

CALIFORNIA COASTAL COMMISSION

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

Th 9h

September 29, 1998

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
LEE MCEACHERN, SUPERVISOR, SAN DIEGO AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 1-98A
(Technical Revisions) TO THE CITY OF NATIONAL CITY LOCAL
COASTAL PROGRAM (For Public Hearing and Possible Final Action at the
Coastal Commission Hearing of October 13-16, 1998)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

This amendment submittal consists of several technical revisions to the City's certified Land Use Plan (LUP). Specifically, the proposal involves revisions to several LUP policies and maps to reflect the change in ownership of Paradise Marsh and the designation of the marsh area as a National Wildlife Refuge. In addition, the submittal includes LUP policy revisions to reflect the elimination of the Tidelands Avenue crossing over the Sweetwater Channel and revision to the LUP jurisdictional map to reflect a boundary change from National City to Port jurisdiction for a portion of the National City Marina project site.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval as submitted of the proposed LUP revisions. The appropriate resolution and motion can be found on Page 4. The findings for approval as submitted of the Land Use Plan amendment begin on Page 5.

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

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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 1-98A may be obtained from Lee McEachern, Supervisor, Permits and Enforcement, 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. In April of 1997, the Commission approved the City's third LCP amendment, as submitted. This submittal represents the City's fourth 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.

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 resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior the resolution.

- A. **RESOLUTION** (Resolution to approve certification of the City of National City Land Use Plan Amendment #1-98A, as submitted)

MOTION

I move that the Commission certify the City of National City Land Use Plan Amendment #1-98A, 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

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.

**PART III. FINDINGS FOR APPROVAL OF THE NATIONAL CITY LAND
USE PLAN AMENDMENT #1-98A, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The amendment request consists of several technical revisions to the City's certified Land Use Plan. Specifically, the proposal involves revisions to several LUP policies and maps to reflect the change in ownership of Paradise Marsh and the designation of the marsh area as a National Wildlife Refuge. In addition, the submittal includes LUP policy revisions to reflect the elimination of the Tidelands Avenue crossing over the Sweetwater Channel and a revision to the LUP Jurisdictional Map to reflect a boundary change from National City to Port jurisdiction for a portion of the National City Marina project site.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the subject amendment, as set forth in the preceding resolutions, is 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 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 Chapter 3 policies of the Coastal Act are applicable to the proposed amendment and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

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 30233

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

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

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.

When the Commission certified the City of National City Land Use Plan in 1988, a number of policies were included which addressed the future planning for and implementation of the restoration of Paradise Marsh (an identified sensitive and valuable biological resource area). At that time, Paradise Marsh was privately owned and within the City's LCP jurisdiction. Subsequent to approval of the LUP by the Commission, the ownership of Paradise Marsh was transferred to the United States of America and the marsh is now administered by the U.S. Fish and Wildlife Service as part of the Sweetwater Marsh National Wildlife Refuge. Because the marsh is now in federal ownership, it is no longer subject to the City's LCP jurisdiction.

The above cited Coastal Act policies call for the protection of environmentally sensitive habitat areas. The City of National City's certified LUP contains a number of policies which call for the protection of sensitive habitat areas, including the restoration and enhancement of Paradise Marsh. The proposed LUP revisions do not lessen the protection afforded Paradise Marsh or other environmentally sensitive habitat areas within the City's Coastal Zone, but merely update several policies (and LUP maps) to reflect the change in ownership of the marsh. In addition, the proposed revisions address that future restoration and enhancement of Paradise Marsh is not within the City's purview, but within the province of the U.S. Fish and Wildlife Service. The City has indicated its desire to be a participant in any restoration planning for the marsh, but because it is outside the City's purview, cannot take the "lead" on such a future endeavor.

The proposed amendment also includes a "clean-up" measure which deletes reference to the extension of Tidelands Avenue across the Sweetwater Channel to the City of Chula Vista. This proposed change is to reflect the Commission's action in certifying the City of Chula Vista Bayfront LCP in which the extension of Tidelands Avenue was deleted because of significant potential impacts to environmentally sensitive habitat areas. As such, the proposed revision will bring the City of National City LUP into conformance with the Commission's decision on the City of Chula Vista LUP. Deletion of the reference to the extension of Tidelands Avenue will have no effect on the provision of public access to Paradise Marsh and the City's Bayfront.

The final component of this LUP amendment involves a revision to the LCP Land Use Plan and Jurisdiction Maps to reflect the Port's ownership and approval by the Commission, of Port Master Plan Amendment #19 (PMPA 19) in 1994. This port master plan amendment approved the National City Marina located in the area east of Paradise Marsh and south of 32nd Street. At that time, the Commission approved, in concept, the land use designation for this area.

The Port District has submitted a formal geographic boundary amendment to amend its geographic boundary to include the National City Marina site. Upon approval of the boundary amendment, permit jurisdiction can then be transferred to the Port. Until such a time, the Commission retains permit jurisdiction over that area. In any case, the National

City Marina site is no longer within the City of National City LCP jurisdiction and the proposed amendment will reflect this change.

As discussed above, the proposed revisions to the City's certified LUP are essentially technical corrections and will not lessen or degrade the LUP's protection of environmentally sensitive habitat areas and will have no effect on the provision of public access to the City's bayfront. Therefore, the Commission finds the proposed amendment, as submitted, is consistent with all applicable Chapter 3 policies of the Coastal Act.

PART IV. 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, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Specifically, the proposed LUP modifications are technical corrections to reflect the change in ownership of Paradise Marsh from private to public (federal) and to reflect a jurisdictional change relative to the San Diego Port District.

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 submitted, can be supported.

RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF NATIONAL CITY ADOPTING
A TECHNICAL AMENDMENT TO THE NATIONAL
CITY LOCAL COASTAL PROGRAM

WHEREAS, the California Coastal Act (Division 20, Public Resources Code) requires the City of National City to prepare, adopt, and implement a Local Coastal Program for those parts of the City's corporate jurisdiction that are located within the delineated coastal zone; and

WHEREAS, the City of National City has received certification of its Local Coastal Program from the California Coastal Commission; and

WHEREAS, the certified National City Local Coastal Program consists of a Land Use Plan and an Implementation/Zoning Program; and

WHEREAS, certain areas within the corporate jurisdiction of the City of National City are within the legal geographical boundary of the San Diego Unified Port District, pursuant to the California Coastal Act; and

WHEREAS, the California Coastal Commission has acted in the City of Chula Vista's Local Coastal Program decision to delete a previously proposed crossing of the Sweetwater Channel by Tidelands Avenue into National City, which was reflected in the certified National City Local Coastal Program; and


WHEREAS, the United States of America has acquired certain real property in Paradise Marsh within the City of National City since the certification of the Local Coastal Program; and

WHEREAS, the Attorney General of the United States of America has rendered an opinion that lands owned by the United States are not subject to Local Coastal Program control, which opinion is incorporated in the federally-approved California Coastal Management Program of the California Coastal Commission; and

WHEREAS, the City of National City endeavors to maintain its certified Local Coastal Program to be factually current and consistent with guiding decisions of the California Coastal Commission; and

WHEREAS, the Community Development Commission of the City of National City has prepared an amendment to update relevant policies and maps of the certified Local Coastal Program Land Use Plan, which update is entitled "Land Use Plan Amendment, June 16, 1998"; and

1 of 4

EXHIBIT NO. 1
APPLICATION NO.
NATIONAL CITY
LCPA 1-98A
City Resolution
 California Coastal Commission

WHEREAS, notice of the availability of the Land Use Plan Amendment was mailed and published in a newspaper of general circulation, and copies were made available for public review, on June 16, 1998; and

WHEREAS, duly noticed hearings have been held on the Land Use Plan Amendment by the Planning Commission on July 20, 1998 and by the City Council on July 28, 1998, and all interested persons were given an opportunity during the 42-day public review period of the Land Use Plan Amendment to appear and be heard before the Planning Commission and City Council; and

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

WHEREAS, the Community Development Commission of the City of National City has made technical corrections to text and maps contained in the Local Coastal Program Amendment to maximize their accuracy; and

WHEREAS, the Local Coastal Program Amendment is fully consistent with and adequate to carry out the policies of the California Coastal Act and applicable regulations of the California Coastal Commission that govern preparation of Local Coastal Programs and Amendments thereto; and

WHEREAS, the Local Coastal Program Amendment is consistent with other provisions of the certified Land Use Plan; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission to approve the Local Coastal Program Amendment as technically corrected; and

WHEREAS, the preparation of Local Coastal Program Amendments is statutorily exempt from the California Environmental Quality Act; and

WHEREAS, the Local Coastal Program Amendment has been prepared and reviewed pursuant to the California Coastal Commission's Local Coastal Program regulations which have been deemed by the California Secretary for Resources to be the functional equivalent of the California Environmental Quality Act.

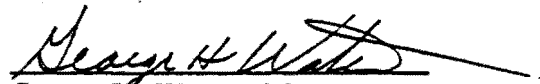
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City as follows:

1. The Local Coastal Program Amendment is consistent with the California Coastal Act and applicable regulations of the California Coastal Commission, and is intended to be carried out in a manner fully consistent with them.

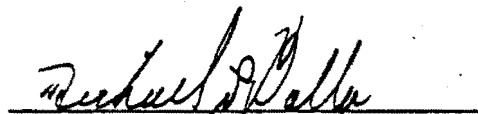
2. The Local Coastal Program Amendment, as submitted, is intended to take effect immediately upon certification action of the California Coastal Commission.

3. The Executive Director of the Community Development Commission is authorized to submit the Local Coastal Program Amendment, together with all required supporting documents, to the California Coastal Commission for its review, approval, and certification of said Amendment.

PASSED and ADOPTED this 28th day of July, 1998.

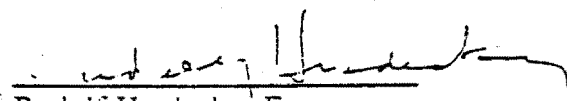

George H. Waters, Mayor

ATTEST:


Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

George H. Eiser, III
City Attorney

By: 
Rudolf Hradecky, Esq.
Senior Assistant City Attorney

Passed and adopted by the Council of the City of National City, California, on July 28, 1998, by the following vote, to-wit:

Ayes: Councilmembers 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. 98-94 of the City of National City, California, passed and adopted by the Council of said City on July 28, 1998.



Michael R. Dalla

City Clerk of the City of National City, California

By: _____

Deputy

AMENDMENT TO THE CERTIFIED NATIONAL CITY LCP LAND USE PLAN
(COMPANION DOCUMENT TO THE HARBOR DISTRICT SPECIFIC AREA PLAN)

PUBLIC REVIEW DRAFT
APPROVED BY PLANNING COMMISSION
ADOPTED BY CITY COUNCIL

RECEIVED

JUNE 16, 1998
JULY 20, 1998
JULY 28, 1998

AUG 13 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

AMENDMENT TO THE CERTIFIED NATIONAL CITY LCP LAND USE PLAN

NOTE: This draft amendment to the certified National City Local Coastal Program Land Use Plan has been prepared to update it with regard to (1) the ownership status of Paradise Marsh, the resultant legal and restoration authorities over it, (2) deletion by the Coastal Commission in the Chula Vista LCP of the Tidelands Avenue extension across Sweetwater Channel and the need to harmonize the parallel provision of the National City LCP, and (3) pending changes in land use planning and permitting authority over a portion of the National City Marina project site, for which the Port District has processed Port Master Plan Amendment No. 19 and is currently processing a legal geographical boundary amendment, which will give it coastal development permit review responsibility in this area.

Recommended additions are underlined; recommended deletions are ~~stricken~~.

1.0 Policy Recommendations

1.1 Recreation Policy 1

Revise as follows to accurately state the status of Paradise Marsh wetlands:

"The National City bayfront shall be designated for tourist commercial and recreational use, as indicated in the Land Use Plan (Figure 1). ~~Using the SD&AE railroad as a point of demarcation, consistent with the wetland area proposed for acquisition by the Army Corps of Engineers, the area located to the east, including Paradise Marsh and surrounding lands, shall be designated for passive recreational uses only.~~ The areas to the west and to the north...."

1.2 Recreation Policy 3, paragraph 2

Revise as follows to reflect the deletion of the Tidelands Avenue crossing from the Chula Vista LCP by the Coastal Commission:

"Tourist commercial development in the above referenced areas shall be consistent with existing or currently planned road capacities to the north and south of the proposed tourist commercial area, including the planned extension of Harrison Avenue and of 32nd Street to intersect with it. ~~the Tidelands Avenue crossing proposed by the City of Chula Vista Bayfront LCP.~~

**AMENDMENT TO THE CERTIFIED NATIONAL CITY LCP LAND USE PLAN
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ADOPTED BY CITY COUNCIL

JUNE 16, 1998
JULY 20, 1998
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1.3 Recreation Policy 5

Given the federal acquisition of Paradise Marsh, and the US Attorney General's opinion that the state coastal program does not govern federal lands, Policy 5 should be revised as follows:

"Paradise Marsh has been acquired by the United States of America and is managed as a National Wildlife Refuge unit by the US Fish and Wildlife Service. To enhance the environmentally sustainable recreational potential and attractiveness of the National City waterfront, the restoration and management of Paradise Marsh for high quality endangered species habitat and associated wetland values is a desirable program. A feasible restoration plan is the province of the US Fish and Wildlife Service, whose coordination and cooperation with the City and other interested agencies, persons, and organizations is cordially invited. ~~program shall be determined with the potential assistance of the Coastal Conservancy, or other appropriate agencies, to finance, plan, and implement such a restoration program. The program shall also involve coordination with the Bayfront Conservancy Trust in its efforts to finance, plan and implement a restoration program, including access and recreational features.~~"

1.4 Marsh Preservation Policy 1

Given the federal acquisition of Paradise Marsh, and the US Attorney General's opinion that the state coastal program does not govern federal lands, this policy requires jurisdictional specification. The following is recommended:

"The wetlands of the Paradise Marsh complex, ~~as well as~~ including the secondary area of Paradise Marsh, east of I-5 (Bannister Marsh), including salt marsh, freshwater marsh, salt-pan, channel, and mudflat habitats, are valuable and sensitive biological resources, and shall be preserved through coordinated actions by the City and the United States Fish and Wildlife Service, which manages Paradise Marsh for the United States of America. The plan designation for these areas, exclusive of lands owned by the United States, shall be OPEN SPACE/WETLAND PRESERVE. The boundaries of the "Open Space Wetland Preserve" include the marsh area required for acquisition by the Army Corps of Engineers for the Sweetwater River flood control improvements, marsh area within the Caltrans right-of-way easterly of the SDG&E right-of-way, and the secondary area of Paradise Marsh east of the freeway Bannister Marsh."

AMENDMENT TO THE CERTIFIED NATIONAL CITY LCP LAND USE PLAN
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JUNE 16, 1998
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1.5 Marsh Preservation Policy 3

Given the federal acquisition of Paradise Marsh, and the US Attorney General's opinion that the state coastal program does not govern federal lands, this policy also requires jurisdictional specification. The following is recommended:

"To enhance the habitat and aesthetic value of Paradise Marsh transitional and high-tide refugia areas located within the City's jurisdiction, the wetlands located west of the railroad, which are not proposed for federal acquisition, as well as ~~the secondary area of Paradise Marsh, east of I-5~~ Bannister Marsh, and the Sweetwater River south of 35th Street, feasible restoration activities shall be encouraged. Feasible restoration activities shall be determined with the potential assistance of the State Coastal Conservancy, US Fish and Wildlife Service, California Department of Fish and Game, or other public agency or private group, including the Bayfront Conservancy Trust, to finance, plan, implement and manage a restoration program. The recommended elements for a restoration program include:

- "• A public access and information program....
- "• The removal of all rubbish and debris....
- ~~"• The dredging of Paradise Marsh, consistent with a marsh restoration program, prepared in consultation with the California Department of Fish and Game and approved by the Coastal Commission, possibly concurrent with the construction of the Sweetwater River Flood Control Channel, to improve tidal flow and flushing. Dredging shall be restricted to existing tidal channels.~~
- "• The encouragement of a scientific research and educational program."

2.0 Maps

NOTE: Revised LUP Maps Figures 1, 2, and 3, as adopted by the City Council to implement the written recommendations below, are attached. Drafts of these maps were attached to the June 16, 1998 Public review Draft LUP Amendment.

2.1 Land Use Plan map (Figure 1)

2.1.1 The Land Use Plan map presently designates the area of Paradise Marsh owned by the United States for "OSR" Open Space Wetland Preserve. The map should be amended to state, consistent with the US Attorney General opinion referenced above, that lands owned by the United States are not subject to the

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controls of the LCP.

2.1.2 The Land Use Plan map presently extends the CT (Tourist Commercial) District south of the easterly projection of 32nd Street, between the historic mean high tide line on the west and the westerly boundary of the SDG&E utility corridor parcel. This area is part of the National City Marina project addressed by the Port District in PMPA 19 and will be further addressed in the pending Port District legal geographical boundary map amendment. This area should therefore be deleted from Figure 1.

2.2 Political Jurisdictions (Figure 2)

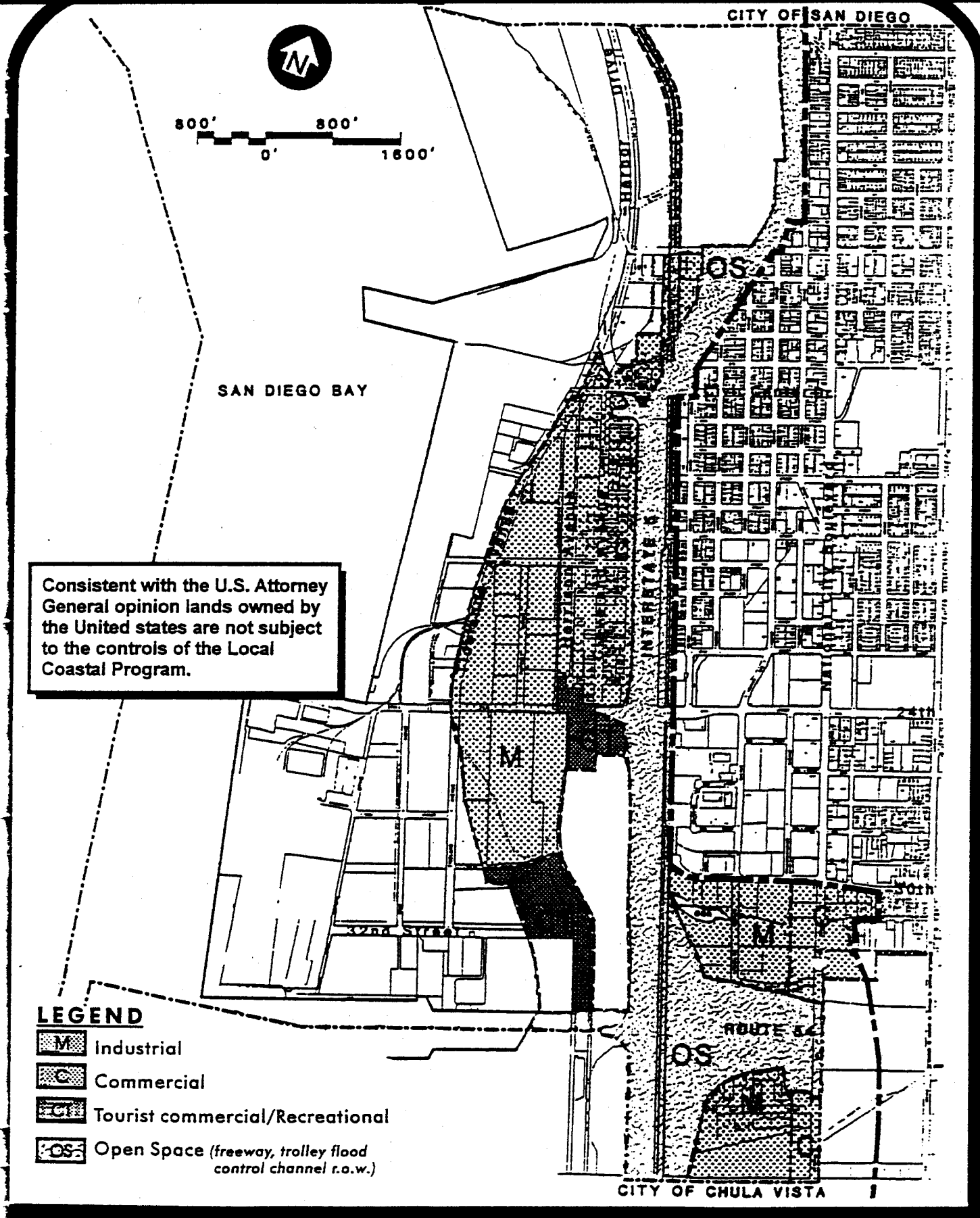
2.2.1 The Political Jurisdictions map presently designates the area of Paradise Marsh owned by the United States as being within the political jurisdiction of the City of National City. The map should be amended to state, consistent with the US Attorney General opinion referenced above, that lands owned by the United States are not subject to the controls of the LCP.

2.2.2 The Political Jurisdictions map also presently includes the area, south of 32nd Street and between the historic MHTL and the westerly boundary of the SDG&E utility corridor parcel, as being in the City's political jurisdiction. With Port District transmittal of the above-referenced legal geographical boundary amendment and Coastal Commission ministerial action on it, the area should also be deleted from this map.

2.3 Subareas (Figure 3)

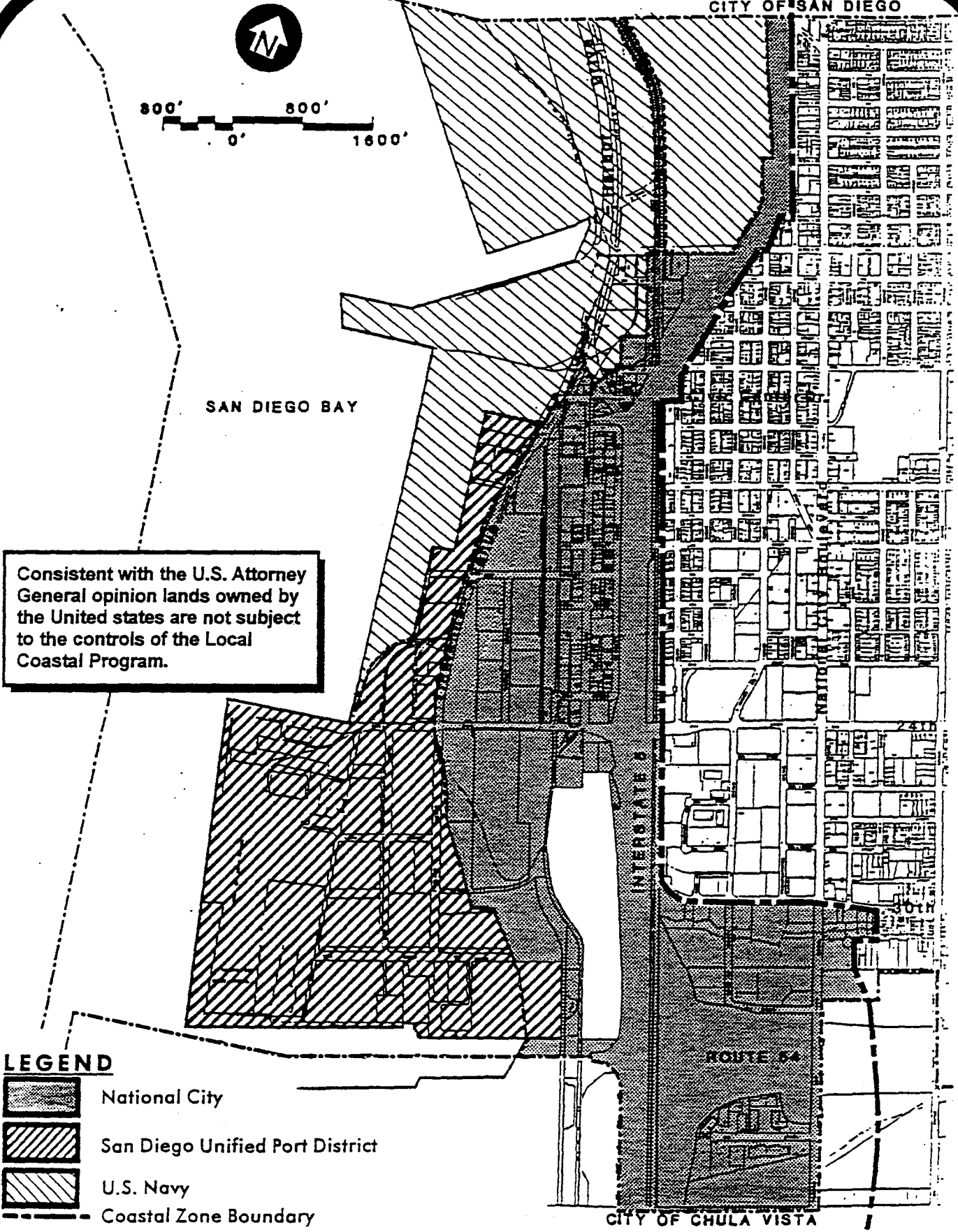
2.3.1 The Subareas map includes the area of Paradise Marsh owned by the United States within coastal zone subarea II. The map should be amended to state, consistent with the US Attorney General opinion referenced above, that lands owned by the United States are not subject to the controls of the LCP.

2.3.2 The Subareas map also includes the area of the National City Marina that shortly will be within the Port District's jurisdiction upon Coastal Commission action on the revised legal geographic boundary. It should be excluded here, as well.



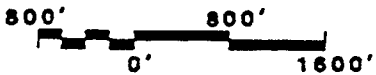
NATIONAL CITY PLANNING

FIGURE 1
LAND USE PLAN



NATIONAL CITY PLANNING

FIGURE 2
POLITICAL JURISDICTIONS






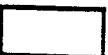
SAN DIEGO BAY

Consistent with the U.S. Attorney General opinion lands owned by the United States are not subject to the controls of the Local Coastal Program.

INTERSTATE 5

Paradise Marsh
Owned by
United States

LEGEND

-  SUBAREA I - Industrial
-  SUBAREA II - Bayfront
-  SUBAREA III - Light Industrial
-  SUBAREA IV - Trolley, Freeway

CITY OF CHULA VISTA

NATIONAL CITY PLANNING

FIGURE 3
SUBAREA MAP - NATIONAL CITY COASTAL ZONE