEREAS, the City Council considered the recommendation and findings of the Planning Commission for approval of the Revised General Plan and Combined General Plan/Zoning Map, as well as related amendments to the Local Coastal Program, along with evidence and testimony presented at the duly advertised public hearing held by the City Council on July 23, 1996, and continued on August 27, 1996; and,

WHEREAS, the Planning Commission and City Council have caused and duly held studies and proceedings for the timely amendment to the General Plan of the City of National City, pursuant to Title 7, Chapter 3, Article 6 of the Government Code of the State of California, and,

WHEREAS, the Planning Commission at a duly advertised public hearing held on July 1, 1996 considered the proposed amendment to the General Plan of the City of National City, along with all evidence and testimony presented at said hearing, and along with the proposed Negative Declaration together with any comments received; and,

WHEREAS, the City Council recognizes the need and desirability to conduct reviews of, and consider amendments to, the General Plan to accommodate the changing needs of the community;

NOW, THEREFORE BE IT RESOLVED that the City Council has considered the proposed Negative Declaration together with any comments received during the public review process and all evidence and testimony presented at the hearing and finds that on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment, approves the proposed Negative Declaration, and authorizes the filing of a Notice of Determination.

BE IT FURTHER RESOLVED that the City Council finds that the Revised General Plan is in the public interest, since it has been drafted with the General Plan Advisory Committee, which consists of citizens appointed by the City Council, and the Plan's policies, Combined General Plan/Zoning Map designations and programs respond to citizen comments which were solicited at community meetings conducted by staff at the direction of the City Council, and the Plan also reflects updated data on socioeconomic as well as physical characteristics of the City, which were documented in the issues reports prepared for the General Plan Revision Program, along with information on public perceptions.

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EXHIBIT NO. 1
APPLICATION NO. NAT CITY LCRA 1-97
Resolution-GP/ Rezoning
California Coastal Commission

BE IT FURTHER RESOLVED that the City Council finds that the proposed zoning on the Combined General Plan/Zoning Map is consistent with and necessary to implement the General Plan, since proposed zones are identical to proposed General Plan designations, and proposed OS, PD and PUD overlays will provide for discretionary review to ensure higher quality development and compatibility with surrounding uses, consistent with policy contained in both the current and Revised General Plan.

BE IT FURTHER RESOLVED that the City Council finds that the changes incorporated in the Revised General Plan carry out and maintain consistency with the Housing Element adopted in 1992 and certified by the State, since Housing Element Conservation Program no. 8 calls for evaluation of residential neighborhoods for preservation or need for change in conjunction with the General Plan update; also, the land use designations of the General Plan provide for the continuation of a broad range of housing types in the City as well as for potential development which would satisfy Housing Element objectives for new construction of housing.

BE IT FURTHER RESOLVED that the City Council finds that the amendments to the Local Coastal Program Land Use Plan (map) are in the public interest and consistent with Coastal Act policies; since the proposed CT designation for the historic Santa Fe Depot and adjacent area will result in improved potential for public access already called for by the Land Use Plan at the entryway to the City's Harbor District, and it will affect small parcels that are not necessary for marine-related industry. In addition, the OS designation was applied by the Land Use Plan to reflect freeway right-of-way, and changes to the OS designation address updated information on the boundaries of this right-of-way and affect small parcels that contain no unique open space values.

BE IT FURTHER RESOLVED that the City Council finds that the amendments to the Local Coastal Program implementation (i.e., zoning changes) are consistent with and carry out the Land Use Plan, as amended, since the CT-CZ zone will apply to the Santa Fe Depot and adjacent properties, and this zone already is established in the nearby area to carry out the CT designation of the Land Use Plan. Also, the proposed ML zoning at the southwest corner of 33rd Street and National City Boulevard is consistent with and adequate to carry out the Local Coastal Program Land Use Plan, since both ML and CA zoning is applied along National City Boulevard to carry out the C designation of the Land Use Plan. In addition, changes to the CA zone, which discourage used car sales unless part of a new car dealership, are consistent with and carry out the intent of the C designation of the Land Use Plan and reflect the use of the area by the Mile-of-Cars. Other applicable development regulations currently applied by the Local Coastal Program implementation for the affected zoning changes in the Coastal Zone will remain in effect.

BE IT FURTHER RESOLVED that the City Council hereby adopts the Revised General Plan text as further described by case file exhibit (Draft Revised General Plan approved by the General

CONTINUED ON PAGE 3

Plan Advisory Committee on April 25, 1996) on file in the Office of the City Clerk as Exhibit "1", with the following additional changes:

1. Amend policy O on page 11 in order to discourage fast food restaurants east of "A" on 8th Street. (The policy as drafted refers to 8th Street east of Highland.)
2. Delete the word "major" from program 15 on page 16. (This would provide for relocation of overhead utilities along all streets.)
3. Add the following bullets to program 16 on page 16, further directing where specific plans would be useful for architectural enhancement:
 - Roosevelt Avenue, freeway frontage area
 - McKinley Avenue, freeway frontage area
 - Civic Center Drive at Harbor Drive
 - 24th Street west of I-5
4. Add reference in program 16 on page 22 to encourage construction of sound barriers along I-5.
5. Delete the word "extension" in program 6 on page 33.
6. Delete program 13 on page 33.
7. Add the following program to the Housing Chapter (page 34):
 - Continue to evaluate older commercial and industrial uses for the possibility of replacement with housing.
8. Add a program, to be placed after program 5 on page 49, to consider expansion of cooperative programs with the Boys and Girls Club of National City.
9. Add reference to program 20 on page 50 for improvements of the interchanges of I-5 at 24th Street and at Civic Center Drive.
10. Regarding program 21 on page 51, delete the first bullet, which calls for completion of Hoover Avenue extension across Paradise Creek.
11. Add policy LL within Chapter VI. Public Services and Facilities (following KK. on page 46) as follows:

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LL. The City will strive to maintain adequate Library facilities and services.

12. Add the following program within Chapter VI. Public Services and Facilities (to be inserted between programs 5 and 6 of the Draft Plan) as follows:

- Continue to consider use of Library facilities and services for educational programs.

13. Modify program no. 66 within Chapter VI. to read as follows:

- Coordinate with interested parties to identify a suitable facility to house a museum containing exhibits and other materials regarding the history of National City. Also consider the potential for expansion of existing City facilities that house historic archives.

14. Modify Policy FF within Chapter VI to read as follows:

FF. The City will give attention to maintaining and improving emergency and pre-hospital medical services available to National City residents.

15. Incorporate text changes into programs 45, 48, 50 and 51 within Chapter VI, on pages 53 and 54, to read as follows:

45. To coordinate fire protection capability, upgrade water mains and install fire hydrants as necessary with Sweetwater Authority Water District.

48. County Department of Health Services should be contacted regarding their authority and responsibility to regulate the transportation of hazardous materials.

50. Participate in regional planning efforts to ensure that quality emergency and pre-hospital medical care is available to National City residents.

51. Continue to evaluate the effectiveness of current emergency medical services available to the City, and consider the benefits and costs associated with any proposed service revisions.

16. Add Policy MM. within Chapter VI. Public Services and Facilities (following the additional recommended Policy LL, which would address the Library, on page 46) as

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follows:

MM. Continue to coordinate with the school districts on needed facilities as new development is proposed.

17. Incorporate the following changes to Figure 2, Circulation Element: Major Streets, within the Draft Revised General Plan text:

Add Grove and Newell Streets, between Sweetwater Road and 18th Streets, as collector streets, as shown in Exhibit C attached to the Council agenda statements for the July 23 and August 27, 1996 hearings, on file in the Office of the City Clerk as Exhibit "C".

Delete the collector street designation for Hoover Avenue between 18th and 20th Streets.

BE IT FURTHER RESOLVED that the City Council hereby adopts the Revised Combined General Plan/Zoning Map as further described by case file exhibit (Draft approved by the General Plan Advisory Committee April 25, 1996) on file in the Office of the City Clerk as Exhibit "2", with the following changes:

18. From proposed RS-3-PD (currently RT-PUD) to IP-PD for Paradise Valley Hospital property along Hill Drive, as shown in the case file exhibit B attached to the Council agenda statements for the July 23 and August 27, 1996 hearings, on file in the Office of the City Clerk as Exhibit "B".
19. From CL to IP-PD for property southeast of 8th Street and Euclid Avenue, as also shown in the case file exhibit B attached to the Council agenda statements for the July 23 and August 27, 1996 hearings, on file in the Office of the City Clerk as Exhibit "B".
20. From CA-PD-CZ to ML-PD-CZ for 1.19 acres at the southwest corner of 33rd Street and National City Boulevard, as shown in Exhibit AA attached to the Council agenda statement for the August 27, 1996 hearing, on file in the Office of the City Clerk as Exhibit "AA".
21. From RT to RS-3-PD for the area north of Fig Court as well as on Scott Drive, as shown in Exhibit BB attached to the Council agenda statement for the August 27, 1996 hearing, on file in the Office of the City Clerk as Exhibit "BB".
22. From CG and RM-1-PD to RS-3-PD for the areas shown in Exhibit CC attached to the Council agenda statement for the August 27, 1996 hearing, on file in the Office of the City Clerk as Exhibit "CC".

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BE IT FURTHER RESOLVED that the City Council hereby adopts the related amendments to the Local Coastal Program Land Use Plan as further described by case file exhibit on file in the Office of the City Clerk as Exhibit "3":

BE IT FURTHER RESOLVED that the Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act, Division 20 of the Public Resources Code.

BE IT FURTHER RESOLVED that the amendments to the Local Coastal Program Land Use Plan are intended to take effect immediately upon the California Coastal Commission's certification.

PASSED and ADOPTED this 10th day of September, 1996.


GEORGE H. WATERS, MAYOR

ATTEST:


LORI ANNE PEOPLES, CITY CLERK

APPROVED AS TO FORM:


GEORGE H. EISER, III-CITY ATTORNEY

Passed and adopted by the Council of the City of National City, California, on September 10, 1996 by the following vote, to-wit:

Ayes: Council Members Beauchamp, Inzunza, Zarate, Waters.

Nays: None.

Absent: Council Member Morrison.

Abstain: None.

AUTHENTICATED BY:

GEORGE H. WATERS

Mayor of the City of National City, California


LORI ANNE PEOPLES

City Clerk of the City of National City, California

By: _____

Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 96-145 of the City of National City, California, passed and adopted by the Council of said City on September 10, 1996.


City Clerk of the City of National City, California

By: _____

Deputy

ORDINANCE NO. 96-2124

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE REVISED COMBINED GENERAL PLAN/ZONING MAP
AND RELATED AMENDMENTS TO THE LAND USE CODE AND
LOCAL COASTAL PROGRAM IMPLEMENTATION

APPLICANT: CITY INITIATED

CASE FILE NOS. GP-1996-1, ZC-1996-1, A-1996-4, LCP-1996-1

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the rezoning of the parcels of real property and amendments to the Land Use Code and Local Coastal Program Implementation, hereinafter described, and for the amendment of the General Plan of the City of National City; and,

WHEREAS, pursuant to legal notice, hearings were held by the Planning Commission of National City and also by the City Council of National City, and all persons interested were given the opportunity to appear and be heard before said Planning Commission and City Council; and,

WHEREAS, the Planning Commission of National City has regularly and duly certified to the City Council its report and has recommended such rezoning and such amendments; and,

WHEREAS, the City Council found that on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment and adopted a proposed Negative Declaration which addresses both said General Plan amendment and rezoning, as well as related Land Use Code and Local Coastal Program amendments; and,

WHEREAS, the City Council has further found that the Revised General Plan is in the public interest, since it has been drafted with the General Plan Advisory Committee, which consists of citizens appointed by the City Council, and the Plan's policies, Combined General Plan/Zoning Map designations and programs respond to citizen comments which were solicited at community meetings conducted by staff at the direction of the City Council, and the Plan also reflects updated data on socioeconomic as well as physical characteristics of the City, which were documented in the issues reports prepared for the General Plan Revision Program, along with information on public perceptions; and,

WHEREAS, the City Council has further found that the proposed zoning on the Combined General Plan/Zoning Map is consistent with and necessary to implement the General Plan, since proposed zones are identical to proposed General Plan designations, and proposed OS, PD and PUD overlays will provide for discretionary review to ensure higher quality development and compatibility with surrounding uses, consistent with policy contained in both the current and Revised General Plan; and,

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EXHIBIT NO. 2
APPLICATION NO. Nat City LCRA 1-97
Ordinance - 601
Rezones
California Coastal Commission

WHEREAS, the City Council has further found that the proposed Code amendments are consistent with and necessary to carry out the General Plan, since they establish provisions for permitted uses as well as development regulations for the new MLR zone and General Plan designation; and they expand the range of permitted uses in the RS-3 designation as called for by the Draft Revised General Plan; in addition, the uses permitted in the CA zone are consistent with the intent of the Automotive Commercial designation to provide for sales and service for automobiles and other vehicles along the "Mile-of-Cars"; and,

WHEREAS, the City Council has further found that the changes incorporated in the Revised General Plan carry out and maintain consistency with the Housing Element adopted in 1992 and certified by the State, since Housing Element Conservation Program no. 8 calls for evaluation of residential neighborhoods for preservation or need for change in conjunction with the General Plan update; also, the land use designations of the General Plan provide for the continuation of a broad range of housing types in the City as well as for potential development which would satisfy Housing Element objectives for new construction of housing; and,

WHEREAS, the City Council has further found that the amendments to the Local Coastal Program Land Use Plan (map) are in the public interest and consistent with Coastal Act policies; since the proposed CT designation for the historic Santa Fe Depot and adjacent area will result in improved potential for public access already called for by the Land Use Plan at the entryway to the City's Harbor District, and it will affect small parcels that are not necessary for marine-related industry. In addition, the OS designation was applied by the Land Use Plan to reflect freeway right-of-way, and changes to the OS designation address updated information on the boundaries of this right-of-way and affect small parcels that contain no unique open space values; and,

WHEREAS, the City Council has further found that the amendments to the Local Coastal Program implementation (i.e., zoning changes) are consistent with and carry out the Land Use Plan, as amended, since the CT-CZ zone will apply to the Santa Fe Depot and adjacent properties, and this zone already is established in the nearby area to carry out the CT designation of the Land Use Plan. Also, the proposed ML zoning at the southwest corner of 33rd Street and National City Boulevard is consistent with and adequate to carry out the Local Coastal Program Land Use Plan, since both ML and CA zoning is applied along National City Boulevard to carry out the C designation of the Land Use Plan. In addition, changes to the CA zone, which discourage used car sales unless part of a new car dealership, are consistent with and carry out the intent of the C designation of the Land Use Plan and reflect the use of the area by the Mile-of-Cars. Other applicable development regulations currently applied by the Local Coastal Program implementation for the affected zoning changes in the Coastal Zone will remain in effect; and,

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

CONTINUED ON PAGE 3

Section 1. All protests, if any, against said rezoning and said amendments to the General Plan, Land Use Code and Local Coastal Program Implementation and each of them be and hereby are denied and overruled.

Section 2. The City Council hereby adopts the Combined General Plan/Zoning Map, as described by case file exhibit (Draft approved by the General Plan Advisory Committee April 25, 1996), a copy of which is on file as Exhibit "2" in the office of the City Clerk of the City of National City", with the following changes:

- ~~1. From proposed RS-3-PD (currently RT-PUD) to IP-PD for Paradise Valley Hospital property along Hill Drive, as shown in the case file exhibit B attached to the Council agenda statements for the July 23 and August 27, 1996 hearings, on file in the Office of the City Clerk as Exhibit "B".~~
- ~~2. From CL to IP-PD for property southeast of 8th Street and Euclid Avenue, as also shown in the case file exhibit B attached to the Council agenda statements for the July 23 and August 27, 1996 hearings, on file in the Office of the City Clerk as Exhibit "B".~~
3. From CA-PD-CZ to ML-PD-CZ for 1.19 acres at the southwest corner of 33rd Street and National City Boulevard, as shown in Exhibit AA attached to the Council agenda statement for the August 27, 1996 hearing, on file in the Office of the City Clerk as Exhibit "AA".
- ~~4. From RT to RS-3-PD for the area north of Fig Court as well as on Scott Drive, as shown in Exhibit BB attached to the Council agenda statement for the August 27, 1996 hearing, on file in the Office of the City Clerk as Exhibit "BB".~~
- ~~5. From CG and RM-1-PD to RS-3-PD for the areas shown in Exhibit CC attached to the Council agenda statement for the August 27, 1996 hearing, on file in the Office of the City Clerk as Exhibit "CC".~~

Section 3. That all real property approved for rezoning by the City Council is by this ordinance rezoned according to the Combined General Plan/Zoning Map, as above described with referenced changes.

Section 4. Section 18.18.021 of the National City Municipal Code is hereby added to read as follows:

~~18.18.021 Purposes of the light manufacturing/residential (MLR) zone. The purposes of the MLR zone are to:~~

CONTINUED ON PAGE 4

A. Provide for continuation and new establishment of low intensity industrial uses, where compatible with adjacent uses, in the area which is generally located south of 8th Street, east of I-5, west of National City Boulevard and north of 22nd Street, and which contains a mix of residential along with industrial, commercial and institutional uses;

B. Require all industrial uses to be adequately housed in completely enclosed buildings;

C. Limit, with the aid of performance standards and discretionary review of new development, the physical effects of industrial activities to levels permitting no objectionable or obnoxious smoke, noise, vibration, fumes, radiation, glare phenomena, and fire and explosive hazards.

D. Protect existing residential and institutional uses from potentially incompatible industrial development, and provide for new residential and compatible institutional development.

Section 5. Table IX within Section 18.18.060 of the National City Municipal Code is hereby amended to read as follows:

TABLE IX

USE GROUPS PERMITTED IN MANUFACTURING ZONES

<u>Use Group No.</u>	<u>Use Group</u>	<u>Reference Section</u>	<u>ML</u>	<u>MLR</u>	<u>MM</u>	<u>MH</u>	<u>M</u>
1	Areawide permitted uses	18.104.050	X	X	X	X	X
2	Areawide conditional uses	18.104.060	C	C	C	C	C
4	Automotive and allied	18.104.080	X	X	X	-	-
9	Dwelling, single-family	18.104.130	-	X	-	-	-
13	Eating places (other than take-out	18.104.170	X	X	X	-	C
14	Eating places (take-out and drive-thru)	18.104.180	X	X	X	-	C
15	Food processing	18.104.190	-	-	C	X	X
16	Gasoline service stations	18.104.200	C	C	C	-	-
19	Goods and services, other	18.104.230	X	X	-	-	-
20	Heavy equipment and machinery	18.104.240	X	X	X	-	C
21	Hotel, motel and related services	18.104.250	X	X	-	-	-
22	Light manufacturing	18.104.260	X	X	X	-	C
23	Medium manufacturing	18.104.270	-	-	X	-	C

CONTINUED ON PAGE 5

24	Heavy manufacturing	18.104.280	-	-	-	C	-
25	Manufacturing, tidelands	18.104.290	-	-	-	-	X
26	Mineral resource extraction	18.104.300	-	-	C	-	-
28	Off-street parking	18.104.320	X	X	X	-	X
29	Public protection facilities	18.104.330	X	X	X	X	X
30	Public utilities	18.104.340	X	X	X	X	X
31	Research and development	18.104.350	X	X	X	-	X
32	Scrap metal processing	18.104.360	-	-	-	X	-
33	Signs and outdoor advertising	18.104.370	X	X	X	X	X
35	Wholesaling, warehousing and distribution	18.104.390	X	X	X	-	X
36	Truck transportation facilities	18.104.400	-	-	C	-	X
37	Waterfront	18.104.410	-	-	C	-	X

X Permitted

- Not permitted

C Conditional use permit required

Section 6. Table X within Section 18.18.070 of the National City Municipal Code is hereby amended to read as follows:

TABLE X

ACCESSORY USES PERMITTED IN MANUFACTURING ZONES

<u>Uses</u>	<u>Zones</u>	<u>Section Number</u>
Accessory structures	All zones	18.18.080
Caretaker's residence	All zones	18.18.090
Open storage	All zones	18.18.100
Motorcycle dismantling	ML, MLR and MM zones	18.18.110
Sixty-day storage of wrecked vehicles by automobile dealer	ML, MLR and MM zones	18.18.120
Sixty-day storage of wrecked vehicles by garage and/or body shop	ML, MLR and MM zones	18.18.130

Section 7. Amend Subsection A of Section 18.18.140 (Prohibited uses and structures--All manufacturing zones) to read as follows:

CONTINUED ON PAGE 6

A. All residential uses (except caretaker's residence and as provided in subsections A and B of Section 18.108.051, and as provided for the MLR zone in Table IX within Section 18.18.060.

Section 8. Amend Section 18.18.150 to read as follows:

~~18.18.150 Prohibited uses and structures--ML and MLR zones. In the ML (light manufacturing) and MLR (light manufacturing/residential) zones, the following uses are prohibited:~~

- ~~A. Drilling for gas, oil, etc.;~~
- ~~B. Drop hammers;~~
- ~~C. Canneries;~~
- ~~D. Food processing plants;~~
- ~~E. Plastics manufacture;~~
- ~~F. Liquefied petroleum gas storage;~~
- ~~G. Petroleum storage;~~
- ~~H. Petroleum processing;~~
- ~~I. Scrapyards;~~
- ~~J. Foundries;~~
- ~~K. Meat packing plants;~~
- ~~L. Auto wrecking and dismantling yards;~~
- ~~M. Refuse disposal or incineration.~~

Section 9. Amend Section 18.18.170 to read as follows:

~~18.18.170 Development adjacent to residential uses, churches and schools. In the ML and MLR zones, no property adjacent to a residential or institutional use or structure, i.e. across a lot line or alley but within the same block, shall be developed for any purpose unless approved by issuance of a conditional use permit in accordance with Chapter 18.116; however, this requirement for a conditional use permit shall not apply to development of a single-family home in the MLR zone.~~

Section 10. Amend Section 18.18.190 to read as follows:

~~18.18.190 Lot area. Minimum lot area shall be five thousand square feet, except automobile service stations shall have a minimum lot area of fifteen thousand square feet, and automobile and truck repair service establishments shall have a minimum lot area of seven thousand five hundred square feet. With the approval of a subdivision map, the city council, upon recommendation of the planning commission, may allow lots or parcels having less than~~

CONTINUED ON PAGE 7

the required area, provided that the land is part of an adopted planned development permit that specifically identifies all such parcels having reduced area.

Within the MLR zone, single-family residential use shall be permitted on any existing, legally created lot. However, new subdivisions for single-family homes shall provide a minimum lot size of 5,000 sq. ft.

Section 11. Amend Table XI within Section 18.18.210 to read as follows:

TABLE XI

<u>Zone</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Exterior Side Yard</u>
MLR	4	0 ^{b,e}	0 ^c	4
ML	4 ^a	0 ^{b,e}	0 ^c	4 ^a
MM	4 ^d	0 ^b	0 ^c	4 ^d
MH	4	0 ^b	0 ^c	4
MT	4	0 ^b	0 ^c	4

Notes: a—a ten-foot setback shall be maintained on Highland Avenue.
 b—or ten feet if adjoining an R zone.
 c—or twenty feet if adjoining an R zone.
 d—zero feet along Cleveland Avenue between Civic Center Drive and 24th Street.
 e—a five-foot setback shall be maintained from side yard property lines adjoining property developed for residential or institutional uses.

Section 12. Amend Table XII within Section 18.18.250 to read as follows:

TABLE XII

<u>Zone</u>	<u>Height (Max.)</u>	<u>F.A.R. (Max)</u>	<u>Lot Coverage (Max.)</u>
ML	35	2	Reserved
MLR	35	2	Reserved
MM	60	4	Reserved

CONTINUED ON PAGE 8

MH	60	4	Reserved
MT	90	4	Reserved

Section 13. Add subsection C. to Section 18.18.260 to read as follows:

C. The minimum off-street parking requirement for new single-family homes in the MLR zone shall conform to that required in the RS-2 and RS-3 zones, pursuant to Section 18.14.390.

Section 14. Amend subsection A.1 within Section 18.95.030 to read as follows:

1. Location within the limited commercial (CL), general commercial (CG), tourist commercial (CT), medium commercial (CM), heavy commercial (CH), light manufacturing (ML), light manufacturing/residential (ML/R) and medium manufacturing (MM) zones;

Section 15. Amend Section 18.14.035 to read as follows:

18.14.035 Purpose of the single-family extendable (RS-3) zone. The purposes of the RS-3 zone are to:

A. Provide for areas of single-family detached homes on lots which cannot be subdivided in accordance with the land use code; and

B. Identify areas that contain both single-family homes and several parcels built out at higher density under previous zoning.

The RS-3 zone permits one detached single-family dwelling for each full five thousand square feet of lot area. It also allows the continuation of the existing mixture of housing types and encourages infill with single-family homes on vacant properties.

Section 16. Amend the notes at the end of Table II within Section 18.14.090 to read as follows:

Notes: - See Section 18.14.200 for minimum lot area requirements.

- Existing, lawfully constructed residential uses, including single-family homes, as well as one or more single-family detached dwellings on a lot, duplexes and multi-family dwellings, are also permitted in the RS-3 zone.

Section 17. Amend Section 18.14.092 to read as follows:

CONTINUED ON PAGE 9

18.14.092 Number of dwelling units allowed. The total number of dwelling units allowed is:

RS-E	1
RS-1	1
RS-2	1
RS-3	1 for each full 5,000 square feet of lot area (for new development). Also allowed is existing residential development that may be of higher density. However, no additional units may be constructed if they would result in more than 1 per 5,000 sq. ft. of lot area.
RT	2
RMH	per State Health and Safety Code Section 18,000 et. seq.
RM-1	1 unit for each full one thousand nine hundred square feet of lot area
RM-2	per existing development
RM-3	determined by planned development permit.

Section 18. Amend Section 18.14.200 to read as follows:

18.14.200 Lot area. The following minimum lot areas are established for residential zones:

<u>Zone</u>	<u>Lot Area (square feet)</u>
RS-E	43,560 (one acre)
RS-1	10,000
RS-2	5,000
RS-3	5,000
RT	5,000
RMH	See State Health and Safety Code Section 18.000
RM-1	5,000
RM-2	5,000
RM-3	5,000

Section 19. Amend Table V within Section 18.16.090 to read as follows:

CONTINUED ON PAGE 10

TABLE V

USE GROUPS PERMITTED IN COMMERCIAL ZONES

<u>Use Group No.</u>	<u>Use Group</u>	<u>Reference Section</u>	<u>CT</u>	<u>CL</u>	<u>CM</u>	<u>CSC</u>	<u>CG</u>	<u>CH</u>
1	Areawide permitted uses	18.104.050	X	X	X	X	X	X
2	Areawide conditional uses	18.104.060	C	C	C	C	C	C
4	Automotive and allied services	18.104.080	--	--	X	C	--	X
5	Amusement and entertainment	18.104.090	--	--	C	--	C	C
6	Commercial recreation, indoor	18.104.100	C	--	C	C	C	C
7	Commercial recreation, outdoor	18.104.110	C	--	--	C	--	C
8	Community, cultural and public recreational services	18.104.120	C	C	C	C	C	C
9	Dwelling, single- family	18.104.130	X	X	--	--	X	--
10	Dwelling, two- family	18.104.140	C	C	--	--	C	--
11	Dwelling, multiple- family	18.104.150	C	C	--	--	C	--
13	Eating places (other than take- out)	18.104.170	X	X	X	X	X	X
14	Eating places (drive-thru/drive- in, take-out)	18.104.180	--	--	--	--	X	X
16	Gasoline service stations	18.104.200	C	C	C	C	C	C
17	Goods and services, convenience	18.104.210	--	X	X	X	X	X

CONTINUED ON PAGE 11

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<u>Use Group</u> <u>No.</u>	<u>Use Group</u>	<u>Reference</u> <u>Section</u>	<u>CT</u>	<u>CL</u>	<u>CM</u>	<u>CSC</u>	<u>CG</u>	<u>CH</u>
18	Goods and services, shopping	18.104.220	--	--	X	X	X	X
19	Goods and services, other	18.104.230	--	--	X	C	C	X
20	Heavy equipment and machinery	18.104.240	--	--	C	--	--	X
21	Hotel, motel, and related services	18.104.250	X	--	X	C	X	X
22	Light manufacturing	Appendix D	--	--	--	--	--	X
27	Offices and studios	18.104.310	X	X	X	X	X	X
28	Off-street parking	18.104.320	--	--	X	X	X	X
29	Public protection facilities	18.104.330	--	C	X	X	X	X
30	Public facilities	18.104.340	C	C	C	C	C	C
31	Research and development	18.104.350	--	--	X	--	--	X
33	Signs and outdoor advertising	18.104.370	X	X	X	X	X	X
35	Wholesaling, warehousing and distribution	18.104.390	--	--	--	--	--	X

X Permitted -- Not permitted C Conditional use permit required

Note: Uses permitted in the CA zone are as set forth in Section 703 of the Redevelopment Plan for the National City Redevelopment Project, adopted July 18, 1995 pursuant to Ordinance No. 95-20-95.

Section 20. Amend subsection A of Section 18.16.250 to read as follows:

A. The following are prohibited uses in commercial zones.

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<u>Zones</u>	<u>Prohibited Uses</u>
CA	All uses except as provided by Section 703 of the Redevelopment Plan for the National City Redevelopment Project.
CL	Special hospitals
CSC	Drive-thru dairy stores; self-service car washes; secondhand stores; churches
All C (except CA as specified above)	Auto wrecking, dismantling, stripping, parts removal, salvaging or junking; quarter midget racetrack establishments; auto and motorcycle racing; truck service stations
CA, CT, CL and CSC	Governmental service agencies

Section 21. That the Local Coastal Program Implementation, as amended by this ordinance, is intended to be carried out in a manner fully in conformity with the California Coastal Act, Division 20 of the Public Resources Code.

Section 22. That the Local Coastal Program amendments are intended to take effect immediately upon the California Coastal Commission's certification.

Section 23. That a Notice of Determination shall be filed indicating that the rezoning will not have a significant effect on the environment.

PASSED and ADOPTED this 24th day of September, 1996.


GEORGE H. WATERS, MAYOR

ATTEST:


LORI ANNE PEOPLES, CITY CLERK

APPROVED AS TO FORM:


GEORGE H. EISER, III-CITY ATTORNEY

Passed and adopted by the Council of the City of National City, California, on September 24, 1996, by the following vote, to-wit:

Ayes: Council Members Beauchamp, Inzunza, Morrison, Zarate, Waters.

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY:

GEORGE H. WATERS

Mayor of the City of National City, California

LORI ANNE PEOPLES

City Clerk of the City of National City, California

By: _____
Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally adopted until seven calendar days had elapsed between the days of its introduction and the days of its final passage, to wit, on September 10, 1996 and on September 24, 1996.

I FURTHER CERTIFY THAT said ordinance was read in full prior to its final passage or that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

I FURTHER CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 96-2124 of the City Council of the City of National City, passed and adopted by the Council of said City on September 24, 1996.



Lori Anne Peoples
City Clerk of the City of National City, California

By: _____
Deputy

RESOLUTION NO. 96-177

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM
LAND USE PLAN
APPLICANT: CALTRANS
CASE FILE NO. LCP-1996-2

WHEREAS, pursuant to Division 20 Section 3000, et. seq., of the California Public Resources Code, the California Coastal Act, a Local Coastal Program for the City of National City was prepared and adopted, and

WHEREAS, pursuant to Section 30503 of the Public Resources Code, the Planning Commission on November 18, 1996, and City Council on December 10, 1996, held duly advertised public hearings on an amendment to said Local Coastal Program Land Use Plan, and all persons interested were given opportunity to be heard; and

WHEREAS, the Planning Commission at a duly advertised public hearing held on November 18, 1996, considered the proposed amendment to the Local Coastal Program Land Use Plan, along with all evidence and testimony presented at said hearing, and along with the proposed Negative Declaration together with any comments received; and,

WHEREAS, the City Council considered the recommendation of the Planning Commission for approval of said amendment, along with evidence and testimony presented at the duly advertised public hearing held by the City Council on December 10, 1996.

NOW, THEREFORE, BE IT RESOLVED that the City Council has considered the proposed Negative Declaration together with any comments received during the public review process and all evidence and testimony presented at the hearing and finds that on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment, approves the proposed Negative Declaration, and authorizes the filing of a Notice of Determination;

BE IT FURTHER RESOLVED that the City Council finds that the amendment to the Local Coastal Program Land Use Plan is in the public interest and consistent with Coastal Act policies; since it calls for erosion control measures that will protect wetland and marine resources from potential impacts from grading during the rainy season. The amendment will also be consistent with and maintain other Local Coastal Program Land Use Plan policies which protect wetlands from development and require buffers around wetlands. In addition, the amendment supports the access component of the Local Coastal Program, since it will facilitate construction of the Bayshore Bikeway.

CONTINUED ON PAGE 2

1 OF 4

EXHIBIT NO. 3
APPLICATION NO. Nat City LCRA 1-97
Resolution - Rainy Season Grading
California Coastal Commission

BE IT FURTHER RESOLVED that the City Council finds that the amendment to the Local Coastal Program Implementation is consistent with and carries out the Local Coastal Program Land Use Plan, as amended, since it adds requirements called for by the amended Land Use Plan regarding the completion, maintenance and monitoring of erosion control measures for grading near wetland resources during the rainy season. All applicable development regulations currently applied by the Local Coastal Program Implementation, besides the modified constraint on grading during the rainy season, will remain in effect.

BE IT FURTHER RESOLVED that the City Council hereby amends the Local Coastal Program Land Use Plan Marsh Preservation policy no. 7 to read as follows:

7. Specific erosion control measures shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained in conjunction with all grading activities during the period of November 1 to April 1 of each year for all properties which drain directly to marsh and wetland areas. These properties shall include all properties located in the following areas:

All properties between 35th Street and the southerly City limits;

All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street and the MTDB San Diego Trolley Line;

All properties in the City's jurisdiction located westerly of Highway I-5 and south of 24th Street.

BE IT FURTHER RESOLVED that the Local Coastal Program, as amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act, Division 20 of the Public Resources Code.

BE IT FURTHER RESOLVED that the amendment to the Local Coastal Program Land Use Plan is intended to take effect immediately upon certification by the California Coastal Commission.

BE IT FURTHER RESOLVED that the Director of Planning is authorized to submit copies of this resolution and necessary exhibits and information to the California Coastal Commission for approval and certification.

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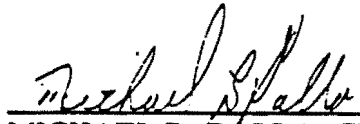
Resolution No. 96-177
Page 3 of 3

PASSED and ADOPTED this 17th day of December, 1996.



GEORGE H. WATERS, MAYOR

ATTEST:



MICHAEL R. DALLA, CITY CLERK

APPROVED AS TO FORM:



GEORGE H. EISER, III-CITY ATTORNEY

Passed and adopted by the Council of the City of National City, California, on December 17, 1996 by the following vote, to-wit:

Ayes: Council Members Beauchamp, Inzunza, Morrison, Zarate, Waters.

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY:

GEORGE H. WATERS

Mayor of the City of National City, California

MICHAEL R. DALLA

City Clerk of the City of National City, California

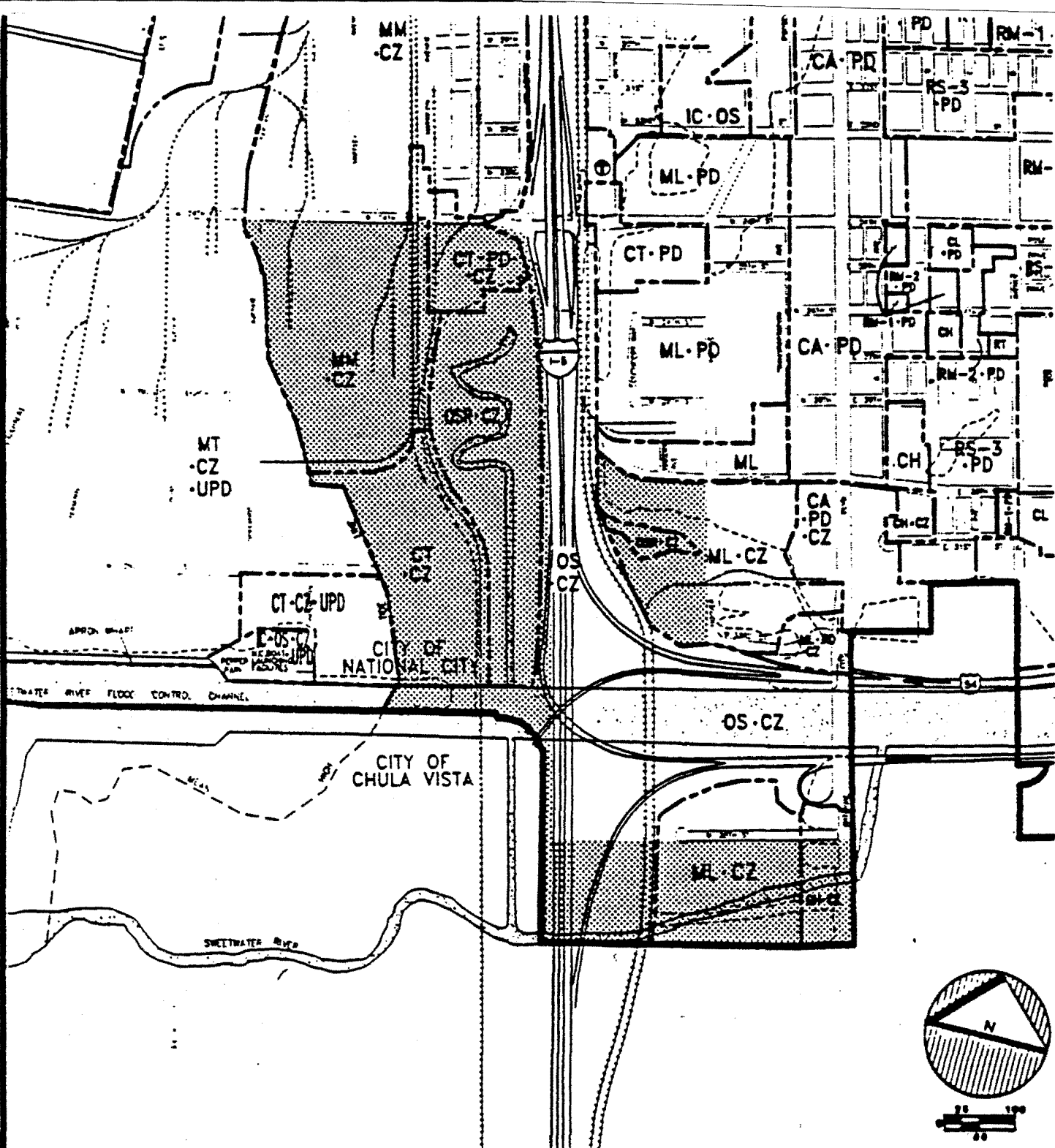
By: _____
Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 96-177 of the City of National City, California, passed and adopted by the Council of said City on December 17, 1996.



Michael R. Dalla
City Clerk of the City of National City, California

By: _____
Deputy



AFFECTED AREA

SCALE:

1"=1000'

LOCATION MAP

NATIONAL CITY PLANN

EXHIBIT NO. 4

APPLICATION NO.

Nat. City LCPA

1-97

Rainy Season
Grading Areas

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY
ADOPTING AN AMENDMENT TO THE
LOCAL COASTAL PROGRAM IMPLEMENTATION
CONCERNING GRADING DURING THE RAINY SEASON
APPLICANT: CALTRANS
CASE FILE NO. LCP-1996-2

WHEREAS, pursuant to Division 20 Section 3000, et. seq., of the California Public Resources Code, the California Coastal Act, a Local Coastal Program for the City of National City was prepared and adopted, and

WHEREAS, regulations, procedures and zoning consistent with or necessary to carry out the Local Coastal Program Land Use Plan are described in the document entitled National City Local Coastal Program Implementation, and

WHEREAS, the Planning Commission and City Council have caused and duly held studies and proceedings for the proposed amendment to the Local Coastal Program Implementation which will implement an amendment to the Local Coastal Program Land Use Plan, pursuant to Section 30503 of the Public Resources Code, and

WHEREAS, pursuant to legal notice, hearings on the proposed amendment were held by the Planning Commission of National City on November 18, 1996, and also by the City Council of National City on December 10, 1996, and all persons interested were given the opportunity to appear and be heard before said Planning Commission and City Council; and,

WHEREAS, the Planning Commission and City Council did consider all evidence and testimony at said hearings, and


WHEREAS, the proposed amendment is consistent with and carries out the Local Coastal Program, Land Use Plan, as amended, and

WHEREAS, the City Council has considered the recommendation of the Planning Commission regarding approval of the proposed amendment and the findings of the Planning Commission regarding the relationship of the Local Coastal Program Implementation with the Local Coastal Program, Land Use Plan, and with Coastal Act policies; and,

WHEREAS, the City Council has considered the proposed negative declaration together with any comments received during the public review process and all evidence and testimony presented at the hearing and finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment, approves the proposed Negative Declaration and authorizes the filing of a Notice of Determination; and,

CONTINUED ON PAGE 2

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EXHIBIT NO. 5
APPLICATION NO.
Nat. City LCPA
1-97
Ordinance - Rainy Season Grading
 California Coastal Commission

WHEREAS, the City Council has further found that the amendment to the Local Coastal Program Land Use Plan is in the public interest and consistent with Coastal Act policies; since it calls for erosion control measures that will protect wetland and marine resources from potential impacts from grading during the rainy season; the amendment will also be consistent with and maintain other Local Coastal Program Land Use Plan policies which protect wetlands from development and require buffers around wetlands; in addition, the amendment supports the access component of the Local Coastal Program, since it will facilitate construction of the Bayshore Bikeway; and

WHEREAS, the City Council has further found that the amendment to the Local Coastal Program Implementation is consistent with and carries out the Local Coastal Program Land Use Plan, as amended, since it adds requirements called for by the amended Land Use Plan regarding the completion, maintenance and monitoring of erosion control measures for grading near wetland resources during the rainy season. All applicable development regulations currently applied by the Local Coastal Program Implementation, besides the modified constraint on grading during the rainy season, will remain in effect.

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

Section 1. Regulation j, listed under 4. Marshland Preservation in Section X of the LCP Implementation document, is hereby amended to read as follows:

- j. Specific erosion control measures shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained, pursuant to marshland preservation regulation k of this Section, in conjunction with grading activities during the period of November 1 to April 1 of each year in the following areas:
 - a. All properties between 35th Street and the southerly City limits;
 - b. All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street and the MTDB San Diego Trolley Line;
 - c. All properties in the City's jurisdiction located westerly of Highway I-5 and south of 24th Street.

(marsh preservation policy 7)

Section 2. Regulation j, under 4. Marshland Preservation in Section X of the LCP Implementation document, is hereby added to read as follows:

CONTINUED ON PAGE 3

- k. Plans for grading specified in marshland preservation regulation j shall include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the City Engineer to protect adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

If grading is begun prior to November 1st, all protective measures shall be installed prior to November 1st. If grading is begun on or after November 1st, all protective measures shall be installed before grading is begun. All protective measures shall be maintained in good working order until April 1st of the succeeding year, where grading is done between November 1st and December 31st, or until April 1st of the same year where grading is done between January 1st and April 1st, unless the removal at an earlier date is approved by the City Engineer.

Where a grading permit is issued and the work is commenced after April 1st and before November 1st of any year, and the permit was issued without protective measures as provided for in this regulation, and it appears that the grading and installation of the permanent drainage devices as authorized by the permit will not be completed prior to November 1st, then on or before October 15th, the owner of the site on which the grading is being performed shall file or cause to be filed with the City Engineer details of the required protective measures and shall implement the measures contained in the approved plan by November 1st. A plan check fee for the details of required protective measures shall be paid at the time of submittal and shall be in the amount as may be determined by the City.

For continuation of grading activities, other than installation, maintenance, or repair of the required protective measures, during the wet season, permittee must apply for and receive, every seven days, special permission to proceed. This weekly requirement may be waived by the City Engineer if there has been no measurable rainfall during the previous seven days.

The City Engineer shall grant permission under this section on the basis of weather forecasts, site conditions, experience and other pertinent factors which indicate the activity may commence or continue without excessive erosion occurring.

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Should the permittee fail to submit the plans, fail to provide the protective measures or fail to obtain permission for wet season activities as required by this regulation by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit security. Thereupon the City Engineer may enter the property for the purpose of installing, by City forces or by other means, the drainage and erosion control devices shown on the approved plans, or if there are not approved plans, as he may deem necessary to protect adjoining property from storm damage, or the City Engineer may cause the owner of the site to be prosecuted as a violator of City ordinances, or he may take both actions.

The City Engineer shall have the authority to require implementation of all erosion control systems and requirements at any time of the year.

Section 3. The Local Coastal Program Implementation, as amended by this ordinance, is intended to be carried out in a manner fully in conformity with the California Coastal Act, Division 20 of the Public Resources Code.

Section 4. The Local Coastal Program amendments are intended to take effect immediately upon the California Coastal Commission's certification.

Section 5. A Notice of Determination shall be filed indicating that the rezoning will not have a significant effect on the environment.

Section 6. The Director of Planning is authorized to submit copies of this ordinance and necessary exhibits and information to the California Coastal Commission for approval and certification of the Local Coastal Program Implementation.

PASSED and ADOPTED this 14th day of January, 1997.


GEORGE H. WATERS, MAYOR

ATTEST:


MICHAEL R. DALLA, CITY CLERK

APPROVED AS TO FORM:


GEORGE H. EISER, III-CITY ATTORNEY

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Passed and adopted by the Council of the City of National City, California, on January 14, 1997, by the following vote, to-wit:

Ayes: Council Members Beauchamp, Inzunza, Morrison, Zarate, Waters.

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY:

GEORGE H. WATERS

Mayor of the City of National City, California

MICHAEL R. DALLA

City Clerk of the City of National City, California

By: _____
Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally adopted until seven calendar days had elapsed between the days of its introduction and the days of its final passage, to wit, on December 17, 1996 and on January 14, 1997.

I FURTHER CERTIFY THAT said ordinance was read in full prior to its final passage or that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

I FURTHER CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 97-2129 of the City Council of the City of National City, passed and adopted by the Council of said City on January 14, 1997.



Michael R. Dalla
City Clerk of the City of National City, California

By: _____
Deputy

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