

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



DATE: June 9, 1997

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of National City's actions, certifying Local Coastal Program Amendment No. 1-97, approved with suggested modifications, are legally adequate (for Commission review at its meeting of July 8-11, 1997)

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BACKGROUND

At its April 9, 1997 meeting, the California Coastal Commission certified, with suggested modifications, the City of National City Local Coastal Program Amendment No. 1-97. The amendment revised the certified Land Use Plan and Implementing Ordinances to redesignate and rezone several properties and to permit grading to occur during the winter rainy season; and revised the Implementing Regulations pertaining to allowable uses within the Commercial Automotive Zone and to remove the Redevelopment (RD) Overlay and replace it with the Planned Development (PD) Overlay on several properties along National City Boulevard. At the time of the hearing, the Commission adopted suggested modifications to assure key provisions are specified in the land use plan and to include more specificity relative to grading and sedimentation controls in the implementing regulations.

By their action adopting Resolution No. 97-53 and Ordinance No. 97-2133 on May 20, 1997, the City Council acknowledged and accepted all of the Commission's suggested modifications. As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine if the action of the City of National City is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13544 of the California Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

(1779A)

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July 14, 1997

John
Honorable George H. Waters, Mayor
City of National City
1243 National City Blvd.
National City, CA 92024

RE: Certification of the City of National City's LCP Amendment No. 1-97

Dear Mayor Waters:

The California Coastal Commission has reviewed the City's Resolution No. 97-53 and Ordinance No. 97-2133, together with the Commission's action on April 9, 1997, certifying, with suggested modifications, Amendment No. 1-97 to the City's Local Coastal Program. This amendment addressed the redesignation and rezoning of several properties, allowance for grading to occur during the winter rainy season, revisions pertaining to allowable uses within the Commercial Automotive Zone and removal of the Redevelopment (RD) Overlay and replacement with the Planned Development (PD) Overlay on several properties along National City Boulevard.

In accordance with Section 13544 of the California Code of Regulations, I have made the determination that the City's actions are legally adequate; and the Commission has concurred at its meeting of July 8-11, 1997. By its actions on May 20, 1997, the City has formally acknowledged and accepted the Commission's certification of the amendment, including all suggested modifications, which pertained to providing key provisions and more specificity relative to grading and sedimentation controls.

In conclusion, I would like to extend our appreciation to you and all other elected or appointed officials, staff and concerned citizens for working in a cooperative fashion on this matter. We remain available to assist you and your staff in any way possible as you continue to implement the City's Local Coastal Program.

Sincerely,

Peter Douglas
Executive Director

(1780A)

RESOLUTION NO. 97-53

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING MODIFICATIONS TO THE LOCAL COASTAL PROGRAM LAND USE PLAN
PURSUANT TO THE CALIFORNIA COASTAL ACT OF 1976, AS SUGGESTED BY THE
CALIFORNIA COASTAL COMMISSION
APPLICANT: CITY OF NATIONAL CITY
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 regarding grading during the rainy season, 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.

WHEREAS, the City Council 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 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, approved the proposed Negative Declaration, and authorized the filing of a Notice of Determination.

WHEREAS, the City Council 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.

WHEREAS, the City Council 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.

WHEREAS, the City Council adopted a resolution amending the Local Coastal Program Land Use Plan Marsh Preservation policy no. 7, which addresses grading during the rainy season, on December 17, 1996, and authorized the Director of Planning to submit copies of this resolution and necessary exhibits and information to the California Coastal Commission for approval and certification.

Whereas, the California Coastal Commission held a duly advertised public hearing on said amendment and other amendments to the Local Coastal Program on April 9, 1997, and all interested persons were given the opportunity to be heard; and,

Whereas, the California Coastal Commission acted to certify the amendments to the Local Coastal Program Implementation with modifications concerning policy and regulations on grading during the rainy season, which are described in the letter from the Coastal Commission dated April 10, 1997; and.

Whereas, the City Council finds said suggested modifications consistent with and in conformance with the Local Coastal Program amendments adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts said modifications to the Local Coastal Program, and in accordance with those modifications, hereby amends the Local Coastal Program Land Use Plan 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, consistent with Section X (B)(4)(k) of the Implementation Plan, 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.

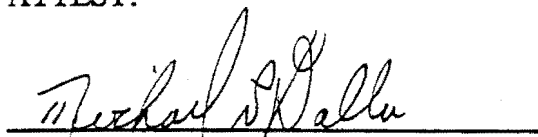
BE IT FURTHER RESOLVED that the amendment to the Local Coastal Program Land Use Plan is intended to take effect immediately upon certification by the California Coastal Commission.

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.

PASSED and ADOPTED this 6th day of May, 1997.


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 May 6, 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 above and foregoing is a full, true and correct copy of RESOLUTION NO. 97-53 of the City of National City, California, passed and adopted by the Council of said City on May 6, 1997.



Michael R. Dalla

City Clerk of the City of National City, California

By: _____

Deputy

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY
ADOPTING MODIFICATIONS TO THE LOCAL COASTAL PROGRAM-IMPLEMENTATION
PURSUANT TO THE CALIFORNIA COASTAL ACT OF 1976,
AS SUGGESTED BY THE CALIFORNIA COASTAL COMMISSION
APPLICANT: CITY OF NATIONAL CITY
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 concerning grading during the rainy season 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 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 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 found 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, approved the proposed Negative Declaration and authorized the filing of a Notice of Determination; and,

WHEREAS, the City Council 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 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; and,

WHEREAS, the City Council adopted an ordinance approving the changes to the Local Coastal Program Implementation regarding grading on January 14, 1997 and authorized the Director of Planning to submit copies of the ordinance and necessary exhibits and information to the California Coastal Commission for approval and certification; and,

Whereas, the California Coastal Commission held a duly advertised public hearing on said amendments to the Local Coastal Program Implementation on April 9, 1997, and all interested persons were given the opportunity to be heard; and,

Whereas, the California Coastal Commission acted to certify the amendments to the Local Coastal Program Implementation with modifications, which are described in the letter from the Coastal Commission dated April 10, 1997; and.

Whereas, the City Council finds said suggested modifications consistent with and in conformance with the Local Coastal Program amendments adopted by the City Council.

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

Section 1. The City Council hereby adopts said modifications to the Local Coastal Program Implementation document, and in accordance with those modifications, Regulation k, under 4. Marshland Preservation in Section X (Coastal Zone Designation) of the LCP Implementation document, which was adopted as part of the Local Coastal Program amendment with the ordinance on January 14, 1997, is hereby 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 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 cash deposit or other performance security acceptable to the City Attorney 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.

Section 2. 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 3. The Local Coastal Program amendments are intended to take effect immediately upon the California Coastal Commission's certification.

Section 4. 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 20th day of May, 1997.


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 May 20, 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 May 6, 1997 and on May 20, 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. 97-2133 of the City Council of the City of National City, passed and adopted by the Council of said City on May 20, 1997.



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

By: _____
Deputy