

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036

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October 21, 1998

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO OFFICE  
DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 1-98B (Harbor District Specific Plan) TO THE CITY OF NATIONAL CITY LOCAL COASTAL PROGRAM (For Public Hearing and Possible Final Action at the Coastal Commission Hearing of November 4-6, 1998)**

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**SYNOPSIS****SUMMARY OF AMENDMENT REQUEST**

This amendment submittal consists of the Harbor District Specific Area Plan and LCP Implementation Amendment. The Harbor District Specific Plan is a detailed implementation plan establishing specific conservation and development standards for the plan area, which is designated Open Space Reserve, Tourist Commercial, Medium Industrial and Open Space. The Harbor District plan contains specific policies and requirements for the provision and protection of public access, wetland habitat conservation, visual resource protection, and the provision of tourist commercial recreation and marine-related industry.

The Harbor District consists of four subareas, all of which are in within the National City Redevelopment Area. Subarea A is an approximately 8.3 acre area designated primarily for tourist commercial development. Subarea B, approximately 16.4 acres, is also designated for tourist commercial use. Subarea C is a 5.4 acre area consisting of natural and filled lands designated for tourist commercial and medium industrial uses. Subarea D, 10.7 acres zoned mostly for open space, extends approximately 900 feet east-west along the northern levee of the Sweetwater Channel and runs north to Paradise Creek east of Paradise Marsh.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending denial, of the Implementation Plan Amendment as submitted, then approval with suggested modifications adding specific language ensuring that the resource protection policies of the plan will apply to both current and future wetlands, and that recent, site-specific wetland delineations will occur when specific development is proposed.

The appropriate resolutions and motions begin on page 4. The suggested modifications begin on page 5. The findings for denial of the Implementation Plan Amendment as submitted begin on page 6. The findings for approval of the plan, if modified, begin on page 9.

### **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 that 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 1-98B may be obtained from Diana Lilly, 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.

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## **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. In October of 1998, the Commission approved the City's fourth LCP amendment addressing technical revisions to the LUP only. This submittal represents the City's fifth amendment to its certified LCP.

### **B. STANDARD OF REVIEW**

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 reject certification of the City of National City Harbor District Specific Plan, as submitted)

**MOTION I**

I move that the Commission reject the City of National City Implementation Plan Amendment 1-98B regarding the Harbor District Specific Plan, 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 I**

The Commission hereby **denies** certification of the amendment to the Implementation Plan of the City of National City Local Coastal Program, 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.

- B. **RESOLUTION II** (Resolution to approve certification of the City of National City Harbor District Specific Plan, if modified)

**MOTION II**

I move that the Commission approve the City of National City Implementation Plan Amendment 1-98B regarding the Harbor District Specific Plan 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 II

The Commission hereby approves certification of the amendment request to the Implementation Plan of the City of National City Local Coastal Program, if modified, 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.

**PART III. SUGGESTED MODIFICATIONS**

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

1. On Page 1-1, footnote 2 should be struck in its entirety.
2. On Figure 1.2, 1.3, 2.1, 4.1, and 4.2, the map reference in parentheses under Paradise Marsh should be revised to read:

Paradise Marsh Unit of Sweetwater Wildlife Refuge (Not Under National City Coastal Development Permit Authority ~~Jurisdiction~~)

3. On Page 1-8, the last paragraph should be revised as follows:

Because local government ~~land use jurisdiction~~ coastal development permit authority does not extend to federal activities, ~~lands, the Planning Area does not include Paradise Marsh.~~ the National City LCP policies relating to land owned by the federal government are advisory only and have no binding effect on federal activities. Plan provisions do, however, directly address issues related to protecting, preserving, and enhancing Paradise Marsh in consultation and cooperation with the USFWS, which would be used as guidance in review of development requiring a coastal development permit or federal consistency review from the Coastal Commission.

4. On Page 3-1, the second paragraph under section 3.1 should be revised as follows:

The largest designated "sensitive and valuable" wetland resource in the vicinity of the Planning Area is Paradise Marsh. Although in private ownership until 1988, Paradise Marsh is now part of the Sweetwater Marsh National Wildlife Refuge ("National Wildlife Refuge"), under the ownership and management of the U.S. Fish and Wildlife Service ~~and is outside of National City's LCP jurisdiction by virtue of its federal ownership status.~~

5. The Paradise Marsh Wetland Delineation and Habitat Map dated August 14, 1998, located between pages 3-1 and 3-2 shall be identified as **Figure 3.1**.

6. The following policy shall be added to **Section 3.3.3 Other Conditions of New Development**:

(e) Prior to the issuance of a coastal development permit for any new development, a new site-specific wetland survey or site-specific update of the wetlands mapped in Figure 3.1 shall be required. All of the policies contained in Chapter 3 of the Specific Plan shall apply to wetlands and wetland buffers delineated at the time of coastal development permit issuance.

#### **PART IV. FINDINGS FOR REJECTION OF THE CITY OF NATIONAL CITY HARBOR DISTRICT SPECIFIC PLAN, AS SUBMITTED**

##### **A. AMENDMENT DESCRIPTION**

The proposed Specific Area Plan for the City's Harbor District constitutes the implementing ordinance for the Harbor District planning area. As noted above, the Harbor District consists of four subareas. Subarea A is an approximately 8.3 acre area designated primarily for tourist commercial development. This area has been severely impacted by human activities over the past 120 years, including through extensive filling and grading for railroad transportation, as a landfill, battery, and burn dump, and for street and other infrastructure facilities. Subarea B, approximately 16.4 acres, is also designated for tourist commercial use. It includes a major utility corridor consisting of the San Diego & Arizona Eastern Railroad track, a pressurized oil pipeline, and high voltage electrical transmission lines. Subarea C is a 5.4 acre area consisting of natural and filled lands designated for tourist commercial and medium industrial uses, but which have primarily been used for railroad trackage. Subarea D, 10.7 acres zoned mostly for open space, extends approximately 900 feet east-west along the northern levee of the Sweetwater Channel and runs north to Paradise Creek east of Paradise Marsh.

The most prominent feature of the planning area is the federally owned and operated Paradise Marsh unit of the Sweetwater Marsh National Wildlife Refuge. Although outside of National City's coastal permit jurisdiction, the Specific Plan contains numerous policies designed to protect the marsh and surrounding wetlands, through the creation and maintenance of habitat buffers, drainage and water quality standards, and

many other development standards applied to new development in consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

The Harbor District Specific Plan contains specific policies and requirements for the provision and protection of public access, wetland habitat conservation, tourist commercial recreation, visual resources, and marine-related industry. Some of the major developments proposed in the plan include the extension of Harrison Avenue between West 24<sup>th</sup> Street and 32<sup>nd</sup> Street, completion of the San Diego Bayshore Bikeway, and a variety of tourist commercial developments. These projects are specifically called for in the existing certified local coastal program.

Upon effective certification of the Harbor District Specific Area Plan, National City would assume coastal development permit authority over development within the part of the planning area that is outside the boundary of the National Wildlife Refuge and outside the Port of San Diego jurisdiction.

## **B. FINDINGS FOR REJECTION**

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.

a) Purpose and Intent of the Ordinance. Preparation of a Specific Plan for the Harbor District is called for in the certified LUP. The proposed plan provides specific requirements, standards, and implementation policies for the development of public access and circulation corridors, habitat conservation, tourist commercial redevelopment, visual protection, and the promotion of marine-related industry. The objective of the plan is the conservation of Paradise Marsh and adjacent delineated wetlands, the design and implementation of permanent functional habitat buffers, the provision of appropriately sized and located traffic circulation and parking facilities, and the provision of economically feasible commercial recreational facilities and uses.

b) Major Provisions of the Ordinance. As discussed in the Amendment Description, above, the Specific Plan contains numerous specific conservation and development standards for the protection of coastal habitat, public access, recreational, visual, and cultural resources, and the provision of commercial recreational facilities.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The Harbor District Specific Plan is divided into several chapters and includes policies on public access, wetland habitat conservation, tourist commercial recreation, visual resources, and marine-related industry. The plan is extremely detailed and contains specific requirements and standards for implementation of the land use plan. The vast majority of the plan policies are consistent with and adequate to carry out the certified land use plan (LUP). However, there are several policies of the Wetland Habitat Conservation Program in the Specific Plan that, as currently drafted, would not fully implement the intent of the habitat protection policies of the certified land use plan. In addition, several references and map notes contain language that incorrectly characterizes the status of the LCP with regard to development within Paradise Marsh.

Paradise Marsh is part of the Sweetwater Wildlife Refuge and is owned and administered by the U.S. Fish and Wildlife Service. Thus, even after effective certification the Harbor District Specific Plan, the City of National City will not have coastal permit authority within the refuge. However, while the National City LCP policies relating to land owned by the federal government are advisory only and have no binding effect on federal activities, the certified plan provisions would be used as guidance in review of development requiring a coastal development permit or federal consistency review from the Coastal Commission. Thus, the language in the proposed plan which implies that the National City certified LCP would have no applicability in any circumstance for development within the refuge, is not consistent with the resource protection policies of the certified LCP.

The existing LUP policies require the identification of wetlands, a determination of appropriate buffers for new development, and limitations of the types of uses allowed in wetlands. The policies also call for the enhancement of the habitat and aesthetic value of the wetlands, the protection of wetlands from physical intrusion and sedimentation.

The first suggested modification involves a technical correction; the policies of the Wetland Habitat Conservation Program contained in the plan refer repeatedly to a particular biological survey delineating the wetlands in the planning area as "Figure 3.1." However, the map survey included in the plan is not identified with a figure number, which could cause confusion regarding the location of sensitive resources in the plan area.

In addition, the Marsh Preservation policies of the LUP require the protection and preservation of Paradise Marsh, Bannister Marsh, the Sweetwater River and high-tide refuge areas located within the City's jurisdiction. The Specific Plan does identify wetlands, give specific requirements for buffers, list allowable uses in wetlands, and contain detailed requirements for development adjacent to wetlands (see Findings for Approval, below). However, as noted above, the habitat protection and enhancement policies specifically reference wetlands delineated in a survey conducted between September 1997 and July 1998, and shown as a particular exhibit in the Specific Plan.

Changes in drainage patterns, rainfall, and other natural and human-caused phenomenon can alter the size and location of wetland habitats over time. The LUP requires that wetlands be protected—not just wetlands which existed at the time the Specific Plan is approved. Although the Specific Plan policies provide a high level of protection for the mapped wetlands, as currently drafted, the policies would apply only to the 1997-1998 wetlands delineation, regardless of changes in actual status of the wetlands in the planning area. In addition, the plan does not require that new development verify the presence or absence of environmentally sensitive resources on a particular site, although some development proposed in the Specific Plan may not occur for many years. Therefore, as submitted, the subject amendment cannot be found consistent with or adequate to carry out the resource protection policies of the certified LCP, and the amendment must be denied.

**PART V. FINDINGS FOR APPROVAL OF THE HARBOR DISTRICT  
SPECIFIC PLAN, IF MODIFIED**

As stated previously, the Harbor District Specific Plan is for the most part consistent with and adequate to carry out the certified land use plan. However, because of the inadequacy of several of the Marsh Preservation policies, the Specific Plan was rejected.

1. Wetland Habitat Conservation Program

Overall, the policies of the Specific Plan provide detailed, specific conservation policies designed to protect, enhance, and preserve environmentally sensitive habitat consistent with the policies of the certified LUP. The plan describes the habitat and plant types found in the Harbor District area. No direct encroachment into wetlands is permitted except for those activities such as the removal of debris and exotic plants and restoration activities that will enhance the quality of the wetlands. Scientific and educational research programs are also permitted; these uses were anticipated in the LUP as long as the research involves nature study.

As discussed above, language in the proposed Specific Plan asserts that the National City certified LCP would have no applicability under any circumstance for development within the Paradise Marsh refuge. In fact, while the National City LCP policies relating to land owned by the federal government are advisory only and have no binding effect on federal activities, the certified plan provisions would be used as guidance in review of development requiring a coastal development permit or federal consistency review from the Coastal Commission. Suggested Modifications #1 through #5 clarify the status of the LCP as important guidance for land use decisions in the refuge. Only as modified can the Specific Plan be found consistent with the resource protection policies of the certified LCP.

The Harbor District plan contains specific requirements for wetland buffers consistent with the LUP. As required in the LUP, the Specific Plan calls for 100-foot wide buffers from the edge of wetlands to new development, although this amount can be increased to ensure achievement of buffer habitat functions. The plan allows new development to encroach into upland habitat buffers only within the Harrison Avenue Public Access Corridor, and then only with the consultation of the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The extension of Harrison Avenue is consistent with the certified LUP, and is an important component of the public access and circulation element of the Harbor District area. Interpretive facilities can be located in the upper half of the buffer, subject to consultation with the resource agencies.

Although the plan would permit some removal of coastal sage scrub upland habitat, the plan also contains specific requirements for replanting and maintaining drought-resistant native landscaping within all habitat buffers and within 200 feet of Paradise March and adjacent wetlands. The plan recommends the use of native species throughout the Harbor District planning area. The U.S. Fish and Wildlife Service and the Department of Fish and Game will be consulted during the development of all habitat buffer, landscaping,

and revegetation plans and for public park landscaping within 100 feet of the wetland buffer/setback.

The plan has requirements for the collection of trash, domestic animal control, restrictions on night lighting within the wetland area, the minimization of predator perching opportunities, and the visual screening of human activity from the marsh and wetlands. The plan also requires oil-grease-sediment traps or other filters to protect the marsh from polluted runoff, prohibits storm drain runoff into Paradise Marsh, and requires the implementation of Best Management Practices to minimize the flow of storm runoff pollutants during grading and construction activities and after project completion.

The LUP requires that specific erosion control measures 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 National City Implementation Plan (which applies in the certified areas of National City), for all properties which drain directly to marsh and wetland areas. The policies contained in the Harbor District Specific Plan supplement the grading policies contained in the Implementation Plan. Because Section X(B)(4)(k) of the Implementation Plan Section is referenced in the LUP, the policies of this section also apply in the Harbor District area to those specified properties.

There are only two areas in which the proposed Specific Plan would not fully implement the certified LUP, and thus, suggested modifications have been developed to bring the Specific Plan into conformance with the LUP. Suggested Modification #1 corrects a technical error by requiring that the wetland delineation map be identified as Figure 3.1, as it is referenced throughout the Specific Plan.

Suggested Modification #2 requires that prior to the issuance of a coastal development permit for any new development, either a site-specific wetland survey be performed, or that the wetland survey in the Specific Plan be updated with regard to the particular project site. The modification also specifies that the policies contained in the Specific Plan apply to the wetlands and wetland buffers as delineated at the time the coastal development permit is issued. In this manner, both existing and future wetlands will be subject to the wetland protection and enhancement policies of the Specific Plan, consistent with the certified LUP.

Therefore, as modified, the resource protection policies of the Harbor District Specific Plan conform with and are adequate to carry out the certified land use plan.

## 2. Public Access

The public access policies of the LUP require the designation of public shoreline accessways to and along Paradise Marsh and the Sweetwater River Channel, new nature trails and bicycle trails. All new development must incorporate adequate on-site parking to accommodate the parking demand generated, and new development must not interfere with desirable public access that may exist to coastal and recreational resources.

The Specific Plan provides for many specific access and circulation improvements that will improve access to the bayfront and the future National City Marina. Pedestrian accessways, bikeways, landscaping, public parking areas, parks, vista points and lighting and buffer components are incorporated into the proposed accessways. The extension of Harrison Avenue as a public access corridor with landscaping, medians, and habitat buffers is incorporated into the plan consistent with the certified LUP. The public access, recreation, and circulation program requirements must be implemented in conjunction with the development of the subareas contained in the plan.

Therefore, the public access policies of the Specific Plan can be found adequate to implement the certified LUP.

3. Tourist Commercial Recreation/Marine-Related Industry

The LUP designates most of the non-resource containing land in the Harbor District for Tourist Commercial developments, including marina development, hotel/motel and restaurant facilities, recreational vehicle park/campground, dry-storage and boat service facility and/or public park areas. Overnight uses and boating uses are assigned the highest commercial development priority for the commercial recreational areas.

The Specific Plan provides for commercial development in Subarea A such as a lodging facility, a restaurant, and/or tourist commercial retail space. Tourist commercial development, including uses that support or are associated with the marina are permitted within the building envelopes in Subarea B. Such development may include a lodging facility, a restaurant, marina-related office and/or retail commercial space, boat building, repair, dry storage, and ancillary services. All new development is subject to specified setback, buffer, height, site environmental and geotechnical analysis, and raptor perch-proofing requirements. Buildings in Subarea A are required to be set back a minimum of 100 feet from any delineated wetland and 100 feet from the boundary of the National Wildlife Refuge. A 200 foot buffer and setback area generally applies in Subarea B. Parking ratios for hotel/motels, restaurant, and retail area are specified in the plan to ensure adequate parking is provided with new development consistent with the certified Land Use Plan.

Marine-related permitted development must conform with all applicable provisions of the Specific Plan and must coordinate with the U.S. Fish and Wildlife Service, Coastal Commission and the California Department of Fish and Game during the project design phase to identify, avoid, and/or fully mitigate unavoidable impacts to sensitive coastal resources and public access. Although the Specific Plan does not contain specific policies identifying marine related uses as priority uses, the plan does restate the policies of the LCP including a reference to Coastal Act section 30255 which states that coastal-dependent developments shall have priority over other developments on or near the shoreline. Thus, the Specific Plan is consistent with the certified LCP requirements regarding the location and priority of marine-related development.

Therefore, the tourist commercial recreation and marine-related industry policies of the Specific Plan can be found adequate to implement the certified LUP.

4. Visual Resources

The visual resources policies of the certified LUP require that the Specific Plan for the Harbor District area determine appropriate height limits, landscape elements, signage, and view protection and enhancement. Vistas shall be provided from public roadways and public open space areas to Paradise Marsh and the Sweetwater River Flood Control Channel. Landscaping and landscaped entryways shall be provided along new roads adjacent to Paradise Marsh. Tourist commercial uses shall have design requirements for landscape elements, signing, and architectural elements such as height, scale, bulk, color and building materials.

The Specific Plan provides for numerous visual enhancement projects including a landscaped gateway to the Harbor District along West 24<sup>th</sup> Street, landscaping along Harrison Avenue, vista points to be improved with habitat buffer compatible viewing platforms, parks, and a native landscape restoration project. There are mandatory visual quality standards for wetland areas, wetland buffers, the plaza at the foot of Harrison Avenue, and parks, involving the use of native landscaping and building setback areas. Tourist-commercial development has specific standards regarding the use of terraced buildings, building colors, materials and textures compatible with the natural palette of the surrounding area, landscaping, and the placement of open space easements over public view corridors, accessways and habitat buffer areas. Standards for building bulk, mass, and setbacks are also included. Specific sign criteria include the prohibition of roof signs and free standing or on- or off-premise commercial signs.

Therefore, as modified, the Harbor District Specific Plan conforms with and is adequate to carry out the certified land use plan.

**PART VI. 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.

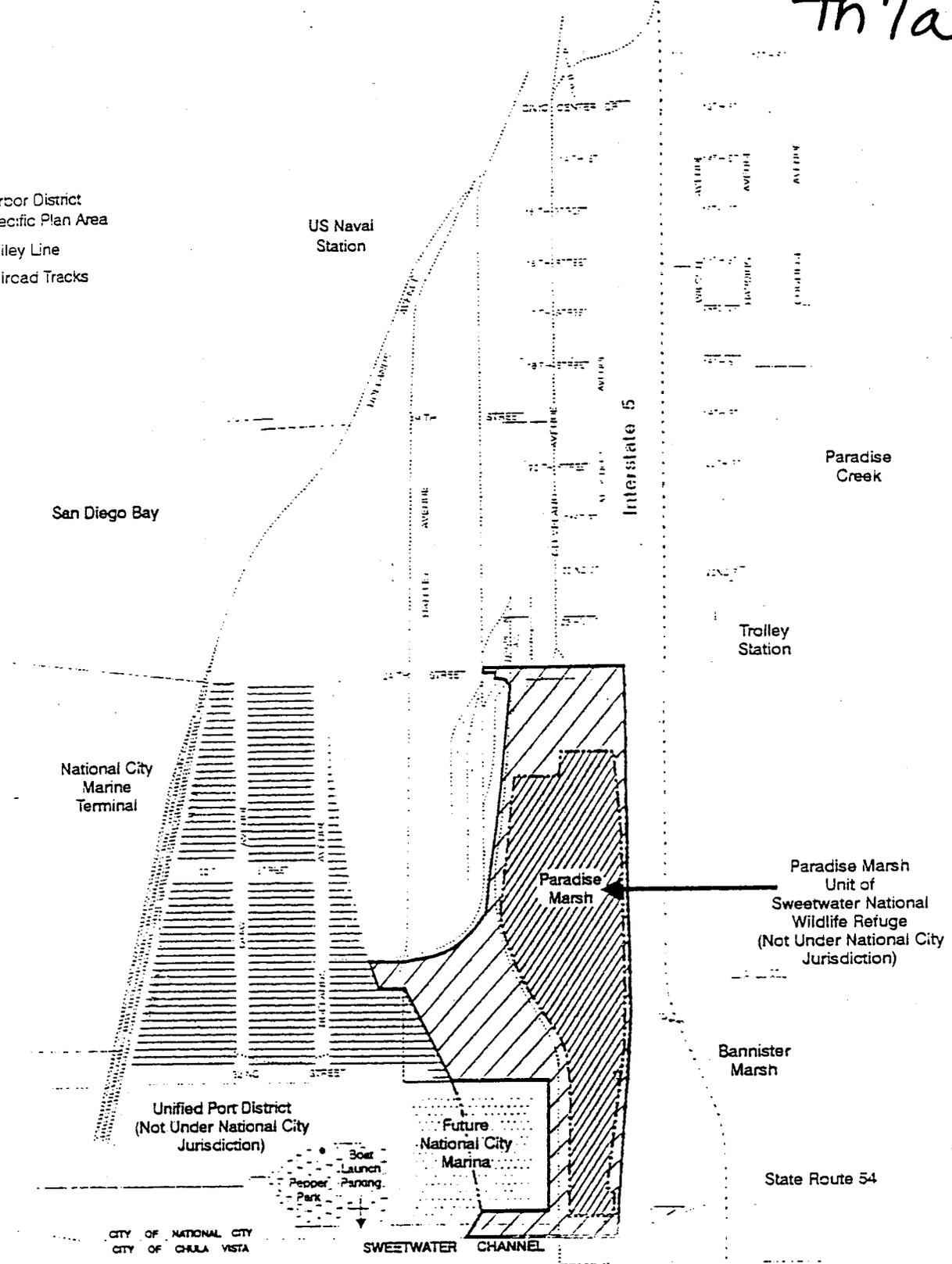
Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP implementation plan, the Commission finds that approval of the plan as submitted would result in significant impacts to environmentally sensitive habitat areas under the meaning of the California Environmental Quality Act. Suggested modifications have been included to reduce the potential impacts to below a level of significance.

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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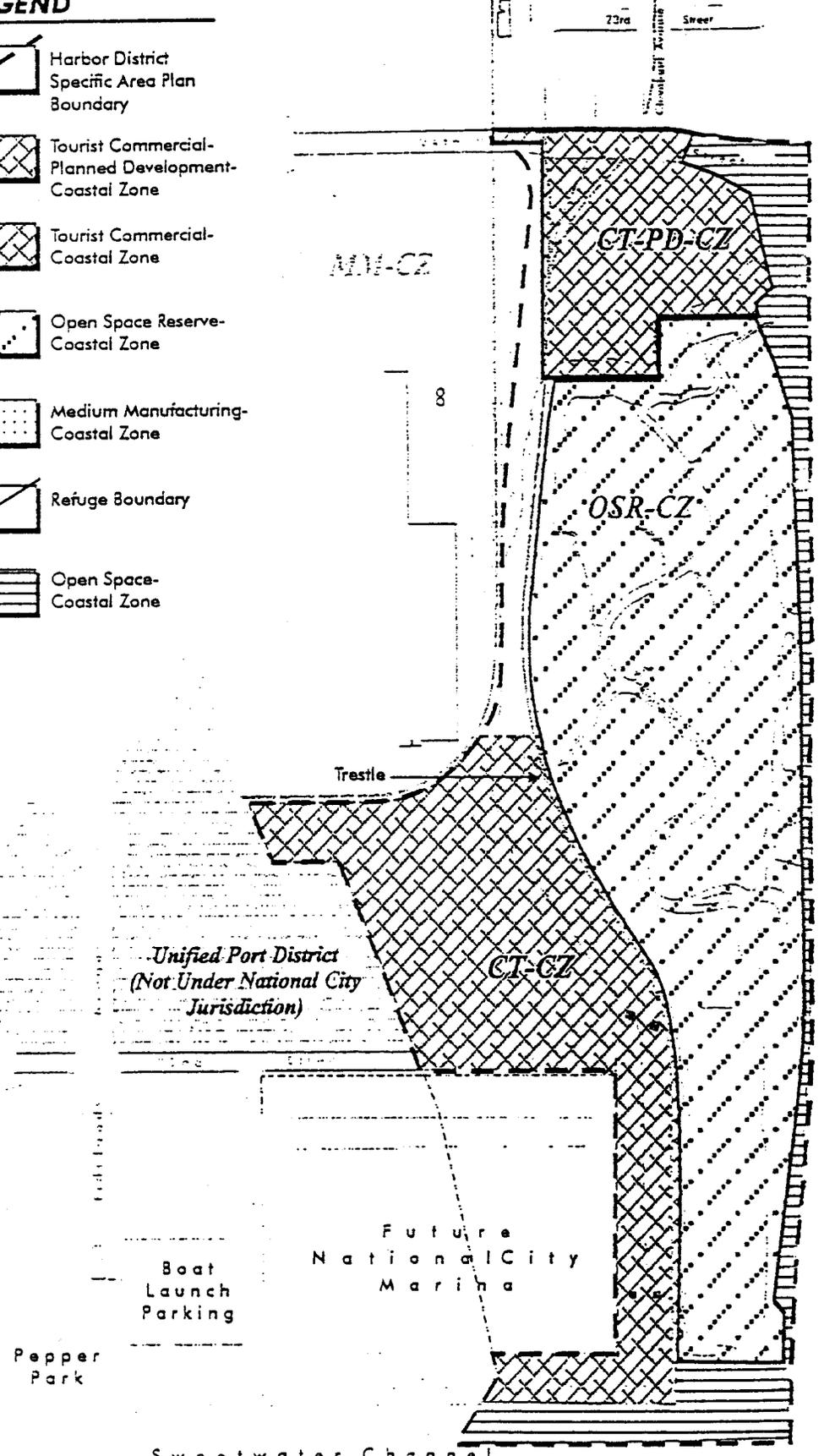
-  Harbor District
-  Specific Plan Area
-  Trolley Line
-  Railroad Tracks



**NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN  
LCPA 1-98B**

**LEGEND**

-  Harbor District Specific Area Plan Boundary
-  Tourist Commercial-Planned Development-Coastal Zone
-  Tourist Commercial-Coastal Zone
-  Open Space Reserve-Coastal Zone
-  Medium Manufacturing-Coastal Zone
-  Refuge Boundary
-  Open Space-Coastal Zone



Existing Land Use/Zoning

**NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN  
LCPA 1-98B**

RESOLUTION NO. 98 - 95

RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF NATIONAL CITY ADOPTING A  
HARBOR DISTRICT SPECIFIC AREA PLAN

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 generally from the Coastal Commission, but effective certification of a certain area around Paradise Marsh within the City's jurisdiction pursuant to the California Coastal Act was deferred; and

WHEREAS, the City Council of the City of National City has adopted 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 on July 28, 1998 authorized the submittal of said Amendment to the California Coastal Commission for review, approval, and effective certification; and

WHEREAS, the certified National City Local Coastal Program contains a Land Use Plan that requires City preparation, adoption, and submittal to the California Coastal Commission for its review, approval, and effective certification of a Specific Area Plan for said area around Paradise Marsh and to facilitate habitat-consistent land uses, habitat restoration and buffers, public access, recreation, and circulation; and

WHEREAS, a duly noticed City Council public workshop on implementation planning, programmatic objectives, and projects for and in the Harbor District was held on December 8, 1997; and

WHEREAS, a duly noticed City Council and Planning Commission workshop on implementation planning was held on March 18, 1998; and

WHEREAS, the Community Development Commission of the City of National City conferred extensively with other public agencies, real properties, environmental organizations, community organizations, and other public stakeholders in the preparation of the Harbor District Specific Area Plan, including through on-site field trips, meetings, and the preparation and review of administrative draft planning documents; and

WHEREAS, the Community Development Commission of the City of National City has prepared a "Harbor District Specific Area Plan", dated June 16, 1998, to implement the policy requirements and directives of the certified Local Coastal Land Use Plan for the area around Paradise Marsh ("the Harbor District"); and

**RESOLUTION**

Resolution No. 98 - 95  
July 28, 1998  
Page 2 of 4

WHEREAS, the Harbor District Specific Area Plan contains a detailed and implementable public access component in Chapter 2; and

WHEREAS, the Harbor District Specific Area Plan contains detailed and implementable provisions that address, provide for, and regulate, as appropriate and consistent with the certified Local Coastal Program Land Use Plan and California Coastal Act, uses of greater than local significance within the Harbor District, or that are or may be affected by said Plan; and

WHEREAS, notice of the availability of the Harbor District Specific Area Plan 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 on the Public Review Draft of the Harbor District Specific Area Plan, including clarifying corrections and revisions in response to comments, have been held 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 said Plan 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 Planning Commission on July 20, 1998 after the close of its public hearing and after deliberation recommended approval of the Harbor District Specific Area Plan, as clarified and revised, to the City Council; and

WHEREAS, based on comments received on and technical review of the June 16, 1998 Public Review Draft Harbor District Specific Area Plan, the Community Development Commission of the City of National City has made corrections and revisions to findings, policies, and maps contained in the Harbor District Specific Area Plan in order to maximize Specific Area Plan accuracy and provide substantive responses to public and agency comments which are contained in the addendum dated July 21, 1997; and

WHEREAS, the Community Development Commission of the City of National has prepared a specific Consistency Analysis of the Harbor District Specific Area Plan in relation to applicable policies of the certified Local Coastal Program Land Use Plan and the California Coastal Act; and

WHEREAS, said Consistency Analysis finds that the Public Review Draft of the Harbor District Specific Area Plan, as further clarified and revised in the July 21, 1998

addendum, is fully consistent with and adequate to carry out, the policies of the certified Land Use Plan, the California Coastal Act, and applicable regulations of the California Coastal Commission that govern preparation of Local Coastal Program Amendments thereto; and

WHEREAS, the Community Development Commission of the City of National City has prepared written responses to written and oral comments that were received on the Harbor District Specific Area Plan, including during the workshops; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission to approve the Harbor District Specific Area Plan, as corrected and revised; and

WHEREAS, the preparation of and City Council action on the Harbor District Specific Area Plan constitute a Local Coastal Program Implementation Amendment that is statutorily exempt from the California Environmental Quality Act; and

WHEREAS, the Harbor District Specific Area Plan 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 Harbor District Specific Area Plan Local Coastal Program Implementation Amendment is consistent with, and adequate to carry out, all applicable provisions of the certified National City Local Coastal Program Land Use Plan, the California Coastal Act, and regulations of the California Coastal Commission.

2. The National City Local Coastal Program, as amended by the Harbor District Specific Area Plan, is intended to be carried out in a manner fully consistent with the California Coastal Act.

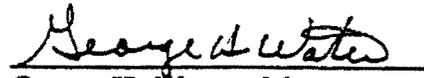
3. The Harbor District Specific Area Plan Local Coastal Program Implementation Amendment, as submitted, is intended to take effect immediately upon certification action of the California Coastal Commission.

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

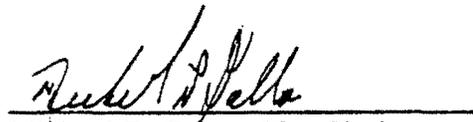
Resolution 98 - 95  
July 28, 1998  
Page 4 of 4

5. The hearing and action by the California Coastal Commission on the Harbor District Specific Area Plan Local Coastal Program Implementation Amendment is requested to occur within the County of San Diego during said Commission's meeting in Oceanside on October 13 - 16, 1998.

PASSED and ADOPTED this 28<sup>th</sup> day of July, 1998.

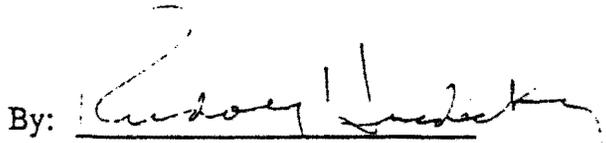
  
George H. Waters, Mayor

ATTEST:

  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

George H. Eiser, III  
City Attorney

By:   
Rudolf Hradecky, Esq.  
Senior Assistant City Attorney

**CITY OF NATIONAL CITY**

**HARBOR DISTRICT SPECIFIC AREA PLAN**

**AND LCP IMPLEMENTATION AMENDMENT**

**July 31, 1998**

**ADOPTED BY CITY COUNCIL, JULY 28, 1998**  
**APPROVED BY PLANNING COMMISSION, JULY 20, 1998**

COMMUNITY DEVELOPMENT COMMISSION OF  
THE CITY OF NATIONAL CITY  
140 EAST 12th STREET, SUITE B  
NATIONAL CITY, CALIFORNIA 91950  
Tel.: 619.336.4250  
Fax: 619.336.4286  
E-mail: HDSAPCDC@aol.com

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AS ADOPTED BY CITY COUNCIL

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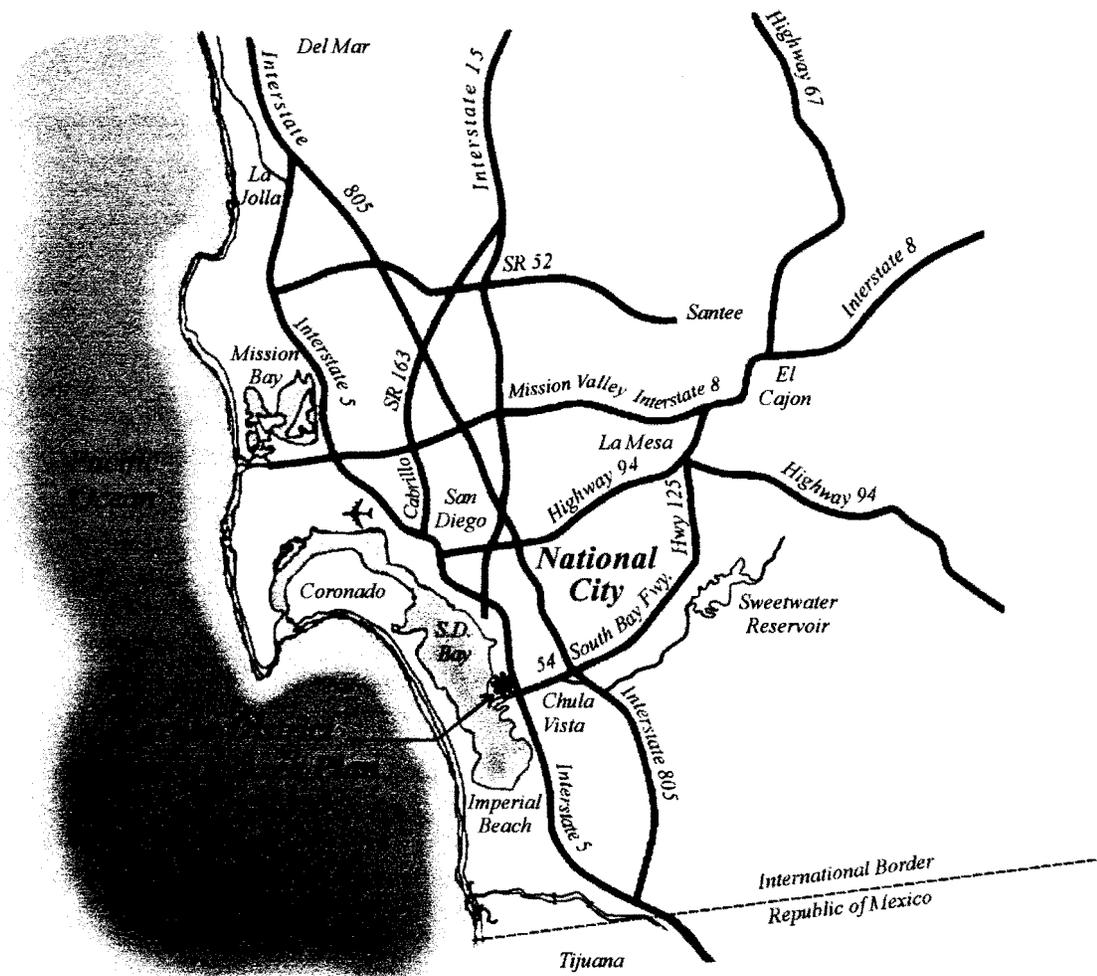


Figure 1.1  
Regional Map

**NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN**



## CHAPTER 1. INTRODUCTION

### 1.1 Background

The Community Development Commission of the City of National City ("CDC") has prepared this Specific Area Plan ("Plan") for the City's Harbor District ("Planning Area") to fulfill the requirement of the certified National City Local Coastal Program ("LCP") for a detailed, resource-based, environmental implementation plan to establish site-specific conservation and development standards in the OSR (Open Space Reserve), CT (Tourist Commercial), MM (Medium Industrial), and OS (Open Space) districts.

This Plan constitutes an "implementation action" under the meaning of California Coastal Act §30108.4.<sup>1</sup> No land use plan changes are required for this implementation plan. However, the City is processing a parallel technical amendment to the certified LCP Land Use Plan to recognize federal acquisition of the area of Paradise Marsh and its inclusion in the Sweetwater Marsh National Wildlife Refuge ("National Wildlife Refuge" or "Refuge"), an incorporation by reference of the San Diego Unified Port District ("Port District" or "Port") Port Master Plan, and other non-substantive clarifying textual and mapping changes or corrections.<sup>2</sup>

The Planning Area location is shown in Figure 1.1, "National Harbor District Regional Map". A "Vicinity" map is provided in Figure 1.2, which shows the location of the Harbor District relative to Interstate Highway 5 ("I-5"), the Paradise Marsh unit of the National Wildlife Refuge, Sweetwater Channel, and the National City Marine Terminal in the Port District.

As shown in Figure 1.3, "Plan Area and Subareas", the Harbor District consists of four subareas, all of which are within the National City Redevelopment Area:

- **Subarea A**, ±8.3 acres, is designated primarily for planned tourist commercial development in the area between W. 24th Street and the fill slope overlooking Paradise Marsh. It also includes the W. 24th Street right-of-way, as well as the State of California right-of-way west of the southbound I-5 travel lanes, north of Paradise Creek. The latter is designated for open space in the certified LCP. (See Figure 1.4 for the illustrative location of the designated land use areas. The City's

<sup>1</sup> Unless otherwise indicated, all references to statute are to the California Coastal Act of 1976, as amended (Division 20, Cal. Pub. Resources Code, §§30000-30900).

<sup>2</sup> On the advice of the United States Attorney General (August, 1976), areas within the ownership of the United States of America are considered to be outside the delineated California coastal zone, as otherwise defined and delineated in §30103. See, e.g., U.S. Department of Commerce, Office of Coastal Zone Management, "State of California Coastal Management Program and Final Environmental Impact Statement", August, 1977, at 87: "... all lands owned by the United States are excluded from the coastal zone." Although the California Coastal Commission ("CCC") in 1977 reserved its legal position in this matter, it acknowledged that it would "abide" by the federal advice pending any judicial, legislative, or administrative modification thereof. CCC administrative practice indicates that the status quo in this regard is unchanged over 21 years and National City is uninformed of any judicial or congressional action to the contrary in any of the subsequent reauthorizations of the federal Coastal Zone Management Act.

-  Harbor District Specific Plan Area
-  Trolley Line
-  Railroad Tracks

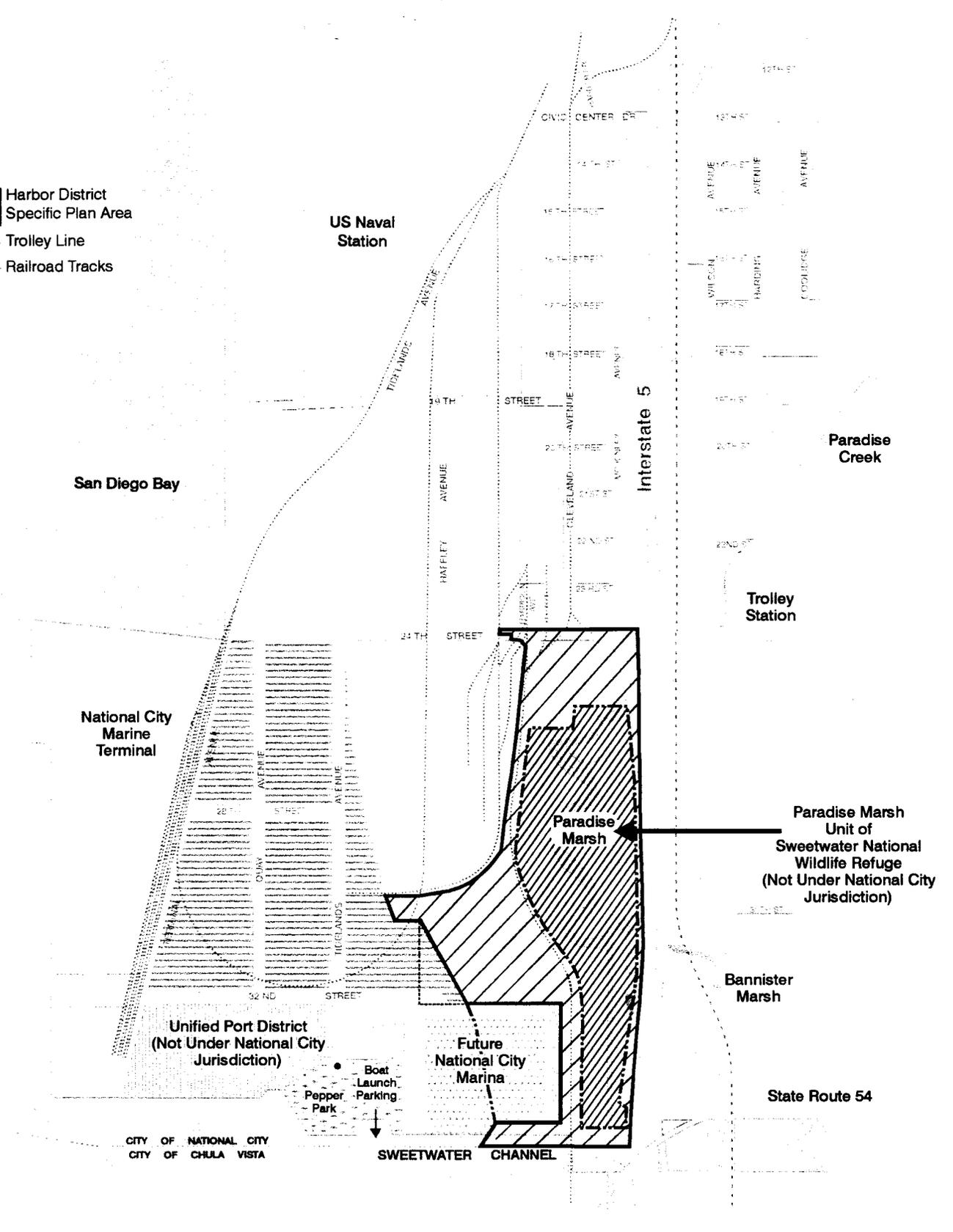


Figure 1.2  
Vicinity

**NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN**





"Combined General Plan/Zoning Map", dated September 10, 1996, which incorporates the certified LCP, as amended, governs implementation of this Plan.)

Subarea A has been severely impacted by human activities over the past 120 years, including through extensive filling and grading for railroad transportation; as a landfill, battery, and burn dump, slaughterhouse site; and for street and other infrastructure facilities. The area at present generally drains toward Paradise Marsh. Notwithstanding any appearances to the contrary, the paved street segments in this subarea were vacated by the City and only several large de facto exclusive utility easements by San Diego Gas and Electric Company ("SDG&E"), including for a 69 kv electric line, remain.

- **Subarea B**,  $\pm 16.4$  acres, is also designated for tourist commercial use in the certified LCP. It includes a major utility corridor (consisting of the San Diego & Arizona Eastern Railroad ("SD&AE") railroad track, 40-year old pressurized oil pipeline, and high voltage electric transmission lines and towers ) on filled historic wetlands of Paradise Marsh and San Diego Bay. The fill occurred between 1941 and 1968, variously in conjunction with United States Navy ship channel dredging projects in the Bay.  $\pm 10.9$  acres within Subarea B are owned in fee by the Port District, but remain outside the Port's master planning jurisdiction pursuant to the Coastal Act.<sup>3</sup>
- **Subarea C**,  $\pm 5.4$  acres, consists of natural and filled lands designated for tourist commercial and medium industrial uses, but which have primarily been used for railroad trackage. The SDG&E oil pipeline also traverses this subarea, which may be redeveloped with the Harrison Avenue Public Access Corridor between W. 24th Street and 32nd Street.
- **Subarea D**,  $\pm 10.7$  acres in size, extends some 900 feet east-west in and along the northern levee of the Sweetwater Channel and runs north some 3,300 feet north to Paradise Creek, between the I-5 freeway pavement edge on the east and the edge of Sweetwater Marsh National Wildlife Refuge to the west.

The Plan refers to four other adjacent areas, which are, however, outside the Harbor

<sup>3</sup> An additional  $\pm 1.8$  acres owned in fee by the Port in this area are located in Subarea C, Harrison Avenue Public Access Corridor. In addition, the "National City Marina" area ( $\pm 9.6$  acres) addressed by CCC effective certification of Port Master Plan Amendment No. 19, although part of the City's certified LCP "CT-CZ" district, is not included in this Specific Area Plan because the Port is simultaneously to this Plan processing a Coastal Act  $\S 30710$  legal geographical boundary amendment to include said marina area within its coastal development permit jurisdiction. To facilitate orderly and coordinated planning, as envisioned in both the City's LCP and the Port Master Plan, National City respectfully requests CCC and the Port to schedule the Port's boundary amendment in this area immediately preceding this Plan/LCP Amendment, to avoid unintentional creation of a coastal program area of deferred certification within the City of National City.

**LEGEND**

-  Harbor District Specific Area Plan Boundary
-  Tourist Commercial-Planned Development-Coastal Zone
-  Tourist Commercial-Coastal Zone
-  Open Space Reserve-Coastal Zone
-  Medium Manufacturing-Coastal Zone
-  Refuge Boundary
-  Open Space-Coastal Zone

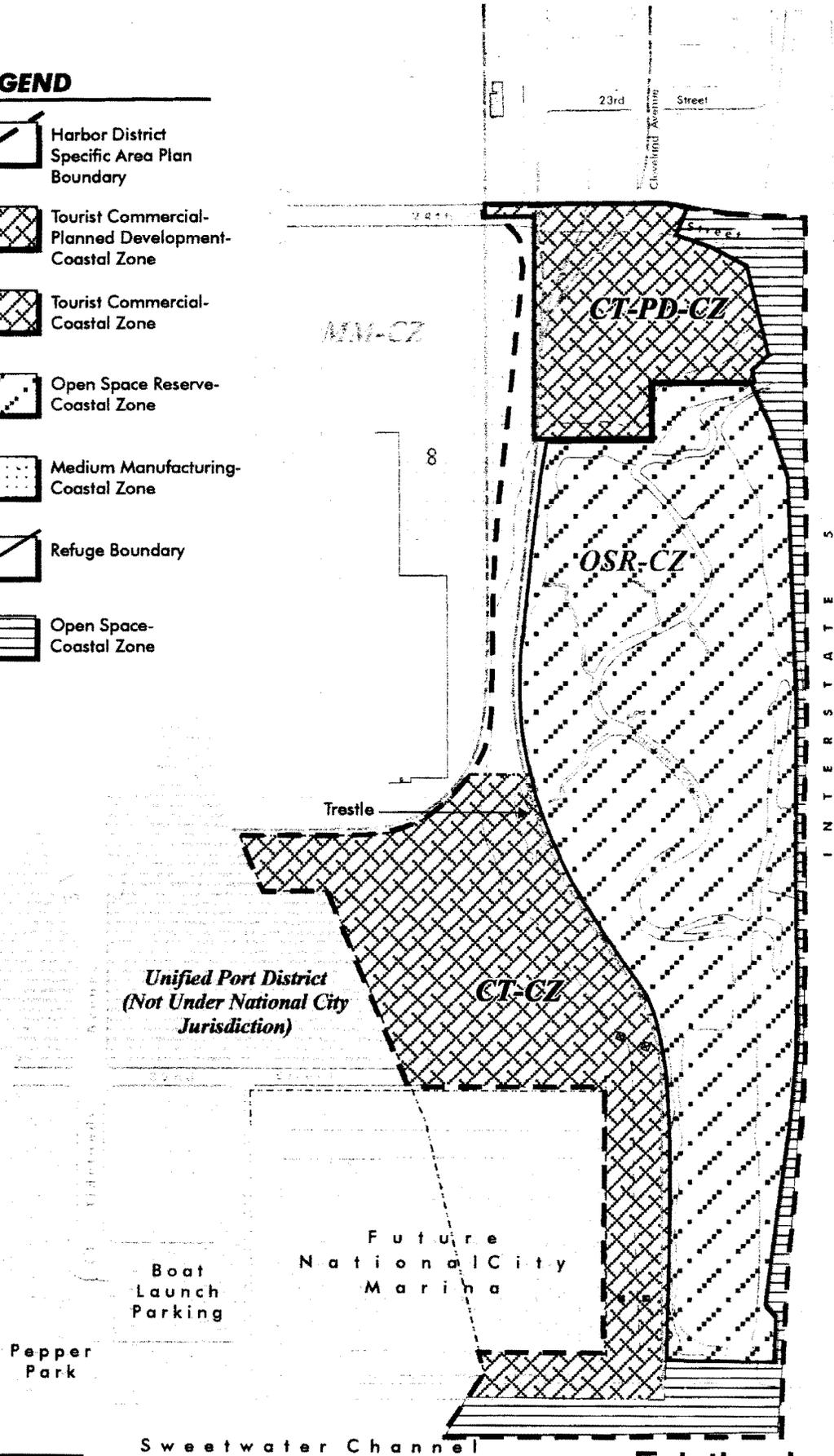


Figure 1.4

Existing Land Use/Zoning

**NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN**



District Specific Area Plan boundaries:

- (a) the federally owned and operated Paradise Marsh unit of the Sweetwater Marsh National Wildlife Refuge, and
- (b) Planning Subareas 55 ("Lumber Yards", 58 ("Boat Launching Ramp"), and 59 ("Marina") within the jurisdiction of the Port District .

## **1.2 Consultation and Public Participation**

The CDC's preparation of the Plan has involved coordination and consultation with and among City departments, as well as with officials and staff of the Port District, County of San Diego ("County"), California Coastal Commission ("Coastal Commission" or "CCC"), California State Coastal Conservancy ("Coastal Conservancy" or "SCC"), California Department of Fish and Game ("CDFG"), United States Fish and Wildlife Service ("USFWS"), Metropolitan Transit Development Board ("MTDB"), San Diego Area Council of Governments ("SANDAG"), representatives of non-governmental organizations, interested property owners, and members of the public.

The CDC and the City of National City express their appreciation to all of the persons, organizations, and agencies that have contributed to the preparation and review of this Plan.

During preparation and local review of the Plan, the CDC, City Planning Commission, and City Council have conducted the following public workshops and public hearings, for which notice was provided by CDC:

1. City Council Workshop, December 8, 1997
2. Combined City Council and Planning Commission Workshop, March 18, 1998.
3. Planning Commission Hearing and Recommendation to City Council, July 20, 1998.
4. City Council and CDC Public Hearing, July 28, 1998.

The Public Review Draft of the Plan was publicly noticed and available for six weeks before City Council adoption of it, including with clarifying changes in response to comments, on July 28, 1998.

## **1.3 Harbor District Area Plan Objectives**

The objective of the Plan is to be fully consistent with, and adequate to carry out, the requirements of the certified LCP Land Use Plan and Implementation Program for all of the following:

- (a) The conservation of Paradise Marsh, adjacent delineated wetlands, and associated plant and animal species, in coordination with the USFWS, CDFG and interested non-governmental organizations and persons.
- (b) The design and implementation of permanent functional habitat buffers around Paradise Marsh and adjacent wetlands, in cooperation with the National Wildlife Refuge.
- (c) Attractive, convenient, environmentally sustainable, and safe multi-modal public access to existing, approved, or planned recreational facilities within the Harbor District, and in adjacent Port Planning Subareas 58 and 59, including through the extension of the Harrison Avenue Public Access Corridor and appropriate linkages with the San Diego Bayshore and Sweetwater River Bikeway systems.
- (d) Site- and development-specific conservation and development standards that protect coastal habitat, public access, recreational, visual, and cultural resources, contribute to high quality appearance and design, and provide for economically feasible commercial recreational facilities and uses.
- (e) Appropriately sized and located infrastructure, including traffic circulation and parking, to support permitted density and intensity of uses within the Harbor District and adjacent priority uses.
- (f) Participation by the CDC in Specific Area planning, inter-agency coordination, property acquisition, and pre-project feasibility analyses to lead and assist in achieving the objectives and standards of the Plan.

#### 1.4 Current Conditions

The Planning Area is in a blighted condition (mid-1998). The area is characterized by predominantly weedy vegetation interspersed with outdoor storage areas and miscellaneous industrial structures.

A steep, man-made fill bank, ranging in elevation from  $\pm 18$  feet to  $\pm 30$  feet MLLW, separates the Planning Area uplands from Paradise Marsh and adjacent delineated wetlands southeast of the BNSF Railroad "Weyerhaeuser" spur track. The western Planning Area uplands are also separated from Paradise Marsh by the SD&AE Railroad berm, which was constructed along the marsh's western border in the 1870's. Paradise Marsh, which was previously owned by the Sante Fe Land Investment Company, became a unit of the Refuge in 1988 through settlement of litigation. Direct surface hydrologic continuity with the area west of the berm is now limited to the vicinity of the  $\pm 130$  foot-long wooden trestle over the historic Paradise Creek outflow channel. To the east, Paradise Marsh is defined by the  $\pm 20$ -acre fill that supports I-5, the interchange with State Route 54, and the adjacent visible remains of a regional burn dump landfill.

Native vegetation occurs in the marsh and along its landward margins (Salt marsh bird's beak, *Cordylanthus maritimus*), as well as on exposed Bay Point Formation outcrops along its western edge, but much of the man-made fill margin and Planning Area upland is characterized by ruderal and exotic species. Broom baccharis scrub

has colonized substantial parts of Subarea B.

Although the Refuge boundary is posted with signs prohibiting entry, no structural or effective vegetative barriers exist at present to preclude human, vehicular, and predacious animal entry into the marsh from adjacent uplands. Indicators of such intrusion include remnants of human transient habitation, detritus, canine footprints, scat, vehicle tracks, household garbage dump areas, surface rilling and slope raveling, and marsh mud removal pits (reportedly for equestrian application).

Sustained background, and intermittently elevated, noise levels throughout the Planning Area and marsh are generated by vehicular traffic on I-5 to the east, and by maritime industrial, general industrial, truck, and railroad cargo movement to the west and north.

Paradise Creek, which extends +4,000 feet northeast of I-5 into urbanized and industrialized Paradise Valley, feeds into Paradise Marsh. Water quality within Paradise Marsh and adjacent delineated wetlands is likely to be affected, particularly during and after peak rainfall runoff periods, by discharges of hydrocarbons and heavy metals from proximate industrial sources and roadways throughout the urbanized Paradise Valley watershed. Outside the coastal zone, Paradise Creek east of I-5 contains remnant wetland vegetation despite substantial degradation and filling along its edges. A silt trap incorporated into the Paradise Creek culvert beneath I-5 functions to retard sedimentation of Paradise Marsh, but requires regular maintenance to maximize its potential effectiveness. The burn dump that straddles the inflow of Paradise Creek into the marsh, as well as subsurface hazardous materials north of the marsh, may additionally adversely affect marsh water quality.

### **1.5 Jurisdiction and Applicability**

National City presently exercises coastal development permit jurisdiction, pursuant to its effectively certified LCP, over the area west of I-5 and north of W. 24th Street, as well as in the land areas east of I-5 and south of the Sweetwater Channel/ wetlands complex. Upon effective certification of the Harbor District Specific Area Plan by the Coastal Commission, National City will also assume coastal development permit authority over development and use in those parts of the Planning Area that are located above the mean high tide line, outside the boundary of the National Wildlife Refuge, and outside the Port Master Plan jurisdiction of the Port District. Pursuant to Coastal Act §30603(a), all coastal development permits approved by the City for development located in the Planning Area between I-5, W. 24th Street, or Harrison Avenue/32nd Street and Paradise Marsh or the Sweetwater Channel are appealable to the Coastal Commission by any person who has standing to make such an appeal.

Because local government land use jurisdiction does not extend to federal lands, the Planning Area does not include Paradise Marsh. Plan provisions do, however, directly address issues related to protecting, preserving, and enhancing Paradise Marsh in consultation and cooperation with the USFWS.

Similarly, land uses immediately adjacent to the Planning Area, but located within the granted tidelands jurisdiction of the Port District, which are addressed in the certified Port Master Plan, are also depicted only for informational and reference purposes in this Plan. The Port District has acquired Port Parcel 103-100 (formerly known as the "Barkett Property"), ±10 acres of which, located south of the 32nd Street right-of-way and east of the historic mean high tide line, are included in SDUPD's certified Port Master Plan to facilitate construction of the approved National City Marina.<sup>4</sup> The portion of Parcel 103-100 north of the National City Marina project area remains in the City's LCP jurisdiction by joint agreement of the City and the Port.<sup>5</sup>

## 1.6 Definitions

This Plan uses several terms of art in the California Coastal Management Program, which are defined below:

**1.6.1 "Coastal Development Permit"** is the entitlement for use granted (or denied) by the California Coastal Commission, pursuant to the California Coastal act of 1976, as amended (Division 20, California Public Resources Code), or a city, county, or city and county acting pursuant to its certified local coastal program. (§30103)

**1.6.2 "Cumulative"** or "cumulative effect" means the incremental effects of an individual project which shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (§30105.5)

**1.6.3 "Development"** means, whether on land, in or under water:

- the placement or erection of any solid material or structure;
- the discharge or disposal of any dredged material, or of any gaseous, liquid, solid, or thermal waste;
- grading, removing, dredging, mining, or extraction of any materials;
- change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with California Government Code Section 66410), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for recreational use;
- change in the intensity of use of water, or of access to it;
- construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility;
- the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in

<sup>4</sup> Certified Port Master Plan Amendment No. 19, 1994; US Army Corps of Engineers Section 404 permit, 1997.

<sup>5</sup> Memorandum of Understanding between the CDC of National City and SDUPD, June, 1997.

accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with California Public Resources Code Section 4511). (§30106)

**1.6.4** "Environmentally Sensitive (Habitat) Area" means any area, on land or water, in which plant or animal life, or their habitats, are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. (§30107.5)

**1.6.5** "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (§30108)

**1.6.5** "Fill" means earth, or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area. (§30108.2)

**1.6.6** "Local Coastal Program" means a city, county, or city and county's land use plan(s), zoning ordinance(s), zoning district map(s), and within sensitive coastal resource areas, other implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local government level. (§30108.6)

**1.6.7** "Structure" means, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (§30106)

## **1.7 Maps and Graphics**

With the exception of Figure 3.1, the maps and other graphics contained in the Harbor District Specific Area Plan are illustrative only. Where differences may exist between said maps or graphics and the mandatory standards contained in the Specific Area Plan, the mandatory standards govern.

## CHAPTER 2. PUBLIC ACCESS

### 2.1 Introduction

Chapter 2 contains the comprehensive Public Access Component of the Specific Area Plan, as required by §30500(a) and the certified LCP Land Use Plan. This Chapter provides the specific standards and other implementation methodologies to protect existing, and to maximize new, public access and recreational opportunities for all the people, consistent with the conservation of Paradise Marsh habitats, buffers, and other environmentally sensitive resources.

This Chapter is organized into four parts:

- A concise Summary of Existing Conditions
- LCP Access Standards and Objectives
- Harbor District Public Access and Circulation Program (including Public Access Element Map, Sections, and Street Project Locations)
- Mandatory Public Access and Circulation Standards

### 2.2 Summary of Existing Conditions

The Harbor District at present (mid-1998) lacks a functional system for public pedestrian, bicyclist, or vehicular recreational access to and along its shoreline.

With the exception of a narrow sidewalk along the north side of W. 24th Street, no pedestrian walkways or bicycle ways exist from east of I-5 to the Harbor District, or within it. Recreational vehicular access to Pepper Park and the Boat Launching Ramp, which are located on Port lands outside the planning area, must pass through the heavy truck traffic corridors of W. 24th Street and Tidelands Avenue. Informal public access to Paradise Marsh, the Sweetwater Channel, and points to the south occurs along the SD&AE Railroad track, the SDG&E service road track, the Channel north levee, and the paved SDG&E easement that appears as the southerly extension of Cleveland Avenue.

Previously proposed extensions of Tidelands Avenue across the Channel to connect with the Chula Vista Mid-Bayfront, and of 32nd Street across Paradise Marsh to connect with the I-5/State Route 54 interchange, were declined by the Coastal Commission in other planning proceedings. (The companion technical LCP Amendment deletes the reference to the Tidelands Avenue extension from the National City LCP.) Segmental extensions of the San Diego Bayshore and Sweetwater River Bikeways in the planning area have been approved and funded, but remain unbuilt pending determinations of final alignment in areas south of the Harbor District.

d9827.Ch2.CC.170898

### 2.3 LCP Access Standards and Objectives

In the context of the overall redevelopment and beautification of the Harbor District, the certified LCP public access and recreation policies mandate substantial pedestrian, bicyclist, and recreational vehicular access improvements, consistent with Paradise Marsh and other habitat conservation. These public access and recreational opportunities are afforded high priority in the LCP Land Use Plan, including through the required correlation of otherwise permitted densities and intensities of use and development to safeguard functional access capacities. (The applicable specific environmental protection standards of this Plan are addressed in Chapter 3.)

The LCP Land Use Plan specifically requires the Plan to address and implement the following circulation, access, and recreational elements:

- An attractive and multi-modal W. 24th Street, between I-5 and Harrison Avenue, to serve as the Gateway to the Harbor District.
- Extension of Harrison Avenue between W. 24th Street and 32nd Street, upland of the delineated wetlands and functional wetland buffers, to serve existing (Pepper Park, Boat Launch) and planned (Marina, commercial recreational, park) uses.
- Completion and optimal alignment of the San Diego Bayshore and extension of the Sweetwater River Bikeways to provide a significant environmentally sustainable regional recreational amenity in which the Harbor District serves as a hub.
- A unified network of pedestrian public accessways, including to and around Paradise Marsh, the Sweetwater Channel, and the Marina site, consistent with protection of environmentally sensitive areas, traditional public use areas, and State public access improvement and performance standards.
- Coordination with the Port District in the location, improvement, and carrying capacities of public access and circulation elements.
- Provision of adequate on-site vehicular and bicycle parking to accommodate generated demand(s).

### 2.4 Harbor District Public Access and Circulation Program

Continued population growth in the South San Diego Bay region, when taken together with regional bikeway, recreational, wildlife area conservation, and National City Marine Terminal cargo expansion programs, is likely to significantly increase the already substantial demand for shoreline public access and recreational opportunities in the Harbor District, as evidenced by recent (June 26-July 6, 1998) weekend, holiday, and work day traffic counts for Pepper Park and the Boat Launching Ramp.

(Urban Systems Associates, 1998.)

As shown in Figure 2.1 (Public Access Element Map), the Plan provides the following specific access and circulation improvements:

- A continuous pedestrian public accessway system that connects the San Diego Trolley/Transit Hub east of I-5 along the north side of W. 24th Street with Subarea A at Cleveland Avenue, and along Harrison Avenue with Subarea B, the Marina, and Pepper Park. Typical accessway sections are shown in Figures 2.2 (W. 24th Street), 2.3, 2.4 and Section 7 of Figure 2.5 (Harrison Avenue), and Section 8 of Figure 2.5 (San Diego Bayshore Bikeway).
- A diagonal public accessway from near the intersection of W. 24th Street and Cleveland Avenue to the westerly side of Subarea A, consistent with the LCP Land Use Plan public access map.
- A public accessway near the southerly boundary of Subarea A, to overlook the restored northern Paradise Marsh bluff area and buffer.
- A public accessway along the Sweetwater Channel levee, to extend westerly towards the planned entrance to the Marina.
- The vehicular, landscaping, and lighting components of W. 24th Street, between I-5 and Harrison Avenue, as shown in Sections 1 and 2 of Figure 2.2 and in Figure 2.7.

Based on preliminary traffic and engineering studies, the Plan proposes expansion of the W. 24th Street right-of-way to the south to create dedicated turn lanes at Cleveland Avenue and Harrison Avenue, synchronized traffic movement, and prohibition of specified heavy truck traffic to achieve a planned traffic capacity of 20,000 Average Daily Trips (ADT's) at a Level of Service ("LOS") D. Table 2.1 shows that of this capacity, 1,800+ ADT's in W. 24th Street, between I-5 and Harrison Avenue, are allocated to priority public access and recreational traffic from existing and planned uses, while another 4,450 ADT's are allocated to commercial recreational traffic. (The allocation assumes that 100% of the public access, public recreational, and commercial traffic generated by the Harbor District, Marina, and Pepper Park/Boat Launch Ramp will travel via W. 24th Street in the Planning Area.)

- The vehicular, bikeway, landscaping, lighting, and buffer components of Harrison Avenue, between W. 24th Street and 32nd Street, as shown in Sections 3-7 of Figures 2.3, 2.4, and 2.5, and in Figures 2.8 and 2.9. The Plan proposes construction of the Harrison Avenue "extension" with a design capacity of 7,500 ADT's (LOS D) to serve public access, public recreational, and commercial recreational traffic generation from Sub-

area B and Port planning subareas 58 (Pepper Park/Boat Launch) and 59 (Marina). Anticipated demand at build-out pursuant to the Plan is projected to be 6,347 ADT's (weekdays), 6,430 ADT's (non-holiday weekend days), and 7,146 ADT's (weekend holidays). Provision is made for emergency parking bays and median turn lanes into Subareas A and B, including at the small park at the historic outflow of Paradise Creek into San Diego Bay at the northern tip of Subarea B-1. Heavy trucks will be prohibited by signage on W. 24th Street and, in cooperation with the Port District, on Tidelands Avenue and 32nd Street, from using Harrison Avenue "extension".

- A 90-degree turn connection between Harrison Avenue and 32nd Street, and minor extension of 32nd Street westward to the historic Mean High Tide Line (the jurisdictional boundary between this Plan and the Port District in this area).

To address the anticipated growth in cargo throughput at the National City Marine Terminal (which is located on Port lands) and associated heavy truck traffic volumes, the Plan further recommends a coordinated National City-Port District truck traffic management program to achieve the following objectives:

- (a) Provide for efficient truck traffic in W. 24th Street between the Marine Terminal, Interstate Highway 5, and points south, for which W. 24th Street represents the functional existing and proposed improved truck route.
- (b) Provide for truck traffic between the Marine Terminal and points north and east to utilize the recently improved and enhanced Tidelands Avenue truck corridor via the Civic Center interchange and the 19th Street undercrossing with I-5.
- (c) Establish a noise reduction zone in W. 24th Street, between I-5 and Harrison Avenue.
- (d) Reduce, and if feasible eliminate, heavy truck traffic during daylight hours on weekends and holidays between May 1 and October 30, the peak annual recreation period, that utilizes W. 24th Street between I-5 and Harrison Avenue to access destinations to the north of W. 24th Street.

## 2.5 Mandatory Public Access and Circulation Standards

The following standards constitute mandatory requirements for all new development in the Harbor District. The standards of Plan Chapters 3, 4, 5, and 6, and the relevant sections of the certified LCP, City Land Use Code, and of §30604(c) also apply.<sup>1</sup>

<sup>1</sup> §30604(c) requires the City, when acting on any coastal development permit in the area bounded by W. 24th Street, Harrison Avenue extension (after it is constructed), the Sweetwater Channel, and I-5, to find specific development project consistency with the public access and recreation policies of the Coastal Act, including §30210-30214, 30220-30224, and 30252. The Harrison Avenue extension project is also subject to this requirement.

NATIONAL HARBOR DISTRICT SPECIFIC AREA PLAN  
AS ADOPTED BY CITY COUNCIL

CHAPTER 2  
JULY 28, 1998

Table 2.1. Traffic Generation by Land Use Type in Planning Area.

LAND USE(SUBAREA)	TRAFFIC GENERATION (TR=Trips)	PEAK HOUR (pm)	WEEKDAY/END	ADT'S (AvDailyTrips)
TOURIST-COMMERCIAL				
Restaurant (SA A)	4000SFx1Tr/10SF	32 (pm,8%)	weekend/weekday	400
Restaurant (SA B)	6000SFx1Tr/10SF	48 (pm,8%)	weekend/weekday	600
Lodging (SA A)	175 rms x 6Tr/rm	84 (pm,8%)	weekend/weekday	1050
Lodging (SA B)	150 rms x 6Tr/rm	72 (pm,8%)	weekend/weekday	900
Retail Com. (SA A)	10000 SF x 40/kSF	36 (pm,9%)	weekend/weekday	400
Retail Com. (SA B)	10000 SF x 40/kSF	36 (pm,9%)	weekend/weekday	400
Bikeway-orient. Rest-Com.	4000SF x .5Tr/10SF	16 (pm,8%)	weekend/weekday	200
MARINE REL. INDUSTRY	22.5Tr/ac x 3.6 ac	10 (pm,12%)	weekend/weekday	81
BOAT LAUNCH RAMP & PEPPER PARK	Actual traffic counts June 26-July 6, 1998	85 (pm,11%) 71 (pm,9%)	weekday, 7 day av non-holiday/wkndday	748 840
		165(pm,11%)	holiday weekend day	1547
MARINA PLAZA	72Tr/ac x 0.1 ac	1 (pm,14%)	weekend/weekday	7
PARADISE MARSH PARK	72Tr/ac x 0.3 ac	2 (pm,14%)	weekend/weekday	14
RAILCAR ART PROJECT	72Tr/ac x 0.6ac	3 (pm,7%)	weekend/weekday	43
VISTA POINTS	40Tr/ac x 0.1ac	1 (pm,25%)	weekend/weekday	4
MARINA	4 Tr/slip x 250 slips	70 (pm,7%)	weekend/weekday	1000
MARINA-REL. OFFICE	10000SF x 50 Tr/SF	65 (pm,13%)	weekend/weekday	500
TOTAL DEMAND av wknd		561(pm,9%)	weekeday	6347
T. DEMAND n-h wknd d		547(pm,9%)	non-holiday weekend	6439
T. DEMAND hol wknd d		641(pm,9%)	holiday weekend	7146
HAR. AV. Av wknd dem		409(pm,9%)	weekday	4495
HAR. AV. N-H wknd d D		395(pm,9%)	non-holiday weekend	4587
HAR.AV. HOL WKND d D		489(pm,9%)	holiday weekend	5296
HARRISON AVE CAP.		900(pm,12%)		7500
EXISTING W.24ST TRAF	Actual traffic counts (26.6.-06.7.1998)	999(pm,10%) 555(pm,15%)	weekday 5 day av non-holidaywkndday	10110 3661
		295(pm,13%)	holiday weekend day	2310
	May 1997 USA Rpt	1045(pm,15%)	weekday	7000
SUM HDSAP TOTL DEM & EXIST W24ST TRAF		1475(pm,9%) 1031(pm,11%)	weekday non-holidaywkndday	16359 9260
		771(pm,10%)	holiday weekend day	7909
IMPRVD W24ST CAP.		2400(pm,12%)		20000
UNALLOCATED CAP.		925 (pm,25%) 1369(pm,13%) 1629(pm,14%)	weekday non-holidaywkndday holiday weekend	3641 10740 12091

NOTES TO TABLE 2.1:

1: Table 2.1 is based on data from various sources, including square [cont'd on page 2-7]

### 2.5.1 Location of Accessways and Circulation Elements

All pedestrian accessways, bicycle ways, streets, public parking areas, parks, and vista points shall be located as shown in Figure 2.1, Public Access Element.

### 2.5.2 West 24th Street

The vehicular and pedestrian access improvements in the expanded West 24th Street right-of-way shall, in addition to the requirements of Section 2.5.1, be consistent with and implement Figures 2.2 and 2.7 to provide:

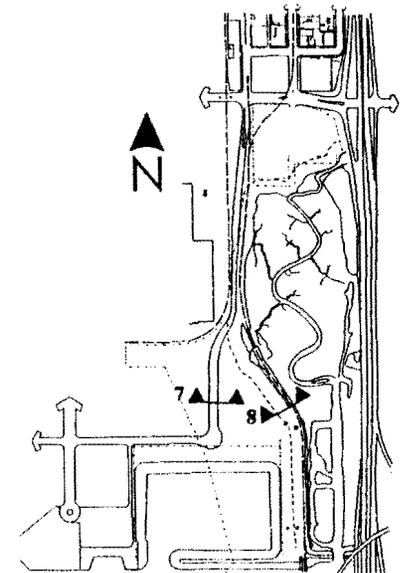
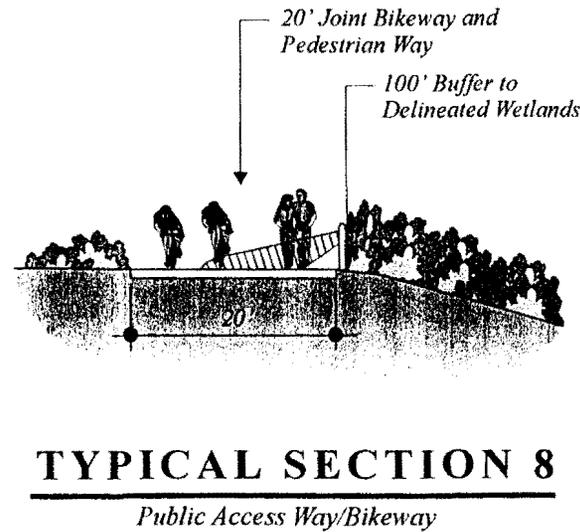
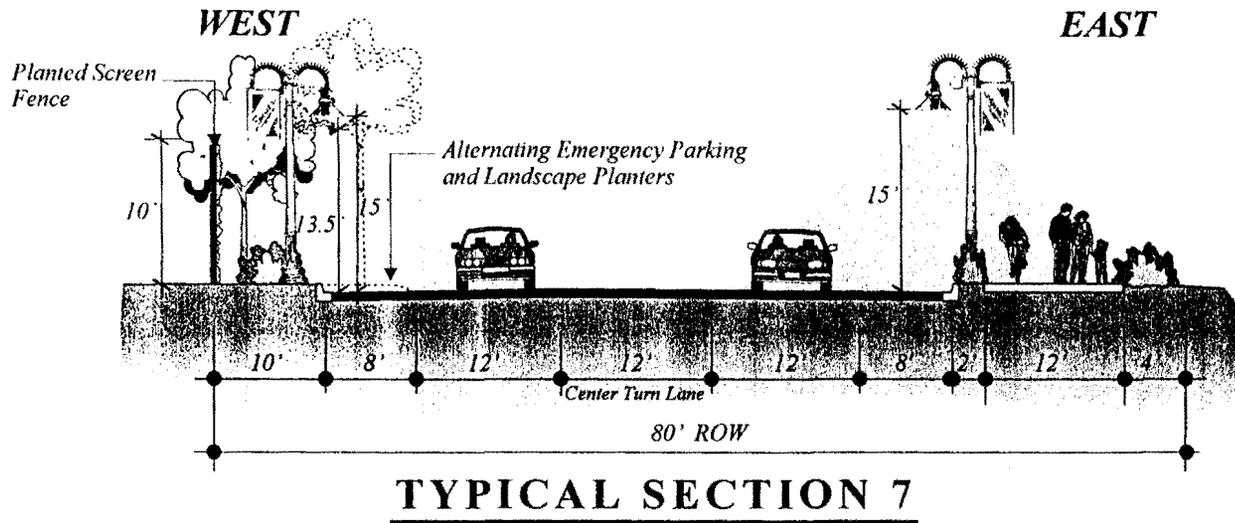
- (a) A minimum average daily traffic capacity, between the intersections with Harrison Avenue and I-5, of 20,000 ADT's (LOS D). Each intersection shall also function at a minimum LOS D.
- (b) Pedestrian accessways, accessible to persons with disabilities, in the location(s) and dimension(s) as shown on Figure 2.1, and on Sections 1 and 2 of Figure 2.2, provided that:
  - (1) If the slope of W. 24th Street between I-5 and Cleveland Avenue renders access by handicapped persons infeasible or inconsistent with applicable design standards, the City may provide an alternative and additional functional location for this accessway in, or adjacent to, the Harbor District.
  - (2) The diagonal westerly crosswalk of W. 24th Street at the intersection with Cleveland Avenue, as shown in Figure 2.1, may be located within the design intersection at the discretion of the City Engineer to avoid bisecting the left-turn pocket median, as shown in Figure 2.7.
- (c) Continuous and directional signage of public accessways.

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#### Notes to Table 2.1, cont'd:

footages (Rick Eng. Co., 1997, 1998); development intensities (Rick Planning Group, Dall & Associates, 5/1998); traffic generation (Linscott et al., after San Diego Traffic Impact Manual, 1997, and Katz et al., 1997, both prepared for SDUPD). A supplemental traffic study was conducted by Urban Systems Associates between June 26-July 6, 1998. Actual traffic counts for the existing Pepper Park/Boat Launching Ramp were found to be 150-243% larger than projections based on SDUPD's assessment of traffic generation from the Chula Vista boat launching ramp/park, which yielded a projected 450 ATD's for Pepper Park and the Boat Launching Ramp. See Note 2, below, for meanings of abbreviations.

2: "SA A" means Subarea A; "SA B" means Subarea B"; SF means square feet; "Bikewy-orient. Rest-Com." means Bayshore Bikeway oriented restaurant-commercial use; "ac" means acre; "av" means average; "wkndday" means weekend day; "marina-rel. office" means marina related office use/development; "wkd" or "wknd" means weekend; "n-h" means non-holiday; "d" means day; "hol" means holiday; "T" means total; "HAR" means Harrison; "AV" means avenue; "D" or "dem" means demand; "W24ST" means West 24th Street; "Traf" means traffic; "USA Rpt" means the May, 1997 traffic report by Urban Systems Associates; "Exist" means existing; "Imprvd" means improved; "CAP" means capacity.



**Figure 2.5**  
**Harrison Avenue**  
**NATIONAL CITY HARBOR DISTRICT**  
**LCP - SPECIFIC AREA PLAN**

**SCHEMATIC ILLUSTRATIVE**

*NOTE: SECTION VIEW FACING NORTH.*

1. Requires Coordination and Approval from Caltrans for bikeway standards.
2. Street Lighting is a minimum of 15 feet in height.
3. Perch Proof Lighting & Signage.

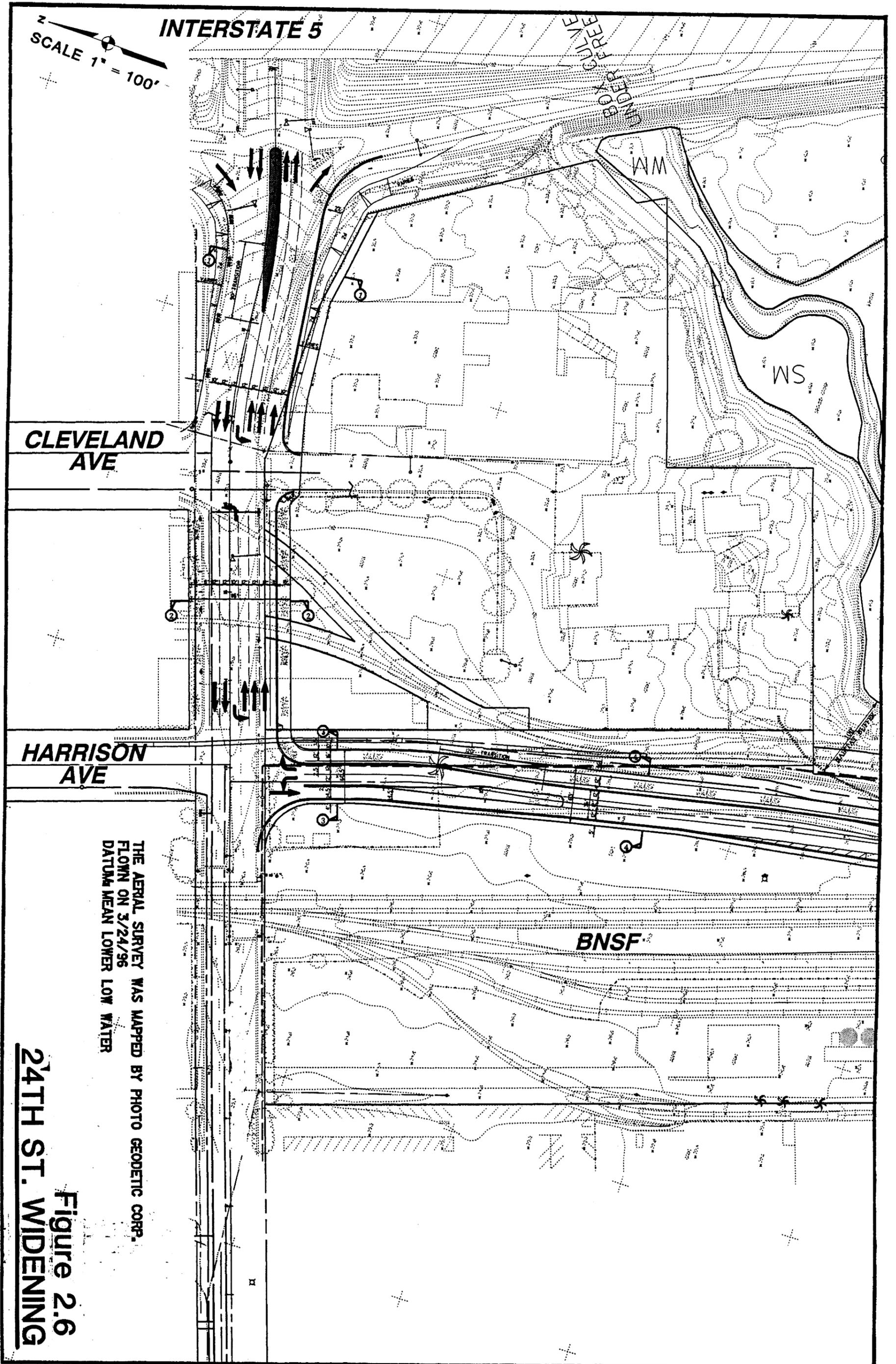


- (d) A public walkway between W. 24th Street and Harrison Avenue in the Driveway Access and Setback Area, as shown in Figure 4.1, to connect with the six-foot wide blufftop path shown in Fig. 2.1, provided that all standards of Chapter 3 shall apply to the latter.
- (e) A public vista point, as shown in Figure 2.1, with a minimum size of 1,000 SF, provided that all standards of Chapter 3 shall apply to it.
- (f) A minimum of 10 public access vehicular, including handicapped accessible, parking spaces, and 15 bicycle parking spaces.

#### 2.5.6 Subarea B

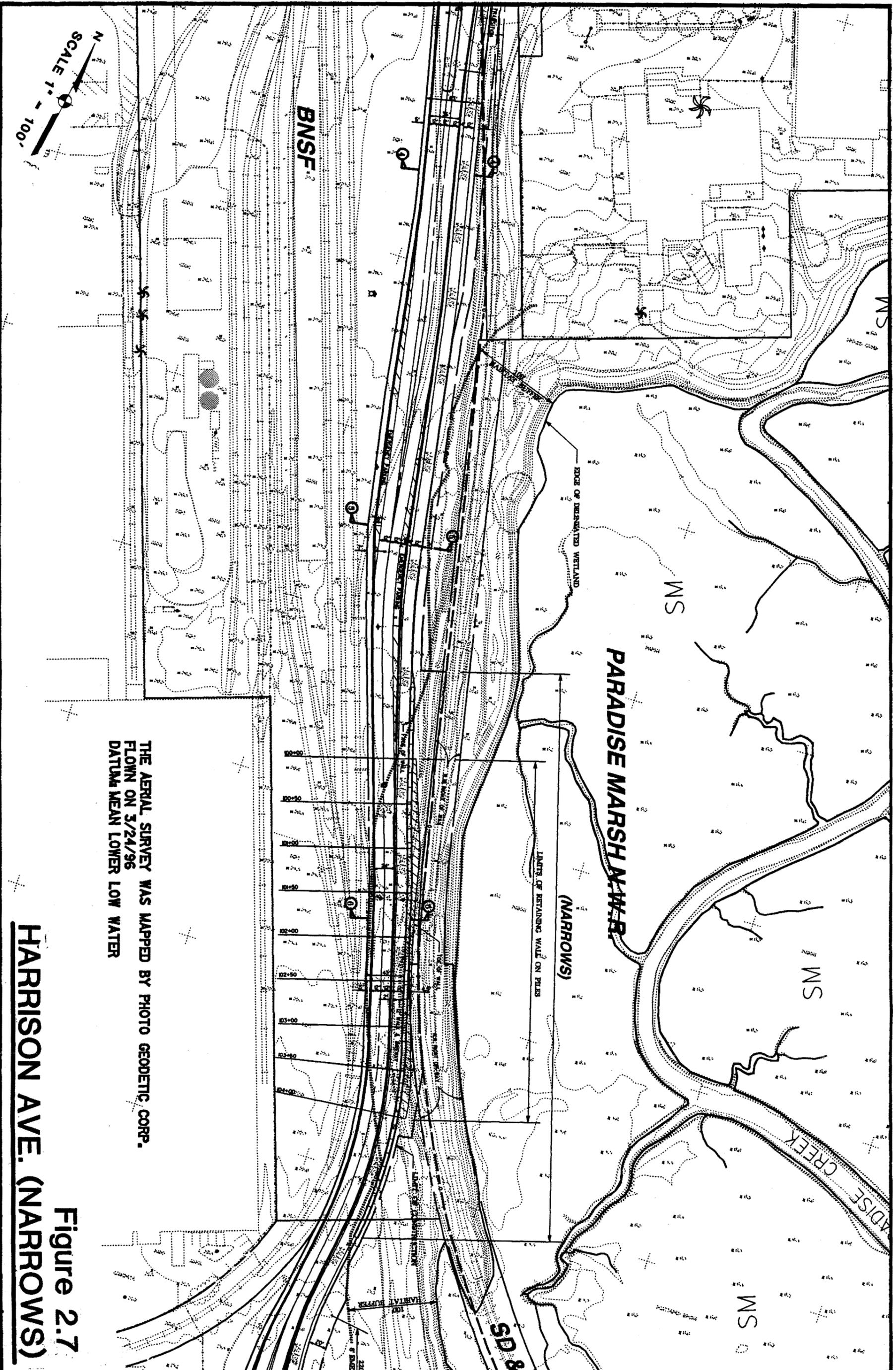
Public access and recreational improvements in Subarea B, south of the "Narrows", shall be located, designed, constructed, and maintained as shown in Figures 2.1, 2.3, 2.4, 2.5, and 4.2, to provide:

- (a) A 15,000 SF landscaped public park at the historic outflow of Paradise Creek into San Diego Bay, as shown in Figures 2.1 and 4.2, including 10 vehicular and 25 bicycle parking spaces, environmental interpretive materials, and visitor support facilities.
- (b) The segment of the San Diego Bayshore Bikeway, as shown in Figure 2.1, between the curve in Harrison Avenue at the northerly end of Subarea B and the intersection with the Sweetwater River Bikeway to the south.
- (c) The pedestrian walkway, between the curve in Harrison Avenue at the northerly end of Subarea B and the intersection with the Sweetwater River Bikeway to the south, as shown in Figures 2.1 and 2.5 (Section 2), provided that it may be combined in a 20-foot wide path with the respective Class I bikeway(s).
- (d) A public vista point east of Subarea B-1, as shown in Figure 2.1, with a maximum size of 1,000 SF, provided that all standards of Chapter 3 shall apply to it.
- (e) A minimum 2,000 SF landscaped public park near the southeasterly corner of the National City Marina site and north of the Sweetwater Channel northerly levee, as shown in Figure 2.1, including with 25 bicycle parking spaces, provided that consideration shall be given to extending this park along the entire westerly side of Subarea B-3, overlooking the Marina boat basin, if feasible.
- (f) A pedestrian walkway from the public park described in (e), along the the Sweetwater Channel levee, westward towards the entrance to the Marina boat basin, with a minimum width of six (6) feet..
- (g) A public accessway along the southerly boundary of Subarea B-1, between the Bayshore Bikeway/public accessway and the plaza at the intersection of Harrison Avenue and 32nd Street, with a minimum width of six (6) feet.



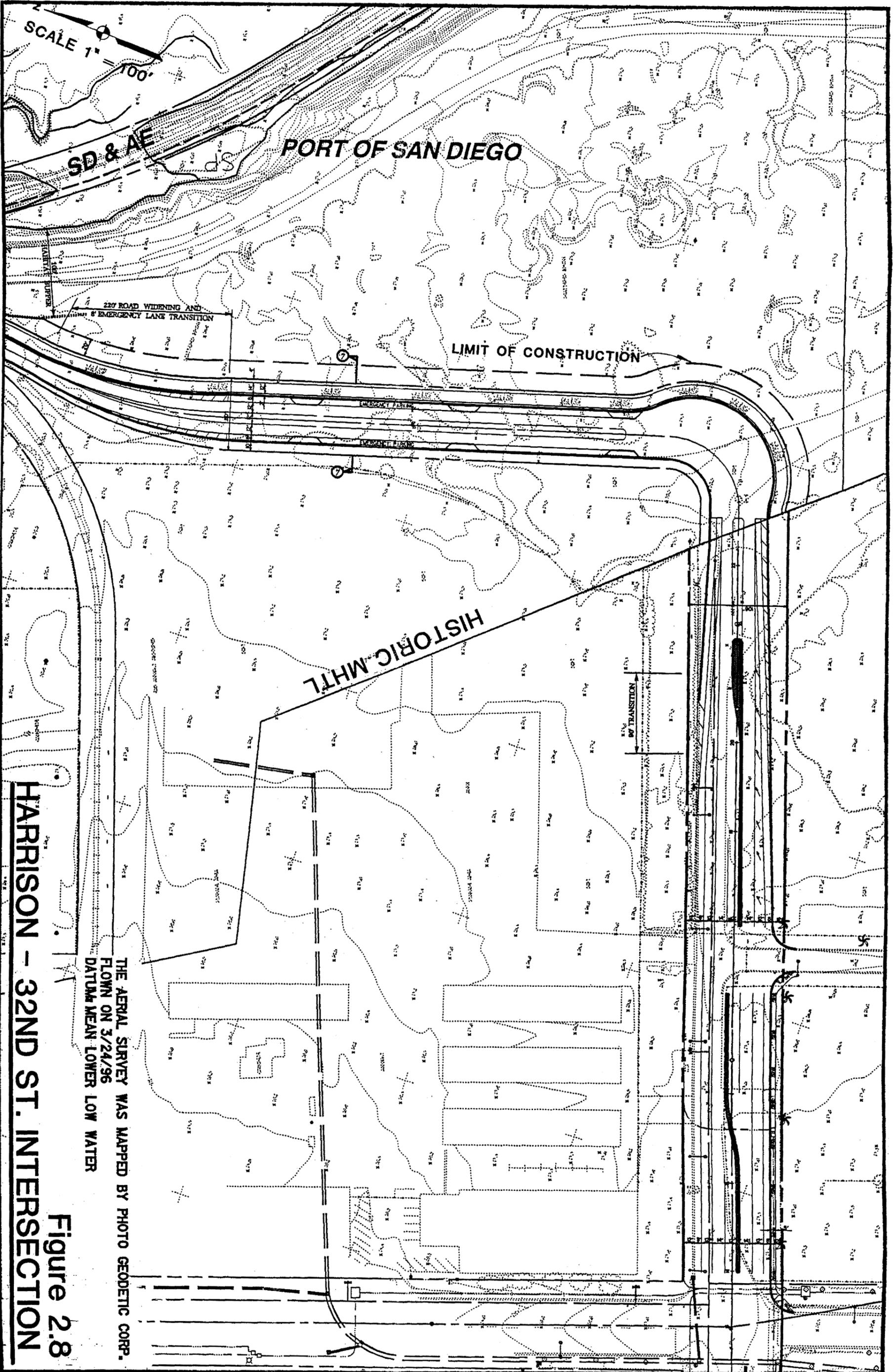
THE AERIAL SURVEY WAS MAPPED BY PHOTO GEODETIC CORP.  
 FLOWN ON 3/24/96  
 DATUM MEAN LOWER LOW WATER

**Figure 2.6**  
**24TH ST. WIDENING**



THE AERIAL SURVEY WAS MAPPED BY PHOTO GEODETIC CORP.  
 FLOWN ON 3/24/96  
 DATUM: MEAN LOWER LOW WATER

**Figure 2.7**  
**HARRISON AVE. (NARROWS)**



**HARRISON - 32ND ST. INTERSECTION**

**Figure 2.8**

In addition, the Plan encourages the US Fish and Wildlife Service to locate an appropriately sized marsh habitat viewing platform on lands owned by the United States of America, in the southwesterly fill area between the Paradise Marsh wetlands and the Sweetwater River Bikeway, as shown for illustrative purposes on Figure 2.1, if it can be provided without adversely affecting the recently (July, 1998) identified population of Salt marsh bird's beak in this area.

### 2.5.7 Implementation

- (a) Implementation of the public access, recreation, and circulation program components provided in Sections 2.5.2 and 2.5.5 shall occur in conjunction with the redevelopment of Subarea A. Implementation of these components provided in Section 2.5.3 shall occur in conjunction with the extension of Harrison Avenue (Subarea C). Implementation of the components provided in Section 2.5.6 shall occur in conjunction with the development of Subarea B. However, implementation of program components on otherwise undeveloped public property within the jurisdiction of the City is subject to the availability of funds.
- (b) As part of any action, prior to the construction of Harrison Avenue between W. 24th Street and 32nd Street, on any development located in the Planning Area, the Planning Commission or City Council shall make a specific finding of development consistency with this Plan, the certified LCP, and California Public Resources Code (Coastal Act) Sections 30210-30214, 30220-30224, and 30252, as required by Coastal Act Section 30604(c).
- (c) Pursuant to and in furtherance of Title 14, California Code of Regulations Section 13574(b), the Community Development Commission of the City of National City shall serve as the designated agency of the City to process the recordation of all necessary legal documents regarding the acceptance, opening, operation, and maintenance of any public accessway, open space, or conservation easement, or other restriction on the use of land, that is required as a condition of approval of any coastal development permit, including in the event that a coastal development permit, in which said Community Development Commission is the applicant or co-applicant, is assigned to another person. Upon completion of the recordation of said documents, the Community Development Commission shall, within five working days, forward a copy of (1) the coastal development permit conditions, (2) findings of permit approval, and (3) copies of the legal documents pertaining to said public access, open space, or conservation easement, or other restriction, to the executive director of the California Coastal Commission.

## CHAPTER 3. WETLAND HABITAT CONSERVATION PROGRAM

This Chapter provides a wetland delineation and habitat characterization (Section 3.2), mandatory wetland conservation policies (Section 3.3), and wetland habitat buffer standards (Section 3.4), to ensure maximum protection of sensitive wetland habitats and endangered species within and adjacent to the Harbor District planning area, in conformity with the certified National City Local Coastal Program ("LCP") and the Coastal Act of 1976, as amended.

In addition, this Chapter also provides mandatory policies for the protection of any potential paleontological or archaeological resources (Section 3.5) within the planning area.

### 3.1 LCP Standards, Objectives, and Requirements for the Harbor District and Paradise Marsh Wetland Habitat Conservation Program

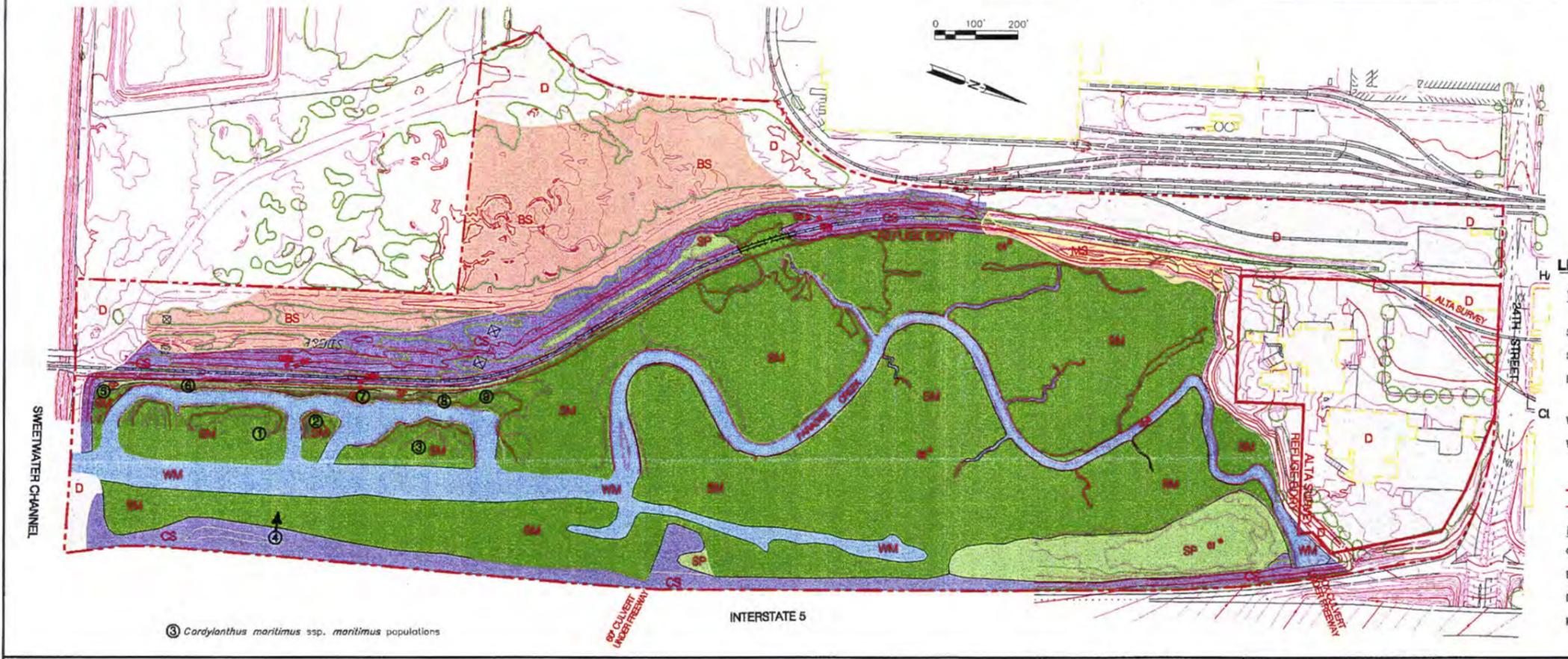
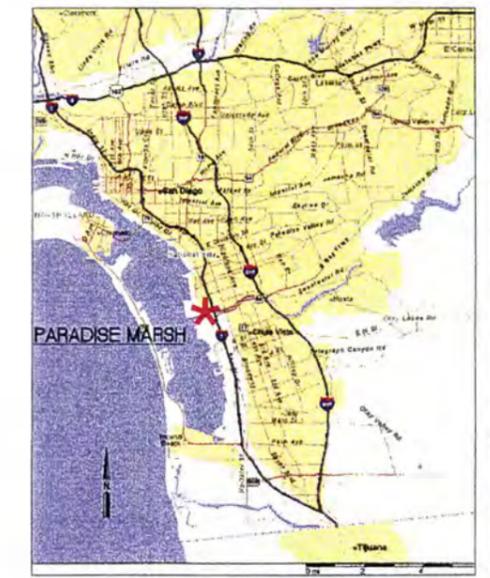
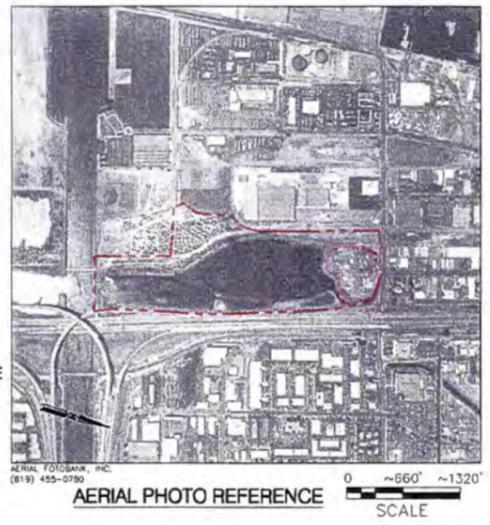
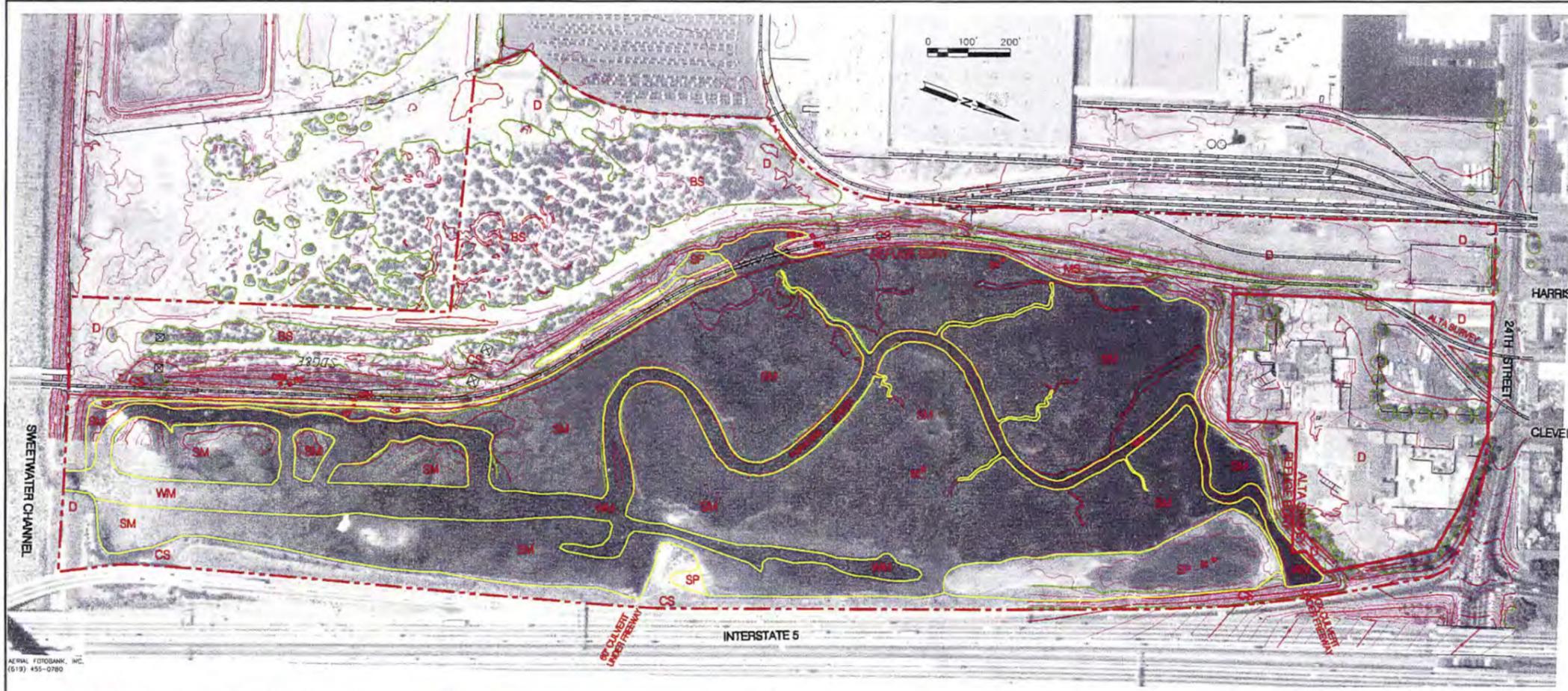
The certified LCP identifies wetlands within and adjacent to the Harbor District as "valuable and sensitive biological resources" which require a special level of protection from the effects of adjacent upland uses, including those impacts which could result from implementation of the Harbor District Specific Area Plan.

The largest designated "sensitive and valuable" wetland resource in the vicinity of the Planning Area is Paradise Marsh. Although in private ownership until 1988, Paradise Marsh is now part of the Sweetwater Marsh National Wildlife Refuge ("National Wildlife Refuge"), under the ownership and management of the U. S. Fish and Wildlife Service; and is outside of National City's LCP jurisdiction by virtue of its federal ownership status.

"Sensitive and valuable" wetland characteristics also extend as a result of tidal action to a small pocket of salt marsh located within the Planning Area in a topographically confined area beyond the National Wildlife Refuge western boundary in the vicinity of the SD&AE Railroad trestle. In addition, wetlands occur in a small ditch along the western SD&AE Railroad right-of-way, and along the SDG&E fuel oil pipeline between the SD&AE right-of-way and the upland bank, south of the SD&AE trestle, which are also within the Planning Area. (See Figure 3.1.)

Although these wetlands are presently subject to adverse impacts from the disturbed condition of the adjacent uplands, the high ambient noise levels associated with Interstate Highway 5 and adjacent industrial activities, and pollution entering the marsh from Paradise Creek and storm water runoff, they nonetheless provide valuable habitat and support many species of plants and animals, including the endangered saltmarsh bird's beak, light-footed clapper rail, and Belding's Savannah Sparrow.

The certified LCP requires protection for these wetland resources from potential impacts from human intrusion, natural and domestic animal predation, motorized and non-motorized vehicle impacts, trash and garbage, sedimentation and non-point



③ *Carolyanthus maritimus* ssp. *maritimus* populations

**LEGEND**

WATERS OF THE U.S. WETLAND CLASSIFICATION	ACREAGE		STUDY AREA TOTAL
	WITHIN REFUGE	OUTSIDE OF REFUGE	
SM SALT MARSH	28.0	0.5	28.5
SP SALTPAN	2.4	0.3	2.7
RD RAILROAD DITCH (1600SF)	-	<0.1	<0.1
<b>WATERS</b>			
WM WATERS - MAJOR	6.3	0.0	6.3
WT WATERS - TRIBUTARY (X=5')	0.2	0.0	0.2
<b>TOTAL</b>	<b>36.9</b>	<b>0.8</b>	<b>37.7</b>
<b>STUDY AREA</b>			<b>70.6</b>
<b>REFUGE BOUNDARY</b>			
<b>HABITAT CLASSIFICATION (UPLAND)</b>			
CS COASTAL SCRUB			8
BS BROOM BACCHARIS SCRUB			7
D DISTURBED			17
MS MARITIME SUCCULENT SCRUB			1
<b>TOTAL</b>			<b>33</b>

**PROJECT NOTES**

- GROSS STUDY AREA 70.6 ACRES
- TOPO BASE PROVIDED BY THE PORT OF SAN DIEGO
- PROJECT ENGINEER: RICK ENGINEERING COMPANY
- AERIAL PHOTO FLOWN ON SEPT. 15, 1997 AT 11:45 AM (PHOT 102)
- FIELD DELINEATION CONDUCTED ON SEPT. 16, OCT. 6 & 7, 1997

DELINEATION BY: DAVID KELLEY & JEFF GLAZNER  
 DRAWN BY: ANDREW PRICE  
 CHECKED BY:  
 PROJECT No.:  
 FILE NAME: NATIONAL-WD.DWG (R14)  
 REVISION:

**DAVID B. KELLEY**  
 President / Principal Scientist

Kelley & Associates Environmental Sciences, Inc.  
 2167 Bourn, # 51 Davis, California 95616 TEL: 530-753-1232 FAX: 530-753-0215

**PARADISE MARSH  
 WETLAND DELINEATION AND  
 HABITAT MAP**  
 National City, California

August 14, 1998 SHEET 1 OF 1

source pollution (including landscaping irrigation and seepage), night lighting, and increased noise which could result from new upland activities.

The certified LCP also requires preparation of detailed conservation standards of sufficient specificity to ensure that wetland resources will be protected from incompatible uses, and that implementation of public access and tourist commercial uses within the Harbor District will avoid adverse effects on Paradise Marsh and adjacent wetland resources.

Chapter 3 of the Harbor District Specific Area Plan incorporates detailed wetland habitat conservation program policies, as well as detailed provisions for significant physical, structural, and vegetative habitat buffers, to implement these LCP requirements.

### **3.2 Survey of Harbor District Wetland and Upland Habitats**

The certified LCP marsh preservation policies rely on the detailed description of Paradise Marsh habitats, resource values, and recommendations prepared by RECON (1981), and incorporated in the City's certified Land Use Plan ("LUP") as Appendix II.

In addition, pursuant to the requirements of certified LUP Marsh Preservation Policy 1, Paradise Marsh and other planning area wetlands have been delineated as part of an updated biological survey and site characterization conducted for National City by Kelley & Associates Environmental Sciences, Inc. ("K&AES") between September 1997 and July 1998. The wetland delineation and upland habitat map prepared by K&AES is incorporated as Figure 3.1, and updated plant and animal species lists are found in Tables 3.1 and 3.2.

K&AES and Jeff Glazner also conducted a rare plant survey from September 1997 through early July 1998. The initial surveys during fall 1997 focused on habitat assessment and the wetland delineation. An "early season" survey was conducted on February 23 and 24, 1998; a mid-late season survey was conducted on April 23 and 24, 1998; and a final late season survey was conducted on July 3, 1998.

**3.2.1 Methodology.** K&AES habitat mapping was based on field reconnaissance during the study period; review of current aerial photography of the subject area at high tide (September 1997) and low tide (March 1996); review of historic charts and aerial photographs; and consultation with U. S. Fish and Wildlife Service and California Department of Fish and Game staff. Data from site visits during the study period were recorded on a 1":100' scale acetate overlay of the September 1997 high-tide aerial photograph, on three-parameter data sheets, and in a field notebook. Habitats were systematically mapped as boundaries were determined; and three-parameter data points were placed in key problematic locations, and in areas where characterization was required.

Wetland and deepwater habitats are characterized according to the Cowardin/

National Wetlands Inventory classification system (1979) and Barbour and Major (1977). Terrestrial habitats are characterized according to Barbour and Major (1977), Beauchamp (1986), and Holland (1988).

Standard survey techniques were employed for the rare plant survey. Key characteristics for each target species were reviewed prior to the surveys including appropriate habitat and diagnostic morphological features. All areas of the site were surveyed, with the most attention given to those habitats most likely to support target species.

Target species were determined by reviewing the California Department of Fish and Game's Natural Diversity Data Base for the three coastal quadrangles in the project region (National City, Point Loma, and Imperial Beach), and the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California, in consultation with USFWS Refuge staff. The list was narrowed down to fifteen species with a designation of CNPS List 2 or higher, whose habitat was at least remotely present on the project site, shown below.

**List of Potentially Occurring Rare Plant Species -  
Paradise Marsh and Harbor District Area**

		<u>FED</u>	<u>STATE</u>	<u>CNPS</u>
<i>Ambrosia chenopodiifolia</i>	San Diego bur-sage	-	-	2
<i>Ambrosia pumila</i>	dwarf burr ragweed	SC	-	1B
<i>Aphanisma blitoides</i>	Aphanisma	SC	-	1B
<i>Astragalus tener var. titi</i>	coastal dunes milk-vetch	PE	E	1B
<i>Atriplex pacifica</i>	south coast saltbush	SC	-	1B
<i>Chorizanthe orcuttiana</i>	San Diego spineflower	E	E	1B
<i>Cordylanthus maritimus</i> sp. maritimus	saltmarsh bird's beak	E	E	1B
<i>Cordylanthus orcuttianus</i>	Orcutt's bird's beak	SC	-	2
<i>Dudleya attenuata</i> ssp. orcuttii	Orcutt's dudleya	SC	-	2
<i>Euphorbia misera</i>	cliff spurge	-	-	2
<i>Lasthenia glabrata</i> ssp. coulteri	Coulter goldfields	SC	-	1B
<i>Lotus nuttallianus</i>	Nuttall's lotus	SC	-	1B
<i>Orobanche parishii</i> ssp. brachyloba	short-lobed broomrape	SC	-	1B
<i>Phacelia stellaris</i>	Brand's phacelia	-	-	1B
<i>Stylocline citroleumoil</i>	nest straw	SC	-	1B

**Table 3.1**  
**Harbor District Wetland Habitat Conservation Program**  
**K&AES Survey: Plant Species Observed in the**  
**Paradise Marsh Study Area**  
(September/October 1997 & February/July 1998)

<u>Scientific Name*</u>	<u>Common Name</u>	<u>Habitat**</u>
<i>Acacia melanoxylo</i>	blackwood acacia	3
<b><i>Ambrosia psilostachya</i></b>	<b>western ragweed</b>	2,3,5
<b><i>Amsinckia menziesii</i></b>	<b>fiddleneck</b>	3,5
<b><i>Artemisia californica</i></b>	<b>California sagebrush</b>	2,3
<i>Astragalus</i> sp.	milk-vetch	5
<b><i>Atriplex canescens</i></b> <b>ssp. canescens</b>	shadscale	2,3
<i>Atriplex semibaccata</i>	Australian saltbush	2,3
<i>Avena fatua</i>	wild oat	3,4,5
<b><i>Baccharis salicifolia</i></b>	<b>mule-fat</b>	2,3,5
<b><i>Baccharis sarothroides</i></b>	<b>broom baccharis</b>	2,3,4,5
<b><i>Batis maritima</i></b>	<b>turtleweed</b>	1a
<i>Brassica nigra</i>	black mustard	3,4,5
<i>Bromus diandrus</i>	ripgut brome	2,3,4,5
<i>Bromus madritensis</i>	compact brome	2,3,4,5
<b><i>Calystegia macrostegia</i></b> <b>ssp. intermedia</b>	<b>south coast morning glory</b>	2
<b><i>Camissonia cheiranthifolia</i></b> <b>ssp. suffruticosa</b>	<b>beach evening primrose</b>	2,3,4,5
<i>Carpobrotus chilensis</i>	sea fig	3,4,5
<i>Carpobrotus edulis</i>	sea fig	3,5
<i>Centaurea melitensis</i>	totalote	2,3,4,5
<b><i>Chenopodium californicum</i></b>	<b>California goosefoot</b>	3,5
<i>Chenopodium murale</i>	nettle-leaved goosefoot	4,5
<i>Chrysanthemum coronarium</i>	crown daisy	2,3,5
<i>Conyza canadensis</i>	Canada horseweed	3,5
<i>Cortaderia jubata</i>	Andes grass	3
<b><i>Croton californicus</i></b>	<b>California croton</b>	4
<b><i>Cuscuta salina</i> var. <i>major</i></b>	<b>goldenthread</b>	1a
<i>Cynodon dactylon</i>	bermudagrass	2,3,5
<b><i>Datura wrightii</i></b>	<b>toluaca</b>	3
<b><i>Dichelostemma capitatum</i></b>	<b>bluedicks</b>	2
<b><i>Distichlis spicata</i></b>	<b>inland saltgrass</b>	1a,1b,2,3,4,5
<b><i>Dudleya edulis</i></b>	<b>fingertips</b>	2
<b><i>Encelia californica</i></b>	<b>California (coastal) encelia</b>	2,3

\* Native Species in **Bold**

\*\* See Figure 3.1 (Page 3-2) and Table 3.1 (Page 3-8).

**Table 3.1**  
**Harbor District Wetland Habitat Conservation Program**  
**K&AES Survey: Plant Species Observed in the**  
**Paradise Marsh Study Area**  
(September/October 1997 & February/July 1998)  
(continued)

<u>Scientific Name</u>	<u>Common Name</u>	<u>Habitat</u>
<i>Eriogonum fasciculatum</i>	California buckwheat	2,3,4
<i>Erodium botrys</i>	longbeak stork's bill	2,3,4,5
<i>Erodium cicutarium</i>	redstem stork's bill	2,3,4,5
<i>Eschscholzia californica</i>	California poppy	3
<i>Eucalyptus</i> spp.	gum	5
<i>Euphorbia spathulata</i>	warty spurge	4
<i>Eucrypta chrysanthemifolia</i>	common eucrypta	2
<i>Foeniculum vulgare</i>	fennel	3,4,5
<i>Frankenia salina</i>	alkali heath	1a,1b
<i>Gnaphalium bicolor</i>	two-color cudweed	2,3,4
<i>Gnaphalium californicum</i>	ladies' tobacco	3
<i>Gnaphalium canescens</i> ssp. <i>beneolens</i>	everlasting cudweed	2,3,4
<i>Heliotropium curassavicum</i>	salt heliotrope	3,4
<i>Heterotheca grandiflora</i>	telegraphweed	2,3,4,5
<i>Hordeum murinum</i>	foxtail barley	2,3,4,5
<i>Isocoma menziesii</i> var. <i>menziesii</i>	Menzies' jimmyweed	2,3,4
<i>Isomeris arborea</i>	bladderpod	2
<i>Jaumea carnosa</i>	marsh jaumea	1a
<i>Lantana camara</i>	lantana	3
<i>Limonium californicum</i>	western marsh-rosemary	1a
<i>Lobularia maritima</i>	sweet alyssum	5
<i>Lolium perenne</i>	English ryegrass	2,3,5
<i>Lotus corniculatus</i>	birdfoot trefoil	3
<i>Lycium brevipes</i> var. <i>brevipes</i>	desert-thorn	2,3
<i>Lycium californicum</i>	California box thorn	2
<i>Lycopersicon esculentum</i>	tomato	4
<i>Malosma laurina</i>	laurel leaf sumac	3
<i>Malva parviflora</i>	cheeseweed	5
<i>Marah macrocarpus</i>	Cucamonga manroot	2
<i>Marrubium vulgare</i>	horehound	2
<i>Medicago polymorpha</i>	burclover	2,3,4,5
<i>Melilotus alba</i>	white sweetclover	2,3,4,5
<i>Melilotus officinalis</i>	yellow sweetclover	2,3,4,5
<i>Mesembryanthemum crystallinum</i>	crystalline iceplant	5
<i>Mesembryanthemum nodiflorum</i>	slender-leaved iceplant	3

**Table 3.1**  
**Harbor District Wetland Habitat Conservation Program**  
**K&AES Survey: Plant Species Observed in the**  
**Paradise Marsh Study Area**  
(September/October 1997 & February/July 1998)  
(continued)

<u>Scientific Name</u>	<u>Common Name</u>	<u>Habitat</u>
<i>Mirabilis californica</i>	California four o'clock	2
<i>Monanthochloe littoralis</i>	shoregrass	1a,1b,3
<i>Myoporum laetum</i>	ngaio tree	3
<i>Nassella pulchra</i>	purple needlegrass	3
<i>Nicotiana glauca</i>	tree tobacco	3,4,5
<i>Olea europaea</i>	olive	3,4
<i>Opuntia ficus-indica</i>	tuna	2
<i>Opuntia littoralis</i>	coast prickly pear	2
<i>Opuntia oricola</i>	chaparral pricklypear	2
<i>Opuntia prolifera</i>	cholla	2
<i>Oxalis pes-caprae</i>	Bermuda buttercup	2,3,4
<i>Pennisetum setaceum</i>	crimson fountaingrass	2,3,5
<i>Pinus halapensis</i>	aleppo pine	5
<i>Piptatherum miliaceum</i>	smilo grass	2
<i>Poa annua</i>	annual bluegrass	3,4
<i>Polygonum arenastrum</i>	common knotweed	3
<i>Polypogon monspeliensis</i>	annual beard grass	5
<i>Raphanus sativus</i>	wild radish	2,3,4,5
<i>Rhus integrifolia</i>	lemonade berry	2,3
<i>Rhynchelytrum repens</i>	Natal grass	2,3
<i>Rumex crispus</i>	curly dock	3,5
<i>Salicornia bigelovii</i>	Bigelow's pickleweed	1a
<i>Salicornia subterminalis</i>	Parish's pickleweed	2
<i>Salicornia virginica</i>	pickleweed	1a,1b
<i>Salix lasiolepis</i>	arroyo willow	3
<i>Salsola tragus</i>	tumbleweed	5
<i>Sambucus mexicana</i>	elderberry	3
<i>Schinus molle</i>	Peruvian pepper tree	3,5
<i>Schinus terebinthifolius</i>	Brazilian pepper tree	3
<i>Schismus barbatus</i>	common Mediterranean grass	2,3,4,5
<i>Scirpus californicus</i>	California tule	1c
<i>Senecio vulgaris</i>	common groundsel	3,4,5
<i>Solanum douglasii</i>	Douglas' nightshade	4
<i>Sonchus oleraceus</i>	common groundsel	3,4,5
<i>Spartina foliosa</i>	California cord grass	1a
<i>Spergularia rubra</i>	red sandspurry	5
<i>Stephanomeria virgata</i>	rod wirelettuce	2,3

**Table 3.1**  
**Harbor District Wetland Habitat Conservation Program**  
**K&AES Survey: Plant Species Observed in the**  
**Paradise Marsh Study Area**

(September/October 1997 & February/July 1998)

(continued)

<u>Scientific Name</u>	<u>Common Name</u>	<u>Habitat</u>
<i>Suaeda californica</i>	California sea-blite	1a,1b
<i>Tamarix parviflora</i>	tamarisk	3
<i>Taraxacum officinale</i>	common dandelion	5
<i>Trifolium</i> spp.	clover	3,5
<i>Triglochin maritima</i>	seaside arrow-grass	1a
<i>Typha domingensis</i>	southern cattail	1c
<i>Urtica urens</i>	dwarf nettle	2,3,4,5
<i>Washingtonia filifera</i>	California fan palm	3
<i>Xanthium strumarium</i>	cocklebur	5
<i>Yucca schidigera</i>	Mohave yucca	2

**Habitats:**

- 1a = Coastal Saltmarsh (wetland)
- 1b = Saltpan (wetland)
- 1c = Railroad ditch (wetland)
- 2 = Maritime Succulent Scrub (upland)
- 3 = Coastal Scrub (upland)
- 4 = Broom Baccharis Scrub (upland)
- 5 = Disturbed (upland)

**3.2.2 Summary of Planning Area and Adjacent Habitats.** The Planning Area is adjacent to the intertidal salt marsh and tidal channels of the Paradise Marsh unit of the Sweetwater Marsh National Wildlife Refuge, which hosts the federally listed endangered light-footed clapper rail, the state-listed endangered Belding's savannah sparrow, and in the summer of 1998 supports nine subpopulations of federally and state-listed endangered saltmarsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*).

Within the Planning Area itself, limited wetland areas are located west of the SD&AE Railroad tracks in the vicinity of the trestle, consisting of a small pocket of intertidal salt marsh, a narrow band of salt pan, and a small wetland community along a narrow railroad ditch.

The Planning Area uplands are largely disturbed as a result of past and current industrial uses, and are characterized by sparse ruderal non-native vegetation.

The manmade fill in the vicinity of Subarea B now supports a successional broom baccharis community. Vegetation on the slopes which separate upland communities from the wetlands generally consists of disturbed mixed native Coastal Scrub, with an undisturbed mature Maritime Succulent Scrub community located in the Bay Point Formation outcrop along the northwest margin of Paradise Marsh.

Of the fifteen plant species targeted for the rare plant survey that are listed in Section 3.2.1, saltmarsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*) was the only species found within the study area, and is apparently located entirely within the USFWS Refuge at nine sites around the southern third of the marsh.

No threatened, endangered, or rare species or their habitat were identified outside of the confines of the National Wildlife Refuge boundaries.

Topography, soils, level of disturbance, aspect, and amount of available water all affect the species composition of each of the Planning Area habitats, as described in more detail below.

**Salt Marsh (Wetland, Native -no development activities proposed)**

The most prominent habitat type in the vicinity of the Planning Area are the **Intertidal salt marsh wetlands** of Paradise Marsh, the vegetated bottomland and estuarine zone at the mouth of Paradise Creek. This remnant community, which resembles "Southern Coastal Salt Marsh" as described by Holland (1986), or "Pickleweed Series" more recently described by Sawyer and Keeler-Wolf (1995), has been modified by changes in hydrology, some restoration efforts, the development of a new outlet channel into the Sweetwater River, and by filling of some areas and re-routing of the creek in others. It is confined by the Bay Point Formation (a Pleistocene marine terrace mantled by Huerhuero loams [Bowman, 1973]) which forms the bluffs along the northwestern margin of the marsh, fill materials associated with Interstate 5, a railroad berm, dredge spoils (along the south-central and southwestern margins), and levees at the southern end where the creek empties into the Sweetwater Channel. The salt marsh is inundated with each high tide. Vegetation is dense and typically multilayered with many rhizomatous species. Height of the vegetation correlates to the presence of California cordgrass (*Spartina foliosa*),

which is the tallest species in the marsh ( $\pm 3$  feet), and is generally determined by how many layers of prostrate species are present. Matting has been observed throughout the marsh to depths of 1-2 feet.

The dominant salt marsh species include California cordgrass, turtleweed (*Batis maritima*), alkali heath (*Frankenia salina*), marsh jaumea (*Jaumea carnosa*), western marsh-rosemary (*Limonium californicum*), pickleweed (*Salicornia virginica*, *Salicornia bigelovii*), California sea-blite (*Suaeda californica*), and seaside arrow-grass (*Triglochin maritima*). These species are distributed throughout the marsh, though some bare tidal flats appear at low tide. The most noticeable species (cordgrass) is related to an as yet undefined association of substrate and water depth. The most obvious communities are the vegetated emergent salt marsh and the mostly non-vegetated tidal channels. Distinct intra-marsh vegetation communities within the Refuge boundaries were not classified .

Although not identified within Paradise Marsh during the 1981 RECON Survey, or in other more recent surveys of the area, nine subpopulations of saltmarsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*) were identified during early July 1998 scattered along the southern third of the Refuge boundary perimeter, and on the raised salt marsh islands apparently created as part of a recent restoration project. All subpopulations are located along the margins of the marsh.

Transitional communities between the salt marsh wetlands and the uplands (constituted by abrupt edges in some cases and flat benches occupied by salt pans in others) are characterized by sometimes dense stands of saltgrass (*Distichlis spicata* var. *spicata*) and shoregrass (*Monanthochloe littoralis*), with some patches of pickleweed and alkali heath admixed across the transition zone.

A small offset pocket of the larger marsh lies outside the Refuge boundaries, beneath and west of the SD&AE Railroad trestle in the remnant channel of the original Paradise Creek outflow along the west-central margin of the marsh. This area remains hydrologically connected to Paradise Marsh because of the gap in the railroad berm under the trestle. It has a healthy stand of cordgrass and pickleweed and is in relatively good condition. A buried SDG&E fuel oil pipeline which runs north to south along the west side of the railroad track crosses under this pocket, as well as in the vicinity of other delineated wetlands described below. It is through the berm gap that tidal waters which may be responsible for the salt pans along the axis of the pipeline and along the west side of the railroad tracks move at times of high tide or high runoff.

#### **Saltpan (Wetland. Native -no development activities proposed)**

The **salt pans** are located near the upper wetland limits which are inundated during higher high tides, and/or are hydrologically-connected to high soil water levels and tidal subbing. There are three forms of saltpan in the vicinity, all resembling mud flats with thin salty crusts and little or no vegetation. The largest saltpan area occurs along I-5 in the northeastern portion of the marsh. This area is a former solid waste dump and is elevated approximately two feet above the primary marsh floor. Its side slopes are densely vegetated but its flat surface is mostly bare ground. More classic saltpan occurs along the southwestern portion of the marsh along what appears to be a former utility road or constructed bench. It is homogeneously flat, lacks vegetation, and supports a thin salt crust. The third saltpan form is located west of the SD&AE Railroad trestle between the SD&AE Railroad and the SDG&E transmission tower footing. The northern portion of this saltpan is similar to the form just to the east on the opposite site of the railroad tracks. The southern portion of this saltpan is inundated for extended periods during higher high tides. The duration of ponding depends on frequency of tidal flooding and seasonal variations in runoff. Ponding is extended during the wet months, probably due to slower percolation rates through saturated soils and upslope recharge of surrounding fill materials.

**Table 3.2**  
**Harbor District Wetland Habitat Conservation Program**  
**Animal Species Observed in Paradise Marsh Study Area**  
(1997-98 K&AES Survey)

**Birds**

<i>Agelaius phoeniceus</i>	red-winged blackbird
<i>Anas platyrhynchos</i>	mallard
<i>Aphelocoma coerulescens</i>	scrub jay
<i>Ardea alba</i>	great egret
<i>Ardea herodias</i>	great blue heron
<i>Bucephala albeola</i>	bufflehead
<i>Buteo jamaicensis</i>	red-tailed hawk
<i>Butorides striatus</i>	green heron
<i>Calypte anna</i>	Anna's hummingbird
<i>Carpodacus mexicanus</i>	house finch
<i>Casmerodius albus</i>	common egret
<i>Catoptrophorus semipalmatus</i>	willet
<i>Ceryle alcyon</i>	belted kingfisher
<i>Charadrius vociferus</i>	killdeer
<i>Circus cyaneus</i>	northern harrier
<i>Colaptes auratus</i>	northern flicker
<i>Columba livia</i>	rock dove
<i>Corvus brachyrhynchos</i>	crow
<i>Egretta thula</i>	snowy egret
<i>Empidonax oberholseri</i>	dusky flycatcher
<i>Euphagus cyanocephalus</i>	Brewer's blackbird
<i>Falco sparverius</i>	kestrel
<i>Fulica americana</i>	American coot
<i>Gallinago gallinago</i>	common snipe
<i>Himantopus mexicanus</i>	black-necked stilt
<i>Larus spp.</i>	seagull
<i>Lanius ludovicianus</i>	loggerhead shrike
<i>Mergus merganser</i>	merganser
<i>Mimus polyglottos</i>	mockingbird
<i>Numenius americanus</i>	long-billed curlew
<i>Nycticorax nycticorax</i>	black-crowned night heron
<i>Oxyura jamaicensis</i>	ruddy ducks
<i>Pandion haliaetus</i>	osprey
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow
<i>Passer domesticus</i>	house sparrow
<i>Phalacrocorax auritus</i>	double-crested cormorant
<i>Pipilo fuscus</i>	brown towhee
<i>Podiceps auritus</i>	horned grebe
<i>Psaltirparus minimus</i>	bushtit

**Table 3.2**  
**Harbor District Wetland Habitat Conservation Program**  
**Animal Species Observed in Paradise Marsh Study Area**  
(1997-98 K&AES Survey)  
(continued)

**Birds**

<i>Rallus limicola</i>	Virginia rail
<i>Recurvirostra americana</i>	American avocet
<i>Sayornis nigricans</i>	black phoebe
<i>Sayornis saya</i>	Say's phoebe
<i>Sterna forsteri</i>	Foster's tern
<i>Sturnella neglecta</i>	western meadowlark
<i>Sturnus vulgaris</i>	European starling
<i>Turdus migratorius</i>	American robin
<i>Tyrannus verticalis</i>	western kingbird
<i>Zenaida macroura</i>	mourning dove

**Reptiles**

<i>Sceloporus occidentalis</i>	western fence lizard
<i>Uta stansburiana</i>	side-blotched lizard

**Mammals**

<i>Lepus californicus</i>	California black-tailed hare
<i>Spermophilus beechyi</i>	California ground squirrel

Where the margins of these salt pans are flat or slightly sloped and occupy an elevated position a few inches higher than the pans, pickleweed, alkali heath, California sea-blite, iceplant, saltgrass, and shoregrass comprise the dominant vegetation. Although the pans support few vascular plants, they may provide foraging areas for wading birds and are probably invertebrate-rich.

**Railroad Ditch (Wetland. Mixed Native [disturbed] -no development proposed)**

A linear, topographically depressed **ditch wetland** lies along the western side of the southern reach of the SD&AE Railroad line, and along the presumed axis of the SDG&E fuel oil pipeline. The bottom of the ditch lies at approximately the same elevation as the marsh. The marsh wetland boundary approaches to within about 20 feet of the ditch in places. Tidal flux appears to influence water levels in the bottom of the ditch. In one section, this connection is well enough developed to support wetland vegetation. A colony of California tule (*Scirpus californicus*) and a sparse population of southern cattail (*Typha domingensis*) define the area. Within the ditch, but just outside of the wetland, Andes grass (*Cortaderia jubata*, also known as Pampas grass) is the dominant species. Other common associated species include broom baccharis (*Baccharis salicifolia*) and tree tobacco (*Nicotiana glauca*).

**Broom Baccharis Scrub (Upland. Mixed Native [disturbed] -Subarea B)**

Broom baccharis upland habitat is located west of the marsh in soils forming in sandy dredged fill materials. This habitat is an open (more than 50% bare ground), strikingly homogeneous community on the flat upper surface of the fill materials (not unlike a creosote bush scrubland in the desert) and is nearly a monoculture of broom baccharis. Biomass is concentrated around the bases of the regularly-spaced broom baccharis shrubs, which can attain heights of eight feet and widths of ten feet. The shrubs provide shelter and an area where organic matter accumulates. These areas support the highest species diversity in the habitat. Areas between the shrubs are typically sandy and support scattered herbaceous species. Some native species found scattered through this community include California buckwheat (*Eriogonum fasciculatum*), beach evening primrose (*Camissonia cheiranthifolia* ssp. *suffruticosa*), cudweed (*Gnaphalium bicolor* and *G. canescens*), lemonade berry (*Rhus integrifolia*), and telegraph weed (*Heterotheca grandiflora*), and several non-native weeds including tumbleweed (*Salsola tragus*) and common Mediterranean grass (*Schismus barbatus*). The eastern edges of this community support additional native Coastal Scrub species in more protected areas.

**Maritime Succulent Scrub (Upland. Native -buffer)**

This "bluff" community along the northwestern margin of Paradise Marsh represents the only area of marsh edge that has not been graded and extensively disturbed. This remnant has been isolated by the construction of the marsh-side SD&AE Railroad track in the 1870's. The bluff, whose toe forms an abrupt edge with the marsh wetlands, is an outcrop of the Bay Point Formation, a Pleistocene-age marine terrace. Bay Point Formation soils were mapped in this area as Huerhuero loams (Bowman, 1973), and are partially indurated (cemented) about 12 to 15 inches below the surface (the indurated peds are capped with layered carbonate accumulations). On the northern and western edges of the marsh, the Bay Point Formation (where it occurs) has been covered with fill materials (most commonly dredge spoils). In the bluff area, the marsh abuts the Bay Point Formation.

The slopes on the east side (abutting the marsh) and west side (abutting the railroad tracks) of the bluff are very steep (about 1:1 slopes) or vertical. On the east side slope, the edge between the upland vegetative communities of the bluff and the marsh wetland vegetation is abrupt; the west side was cut when the railroad was built and is revegetating to a mixture of native and non-native species. This community resembles the Southern Coastal Scrub described by Holland (1986) and contains enough native succulent plants to fit the description of Maritime Succulent Scrub as described by Beauchamp (1986). The community in this area is dominated by native woody

shrubs including California sagebrush (*Artemisia californica*), lemonade berry, California (coastal) encelia (*Encelia californica*), California four o'clock (*Mirabilis californica*), California boxthorn (*Lycium californicum*), and California buckwheat (*Eriogonum fasciculatum*); and herbaceous perennials including dudleya (fingertips) (*Dudleya edulis*), coast prickly pear (*Opuntia littoralis*), Cucamonga manroot (*Marah macrocarpus*), south coast morning glory (*Calystegia macrostegia* ssp. *intermedia*) and cholla (*Opuntia prolifera*). Everlasting cudweed (*Gnaphalium canescens* ssp. *beneolens*) is common in the herbaceous layer, particularly along the base of the west side. Fingertips deserves special mention as an interesting remnant of the pre-disturbance native community. The plants appear to be clinging precariously to the higher positions of this undisturbed soil. Individuals in the population appear to be quite old (20+ years?). The 1997-98 rainy season has allowed the bluff's dudleya community to expand, and the population is healthy.

This native upland Maritime Succulent Scrub habitat occupies approximately one acre of the study area. While it is characterized by strong populations of native species, there is nevertheless a significant presence of invasive non-native species. Crown daisy (*Chrysanthemum coronarium*) is the most dominant invasive species (as it is in most of the upland habitats on the site), particularly on a portion of the bluff with a recently-exposed surface resulting from a small slump. Wild oats (*Avena fatua*) and riggut brome (*Bromus diandrus*) are also abundant. Where native perennial shrubs occur, they are the dominant plants and are dense enough to shade out most annual natives and weed species.

#### **Coastal Scrub (Upland, Mixed Native [disturbed] -buffer, Subarea C)**

This plant community is a **mixed Coastal Scrub** shrubland occurring in a band along the western edge of the salt marsh. Native species found throughout this area include broom baccharis, Menzies' jimmyweed (*Isocoma menziesii* var. *menziesii*), desert-thorn (*Lycium brevipes* var. *brevipes*), California buckwheat, lemonade berry, and rod wirelettuce (*Stephanomeria virgata*). The area also supports numerous non-native species including Andes grass (particularly along the railroad ditch where there is more available water), crown daisy, riggut brome, wild oat, and tumbleweed. A spreading colony of California fan palm (*Washingtonia filifera*), which is native to California but not the San Diego area, occurs near the electrical transmission tower bases on the southwestern upland perimeter of the marsh. Other large non-native shrubs including ngaio tree (*Myoporum laetum*) and blackwood acacia (*Acacia melanoxylon*), are scattered along the railroad alignment.

#### **Disturbed (Upland, Non-Native -buffer, Subareas A, B, and C)**

Sparse ruderal vegetation, impacted by regular disturbance from vehicle traffic, clearing, and/or construction, characterizes the heavily traveled sandy "fill" in Subarea B to the southwest, the proposed Harrison Avenue Public Access Corridor (Subarea C), including the areas near the active rail yard, and the developed industrial area along the north end of the study area (Subarea A), which is the most intensely disturbed. Subarea A is a mostly paved industrial zone, with nearly pure stands of Crown daisy, as well as ornamental pines, eucalyptus, iceplant, tumbleweed, and Mediterranean grasses.

### **3.3 Harbor District Wetland Habitat Conservation Policies**

In reliance upon the 1981 RECON study, the certified National City LCP (Land Use Plan Chapter 5 and Implementation Program Section 5) establishes standards for wetlands protection which, based on the updated K&AES biological survey data and site characterization, remain valid for general applicability to development in the vicinity of Paradise Marsh and adjacent wetlands within the Planning Area.

However, unique site-specific physical characteristics, historic and current uses, and certified LCP goals for public access, recreation, and tourist-commercial uses within the Planning Area, in proximity to the Paradise Marsh unit of the Sweetwater Marsh National Wildlife Refuge and other delineated wetlands, require greater specificity, as well as refinement and flexibility, in effectively implementing those standards which are provided in this Plan.

Because the California Coastal Commission has deemed the entire Harbor District planning area to be ineligible for coverage by the City's adopted categorical exclusions, all new development within the Harbor District is subject to the coastal development permit process set forth in the certified LCP and this Specific Area Plan.

**3.3.1 Wetland Habitat Conservation Policies for New Development.** In addition to other applicable policies and standards of the certified LCP and this Plan, the following wetland habitat conservation policies shall be applicable to *all new development* within the Harbor District Planning Area.

**3.3.2 Siting of New Development.** New development within the Planning Area shall be consistent with all applicable standards of the certified National City LCP, and all applicable policies set forth in other chapters of this Plan. New development within the Planning Area shall also conform to the following wetland habitat conservation policies:

- (a) **No Wetland Encroachment.** Except as provided in 3.3.2(d)(1)-(5), all other new development shall avoid any structural encroachment into Paradise Marsh and the delineated wetlands mapped in Figure 3.1.
- (b) **Avoidance of Impacts.** New development, including that which is allowed pursuant to Section 3.3.2(d), shall be sited, designed, constructed, and maintained to avoid both direct and indirect adverse effects to Paradise Marsh and adjacent delineated wetlands.
- (c) **Limitation on New Development in Wetlands.** No new development, uses, or activities shall be allowed within delineated wetlands, except as provided in Section 3.3.2(d).
- (d) **New Development Permitted Within Delineated Wetlands:** New development in areas located within the Harbor District's delineated wetlands, as mapped in Figure 3.1, shall be limited to:
  - (1) The removal of rubbish, debris, and exotic invasive plant species.
  - (2) Wetland restoration and enhancement, including site remediation.
  - (3) Possible future improvements to tidal flow and flushing in Paradise Marsh, consistent with a marsh restoration program to be developed and funded cooperatively by state and federal wildlife agencies, the California Coastal Commission, the State Coastal Conservancy, U. S. Army Corps of Engineers, San Diego Unified Port District, and National City.
  - (4) Scientific and educational research programs.
  - (5) With respect to any portions of the SD&AE Railroad right-of-way, and the SDG&E fuel oil pipeline and electrical transmission tower corridors, that

may be located within or adjacent to delineated wetlands, activities shall be limited to current allowed operations, repair, and maintenance, revegetation consistent with the standards for the upland margin habitat buffer set forth in Section 3.4 of this Chapter, and site remediation if required. Future relocation of any such facilities outside of delineated wetlands and buffers shall be allowed and encouraged.

(e) **New Development Permitted Within the Upland Margin Habitat Buffer.** New development in the upland margin habitat buffer, as depicted in Figure 3.2, that are located within 100 feet of delineated wetlands (as mapped in Figure 3.1), shall be limited to the Harrison Avenue Public Access Corridor improvements through the Narrows, and once the Harrison Avenue Public Access Corridor construction is completed, to the construction, repair, and maintenance of the following:

- (1) Development of a vegetated upland margin habitat buffer, consistent with the standards set forth in Section 3.4, including but not limited to:
  - removal of rubbish, debris, and exotic invasive plant species;
  - recontouring of fill slopes;
  - revegetation;
  - irrigation required for reestablishment of native vegetation;
  - maintenance; and,
  - additional actions as may be required, in consultation with the U. S. Fish and Wildlife Service and California Department of Fish and Game, to ensure achievement of buffer habitat functions.
- (2) Structural buffers and barriers on the upland border of the habitat buffer, designed in consultation with the U. S. Fish and Wildlife Service and the California Department of Fish and Game, and constructed consistent with the standards set forth in Section 3.4, to protect against adverse wetland impacts from upland activities.
- (3) Marsh observation interpretive facilities ancillary to the Harrison Avenue Public Access Corridor, and other upland public access, cultural resource interpretive informational facilities, trails, and observation platform(s) along the northern and western boundaries of Paradise Marsh, as provided in Chapter 2, that are located in consultation with the U. S. Fish and Wildlife Service and the California Department of Fish and Game, to permit viewing of Paradise Marsh, without allowing physical access or visual intrusion into the marsh.
- (4) Adjacent to the Harrison Avenue Public Access Corridor's eastern border where its alignment is constrained on the west by the adjacent BNSF tracks, a vegetated retaining wall to be integrated into the upland margin habitat buffer design standards set forth in Section 3.4, in consultation with the U. S. Fish and Wildlife Service and the California Department of Fish and Game.
- (5) Scientific and educational research programs.
- (6) Site remediation.
- (7) With respect to any portion of the SD&AE Railroad right-of-way, and the SDG&E fuel oil pipeline and electrical transmission tower corridors, that may be located within or adjacent to the mapped upland margin habitat

buffer, activities shall be limited to standard permitted operations, repair, and maintenance, and revegetation consistent with the upland margin habitat buffer standards set forth in Section 3.4 of this Chapter, and site remediation, if required. Future relocation of any such facilities outside of delineated wetlands and buffers shall be allowed and encouraged.

### **3.3.3 Other Conditions of New Development**

- (a) New development, if otherwise found to be consistent with the provisions of the Plan, shall be conditionally approved to ensure compliance with the performance criteria of the Wetland Habitat Conservation Program and all other applicable certified National City LCP and Specific Area Plan location, design, and construction standards.
- (b) New development shall be subject to periodic monitoring and reporting to determine whether all applicable performance criteria are being reasonably met, and whether additional or revised criteria may be necessary to avoid direct and indirect adverse effects on Harbor District wetland resources.
- (c) Additional requirements for protecting Paradise Marsh from physical intrusion may be imposed if adherence to the standards set forth in this plan are deemed inadequate to ensure protection of the biological resources of Paradise Marsh.
- (d) All coastal development permits, including all standard and special conditions thereto, issued for any property within the Planning Area shall be recorded with the Office of the County Recorder for the County of San Diego.

#### **3.3.3.1 Setbacks**

- (a) New development is generally required to maintain at least a 100-foot setback from Paradise Marsh and the Harbor District's delineated wetlands mapped in Figure 3.1.
- (b) A reduced setback shall be allowed where it can be demonstrated that unalterable physical constraints preclude attainment of a 100-foot setback, provided that the maximum feasible setback is sustained, and it can be demonstrated, pursuant to certified LUP Marsh Preservation Policy 2, that the maximum feasible setback will serve as an adequate buffer to protect wetland resources from adverse impacts, although it may not achieve the full buffer value provided by the 100-foot setback to be attained in the remainder of the planning area.
- (c) Development eligible for exception from the 100-foot setback requirement shall be limited to the Harrison Avenue Public Access Corridor improvements through the "Narrows", with a minimum structural setback of not less than 45 feet and a minimum construction setback of not less than 35 feet; and to the uses set forth in Sections 3.3.2(d) and 3.3.2(e), and Part (d) of this section.
- (d) In addition, subject to the concurrence of the U. S. Fish and Wildlife Service and the California Department of Fish and Game, carefully screened and sited passive public access improvements may be located in the landward-most 15 feet of the wetland buffer/setback areas.
- (e) Habitable structures shall be set back at least 100 feet from the National Wildlife

Refuge boundary in Subarea A, and 200 feet from the National Wildlife Refuge boundary in Subarea B.

### 3.3.3.2 Buffers

- (a) The setbacks set forth in Section 3.3.3.1(a)-(d) shall also be designated as wetland habitat buffers, including the Harrison Avenue Public Access Corridor vegetated retaining wall, although the wall is not expected to provide significant habitat values.
- (b) Consistent with other applicable LCP location, design, and construction standards, both structural and vegetated habitat buffers shall be designed and constructed, consistent with the provisions of Section 3.4, to protect the biological resources of Paradise Marsh and the delineated wetlands mapped in Figure 3.1 from:
  - (1) human intrusion
  - (2) natural and domestic animal predation
  - (3) motorized and non-motorized vehicle impacts
  - (4) littering, and trash and garbage disposal
  - (5) erosion, sedimentation, and non-point source pollution, including from landscaping irrigation and seepage
  - (6) night lighting within the wetlands and buffers
  - (7) new sources of noise generation in excess of background noise documented by RECON (1998)
- (c) **No Buffer Encroachment.** Except as provided in Sections 3.3.2(d), 3.3.2(e), and 3.3.3.1(b) - (d), new development shall avoid any structural encroachment into the upland margin habitat buffer mapped in Figure 3.2.

**3.3.3.3 Vegetation and Landscaping.** Although the only environmentally sensitive habitats presently identified within the Planning Area are the delineated wetlands which are protected from new development encroachment, all new vegetation and landscaping within the Planning Area shall be subject to a landscaping and/or revegetation plan, as follows:

- (a) **Habitat Buffer, Landscaping and Revegetation Plans.** A landscaping and/or revegetation plan shall be required as part of the submittal of any coastal development permit application, and shall include, but not be limited to, the following:
  - a site plan showing location of areas to be landscaped
  - the plant palette to which planting will be limited;
  - description of site preparation, vegetation establishment, irrigation, and maintenance requirements; and,
  - a monitoring, reporting, and remediation plan.An exemption from this requirement may be allowed, based on a demonstration that existing on-site vegetation and/or landscaping conform to the requirements of the certified LCP and this Plan, and that the proposed development will have no impacts on that existing, conforming vegetation.
- (b) **Consultation with USFWS and CDFG.** All habitat buffer, landscaping,

- and/or revegetation plans for areas within 200 feet of Paradise Marsh and other delineated wetlands shall be prepared in consultation with the U. S. Fish and Wildlife Service and California Department of Fish and Game, and with respect to habitat buffer plans, shall be prepared according to all habitat buffer standards set forth in Section 3.4.
- (c) **Mandatory Use of Native Species.** Utilization of drought-resistant native species acceptable to the U. S. Fish and Wildlife Service and the California Department of Fish and Game, including broom baccharis and other native species listed in Tables 3.4 and 3.5, shall be required within all habitat buffers, and within 200 feet of Paradise Marsh and adjacent delineated wetlands, as mapped in Figure 3.1.
- (d) **Recommended Use of Native Species.** Utilization of drought-resistant native species acceptable to the U. S. Fish and Wildlife Service and the California Department of Fish and Game, including those listed in Tables 3.4 and 3.5, shall be encouraged throughout the Harbor District Specific Planning Area. Broom baccharis and other complementary native species shall be used in Harbor District upland landscaping, including park and plaza areas, to the maximum extent feasible.
- (e) With the concurrence of the U. S. Fish and Wildlife Service and the California Department of Fish and Game as to species selection and irrigation method, ***non-invasive, non-native grasses*** may be used in public park landscaping located upland of the 100' wetland buffer/setback. If seepage is detected at or near wetland elevations in the vicinity of such areas, landscaping and/or irrigation methods shall be modified to correct the condition.
- (f) **Limitations on Use of Herbicides, Pesticides, and Fertilizers.**
- (1) Within 100 feet of Paradise Marsh and adjacent delineated wetlands, application of herbicides, pesticides, and fertilizers shall be restricted to those prescribed by the U. S. Fish and Wildlife Service and California Department of Fish and Game. (List on file.)
  - (2) In areas more than 100 feet from Paradise Marsh and other delineated wetlands, herbicides, pesticides, and fertilizers shall be applied in a manner that precludes adverse effects on wetland habitats and buffers.
- (g) **Prohibited Plant Species.** The use of plant species, whether native or exotic, which are determined by U. S. Fish and Wildlife Service or California Department of Fish and Game to be invasive of wetlands, including but not limited to those listed in Table 3.3, is prohibited within the Planning Area.
- (h) **Additional Requirements.** Additional landscaping and vegetation requirements may be imposed if adherence to the standards set forth in this plan are determined by the Harbor District Conservation Monitoring Advisory Committee to be inadequate to ensure protection of the biological and physical resources of Paradise Marsh.

**3.3.3.4 Trash disposal.** The following measures shall be implemented to reduce the threat of adverse effects from litter entering Paradise Marsh, the National City Marina, public parks, vista points, and public accessways, as well as the storm drain system; and to avoid attraction of avian and terrestrial predators that may adversely affect endangered and other species in Paradise Marsh :

**Table 3.3**  
**Invasive or Exotic Species to be Eradicated and**  
**Prohibited Within Planning Area**

**Present On Site:**

<b><u>Scientific Name</u></b>	<b><u>Common Name</u></b>
<i>Acacia melanoxylon</i>	blackwood acacia
<i>Carpobrotus chilensis</i>	sea fig
<i>Carpobrotus edulis</i>	sea fig
<i>Chrysanthemum coronarium</i>	crown daisy
<i>Cortaderia jubata</i>	Andes grass
<i>Cynodon dactylon</i>	bermudagrass
<i>Eucalyptus</i> spp.	gum
<i>Lantana camara</i>	lantana
<i>Mesembryanthemum crystallinum</i>	crystalline iceplant
<i>Myoporum laetum</i>	ngaio tree
<i>Nicotiana glauca</i>	tree tobacco
<i>Olea europaea</i>	olive
<i>Opuntia ficus-indica</i>	tuna
<i>Pinus halapensis</i>	aleppo pine
<i>Schinus molle</i>	Peruvian pepper tree
<i>Schinus terebinthifolius</i>	Brazilian pepper tree
<i>Tamarix parviflora</i>	tamarisk
<i>Washingtonia filifera</i>	California fan palm
<i>Xanthium strumarium</i>	cocklebur

**Potentially Present on Site:**

<i>Arundo donax</i>	giant reed
<i>Myoporum parvifolium</i>	trailing myoporum
<i>Pennisetum</i> spp.	perennial fountain grass
<i>Ricinus communis</i>	castor bean

- (a) A physical barrier shall be constructed along the southern edge of the the public accessway in Subarea A adjacent to the northern boundary of the National Wildlife Refuge, and along the eastern edge of the Harrison Avenue Public Access Corridor and the San Diego Bayshore Bikeway in Subareas B and C, to prevent litter from entering the marsh or the upland margin habitat buffers.
- (b) Easily accessible litter receptacles shall be placed at regular intervals along all streets/sidewalks, Bikeway crossings, public facilities, and in private businesses.
- (c) Outdoor litter receptacles shall be covered and designed to prevent avian and terrestrial predator intrusion.
- (d) Outdoor litter receptacles shall be secured to prevent overturning and spills.
- (e) Receptacles shall be frequently emptied and marked with multi-lingual educational signs, including at least English and Spanish.
- (f) Litter control shall be a special condition of all coastal development permits issued within the Harbor District, and shall be affirmatively enforced.
- (g) Prior to, or concurrent with, the issuance of the first Harbor District coastal development permit, the City Council of the City of National City shall ensure that a refuse control ordinance is in effect which adequately provides for the enforcement of litter control and waste management measures for the commercial and coastal related development within the Planning Area, and establishing fines and other measures to encourage compliance.
- (h) To reduce the cost of litter clean-up and adverse effects on the environment, the sale by all vendors within the Harbor District of products using bags, containers, or packaging constructed of non-biodegradable materials shall be discouraged, and may be subject to a disincentive fee, for deposit in the Harbor District Conservation Fund, if deemed necessary by the City to remediate litter impacts.
- (i) Additional trash disposal requirements may be imposed if adherence to the standards set forth in this section are deemed inadequate to ensure protection of the biological and physical resources of Paradise Marsh.

**3.3.3.5 Commercial/Coastal-Related Development Waste**

To reduce the threat of adverse effects from waste generated by permitted "tourist Commercial" uses and conditionally allowed "coastal-related development" in the Planning Area, and to avoid attraction of avian and terrestrial predators that may adversely affect endangered and other species in Paradise Marsh :

- (a) Waste from all commercial and coastal-related development shall be placed in waste receptacles meeting the minimum standards set forth below, and approved as to compliance as part of all occupancy permits.
- (b) No waste from commercial and coastal-related development shall be allowed to be stored outdoors (temporarily or permanently), except in an approved covered and secured container.
- (c) All dumpsters and other waste receptacles used by commercial and coastal-related development shall be covered and designed to prevent intrusion by avian and terrestrial predators.

- (d) All dumpsters and other waste receptacles used by commercial and coastal-related development shall be secured to prevent overturning and spills.
- (e) All dumpsters and other waste receptacles used by commercial and coastal-related development shall be regularly emptied.
- (f) Proper waste disposal shall be a special condition of all coastal development permits issued within the Harbor District, and shall be affirmatively enforced.
- (g) Additional waste disposal requirements may be imposed if adherence to the standards set forth in this section are deemed inadequate to ensure protection of the biological resources of Paradise Marsh.
- (h) Failure to comply with prescribed waste disposal requirements shall be grounds for revocation of the conditional use permit for operation of any commercial and coastal-related development in the Planning Area.

#### 3.3.3.6 Lighting and Utility Facilities

- (a) **Night Lighting.** No night lighting shall be allowed to encroach within, or illuminate, Paradise Marsh and the delineated wetlands mapped in Figure 3.1, or the habitat buffer mapped in Figure 3.2.
- (b) All perimeter lighting for public access and interpretive facilities, the Harrison Avenue Public Access Corridor alignment, and the public recreation and tourist-commercial uses permitted in Subareas A and B, shall be designed and located to direct light away from Paradise Marsh and minimize perching opportunities for avian predators.
- (c) Any new or relocated utility facilities, including utility poles, within the planning area shall be designed and located to minimize perching opportunities for avian predators.

#### 3.3.3.7 Visual Screening and Protection. To prevent or reduce other visual disturbances to Paradise Marsh and its fauna:

- (a) Public access to Paradise Marsh and other delineated wetlands shall be restricted to the public access corridors and interpretive facilities described in Chapter 2, and mapped in Figure 2-1 of the Plan, except with the special permission and approval of the U. S. Fish and Wildlife Service.
- (b) Public access corridors and interpretive facilities shall be screened from view within the marsh by a vegetated habitat buffer to avoid disturbances from human and vehicular activity to birds utilizing the marsh, particularly Belding's savannah sparrows within 100 feet of the marsh margins.
- (c) In Subarea A, to the north of Paradise Marsh, all habitable structures shall be set back at least 100 feet from the Paradise Marsh/National Wildlife Refuge boundary, and shall be stepped back, consistent with the height limits set forth in Chapter 4, not to exceed 40 feet, to minimize visibility from the marsh floor.
- (d) In Subarea B, to the west of Paradise Marsh, north of 32nd Street, all habitable structures shall be set back at least 200 feet from the Paradise Marsh/National Wildlife Refuge boundary, and shall be stepped back, consistent with the height limits set forth in Chapter 4, not to exceed 35 feet, to minimize visibility from the marsh floor.

**3.3.3.8 Animal Control**

- (a) Unleashed domestic pets are prohibited within the Planning Area.
- (b) National City Animal Control Officers shall work cooperatively with the U. S. Fish and Wildlife Service Refuge staff to control and remove from the Planning Area domestic and feral animals that pose a threat to the endangered and other sensitive species of Paradise Marsh; and may enter into a memorandum of understanding with respect to animal control within the National Wildlife Refuge boundaries.

**3.3.3.9 Noise.** Permitted noise levels within new development in the Planning Area shall not result in an increase in noise within Paradise Marsh above the current 65 dBA, based on the January 1998 noise survey conducted by RECON.

**3.3.3.10 Erosion, Sedimentation, and Pollutant Discharges.** To reduce erosion, sedimentation, and water-borne pollutant discharges into Paradise Marsh and other delineated wetlands, all grading and drainage within the Planning Area shall comply with the standards set forth in Sections 3.3.3.11 and 3.3.3.12, as well as the following:

- (a) Except for activities related to the implementation of the upland margin habitat buffer set forth in Section 3.4 below, all areas disturbed by otherwise allowed vegetation removal or earthwork shall be revegetated within 30 days of the completion of construction, or by November 1, whichever occurs first, in conformance with an approved Revegetation Plan, and the standards set forth in Section 3.3.3.3 and Section 3.4.
- (b) To reduce the amount of water-borne pollutants entering the storm drainage system, and eventually San Diego Bay, three-chambered oil-grease-sediment traps, or other appropriate filter mechanisms, shall be installed within the new storm drain system extension, including intakes in streets, parking lots, and other paved and landscaped areas, and existing intakes within the planning area.
- (c) To ensure effective functioning, traps shall be cleaned prior to November 1 each year, and inspected and cleaned either:
  - monthly through April 30; or,
  - within one week of every rainfall event totaling 1/2 inch or more in a 24-hour period, *whichever is more frequent.*
- (d) Failure to comply with prescribed sedimentation and pollutant discharge requirements shall be grounds for revocation of the conditional use permit for operation of any commercial and coastal-related development in the Planning Area.
- (e) Additional requirements may be imposed if adherence to the standards set forth in this Plan are deemed inadequate to ensure protection of the biological and physical resources of Paradise Marsh from the adverse effects of sedimentation and pollutant discharge.

**3.3.3.11 Drainage.** All new development within the Planning Area shall be

designed, graded, and constructed to prevent drainage of storm water or landscape irrigation runoff into Paradise Marsh and other delineated wetlands, including:

- (a) Storm drain runoff into Paradise Marsh shall be prohibited.
- (b) All storm water drainage from impermeable surfaces, and from new development, within the Planning Area shall be to storm drains.
- (c) A physical barrier shall be constructed along the southern edge of the the public accessway adjacent to the northern boundary of the National Wildlife Refuge, and along the eastern edge of the Harrison Avenue Public Access Corridor, to prevent any surface water from entering the marsh or the upland margin habitat buffers.
- (d) As a special condition of coastal development permit approval, new development shall implement treatment or structural control Best Management Practices (BMPs), including, but not limited to, biofilters, detention basins, infiltration systems, and regular sweeping of impermeable surfaces to remove pollutants from streets, parking lots, and landscaped areas, including prior to the start of the rainy season to minimize the flow of storm runoff pollutants into the storm drain system.
- (e) Failure to comply with prescribed BMP requirements shall be grounds for revocation of the conditional use permit for operation of any commercial and coastal-related development in the Planning Area.
- (f) Storm water entering or originating within the Planning Area shall be periodically monitored, in cooperation with the San Diego Regional Water Quality Control Board, SDUPD, Caltrans, other public agencies, and public utilities, and reported to the public and property owners.
- (g) Additional remediation measures and requirements may be imposed if the standards set forth in this section are deemed inadequate, based on the monitoring results, to ensure protection of the biological resources of Paradise Marsh from the adverse effects of drainage originating in the Planning Area.

**3.3.3.12 Grading and Construction.** All grading within the Planning Area shall be carried out in a manner that will prevent adverse impacts to Paradise Marsh and other delineated wetlands, as well to the upland margin habitat buffer, and consistent with all applicable standards in the Plan, including but not limited to:

- (a) Project grading plans shall be reviewed and approved in writing by a qualified biologist, prior to issuance of a grading permit, to avoid impacts on wetlands and the planned upland margin wetland habit buffer set forth in Section 3.4.
- (b) Prior to issuance of a grading permit, "NO ENTRY-NO GRADING, NO CONSTRUCTION, NO STAGING" zones shall be clearly marked on grading plans around the perimeters of Paradise Marsh, the Harbor District's delineated wetlands, and the planned upland margin wetland habit buffer set forth in Section 3.4.
- (c) Project grading specifications, to be submitted for approval along with grading plans, shall also delineate all construction access routes, including those located outside of existing City streets and/or the construction site.
- (d) Project grading plans shall also designate the precise location(s) for on-site

- storage or stockpiling of excavated topsoil during construction, subject to the review and approval of the biologist, in consultation with the U. S. Fish and Wildlife Service and the California Department of Fish and Game.
- (e) Where grading is allowed by a coastal development permit within 500 feet of a delineated wetland, the biologist, in consultation with the U. S. Fish and Wildlife Service and California Department of Fish and Game, may also require fencing or other means to protect the habitat or buffer area from direct or indirect impacts.
  - (f) Construction vehicle and other equipment fueling, lubrication, and maintenance shall occur, to the maximum extent feasible, outside of the Harbor District boundaries.
  - (g) When fueling, lubrication, and maintenance are necessary within the Harbor District boundaries, it shall occur on paved surfaces, and shall be prohibited within 300 feet of Paradise Marsh or other wetlands.
  - (h) Staging areas and construction zone footprints for new development are specifically prohibited in any wetland or, following its completion, the planned upland margin habitat buffer restoration area set forth in Section 3.4.
  - (i) Staging areas and construction zone footprints shall be delineated on project grading plans and shall be reviewed and approved, in writing, by a qualified biologist.
  - (j) If staging areas are located outside the construction footprint, they shall be surveyed for biological values and approved by a qualified biologist for absence of significant biological resources.
  - (k) Grading or construction activities shall be scheduled and conducted in consultation with staff of the US Fish and Wildlife Service and the California Department of Fish and Game to avoid adverse impacts on sensitive species and habitats.
  - (l) Erosion and siltation of areas adjacent to, or downstream of, the project site due to grading or construction activities shall be avoided or minimized, including through rigorous adherence to an erosion control plan that is based on a 6-hour, 100-year recurrence rainfall event.
  - (m) The erosion control plan shall be included in project grading plans, and reviewed and approved in writing by a qualified biologist; and its implementation shall be overseen by the contract supervisor.
  - (n) The erosion control plan shall include, as appropriate, the utilization of silt fences, siltation basins, sand bags, hay bales, or other devices to direct runoff and stabilize graded or devegetated areas during project construction and revegetation.
  - (o) A site restoration plan, including detailed native plant palettes and methods for establishing successful native revegetation, shall be provided by the project applicant as part of the application for a coastal development permit.
  - (p) The site restoration plan shall be reviewed and approved by a qualified biologist in consultation with the US Fish and Wildlife Service and California Department of Fish and Game.
  - (q) Additional requirements may be imposed if adherence to the standards set forth in this section are deemed inadequate to ensure protection of the biological and physical resources of Paradise Marsh and adjacent delineated wetlands from

the adverse effects of grading.

**3.3.3.13 Other Construction Standards.** As a condition of coastal development permit issuance:

- (a) Every applicant shall be required to inform all construction contractors in writing as part of the bidding process about the biological constraints of project sites within the Planning Area.
- (b) "NO ENTRY-NO GRADING, NO CONSTRUCTION, NO STAGING" zones around the perimeters of Paradise Marsh, adjacent delineated wetlands, and (after completion of the Harrison Avenue Public Access Corridor and the upland margin habit buffer set forth in Section 3.4) wetland habitat buffers, shall be clearly marked on construction drawings provided to the contractor(s).
- (c) All such "NO ENTRY-NO GRADING, NO CONSTRUCTION, NO STAGING" zones shall be flagged and staked in consultation with the project biologist prior to commencement of any grading or construction.
- (d) The "NO ENTRY-NO GRADING, NO CONSTRUCTION, NO STAGING" zone markers shall be maintained throughout the construction period.
- (e) Construction-related vehicles shall be limited to existing roads, or clearly marked new access routes approved as part of, and consistent with, coastal development and grading permit requirements.
- (f) Prior to commencement of construction, construction access routes shall be marked by flags, stakes, or similar devices, and those markings shall be maintained throughout construction.
- (g) All vehicles shall be required to stay within such designated routes, even if backing out is required for egress from the site.
- (h) Contractor equipment shall be checked for leaks prior to utilization in the Planning Area, at the beginning of each construction day, and be certified by the contractor in writing to be leak-free.
- (i) A mandatory contractor education program shall be conducted by a qualified biologist with practical experience in construction to fully inform contractors and all construction personnel, without exception, of the biological resources associated with projects in the Harbor District, including about:
  - (i) the nature of, and purpose(s) for, the resource protection;
  - (ii) field identification by contractors of sensitive resource areas, including buffers, as shown on project maps or marked on the ground by flags, fencing, or by other means;
  - (iii) biologically sensitive construction techniques, and prohibited activities within delineated wetlands or wetland habitat buffers, including staging areas, equipment access, and disposal or temporary placement of new or excavated materials, earth, or any other substance;
  - (iv) the City's methodology for promptly addressing questions or resolving conflicts that may arise during construction; and,
  - (v) consequences of non-compliance, including penalties and enforcement.
- (j) Permit applicants are responsible for any adverse impacts to wetland, wetland habitat buffer, other biological resources, or other coastal resources, which may occur as a result of, or related to, construction activities, and in addition to other

remediation or penalties that may be imposed, shall be required to replace or restore any impacted resources at a ratio of at least 1:1.

**3.3.3.14 Harbor District Conservation Monitoring Advisory Committee.**

Following certification of the Harbor District Specific Area Plan, the Mayor and City Council of National City shall establish and appoint members to a Harbor District Conservation Monitoring Advisory Committee. In addition to community representation to be determined by the Mayor and Council, this committee shall also include at least one representative from the California Department of Fish and Game, the U. S. Fish and Wildlife Service, the California Coastal Commission, the State Coastal Conservancy, the California Native Plant Society, and the Audubon Society.

**3.4 Paradise Marsh Habitat Buffer Standards**

**3.4.1 Paradise Marsh Habitat Buffer Standards: Purpose and Contents.**

The Paradise Marsh Habitat Buffer Standards set forth in this section contain design goals and establishment criteria, representative buffer plant species palette and cross sections, and specific implementation, maintenance, and monitoring standards, which together provide the specificity necessary to meet the Wetland Habitat Conservation Program requirements set forth in Chapter V and Section V of the certified National City LCP, and the detailed standards set forth in the preceding Section 3.3 of this Plan.

**3.4.2 Final Vegetation Plans.** Coastal Development Permit applications for public access improvements and/or tourist-commercial development in Subarea A, and for construction of the Harrison Avenue Public Access Corridor in Subarea C, shall contain detailed plans for establishing the native vegetation habitat buffers required to implement the Paradise Marsh Habitat Buffer Standards set forth in Section 3.4 of this Plan.

Prior to issuance of a coastal development permit to implement the standards, or any segment thereof, final vegetation plans shall be prepared in consultation with, and be submitted to, the U. S. Fish and Wildlife Service, the California Department of Fish and Game, and the executive director of the California Coastal Commission for their review and concurrence.

**3.4.3 Habitat Buffer Design.** The National City Harbor District Specific Plan provides for both direct and indirect benefits to Paradise Marsh resources, which have suffered significant diminution and degradation from past and present heavy industrial uses and wetland fill. These benefits will be achieved through the provision of both structural and non-structural buffering techniques to reduce the effects of human intrusion into the marsh, as well as through the imposition of stringent Wetland Habitat Conservation Program safeguards and standards on upland development and uses.

**3.4.2 Final Vegetation Plans.** Coastal Development Permit applications for public access improvements and/or tourist-commercial development in Subarea A,

and for construction of the Harrison Avenue Public Access Corridor in Subarea C, shall contain detailed plans for establishing the native vegetation habitat buffers required to implement the Paradise Marsh Habitat Buffer Standards set forth in this section.

Prior to issuance of a coastal development permit to implement the standards, or any segment thereof, final vegetation plans shall be prepared in consultation with, and be submitted to, the U. S. Fish and Wildlife Service, the California Department of Fish and Game, and the executive director of the California Coastal Commission for their review and concurrence within fifteen (15) days of submittal.

**3.4.3 Habitat Buffer Design.** The National City Harbor District Specific Plan provides for both direct and indirect benefits to Paradise Marsh resources, which have suffered significant diminution and degradation from past and present heavy industrial uses and wetland fill. These benefits will be achieved through the provision of both structural and non-structural buffering techniques to reduce the effects of human intrusion into the marsh, as well as through the imposition of stringent Wetland Habitat Conservation Program safeguards and standards on upland development and uses.

The Plan's major non-structural wetland protection feature is the establishment of a vegetated habitat buffer, consisting of native Coastal Scrub, and where feasible, native Maritime Succulent Scrub, plant communities along the northern and western upland margins of Paradise Marsh, adjacent to the proposed public access improvements, as shown in Figure 3.2.

**Design Goals and Benefits.** The wetland habitat buffer has been designed to:

- (1) Establish a vegetated buffer, in conjunction with an upland structural barrier and additional structural design features, certified LCP buffer standards, and "best management practices", to protect Paradise Marsh and adjacent wetlands from the potentially negative intrusive effects of upland public access corridor and recreation activities.
- (2) Provide transitional upland refugia for marsh fauna during periods of high tide inundation, and other upland habitat functions; and,
- (3) Protect and, where feasible, enhance Paradise Marsh water quality through direction of drainage away from the marsh, sedimentation and erosion control, and a coordinated Paradise Creek restoration program for the area inland of the coastal zone.

#### **3.4.4 Buffer Establishment Criteria**

**3.4.4.1 Vegetated Upland Margins as Wetland Habitat Buffers.** Vegetated upland margins offer natural buffering for wetland flora and fauna by providing visual screening (from inside the marsh looking out, and from outside the marsh looking in), shading and light deflection, wind shelter, and noise deflection and absorption; and by serving as physical impediments to intrusion by humans, terrestrial predators, on- and

off-road vehicles, and trash.

Vegetated margins comprised of native species can also provide important refugia for wetland fauna during periods of high tide inundation, as well as wind and temperature buffering, foraging, shelter, and nesting areas for some species.

In addition, vegetated upland margins can contribute to improved wetland water quality by stabilizing the soils of exposed upland banks during ebb-tide drawdown. They also trap sediments, and diffuse and disperse the impacts of rain and surface runoff, helping to prevent soil-particle detachment, and thereby reducing sediment loads and pollutants in surface waters entering the wetlands.

**3.4.4.2 Reference Community Selection: Upland Margin Native Maritime Succulent Scrub Habitat Buffer.** In consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game, a native Maritime Succulent Scrub community (Figure 3.3) which presently grows in the relatively undisturbed remnant Bay Point Formation outcrop along the SD&AE Railroad right-of-way near the northwestern corner of Paradise Marsh, has been selected as the reference community for vegetating the proposed upland margin habitat buffer, although site-specific conditions may result in establishment of a broader Coastal Scrub community.

**3.4.4.3 Plant Community Selection Criteria.** Plants within the native Coastal Scrub/Maritime Succulent Scrub community were selected for use in the upland margin habitat buffer because they provide high habitat value, are suitable for site conditions (climate, limited water supply, aspect, slope, soils, etc.), and can serve the intended protective buffer functions. In addition, proposed expansion of the existing maritime succulent scrub community along the northern and western margins of Paradise Marsh will have the beneficial effect of augmenting the increasingly rare occurrence of this native plant community along the San Diego shoreline.

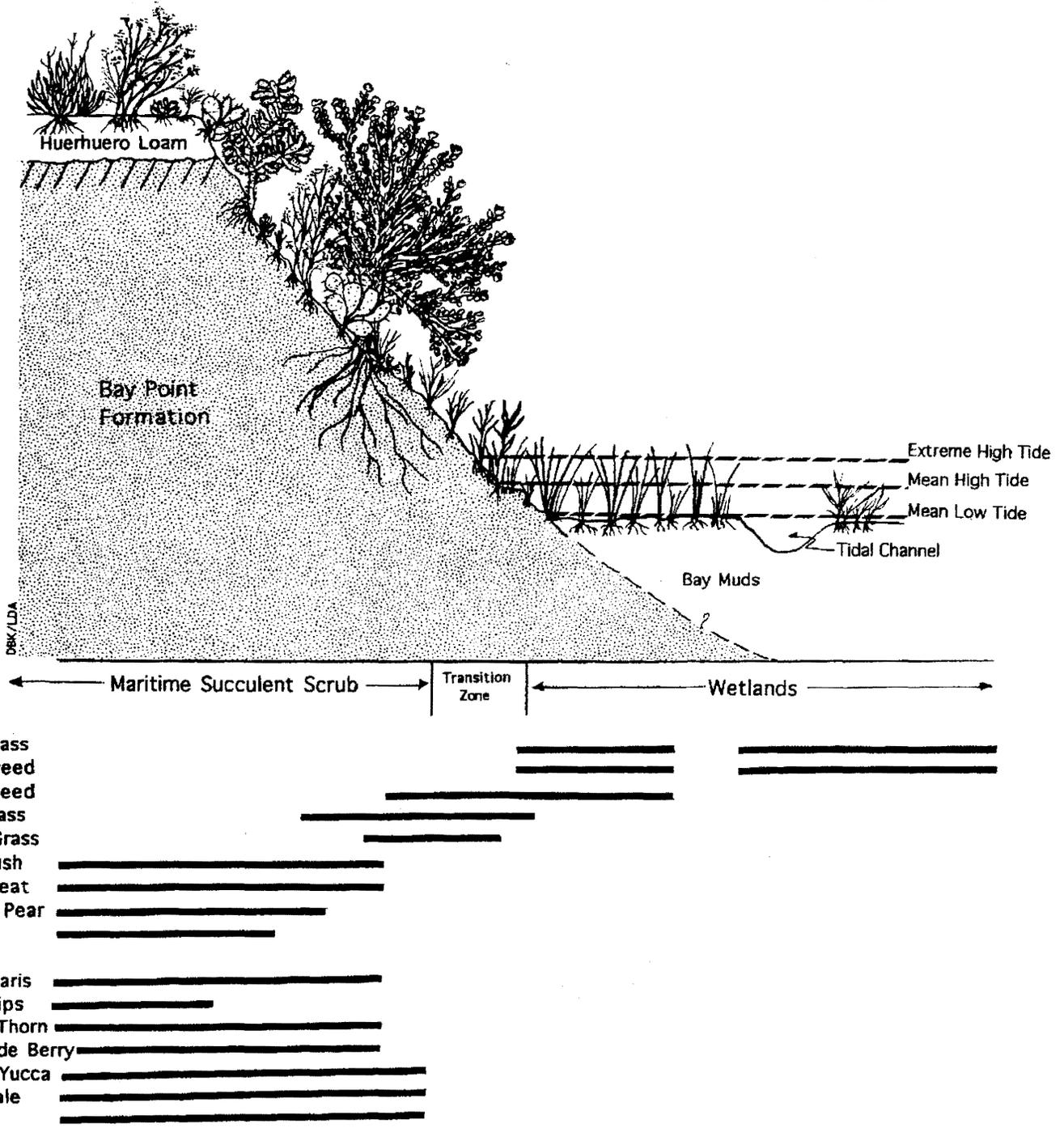
**3.4.4.4 Plant Species Selection Criteria.** Selection of the specific plant species palette to be used as revegetation planting materials has been made based upon analysis of the diverse stand of native plants growing in the on-site reference community.

In addition to ensuring adaptation to site conditions and suitability to fulfill one or more protective buffer functions, special attention has been given to the selection of local native plant species from the reference community that can most closely replicate its vegetative layers and structure in the new upland margin habitat buffer. Taller species that could serve as perches for avian predators, and those requiring extensive irrigation to become established, have been avoided.

Because native species that are present on-site or in the immediate vicinity are most likely to be successfully established in a revegetation effort, the reference community is also expected to serve as a source for suitable plant materials (seeds and cuttings).

Figure 3.3

Paradise Marsh Upland Margin Habitat Buffer  
 Maritime Succulent Scrub Community  
 Reference Site



**3.4.4.5 Upland Margin Habitat Buffer Species Palette.** The Maritime Succulent Scrub species palette for the proposed upland margin habitat buffer, based upon the on-site reference community, is listed in Table 3.4, and graphically depicted in Figure 3.3. Plants are arranged with an emphasis on their respective statures and roles in replicating the vegetative layers and structure of the reference community. Table 3.4 also lists several shrubs and taller-statured species from nearby native plant communities which, though not presently found at Paradise Marsh, could enhance the habitat buffer composition.

In Table 3.5 a list of suggested native species which would be suitable for the vegetated retaining wall, as well as upland landscaping adjacent to the habitat buffer, is also provided.

### **3.4.5 Buffers and Margins: Design Features and Constraints**

**3.4.5.1 Site Variability.** Even within this relatively small Planning Area, conditions within the upland margins of Paradise Marsh vary considerably with respect to a range of physical factors, including degree of soil disturbance and compaction, soil moisture (seasonal fluctuations in water status, water-holding capacity, depth to groundwater, recharging characteristics, etc.), slope, aspect, exposure, wind protection, soil particle size, erodibility, surface texture, root penetrability, land use history, and contamination.

As an example, the most obvious and fundamental difference is in the upland substrate adjoining the marsh. Along one portion of the western margin are outcrops of the Bay Point Formation and mapped native Huerhuero soils, with admixed construction "fill" materials along the northern margin, and highly variable dredge-spoil "fill" soils along the western margin from the SD&AE Railroad trestle south to the Sweetwater River Flood Control Channel.

In recognizing this variability, it is possible to tailor restoration design to meet location-specific constraints. To meet these constraints, species composition and diversity and density of ground cover may be expected to vary from segment to segment within the upland margin habitat buffer.

**3.4.5.2 Habitat Buffer Segments.** To accommodate buffer site variations, five general Habitat Buffer planning segments are proposed, as mapped in Figure 3.2, and summarized below. A program for eradication of exotic and invasive species will be undertaken in all buffer segments.

- (1) **North Fill Bank** (located within the USFWS National Wildlife Refuge boundary along the northern edge of Paradise Marsh, adjacent to Subarea A):

Successful revegetation is expected to require some recontouring and possible augmentation with native soils. Where Bay Point Formation soils (mapped as Huerhuero loams by the Soils Conservation Service) can be exposed through the recontouring process, or imported from another location within the Planning

**Table 3.4**  
**Paradise Marsh Upland Margin Habitat Buffer**  
**Maritime Succulent Scrub Community**

**Overstory: Tall-Statured Species**

<i>Baccharis sarothroides</i>	broom baccharis
<i>Lycium brevipes</i> var. <i>brevipes</i>	desert-thorn
<i>Rhus integrifolia</i>	lemonade berry
<i>Yucca schidigera</i>	Mohave yucca

**Mid-Canopy: Moderate-Statured Species**

<i>Artemisia californica</i>	California sagebrush
<i>Atriplex canescens</i> ssp. <i>canescens</i>	shadscale
<i>Encelia californica</i>	coastal encelia
<i>Eriogonum fasciculatum</i>	California buckwheat
<i>Opuntia littoralis</i>	coast prickly pear
<i>Opuntia prolifera</i>	cholla

**Ground Cover:**

<i>Distichlis spicata</i>	inland saltgrass
<i>Dudleya edulis</i>	dudleya (fingertips) (lady fingers) (Live-for-Evers)

**Potential Supplemental Shrubs:**

<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>	Del Mar manzanita
<i>Malosma laurina</i>	laurel sumac
<i>Salvia apiana</i>	white sage

**Table 3.5**  
**Recommended Native Species for Inclusion in the**  
**Harrison Avenue Public Access Corridor Retaining Wall\***  
**and other Harbor District Landscaping**

<u>Scientific Name</u>	<u>Common Name</u>	<u>Location</u>
<b><u>Large Shrubs</u></b>		
<i>Artemisia californica</i>	California sagebrush	RWall*
<i>Atriplex canescens</i> <i>ssp. canescens</i>	shadscale	RWall*
<i>Ceanothus verrucosus</i>	barranca brush	
<i>Ceanothus cyaneus</i>	San Diego ceanothus	
<i>Ceanothus tomentosus</i>	Ramona lilac	
<i>Dendromecon rigida</i>	tree poppy	
<i>Heteromeles arbutifolia</i>	toyon	
<i>Lycium brevipes</i> var. <i>brevipes</i>	desert-thorn	
<i>Malosma laurina</i>	laurel leaf sumac	
<i>Rhamnus californica</i>	California coffee berry	
<i>Rhus integrifolia</i>	lemonade berry	
<i>Simmondsia chinensis</i>	jojoba	
<b><u>Medium Shrubs</u></b>		
<i>Encelia californica</i>	Coastal encelia	Rwall*
<i>Encelia farinosa</i>	California brittlebush	
<i>Fremontodendron californicum</i>	fremontia	
<i>Eriogonum fasciculatum</i>	California buckwheat	Rwall*
<i>Eriogonum praeifolium</i>	bluff buckwheat	
<i>Isomeris arborea</i>	bladderpod	
<i>Lupinus longifolius</i>	longleaf bush lupine	
<i>Salvia apiana</i>	white sage	
<i>Salvia mellifera</i>	black sage	
<b><u>Small Shrubs</u></b>		
<i>Atriplex leucophylla</i>	sea-scale	
<i>Coreopsis maritima</i>	sea dahlia	
<i>Croton californicus</i>	California croton	RWall*
<i>Euphorbia misera</i>	cliff spurge	
<i>Lycium californicum</i>	California box thorn	RWall*
<i>Mirabilis californica</i>	California four o'clock	RWall*

**Table 3.5**  
**Recommended Native Species for Inclusion in the**  
**Harrison Avenue Public Access Corridor Retaining Wall\***  
**and other Harbor District Landscaping**  
**(continued)**

**Succulents**

<i>Agave shawii</i>	Shaw's agave	
<i>Dudleya edulis</i>	finger tips	RWall*
<i>Ferocactus viridescens</i>	coast barrel cactus	
<i>Opuntia littoralis</i>	coast prickly pear	RWall*
<i>Opuntia prolifera</i>	cholla	Rwall*
<i>Yucca schidigera</i>	Mohave yucca	RWall*

**Trailing Plants**

<i>Abronia umbellata</i>	pink sand verbena	
<i>Calystegia macrostegia</i> <i>ssp.intermedia</i>	south coast morning glory	Fence
<i>Camissonia cheiranthifolia</i> <i>ssp.suffruticosa</i>	beach evening primrose	RWall*
<i>Lonicera subspicata</i>	southern honeysuckle	Fence

**Grasses**

<i>Distichlis spicata ssp. spicata</i>	coastal salt grass
<i>Monanthochloe littoralis</i>	shoregrass
<i>Nassella lepida</i>	foothill needlegrass
<i>Nassella pulchra</i>	purple needlegrass

Area, the chances of establishing native Coastal Scrub and Maritime Succulent Scrub communities are improved. This segment is expected to be implemented in conjunction with public access and tourist-commercial development within Subarea A, pending further geotechnical and soils investigations by the USFWS which will guide final design parameters and the implementation schedule in this area. (See Figure 3.4.)

- (2) **Bay Point Formation Outcrop** (located west of the SD&AE right-of-way, starting at the southwesterly corner of Subarea A): Because of close similarities in site characteristics, this location is expected to be the best suited of the buffer segments for establishing plants from the nearby reference Maritime Succulent Scrub community, as shown in Figure 3.3. This segment will be implemented in conjunction with development of the Harrison Avenue Public Access Corridor.
- (3) **Vegetated Retaining Wall** (located immediately to the south of the Bay Point Formation Outcrop): In the constrained Narrows the Harrison Avenue Public Access Corridor will require reinforcement of its eastern bank face with a retaining wall structure. Although unlikely to provide significant habitat values, the selected plantable wall design will provide a vegetated buffer connecting with the habitat buffers to the north and south. (See Figure 3.5.) The plant selection identified in Table 3.5 and illustrated in Figure 3.5 for this segment is based on engineering specifications for the retaining wall planter boxes. Implementation will occur in conjunction with development of the Harrison Avenue Public Access Corridor.
- (4) **Trestle** (located south of the vegetated retaining wall): Because the existing soils and fill materials consist of coarse dredge spoils, the habitat buffer to be established in this segment will take advantage of the fill soil characteristics, using plants that are characteristic of mixed Maritime Succulent Scrub and Coastal Scrub communities (see Figure 3.6). This segment will be implemented in conjunction with development of the Harrison Avenue Public Access Corridor.
- (5) **South** (located between the Trestle planning segment and the Sweetwater River Flood Control Channel): The most important buffer restoration effort for this segment will be control of exotic and invasive species, followed by selection and planting of native plant species characteristic of mixed Maritime Succulent Scrub and Coastal Scrub communities that are suitable for survival in this disturbed setting. This segment will be implemented in conjunction with development of the Harrison Avenue Public Access Corridor and eastern public accessway improvements. (See Figure 3.6.)

In addition, provided that habitat for saltmarsh bird's beak is enhanced and not adversely affected, revegetation along the Sweetwater River Flood Control Channel and the Caltrans I-5 right-of-way may be undertaken with the agreement, cooperation, and funding of affected agencies.

**Figure 3.4**  
**Paradise Marsh Upland Margin Habitat Buffer**  
**Coastal Scrub/Maritime Succulent Scrub Community**  
**(Northern Bank)**

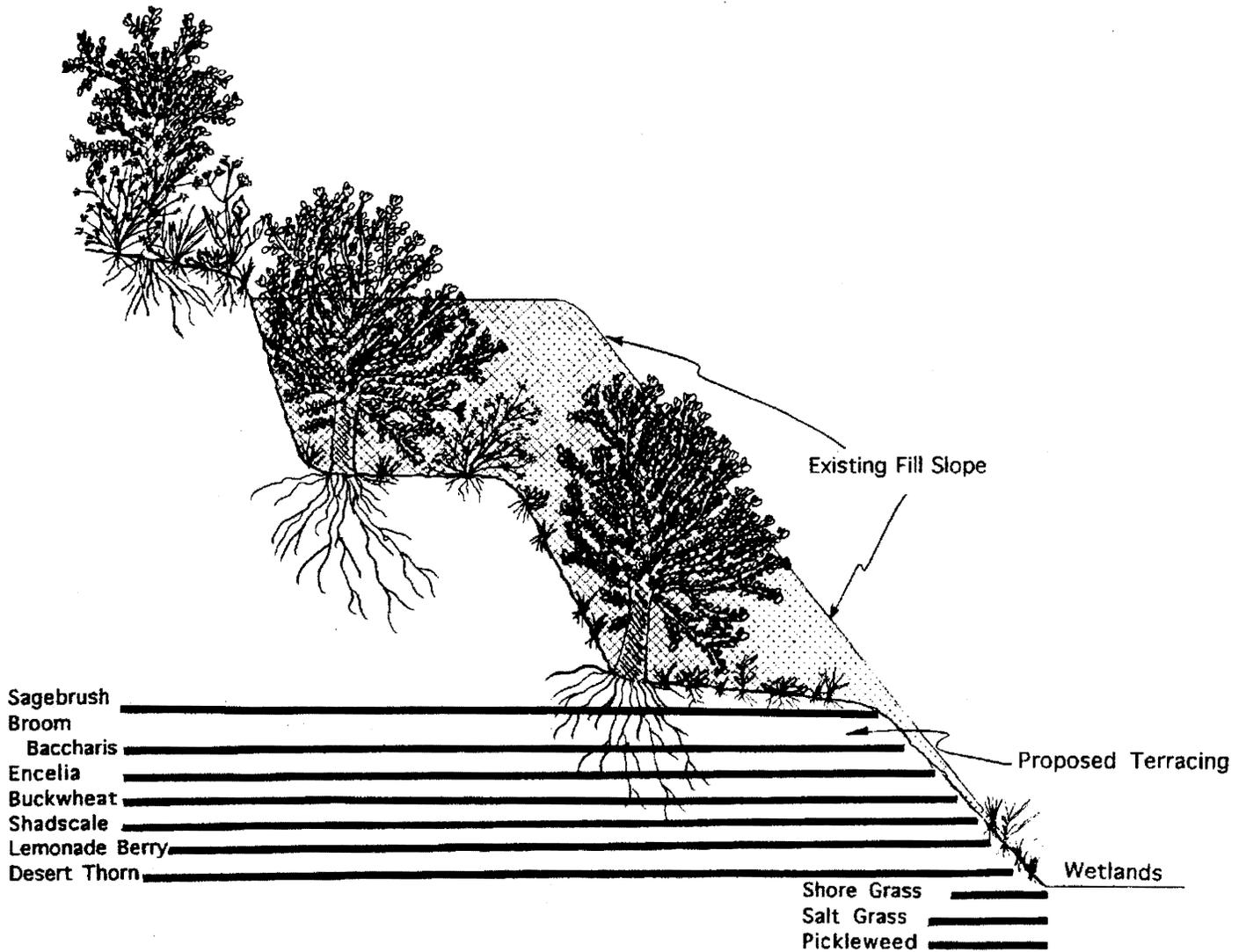
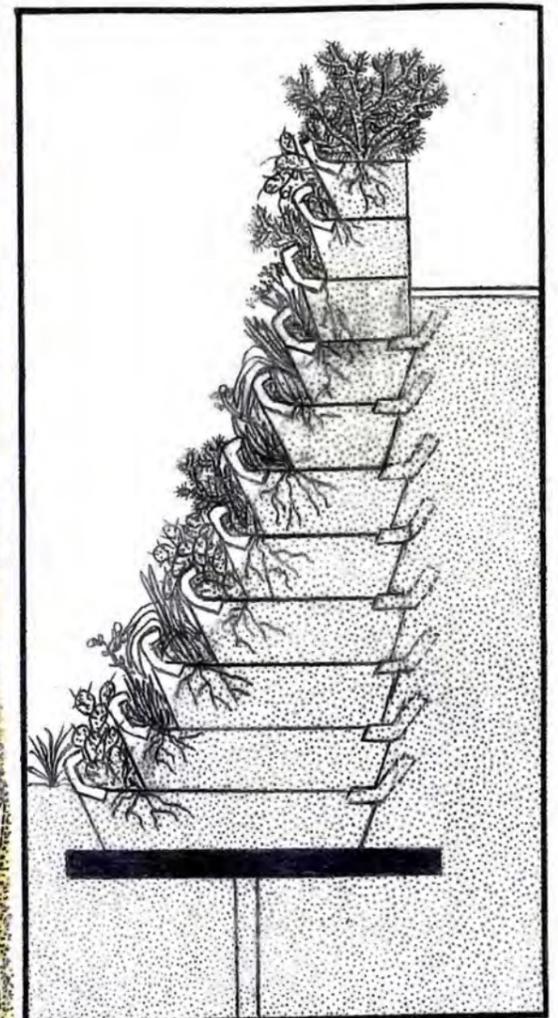


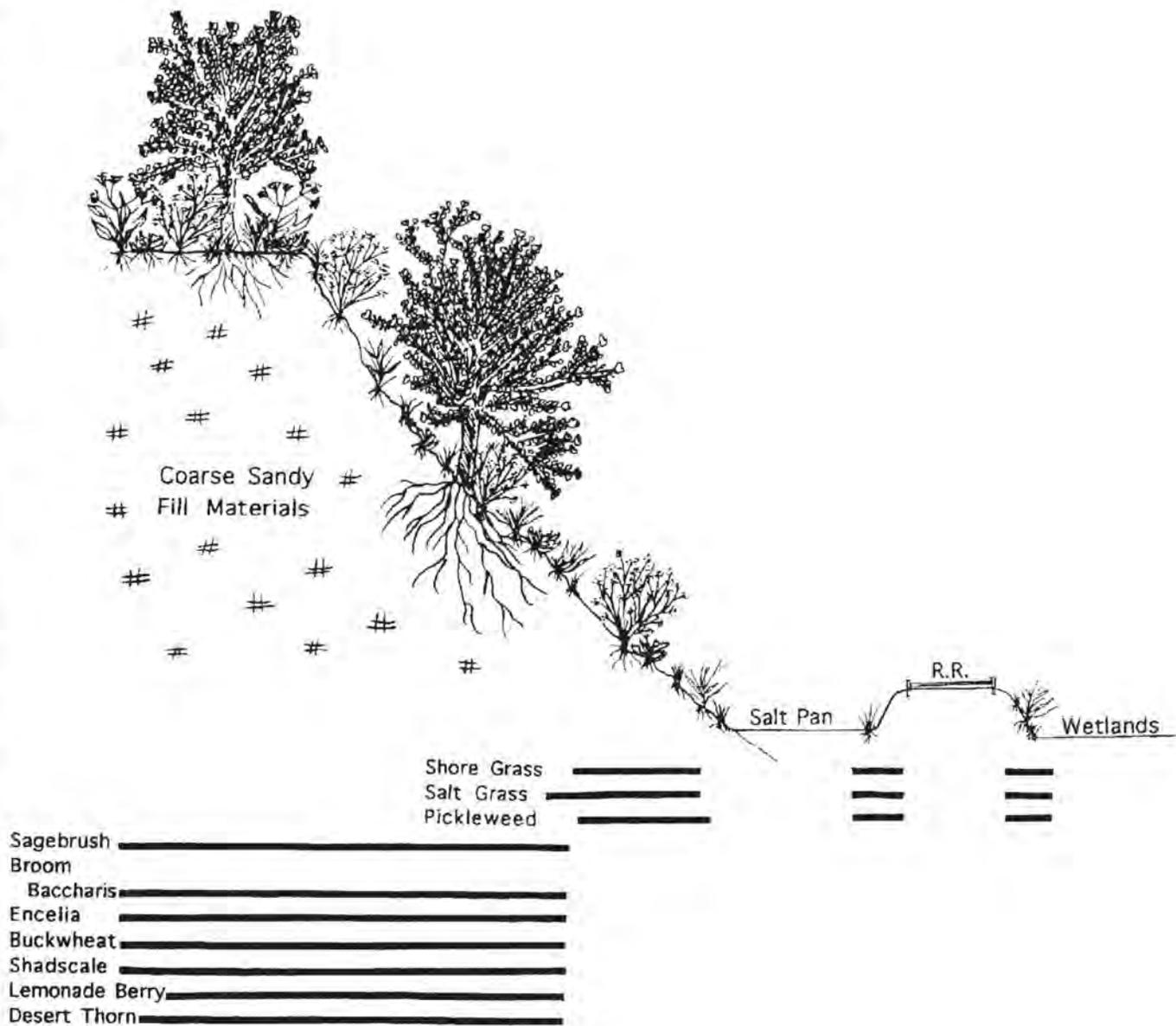


Figure 3.5  
Vegetated Retaining Wall  
Buffer Segment



Vegetated Retaining Wall Cross-Section

Figure 3.6  
 Paradise Marsh Upland Margin Habitat Buffer  
 Coastal Scrub/Maritime Succulent Scrub Community  
 (Western Bank)



### 3.4.6 Upland Margin Habitat Buffer Implementation

Habitat buffer plans required to implement the Upland Margin Habitat Buffer Standards shall contain the following components, and shall be submitted in conjunction with the coastal development permit application for development and/or remediation of Subarea A, with respect to Buffer Segment 1; and for construction of the Harrison Avenue Public Access Corridor, including the San Diego Bayshore Bikeway, with respect to Buffer Segments 2-5:

(a) **Site Preparation:**

- (1) Exotic Species Eradication. (where, when, what)
- (2) Recontouring. (why, where, what, when)
- (3) Soil supplement/import (why, where, what)
- (4) Assembling Planting Materials (slips, clippings, seeds, transplants)
- (5) Timing (re season, and Harrison Avenue Public Access Corridor construction)
- (6) Phasing
- (7) Wetland Protection Measures
- (8) Area(s) to be Excluded from Revegetation
- (9) Interim Soils Stabilization
- (10) Consultation with U. S. Fish and Wildlife Service and California Department of Fish and Game

(b) **Planting:**

- (1) Timing (re season, and construction schedule)
- (2) Phasing
- (3) Wetland Protection Measures
- (4) Consultation with U. S. Fish and Wildlife Service and California Department of Fish and Game

(c) **Post-Planting Care and Nurturing:**

- (1) Irrigation
- (2) Fencing
- (3) Screening
- (4) Weeding and Pest Control
- (5) Consultation with U. S. Fish and Wildlife Service and California Department of Fish and Game

(d) **Maintenance:**

- (1) Agency Responsibility
- (2) Funding
- (3) Consultation with U. S. Fish and Wildlife Service and California Department of Fish and Game

(e) **Monitoring:**

- (1) Objectives
- (2) Biological Performance Standards (number of reproductive plants per

- unit, coverage, etc.)
  - (3) Methodology
  - (4) Agency Responsibility
  - (5) Funding
  - (6) Consultation with U. S. Fish and Wildlife Service and California Department of Fish and Game
  - (7) Reports
  - (8) Remedial actions to achieve biological performance standards
- (f) **Implementation Schedule and Budget:**
- (1) Schedule (site preparation through monitoring, including milestones for performance standard attainment)
  - (2) Independent Biologist Oversight (site preparation through monitoring)
  - (3) Consultation with U. S. Fish and Wildlife Service and California Department of Fish and Game
  - (4) Budget and Funding

### **3.5 Other Conservation Program Goals: Archaeological and Paleontological Resources**

**3.5.1 Archaeological and Paleontological Resources in Proximity to Wetlands.** The California Coastal Act affords a high level of protection to both archaeological and paleontological resources within the coastal zone.

Coastal California is believed to have been the region of the state most densely occupied by indigenous peoples prior to European settlement. Because the rich biological resources of coastal wetlands and estuaries, including San Diego Bay, afforded especially valuable sources of food, these areas often contain "pre-contact" artifacts or other significant archaeological resources. The proximity of Paradise Marsh to Planning Area uplands suggests that this area may also have been traversed by indigenous people(s) seeking access to its food sources.

**3.5.2 Archaeological and Paleontological Resources Within the Harbor District Planning Area.** The northern portion of the Planning Area adjacent to the marsh consists primarily of the late Pleistocene Bay Point Formation which substantially predates the presence of early human activity in the vicinity of Paradise Marsh. The southern portion, however, consists of filled former tidelands, where dredge spoils deposition over the past fifty years now covers the natural topography, and any archaeological or paleontological resources that may have been present.

Minor surficial deposits of oyster shells have been observed overlying the Bay Point Formation within the northwestern quadrant of the Planning Area. However, archaeological investigations by Roeder (1979), Laylander (1993), and RECON (1998) as part of the reconnaissance for preparation of this Specific Area Plan, have uncovered no artifacts or other evidence of significant archaeological resources either associated with the shell deposits or within the Planning Area as a whole.

In addition, although significant plant and animal fossil-bearing strata have been encountered in the Bay Point Formation at other locations within the greater San Diego area, there is no indication that the Bay Point Formation underlying the northern portion of the Planning Area contains any paleontologically significant materials.

**3.5.3 Coastal Act Policies.** The Coastal Act mandates the protection of significant archaeological and paleontological resources. Avoidance of disturbance is encouraged, and where unavoidable, mitigation of the adverse impacts of development upon these resources is required.

Coastal Act (Public Resources Code) Section 30001.5 states:

"The Legislature 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 **artificial** resources...". (Emphasis added.)

Coastal Act (Public Resources Code) Section 30244 states:

"Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required."

The Coastal Commission guidelines rank a site's significance based on site integrity, research potential, ethnic and historical value, and the potential for public appreciation.

**3.5.4 Plan Marsh Restoration Program Standards and Policies to Protect Archaeological Resources.** Although no archaeologically significant artifacts or paleontological resources have been identified within the Planning Area, the Plan sets forth the following standards to ensure that no archaeological or paleontological resources that may be present are threatened with disturbance or destruction as a result of activity within the Planning Area.

**3.5.4.1** All coastal development permits for projects located west of the SD&AE Railroad between the projection of (vacated) 25th Street on the north, and the westward curve of the BNSF Railroad on the south, shall be conditioned to require ongoing archaeological and paleontological monitoring during all construction and development activity which involves grading, excavation, or other disruptions to the surface of, and/or materials at depth beneath, the project site.

**3.5.4.2** In addition, *all* coastal development permits for projects throughout the Planning Area shall be conditioned to provide that, in the event that archaeological or paleontological resources are encountered during any

construction or development phase of a project, all activity which could damage or destroy these resources shall be suspended until:

- (a) representatives of the Kumeyaay or designated other appropriate local Native American group have been notified and consulted, with respect to archaeological resources;
- (b) the site has been examined by a qualified archaeologist and/or paleontologist, as appropriate; and,
- (c) mitigation measures have been developed to address the impacts of the construction or development activities.

**3.5.4.3** The appropriate contact for Native American notification and consultation shall be determined by reference to the San Diego County listing maintained by the California Native American Heritage Commission located in Sacramento (phone: 916/653-4082).

**3.5.4.4** The appropriate contact for notification and consultation regarding paleontological materials is the San Diego Natural History Museum (phone: 619/232-3821).

**3.5.4.5** Persons who meet the U. S. Department of the Interior minimum standards for archaeological consultants, and/or who appear on the approved lists prepared by the San Diego State University South Coastal Information Center and the State Office of Historic Preservation, shall be deemed "qualified" to conduct the archaeological studies and prepare the recommendations required in this section.

**3.5.4.6** Persons who appear on the approved list prepared by the San Diego Natural History Museum shall be deemed "qualified" to conduct the paleontological studies and prepare the recommendations required in this section.

**3.5.4.7** A mitigation plan for any archaeological or paleontological resource encountered during construction shall be required to detail the measures necessary to protect significant resources from impacts during the construction and/or development stage, and during future use of the site.

**3.5.4.8** All archaeological or paleontological studies undertaken within the Planning Area, whether as part of preapplication development studies, in conjunction with an ongoing permitted development project, or in the course of academic research, shall meet the following criteria:

- (a) At upland sites at least 100 feet from the nearest boundary of delineated wetlands in the Planning Area, no coastal development permit shall be required for an archaeological or paleontological reconnaissance "walkover" conducted by a qualified archaeologist or paleontologist for purposes of identification of visible archaeological or paleontological

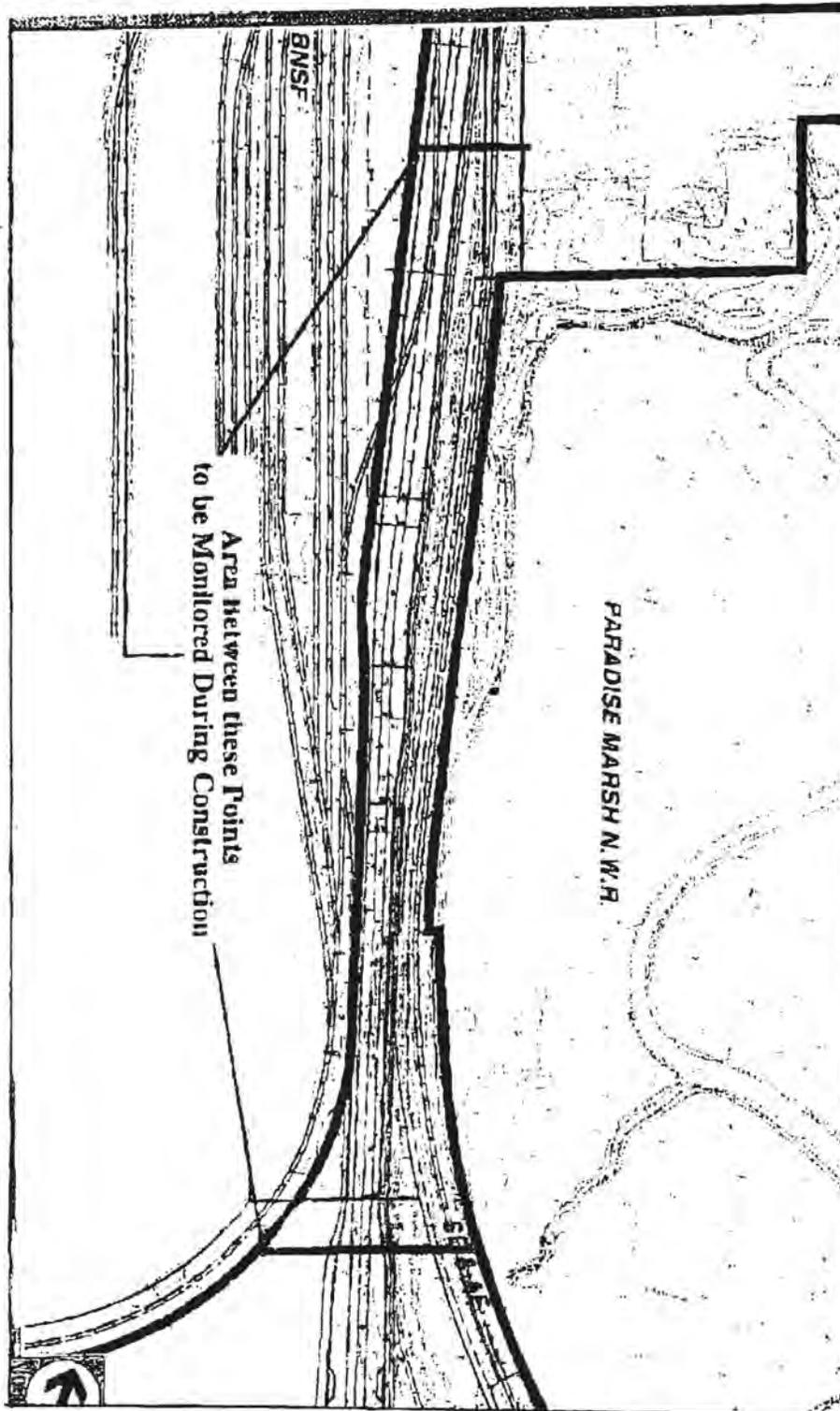
materials, and involving only incidental subsurface testing to determine or confirm the presence of an archaeological or paleontological resource.

- (b) All other archaeological or paleontological investigations shall require a coastal development permit, and shall contain the following conditions of approval:
- (1) the directing archaeologist or paleontologist having the qualifications set forth in Sections 3.5.4.5 and 3.5.4.6, or a qualified designee, shall be at the site at all times when work is in progress.
  - (2) for investigations within the Harbor District's delineated wetlands, a Section 404 permit from the U. S. Army Corps of Engineers may also be required.
  - (3) for investigations within wetlands or mapped habitat buffer areas, a biologist may be required to monitor the work, which must be conducted in a manner which minimizes impacts to vegetation, and which must be fully restored at the end of the investigation.
  - (4) archaeological or paleontological excavations outside of the habit buffer which are not a permanent part of permitted construction should be backfilled or otherwise restored to their original condition.
  - (5) all operations shall be conducted in a manner to prevent the erosion of land, the pollution of water resources and damage to the watershed, and to prevent or reduce to the maximum extent possible, the scarring of the land.
  - (6) Within six weeks of the conclusion of the field work, a synopsis of the new materials found and their archaeological or paleontological significance shall be filed with the State Office of Historic Preservation, the California Coastal Commission, and the National City Planning Director.
  - (7) No later than one year after completion of field work, a final report on the excavation and analysis shall be submitted to the State Office of Historic Preservation, the California Coastal Commission, and the National City Planning Director.

**3.5.4.9** To increase public awareness of the Kumeyaay culture and its relationship to San Diego Bay, a marsh overlook for cultural interpretation shall be developed in consultation and cooperation with the Kumeyaay community, as provided in the Public Access Component of this Plan.

Figure 3.7

Area Requiring Archaeological and Paleontological Monitoring



## CHAPTER 4. TOURIST COMMERCIAL RECREATION

### 4.1 LCP Standards, Objectives, and Requirements

At present (mid-1998), the Harbor District offers no tourist or other commercial recreational facilities. However, the designation in the certified Local Coastal Program ("LCP") Land Use Plan of the two major subareas within the Planning Area for tourist commercial recreational uses is central to redevelopment of the Harbor District from its present deteriorated conditions. The LCP assigns highest priority to overnight lodging, boating, and associated secondary uses in these areas.

To implement a coherent, attractive, and functional recreational commercial reuse of the Planning Area, the LCP identifies Subarea A for planned tourist commercial development. (See Figure 1.3 for subarea locations.) Hotel or motel facilities, restaurants, and other tourist commercial uses are noted by the certified Land Use Plan (LUP) as appropriate uses in this subarea between Paradise Marsh and W. 24th Street, immediately west of I-5. Parts of the natural Baypoint and alluvial formations in Subarea A are overlain with substantial quantities of undocumented fill and burn deposits. (Ninyo & Moore, 1998.)

For Subarea B, the LUP assigns highest priority to marina development (which has since been approved in the area south of 32nd Street within the expanded Port District jurisdiction), hotel/motel and restaurant facilities, recreational vehicle park/campground, boat dry storage and service facility, and/or public park areas.

The LUP further requires correlation of the intensity of planned public access, recreational, and commercial recreational development with traffic circulation capacities on Harrison Avenue and W. 24th Street through this Specific Area Plan. As noted in Chapter 1, and required pursuant to the certified LCP in Chapter 3 of this Plan, the location, design (including buffering), construction, and maintenance of Harrison Avenue, as well as the individual developments within Subareas A and B, must also be consistent with the marsh preservation and other habitat protection policies of the LCP and other applicable laws.

The LUP also provides, and this Plan implements, continued coordination between National City and the Port District for concurrent planning, conservation, and development of lands within the Port's and the City's respective jurisdictions to achieve high quality tourist commercial and public recreational uses.

### 4.2 Tourist Commercial Redevelopment

This Plan implements the guidance of the certified LCP with regard to furthering economically feasible, attractive, and environmentally sustainable commercial recreational redevelopment in Subareas A and B through the following provisions:

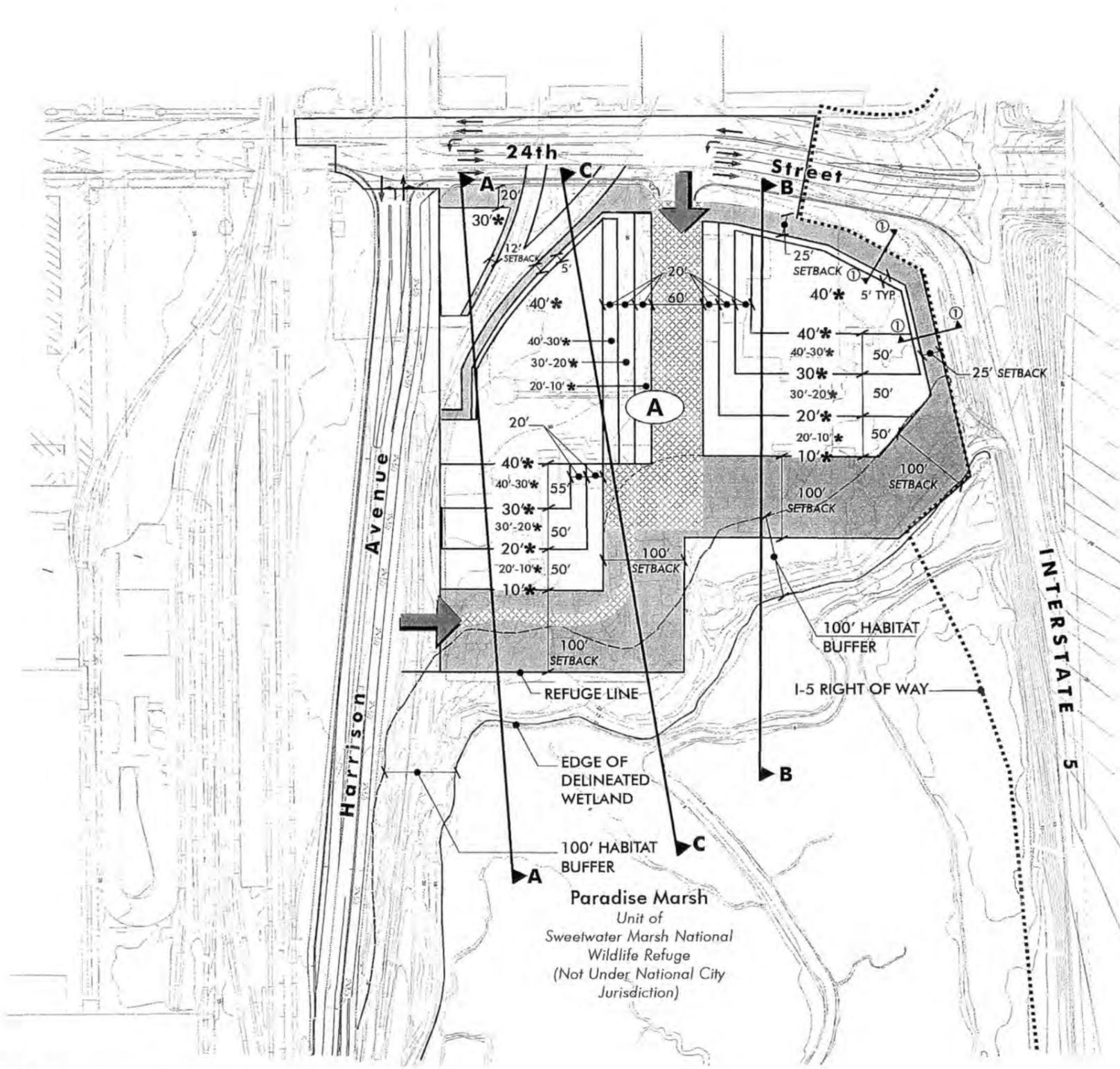
- (a) The location, design, construction, and maintenance of Harrison Avenue Public Access Corridor are specifically predicated on a wetland

- delineation, buffer, and environmental controls program (as specified in Chapter 3 of this Plan) to avoid adverse impacts on Paradise Marsh or adjacent wetland habitats.
- (b) Similarly, the pedestrian, bicyclist, and vehicular capacity of Harrison Avenue Public Access Corridor (7,500 ATD's at LOS D') is designated to correlate with planned and otherwise permitted specific public access, recreational, and commercial recreational densities and intensities of use in Subareas A and B through the year 2015.<sup>2</sup> In the interest of separating access and recreational traffic from heavy truck traffic on Tidelands Avenue, which presently constitutes the only route to and from Pepper Park and the Boat Launching Ramp, the entire vehicular traffic capacity of Harrison Avenue is reserved for public access, public recreation, and otherwise permitted commercial uses .
  - (c) Immediate traffic capacity improvement and coordination measures are provided by the Plan for W. 24th Street, between I-5 and Harrison Avenue, including at key intersections (I-5 southbound on-ramp, Cleveland Avenue, Harrison Avenue), as described in Chapter 2. Specific traffic volumes in W. 24th Street are reserved for public access, recreational, and commercial recreational uses. (See Table 2.1.) In addition, the Plan incorporates the agreement between the Port District and the City to proceed with a longer-term truck traffic reduction and management program for the Harbor Gateway.<sup>3</sup>
  - (d) Planned commercial development is permitted within the building envelopes shown in Subarea A (see Figure 4.1). It may include a lodging facility, a restaurant, and/or tourist-commercial retail space, all subject to specified setback, buffer, height, structural terracing, site environmental and geotechnical analysis, and raptor perch-proofing requirements. Buildings are required to be set back a minimum of 100 feet from any delineated wetland and 100 feet from the boundary of the National Wildlife Refuge. On site parking (based on standard criteria), a public vista point, and public accessways are also required. Underground parking is preferred, if it is economically feasible. The status of utility easements is required to be addressed as part of any application for a coastal development permit approval for redevelopment in Subarea A, including the proposed widening of W. 24th Street.
  - (e) Tourist commercial development, including uses that support or are associated with the Marina, are permitted within the building envelopes in Subarea B (see Figure 4.2). Such development may include a lodging facility, a restaurant, marina-related office and/or retail commercial space, boat building, repair, dry storage, and ancillary services. The same environmentally based development standards as in Subarea A apply in

<sup>1</sup> Urban Systems Associates, 1997, 1998; Rick Engineering Company, 1998.

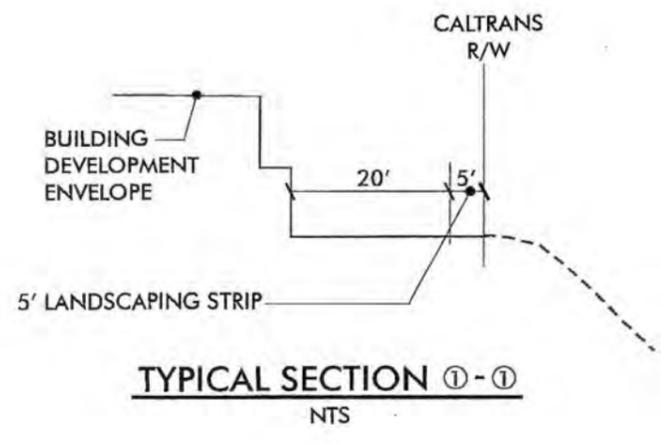
<sup>2</sup> Based on the City traffic consultant's build-out projections, including in the industrial area, marine terminal, and Port District commercial recreation-designated areas to the west of the Harbor District.

<sup>3</sup> As noted in Chapter 1, the policies and requirements of the Plan regulate development and uses within the local coastal program jurisdiction of the City of National City. However, continued cooperation between the Port District and the City is anticipated to address and manage both Port Terminal and City-generated truck traffic in W. 24th Street.



**LEGEND**

- Maximum Height (MH) of the Building Development Envelope (above existing grade)
- MH Control Point (Building Development Envelope)
- MH Variance between Control Points (Building Development Envelope)
- Setback Area- No Habital Structures
- Paved- Driveway Access with Landscaping (Public Access)
- Access Point
- 100' Habitat Setback Line

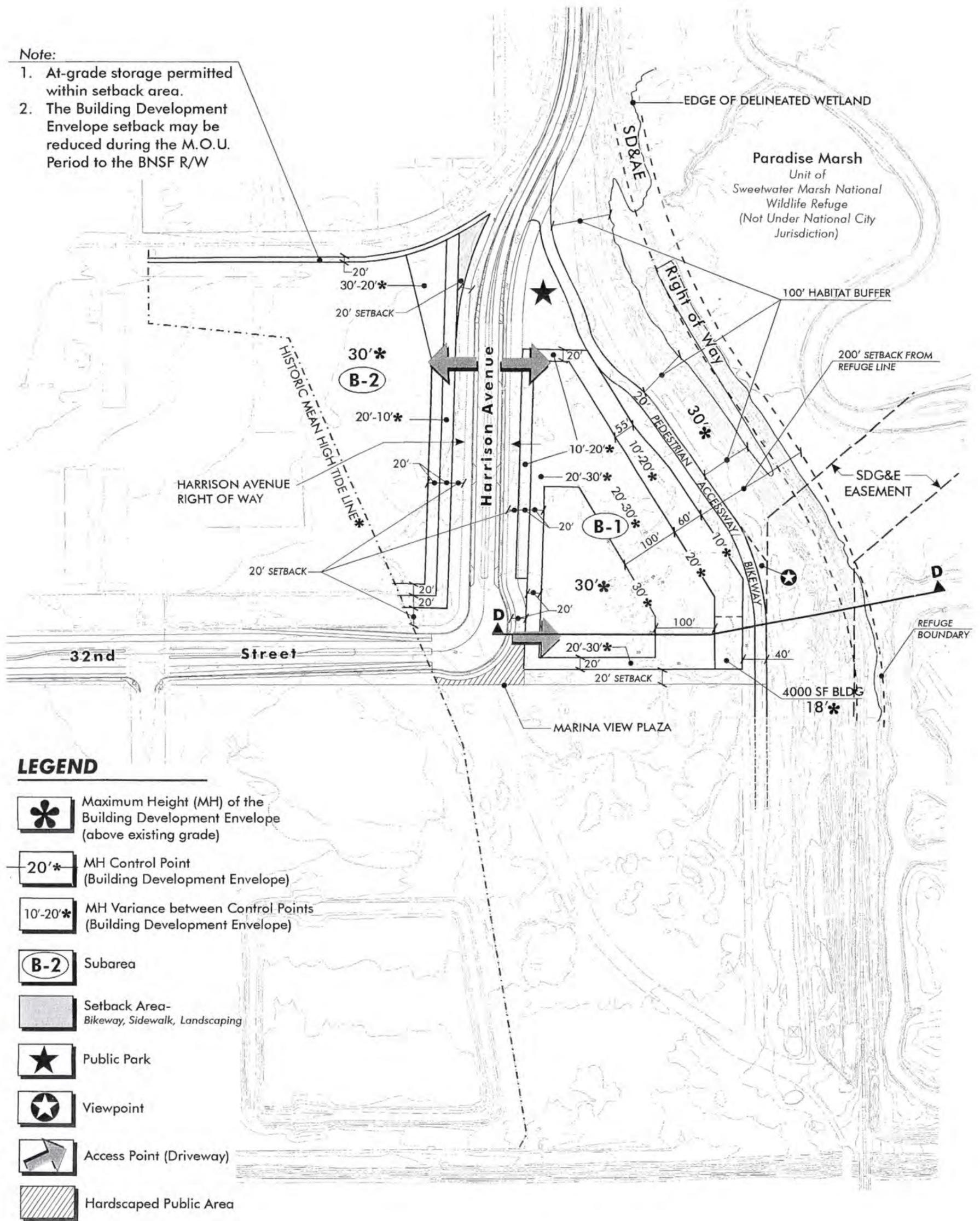


Note:  
All Graphic Locations  
are "Typical."

Figure 4.1  
Development Envelope - Subarea "A"  
NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN

**Note:**

1. At-grade storage permitted within setback area.
2. The Building Development Envelope setback may be reduced during the M.O.U. Period to the BNSF R/W



**LEGEND**

- Maximum Height (MH) of the Building Development Envelope (above existing grade)
- MH Control Point (Building Development Envelope)
- MH Variance between Control Points (Building Development Envelope)
- Subarea
- Setback Area- Bikeway, Sidewalk, Landscaping
- Public Park
- Viewpoint
- Access Point (Driveway)
- Hardscaped Public Area

Figure 4.2

**Development Envelope - Subarea "B"  
NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN**



Note:  
All Graphic Locations  
are "Typical."

Subarea B, except that a combined 200-foot buffer and setback of buildings from the Refuge boundary generally applies in Subarea B because of its flat topography. Vehicular parking, which likely cannot be economically feasibly undergrounded because of high groundwater, is permitted to the west (landward) of the San Diego Bayshore Bikeway. Permitted structures are required to present a maritime or traditional National City design theme. As part of its objective to increase the aesthetic quality of Subarea B, the Plan does not contemplate either a recreational vehicle park or campground.

- (f) Consistent with its historic marine-related cargo storage uses over the past thirty years (since the area was created by hydraulic fill), the Plan allocates the Port District-owned Subarea B-2, west of the landscaped Harrison Avenue, to continued specified maritime cargo storage uses pursuant to a conditional use permit procedure defined in Chapter 6. However, Subarea B-2 may, under defined conditions contained in the MOU between National City and the Port District, also be acquired from the Port and be utilized for tourist-commercial uses enumerated in the Plan.
- (g) Subarea B-3, which consists of the SDG&E utility corridor and the SD&AE railroad corridor, may be used in the area to the west of the 100-foot wetland habitat buffer for screened at-grade automobile parking or boat dry storage, in addition to the existing subsurface oil pipeline and above-ground electric transmission lines and towers.

#### **4.3 Mandatory Commercial Recreational Development Standards**

The following mandatory standards shall apply to all commercial recreational development in Subareas A and B. The standards of Chapters 2, 3, 5, and 6 shall also apply.

##### **4.3.1. Subarea A**

- (a) All tourist-commercial and recreational commercial development in Subarea A shall be subject to planned development permit processing, provided that the standards of this Plan shall constitute minimum standards for the design, development, redevelopment, and maintenance of uses in the Subarea.
- (b) The highest priority use in Subarea A shall be for an overnight lodging facility, with a maximum of 175 rooms or suites, provided that:
  - (1) All buildings shall be located within the envelopes, and subject to the setbacks, habitat buffers, and terracing as shown in Figure 4.1, "Development Envelope - Subarea 'A'".
  - (2) Building height shall not exceed the Marsh View Plane, as shown in Figure 5.1, or 40 feet above existing grade as of March 24, 1996, whichever is less; provided that if the vegetated berm height at the property line with the National Wildlife Refuge is reduced at the time of coastal development and planned development

- permit approval below the five (5) feet shown in Figure 5.1, then the Marsh View Plane and resulting permissible building height shall also be proportionately reduced.
- (3) All buildings shall be perch-proofed against raptors who may prey on species in Paradise Marsh.
  - (4) Maximum building coverage, excluding subterranean parking, shall not exceed 50% of the gross lot area.
  - (5) Automobile parking shall be provided at one space for every guest room or suite, plus
    - (i) one additional parking space for every ten (10) rooms or suites up to and including fifty (50);
    - (ii) one additional parking space for every twenty (20) rooms or suites over fifty (50); and
    - (iii) one space for every two employees of the lodging facility, provided that demonstrated provision of mass transit passes, bicycle parking spaces, or other means within an annually reviewable parking management program shall be granted a proportionate reduction in employee parking requirements. Underground guest parking shall be preferred, if it is economically feasible.
  - (6) The location and design of public vehicular, bicyclist, and pedestrian accessways on any lot within Subarea A that is developed with a lodging facility shall conform to Figure 2.1 and the standards of Section 2.5.5, and shall be made available for public use no later than the date on which the lodging facility is granted an occupancy permit; provided, however, that the diagonal street conceptually shown in the LUP Public Access Map to extend between W. 24th Street near Cleveland Avenue and Harrison Avenue may be relocated as shown in Figure 4.1
  - (7) As a condition of coastal development permit issuance, public accessways shall be signed and maintained for the duration of any permitted development, consistent with the standards of the Coastal Commission-State Coastal Conservancy access guidelines and applicable law.
- (c) A restaurant of up to 4,000 SF may be permitted in Subarea A, provided that:
- (1) The building shall be located within the envelopes, and subject to the setbacks, habitat buffers, and terracing as shown in Figure 4.1, "Development Envelope - Subarea 'A'".
  - (2) Building height shall not exceed the Marsh View Plane, as shown in Figure 5.1, or 40 feet above existing grade as of March 24, 1996, whichever is less; provided that if the vegetated berm height at the property line with the National Wildlife Refuge is reduced at the time of coastal development and planned development permit approval below the five (5) feet shown in Figure 5.1, then the Marsh View Plane and resulting permissible building height shall also be proportionately reduced.

- (3) All buildings shall be perch-proofed against raptors who may prey on species in Paradise Marsh.
  - (4) Cumulative maximum building coverage of a restaurant and lodging facility shall not exceed 60% of the gross lot area.
  - (5) Automobile parking shall be provided at a ratio of 1 space per 100 SF of gross restaurant area, plus one space for every two employees of the lodging facility, provided that demonstrated provision of mass transit passes, bicycle parking spaces, or other means within an annually reviewable parking management program shall be granted a proportionate reduction in employee parking requirements.
  - (6) The location and design of public vehicular, bicyclist, and pedestrian accessways on any lot within Subarea A that is developed with a restaurant shall conform to Figure 2.1 and the standards of Section 2.5.5, and shall be made available to public use no later than the date on which the lodging facility is granted an occupancy permit.
  - (7) As a condition of coastal development permit issuance, public accessways shall be signed and maintained for the duration of any permitted development, consistent with the standards of the Coastal Commission-State Coastal Conservancy access guidelines and applicable law.
- (d) Tourist commercial retail uses may be permitted in Subarea A, provided that:
- (1) The building(s) shall be located within the envelopes, and subject to the setbacks, habitat buffers, and terracing as shown in Figure 4.1, "Development Envelope - Subarea 'A'".
  - (2) Building height shall not exceed the Marsh View Plane, as shown in Figure 5.1, or 40 feet above existing grade as of October 1, 1997, whichever is less; provided that if the vegetated berm height at the property line with the National Wildlife Refuge is reduced or relocated to the north at the time of coastal development and planned development permit approval below the five (5) feet shown in Figure 5.1, then the Marsh View Plane and resulting permissible building height shall also be proportionately reduced.
  - (3) All buildings shall be perch-proofed against raptors who may prey on species in Paradise Marsh.
  - (4) Cumulative maximum building coverage of a tourist commercial retail use shall not exceed 50% of the gross lot area if it is the only commercial use type in Subarea A, and shall not exceed 65% if it is part of a mixed commercial use development that also includes a lodging facility and/or a restaurant.
  - (5) Automobile parking shall be provided at a ratio of 1 space per 200 SF of gross retail commercial area, plus one space for every two employees, provided that demonstrated provision of mass transit passes, bicycle parking spaces, or other means within an annually reviewable parking management program shall be

- granted a proportionate reduction in employee parking requirements.
- (6) The location and design of public vehicular, bicyclist, and pedestrian accessways on any lot within Subarea A that is developed with a retail commercial development shall conform to Figure 2.1 and the standards of Section 2.5.5, and shall be made available to public use no later than the date on which the retail commercial facility is granted an occupancy permit.
  - (7) As a condition of coastal development permit issuance, public accessways shall be signed and maintained for the duration of any permitted development, consistent with the standards of the Coastal Commission-Coastal Conservancy access guidelines and applicable law.
  - (8) In addition to complying all other applicable standards of the Plan, the maximum density of any stand-alone retail commercial development in Subarea A shall be based on a demonstration that project-specific peak hour and peak day traffic generation will not adversely effect public access or recreational opportunities in the Harbor District or Port subareas 58 and 59, or that it will cause a cumulative build-out LOS E in W. 24th Street between the I-5 interchange and Harrison Avenue, inclusive.
- (e) The existing SD&AE Railroad spur tracks that diagonally cross the northwesterly part of Subarea A constitute a permitted use, provided that:
- (1) any structure shall be located a minimum of twelve (12) feet from the center of each spur track, and,
  - (2) a minimum horizontal separation of twenty (20) feet shall be provided between any exterior building wall and the property boundary to provide paved emergency response equipment access.
- (f) The "Railcar Art Project" shall be located in the landscaped northwesterly lot of Subarea A, consistent with Figure 2.1, provided that any structure to house it shall not exceed thirty (30) feet above existing grade as of March 24, 1996.
- (g) As part of a Planned Development application, the applicant may reallocate the densities of use assigned to lodging, restaurant, or commercial retail space within Subarea A to one or more of the other permitted uses in Subarea A, provided that the proposed development shall meet all other applicable standards of this Plan and the City's Land Use Code.

#### 4.3.2. Subarea B

- (a) An overnight lodging facility, not to exceed 150 rooms, shall have first priority for use of Subarea B-2 , provided that:
- (1) The building(s) shall be located within the envelopes, and subject to the setbacks, habitat buffers, and terracing as shown in Figure 4.2, "Development Envelope - Subarea 'B'". Site-specific

- geotechnical studies shall be conducted as part of any structural development design, including, but not limited to occupied structures and roadways, to determine appropriate design to assure structural stability in this area with a high potential for ground liquefaction.
- (2) Building height shall not exceed the Marsh View Plane, as shown in Figure 5.2, or 30 feet above existing grade as of March 24, 1996, whichever is less, provided that a one story building, not to exceed 18 feet in height above existing grade as of October 1, 1997 and 4,000 SF in area, may be located west of the Bayshore Bikeway, in Subarea B-1, near the two northerly SDG&E electric transmission towers located in Subarea B-3.
  - (3) Buildings shall be terraced (stepped) as shown in Figure 5.2 and shall be perch-proofed.
  - (4) Maximum building coverage shall not exceed 50% of the gross lot area.
  - (5) At grade automobile parking shall be provided at a ratio of 1 space per guest room, plus one space for every two employees, provided that demonstrated provision of mass transit passes, bicycle parking spaces, or other means within an annually reviewable parking management program shall be granted a proportionate reduction in employee parking requirements.
  - (6) The location and design of public vehicular, bicyclist, and pedestrian accessways on any lot within Subarea B that is developed with a lodging facility shall conform to Figure 2.1 and the standards of Section 2.5.6, and shall be made available for public use no later than the date on which the facility is granted an occupancy permit.
  - (7) As a condition of coastal development permit issuance, public accessways shall be signed and maintained for the duration of any permitted development, consistent with the standards of the Coastal Commission-State Coastal Conservancy joint access guidelines and applicable law.
- (b) Boating and marina-related support uses, as permitted pursuant to Section 6.4.(a)(1) and (2), provided that:
- (1) The maximum intensity of building envelope permitted pursuant to Section 6.4.(a)(1)(B), (C), (D), and (E) shall be 10,000 SF.
  - (2) The maximum intensity of building envelope permitted pursuant to Section 6.4.(a)(1)(H) shall be 20,000 SF.
- (c) Restaurant space, not to exceed 10,000 SF, may also be permitted in Subarea B-1, provided that:
- (1) The building(s) shall be located within the envelopes, and subject to the setbacks, habitat buffers, and terracing as shown in Figure 4.2, "Development Envelope - Subarea 'B'".
  - (2) Building height shall not exceed the Marsh View Plane, as shown in Figure 5.2, or 25 feet above existing grade as of March 24,

- 1996<sup>4</sup>, whichever is less, provided that a one story building, not to exceed 18 feet in height and 4,000 SF in area, may be located west of the Bayshore Bikeway near the southeasterly corner of Subarea B-2 in consultation with the USFWS to avoid adverse impacts on National Wildlife Refuge habitats, habitat buffers, and species that utilize them.
- (3) Buildings shall be terraced (stepped) as shown in Figure 5.2 and shall be perch-proofed.
  - (4) Maximum building coverage shall not exceed 50% of the gross lot area.
  - (5) At grade automobile parking shall be provided at a ratio of 1 space 100 SF, plus one space for every two employees, provided that demonstrated provision of mass transit passes, bicycle parking spaces, or other means within an annually reviewable parking management program shall be granted a proportionate reduction in employee parking requirements.
  - (6) The location and design of public vehicular, bicyclist, and pedestrian accessways on any lot within Subarea B that is developed with a restaurant shall conform to Figure 2.1 and the standards of Section 2.5.6, and shall be made available for public use no later than the date on which the facility is granted an occupancy permit.
  - (7) As a condition of coastal development permit issuance, public accessways shall be signed and maintained for the duration of any permitted development, consistent with the standards of the Coastal Commission-State Coastal Conservancy access guidelines and applicable law.
- (d) Subarea B-3 may be utilized for utility corridor uses, consistent with all applicable laws; the public access and recreational facilities shown in Figure 2.1; screened at-grade automobile parking; and boat dry storage. Removal of the unsightly electric transmission towers and lines, as well as of the oil pipeline, which contains toxic materials (fuel oil or diesel fuel) at all times, is strongly encouraged.

#### 4.3.3 Application Requirements

Application(s) for development in Subareas A, B, or C shall be accompanied by:

- (a) a complete geotechnical study to assure structural stability, which, for Subarea A and the portions of Subareas B and C located within 500 feet of the National Wildlife Refuge, shall take into account any plans of the USFWS to restore or remediate its filled property adjacent to Subareas A, B, or C;
- (b) a Phase 2 environmental site assessment to identify any contaminants or toxic materials on or beneath the development project site, including in soils and groundwater, and any required clean-up or remediation plan

<sup>4</sup> Aerial survey of the Harbor District mapped by Photo Geodetic Corp from flight information on March 24, 1996.

- therefor, which shall take into account any plans of the USFWS to restore or remediate its filled property adjacent to Subareas A, B, or C;
- (c) a complete grading plan to demonstrate that development of the site will not discharge any storm runoff from Subareas A, B, or C into Paradise Marsh, Paradise Creek, or adjacent delineated wetlands during a 6-hour, 100-year storm event, provided that the grading plan shall reference and reincorporate any joint USFWS-National City runoff and sedimentation control program for restored habitat, habitat buffer, or other setback areas;
  - (d) a landscaping plan that implements the requirements of Chapters 3 and 5;
  - (e) a traffic study and parking plan that demonstrates compliance with the requirements of Chapter 2 and of Sections 4.3.1.(b)(5), (c)(5), and (d)(5);
  - (f) a public access plan to and along Paradise Marsh, consistent with the requirements of Chapters 2 and 3; and,
  - (g) a Marsh View Plane analysis that implements the requirements of Chapter 5; and,
  - (h) demonstration that any previously existing above-ground electric easement(s) within Subarea A, east of the westerly side of the intersection of W. 24th Street and Harrison Avenue, or in Subareas B-1, B-2, or C, have been cleared from the title of the parcel(s) on which the development is proposed.

## CHAPTER 5. VISUAL RESOURCES

### 5.1 LCP Standards, Objectives, and Requirements

#### 5.1.1 Enhancement of the Area's Visual Identity

The Harbor District is a visually blighted area. It is characterized by dilapidated buildings; dredged material, debris, and rubble fill slopes; barbed wire fencing; abundant trash and detritus; haphazardly stored and quasi-abandoned industrial materials; weeds and other invasive species; eroded and unvegetated public corridors; an unkempt rail line; a partially graded burn dump; looming electric utility towers and lines; and encampments for homeless or transient persons. In the middle of the area lies Paradise Marsh, which was planned to be completely filled as recently as the early 1970's, was "restored" in the early 1990's in the historic sandy delta of Paradise Creek and Sweetwater River, and remains substantially degraded in the late 1990's.

Nonetheless, the remnant Paradise Marsh, natural Bay Point Formation outcrop, and their proximity to major California and international freeways offer remarkable urban visual assets, which invite enhancement and support:

- Along 3,300 lineal feet of I-5 immediately east of Paradise Marsh, more than 75,000 daily southbound highway travelers view the Marsh, but without benefit of its clean-up, or of environmental education. By the year 2015, over 117,000 daily southbound motorists will see this remarkably resilient urban wetland.
- The 900 foot long public viewshed to Paradise Marsh from the westbound State Route 54 ramp to northbound I-5.
- The 1,000 foot long public viewshed to Paradise Marsh, the Sweetwater Channel, San Diego Bay, and Sweetwater Marsh from westbound Route 54 to southbound I-5.
- The southbound I-5 off-ramps to and from West 24th Street, which offer important views of Paradise Marsh, including to almost 1,400 travelers during the peak commute hour. And,
- The limited view from the paved extension of Cleveland Avenue, south of W. 24th Street, and along apparent W. 25th Street, to Paradise Marsh.

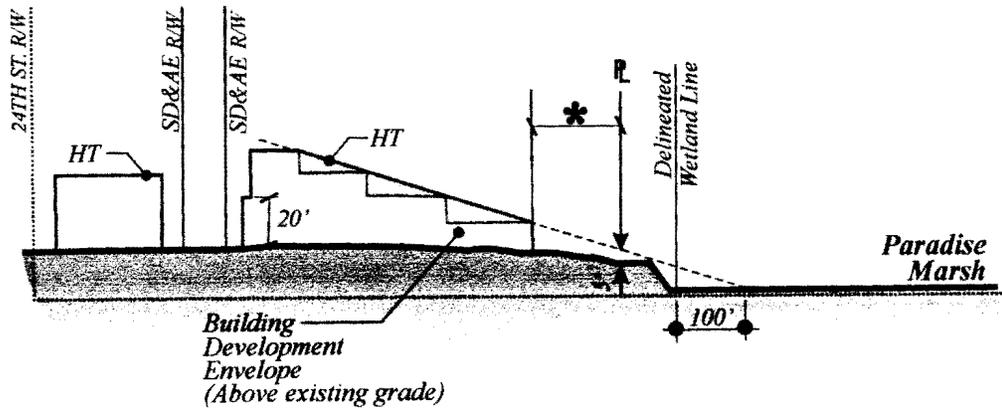
No other public views of Paradise Marsh, Sweetwater Channel, or San Diego Bay are available from the Harbor District.

However, the certified LCP proposes to dramatically change and improve the deteriorated visual quality of the Harbor District, including through (a) creation of a landscaped entry gateway along W. 24th Street and the Harrison Avenue

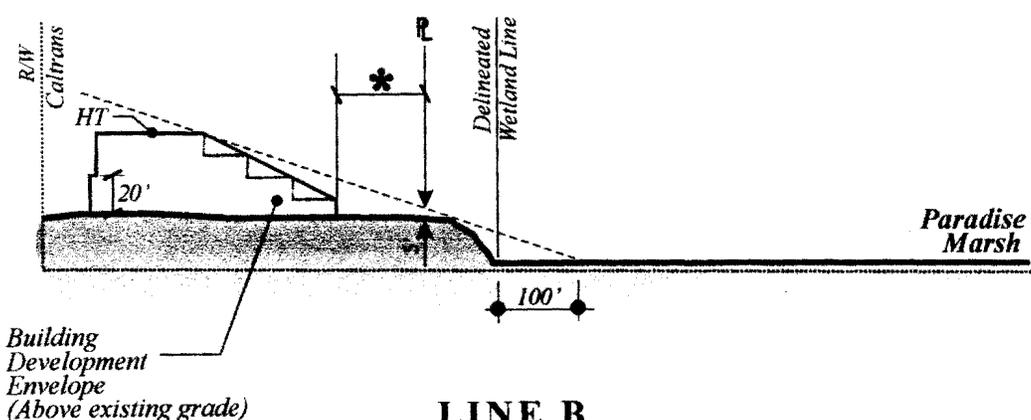
Extension; (b) landform and native vegetation restoration through creation of viable Paradise Marsh habitat buffers; (c) location of public vista points and small parks or plazas, including to overlook the National City Marina; (d) extension of carefully located pedestrian and bicycle ways around Paradise Marsh, as well as to and along the Sweetwater Channel; and (e) opening of attractive visual corridors from public streets and places to and along the Marsh and Channel.

This Plan implements the City's vision of a rejuvenated and aesthetically enhanced Harbor District through the following measures:

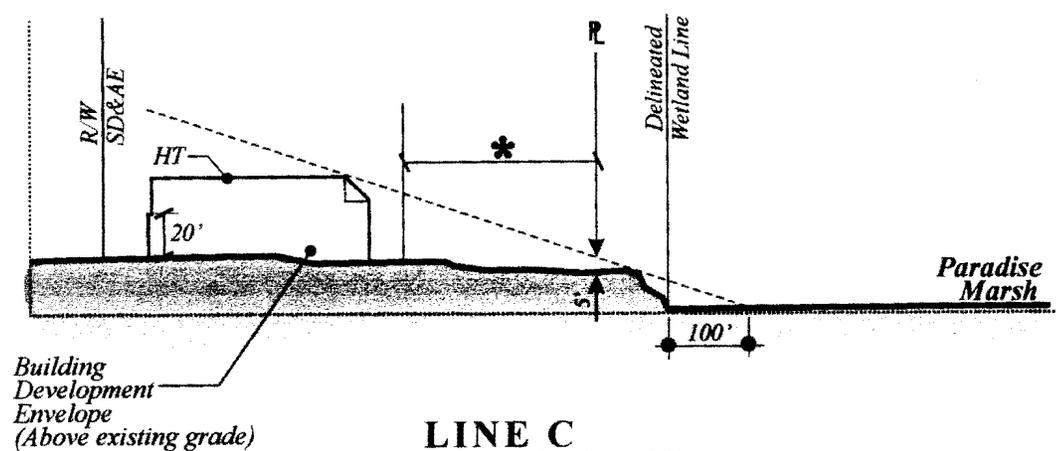
- (a) Along **W. 24th Street**, 775 lineal feet of landscaped gateway to the Harbor District in Subarea A, as shown in Figure 2.2. Buildings in Subarea A will be required to be set back a minimum of twenty-five (25) feet from the W. 24th Street right-of-way.
- (b) In the **tourist-commercial planned development district** of Subarea A, south of W. 24th Street, a visual corridor towards Paradise Marsh either along the diagonal public street and accessway shown in the certified Land Use Plan Map, or along the entry from 24th Street at Cleveland Avenue to the vista point overlooking the Marsh, as shown in Figure 4.1. To harmonize permitted buildings with the landform of Subarea A and the adjacent Marsh, as well as for avian species conservation through the Marsh View Plane analysis, buildings will be required to be set back substantially from the current fill bluff and to be terraced (stepped) within development envelopes, as shown in Figures 4.1 and 5.1.
- (c) Near the **top of the restored bluff overlooking Paradise Marsh**, a continuous public walkway that connects the tourist commercial district and vista point with the Harrison Avenue Public Access Corridor, and will offer sweeping views of the Marsh and its restored buffers.
- (d) From W. 24th Street to 32nd Street, the landscaped **Harrison Avenue Public Access Corridor** (Subarea C) includes (from east to west) a restored and vegetated habitat buffer, a combined pedestrian and Class I bikeway, automobile travel and turn lanes, emergency parking bays, and a six (6) to ten (10) foot high landscaped security fence to partly screen industrial, railroad, and maritime cargo uses to the west. (See Figures 2.3, 2.4, 2.5, 2.6, and 2.7.) The pedestrian and bikeway will afford sweeping views of Paradise Marsh over the vegetated habitat buffers (see Figures 2.3 and 2.4). Engineering for drainage and safety cause the roadway elevation to be lowered relative to existing grades, while a 48-54 inch safety wall is required along the east side of the Corridor, which together will likely limit motorist marsh viewing opportunities to southbound travelers opposite Subarea A and persons in high profile vehicles.
- (e) Between the park at the apex of Subarea B and the Sweetwater Channel, the combined **pedestrian and San Diego Bayshore Bikeway** diverge from Harrison Avenue to follow the landward edge of the wetland habitat buffer or the utility corridor. As shown in Section 8



**LINE A**



**LINE B**



**LINE C**

HT - Maximum Building Development Envelope Heights per Fig. 4.1

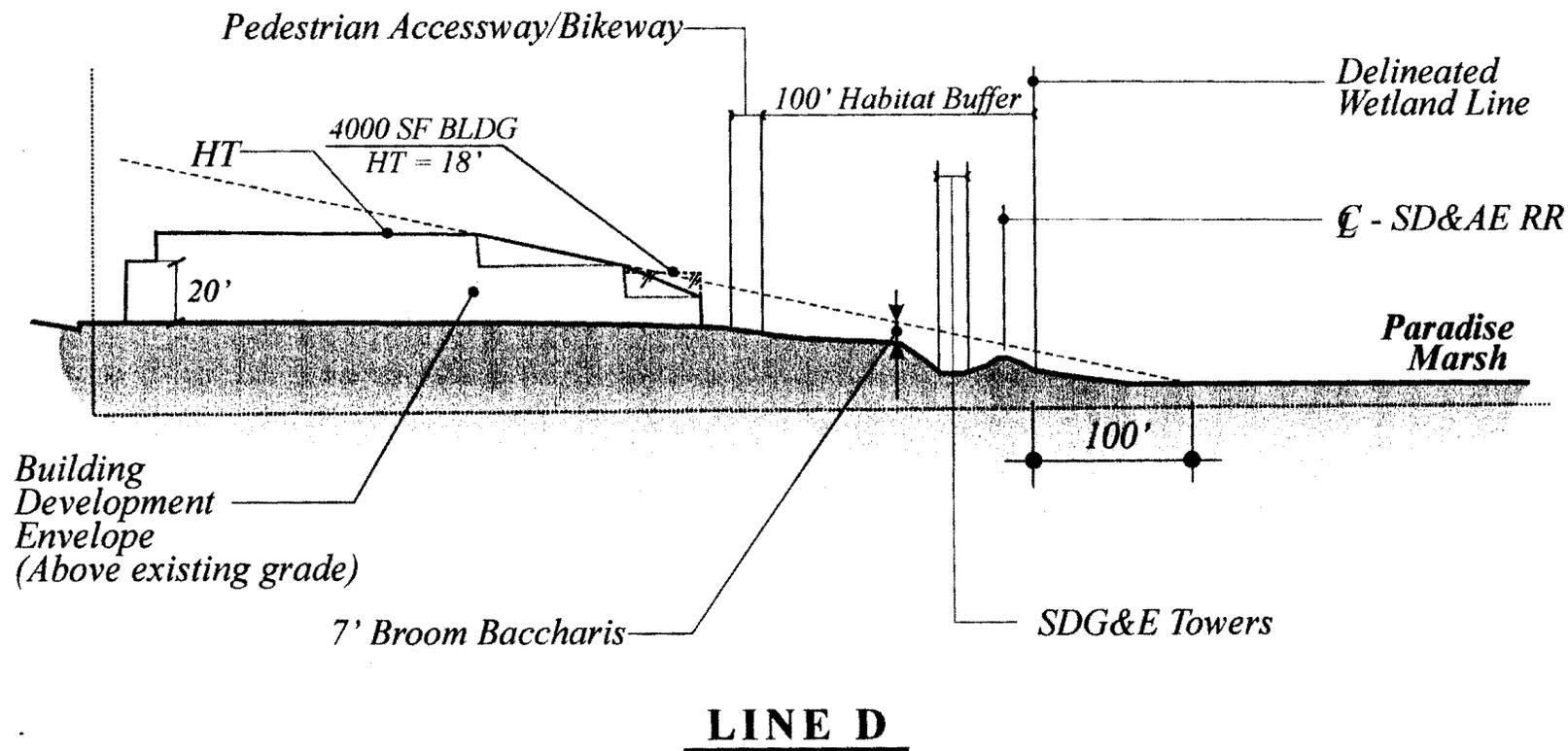
\* 100' Setback from  $\mathcal{L}$



**Figure 5.1**  
**Subarea "A" Marsh View Plan Sections**  
**NATIONAL CITY HARBOR DISTRICT**  
**LCP - SPECIFIC AREA PLAN**

of Figure 2.5, this accessway segment is heavily landscaped in the transition area from the habitat buffer and is further provided with an six (6) to (10) foot high visual barrier fence on its landward (westerly) side (see Figures 2.3, 2.4, and 2.5).

- (f) In **Subarea B**, all buildings except for the Bikeway-oriented facility, will be set back (1) a minimum of 100 feet from the combined pedestrian and Bayshore Bikeway, (2) a minimum of 70 feet from the park at the apex of Subarea B-2, (3) a minimum of 20 feet from the right-of-way of Harrison Avenue, and (4) a minimum of 20 feet from the boundary with the Marina site. Height limits are governed by the Marsh View Plane, as shown in Figure 5.2. As shown in Figure 4.2, permitted buildings in Subarea B-2 are required to be terraced (stepped) within envelopes that protect avian species in the Marsh, while creating a significant southbound view corridor in Harrison Avenue towards the Marina and Sweetwater Channel. No views exist from along 32nd Street, east of the proposed intersection with Harrison Avenue, towards the Marsh; thus, the proposed higher (30 foot) building envelope shown in Figure 4.2 will block no marsh or water views. In fact, it will help screen the base of the looming utility towers between it and Paradise Marsh.
- (g) Suitable hard-edge and container landscape restoration of the **northern Sweetwater Channel levee** in Subarea D, which is naturally Revegetating in some areas with pickleweed, will occur in conjunction with construction of the combined Sweetwater River-San Diego Bayshore Bikeway segments and westerly extension of the minimum six (6) feet wide pedestrian accessway towards the Marina entrance.
- (h) **Vista points** in Subareas A and B-3 will be improved with habitat buffer compatible viewing platforms, including screening, to afford the public both prime marsh viewing and wildlife observation points, but without adversely affecting sensitive species.
- (i) The **Railcar Art Project** triangle, the two **parks** in Subarea B, and the **Marina View Plaza** at the intersection of Harrison Avenue and 32nd Street will each contribute landscaped greenspace or pavement with landscape containers to define visually important, attractive and publicly accessible locations in the Harbor District.
- (j) A **native landscape restoration project** is proposed to be performed by the CDC, in cooperation with the USFWS, California State Coastal Conservancy, and Caltrans. The State of California owns the highly visible, but aesthetically unattractive, 3,500 foot-long segment of filled land in Subarea D that lies between the southbound I-5 freeway travel lanes and the Paradise Marsh upland edge, for which a native landscape restoration project is proposed to enhance the area's aesthetics. No significant habitat values were previously reported in this area because of its substrate composition, elevation, and location relative to the freeway; however, recent field surveys have identified one of the nine listed endangered *Cordylanthus maritimus* (Salt-marsh bird's beak) sub-populations in this area. A low height environmental information sign, to inform I-5 motorists about Paradise Marsh, is



HT - Maximum Building Development  
Envelope Heights per Fig. 4.2



Figure 5.2  
Subarea "B" Marsh View Plan Section  
NATIONAL CITY HARBOR DISTRICT  
LCP - SPECIFIC AREA PLAN

recommended for location on suitable uplands.

### **5.1.2 Commercial and Recreational Areas North and West of Paradise Marsh Buffers**

The certified LCP requires commercial and recreational areas, and all development within them, to be of the highest aesthetic quality to remediate the blighted existing conditions in the Harbor District. The Plan provides that this goal be achieved through six primary components:

- (1) Intensive landscaping, to the maximum extent feasible with low-water usage native plants, of all public and private areas, consistent with habitat conservation objectives.
- (2) Designation of a public vista point each in Subareas A and B.
- (3) Designation a continuous public viewshed around and to Paradise Marsh, in which no new developments, except those specifically permitted to provide public access, habitat restoration, and environmental education shall be allowed.
- (4) Two public parks and a public plaza.
- (5) Definition and application of the Marsh View Plane standard to delimit and control building height in Subareas A and B. (No buildings are allowed in Subareas C or D.)
- (6) Mandatory application of the City's Land Use Code development, design, and maintenance standards (Chapter 18.102) throughout the Harbor District.

### **5.2. Mandatory Visual Quality Standards**

The following mandatory visual quality protection, enhancement, and maintenance standards apply to any coastal development permit or conditional use permit for any development in the Planning Area, including extension of any said permit. No exceptions or exclusions shall be granted to, or from, these standards.

#### **5.2.1 Visual Protection Areas.**

The following constitute designated public visual protection areas in which new development, unless specifically permitted, is prohibited:

- (a) Paradise Marsh habitat buffer and building setback areas areas, except as provided in Chapter 3.
- (b) All delineated wetlands adjacent to Paradise Marsh, as shown on Figure 3.1, except as provided in Chapter 3.
- (c) West 24th Street, between I-5 and Harrison Avenue.
- (d) Harrison Avenue Public Access Corridor, between W. 24th Street and 32nd Street.
- (e) 32nd Street, between Harrison Avenue and the historic Mean High Tide Line (Port District-National City jurisdictional boundary).

- (f) The vehicular accessway into Subarea A from the intersection of W. 24th Street and Cleveland Avenue, as shown in Figure 4.1.
- (g) The vista points, public parks, and plaza shown on Figure 2.1, provided that incidental public access, view platform, or deck improvements shall be permitted, consistent with Chapter 3 standards.
- (e) All public accessways, including bikeways, shown in Figure 2.1.

**5.2.2 Wetland Habitat Buffers and Refugia.** Wetland habitat buffer(s) and refugia shall be designed, implemented, and maintained to be visually attractive, consistent with the standards for habitat conservation provided in Chapter 3.

**5.2.3 Native Vegetation Required.**

- (a) Native vegetation (see Tables 3.4 and 3.5) shall be required in all buffers and shall be preferred in all upland landscaping within the Planning Area, consistent with the standards for habitat conservation provided in Chapter 3.
- (b) Harrison Avenue Public Access Corridor shall be landscaped and maintained with native vegetation, consistent with the species list contained in Table 3.5, provided that non-invasive non-native species may be utilized to achieve 80% areal coverage of the landscaped security fence within two (2) years following the opening of the roadway to public use. Non-native species shall, to the maximum extent feasible, be eliminated from the landscaping palette to encourage native plants to become established.
- (c) The edges of the San Diego Bayshore Bikeway, between Paradise Creek Park and Marina View Park, shall be landscaped with native vegetation, provided that:
  - (1) Where the Bikeway abuts the habitat buffer, or is located within its landward 15 feet, the landscaping shall be integrated with the habitat buffer.
  - (2) Where the Bikeway abuts the tourist commercial development (parking) area of Subarea B-1, an intervening minimum 10-foot wide landscaped corridor shall be designed, constructed, and maintained to screen the parking area from the Bikeway.
- (d) The Sweetwater River Bikeway, between I-5 and Sweetwater Channel Vista Point, shall be designed, constructed, and maintained to create an aesthetically attractive access corridor, consistent with habitat conservation, levee structural integrity, and human safety, including through:
  - (1) Integrating native vegetation into safety barriers along the Paradise Marsh and Sweetwater Channel sides of the Bikeway, to the maximum extent feasible.
  - (2) Encouraging the revegetation of human-made slopes on the Sweetwater Channel northern levee with native vegetation.
  - (3) Providing environmental-educational signs, boards, or other

suitable materials to inform visitors of the area's habitat values and their protected status.

#### 5.2.4 Marina Plaza.

The plaza at the foot of Harrison Avenue, where it overlooks the proposed National City Marina, shall be designed, located, and maintained consistent with the following provisions:

- (a) Location and design shall enhance, and not block, public views from Harrison Avenue, 32nd Street, and the extension of the Sweetwater River Bikeway to Pepper Park and to the National City Marina.
- (b) Vegetation with aesthetically attractive native plants, consistent with the species list in Table 3.4 to help protect nearby environmentally sensitive habitats against invasive vegetation or avian predation. Palm trees shall be prohibited.
- (c) Night lighting shall be directed and shielded to avoid illumination of environmentally sensitive areas.
- (d) The plaza shall be located completely within the jurisdiction of the City of National City.

#### 5.2.5 Parks

The Parks shown in Figure 2.1 shall be designed, located, and maintained consistent with the following standards:

- (a) Perimeter native landscape vegetation, consistent with the plants listed in Tables 3.4 and 3.5, provided that:
  - (1) Vegetation along the West 24th Street and Harrison Avenue boundaries of the Railcar Art Project shall not be of a height that will block visual continuity for motorists between the Harbor Gateway and Harrison Avenue Public Access Corridor.
  - (2) Vegetation at the boundaries of the park at the apex of Subarea B shall not exceed a maximum of six feet above existing grade to avoid visual isolation of the park and introduction of new avian perches near Paradise Marsh, adjacent wetlands, and their buffers.
  - (3) Vegetation at the park near the southeasterly corner of the Marina shall be located to afford views of the Marina and Sweetwater Channel, while screening views from the park of the SDG&E electric transmission towers to the maximum extent feasible; provided, that such vegetation shall not exceed a maximum of six feet above existing grade to avoid visual isolation of the park and introduction of new avian perches near Paradise Marsh, adjacent wetlands, and their buffers.
- (b) The parks may include turf areas, not to exceed 500 SF in each park.
- (c) Park and landscape maintenance shall utilize best management

practices, including integrated pest control, and avoid, or minimize, the utilization of chemical fertilizers, pesticides, and herbicides. Landscape management shall avoid runoff into, or sedimentation of, the National Wildlife Refuge, adjacent delineated wetlands, or wetland habitat buffers.

#### **5.2.6 Tourist-Commercial Development: Subarea A**

Tourist-commercial development(s) and use(s) in Subarea A shall be designed, located, and maintained consistent with the following standards:

- (a) All structures and landscaping shall be located below the Marsh View Plane (see Figures 5.1), provided that all permitted tourist commercial buildings shall be terraced (stepped), as shown in Figure 4.1 and that underground automobile parking shall be preferred, if feasible.
- (b) All tourist commercial structures, including restaurant, lodging, or retail facilities, shall maintain a minimum 100 foot buffer from the property line of the National Wildlife Refuge, consistent with the standards of Chapter 3 and as shown in Figure 4.1.
- (c) Landscaping within 200 feet of Paradise Marsh, Paradise Creek, or any delineated wetland shall utilize native vegetation, eradicate all presently existing non-native plant species in Subarea A, and limit the use of introduced species to those that are non-invasive of wetlands, consistent with the standards of Chapter 3.
- (d) Permitted development shall utilize building colors, materials, and textures that are compatible, and do not conflict, with the natural palette of Paradise Marsh, the Bay Point Formation, and coastal San Diego County.
- (e) Landscaped visual areas shall be utilized between W. 24th Street and tourist commercial development in Subarea A, including as shown in Figure 2.2, Sections 1 and 2.
- (f) Building setbacks from the access driveway from W. 24th Street into Subarea A shall be as shown in Figure 4.1 (if it is constructed), including to provide an expanding public view corridor to the vista point and Paradise Marsh through the building setback area. No buildings, structures, or landscaping that block(s) public views shall be permitted in the view corridor.
- (g) Coastal development permit review of any structure in Subarea A shall include analysis and written findings of consistency with all of the standards of this Chapter and with Chapter 18.102 of the City's Land Use Code.
- (h) Consistent with Coastal Commission regulations, open space easements, to run with the land during the economic life of the approved development, shall be recorded for all visual protection areas, including, but not limited to public view corridors, accessways, and habitat buffer areas, as a condition of the coastal development permit.

### 5.2.7 Tourist-Commercial Development: Subarea B

Tourist-commercial development(s) and use(s) in Subarea B shall be designed, located, and maintained consistent with the following standards:

- (a) Location of all structures and landscaping below the Marsh View Plane (as shown in Figure 5.2), provided that terraced (stepped) buildings shall be required, as shown in Figure 4.2.
- (b) All tourist commercial buildings shall be set back a minimum of 200 feet from the property line of the National Wildlife Refuge, provided that:
  - (1) A commercial facility of up to 4,000 SF, and not to exceed 18 feet in height above existing grade, that is oriented principally towards users of the Bikeways and pedestrian accessways may be located in the southeasterly part of Subarea B-1, consistent with all applicable standards of Chapter 3. Perch-proofing of the building shall be required.
  - (2) Screened automobile parking shall not be permitted within 100 feet upland of a delineated wetland or within ten feet of the landscaped westerly or easterly edge of the San Diego Bayshore Bikeway.
- (c) Landscaping within 200 feet of Paradise Marsh, Paradise Creek, or any delineated wetland shall utilize native vegetation, eradicate all presently existing non-native plant species in Subarea B, and limit the use of introduced species to those that are non-invasive of wetlands, consistent with the standards of Chapter 3.
- (d) Permitted development shall utilize building colors, materials, and textures that are compatible, and do not conflict, with the natural palette of Paradise Marsh, the Bay Point Formation, and coastal San Diego County.
- (e) Landscaped visual areas shall be utilized between Subarea B-1 and the adjacent San Diego Bayshore Bikeway, the Park at the apex of Subarea B, SDG&E electric transmission towers, and Harrison Avenue, as shown in Figure 2.5.
- (f) Buildings in Subarea B shall utilize a nautical or traditional National City design theme.
- (g) Coastal development permit review of any structure in Subarea B shall include analysis and written findings of consistency with all of the standards of this Chapter and with Chapter 18.102 of the City's Land Use Code.

### 5.2.8 32nd Street Extension

The extension of 32nd Street to Harrison Avenue, as shown in Fig. 2.8, shall be landscaped to:

- (a) Screen maritime-related cargo or marina-related industrial development or uses from public view, to the maximum extent feasible.

- (b) Utilize native vegetation, consistent with the species list in Table 3.5 and the standards of Chapter 3, provided that non-native species that are not invasive of wetlands or other environmentally sensitive habitats shall be permitted, to assist in achieving 80% areal coverage of the landscaped security fence within two (2) years. Non-native species shall be removed as native plants become established.

### 5.2.9 Marsh View Plane Analysis

To protect avian species in Paradise Marsh and adjacent wetlands from predation by raptors who perch on building ledges in the Harbor District that afford direct lines of sight into the Marsh, all development within the Planning Area shall be reviewed for consistency with the marsh view plane as shown (in typical form) in Figures 5.1 and 5.2 and depicted (typically) as to site utilization in Figures 4.1 and 4.2. Where a development is proposed in a Subarea, or for an area within Subareas A or B, that is not addressed in these figures, a supplemental marsh view plane analysis shall be performed as a part of coastal development permit application review to effectuate its purposes. The marsh view plane, as typically depicted in Figures 5.1 and 5.2, is defined from points at 100 foot intervals that runs 100 feet to marshward of, and parallel to, the delineated wetlands edge (mapped as to present location in Figure 3.1) and from such points in a straight line immediately above the five (5) foot high vegetated berm, as shown in Figures 4.1 (for Subarea A) and 4.2 (for Subarea B), to the far edge of the respective planning subarea (W. 24th Street for Subarea A and Harrison Avenue or the historic Mean High Tide Line for Subarea B). The "plane" constitutes the surface described by these points, taking into account grade elevational differences defined by the location of the vegetated berm as well as the maximum structural heights provided by Section 5.3.1.

### 5.3. Mandatory Development Standards

#### 5.3.1 Heights

Structural height limits within the Planning Area shall be as follows:

- (a) In Subarea A (CT-PD-CZ District), the maximum height of structures, as measured from existing grade as of March 24, 1996, shall be limited by the Marsh View Plane, as shown in Figure 5.1, or 40 feet, whichever is less, provided that:
  - (1) Placement of earth or other solid material without benefit of a coastal development permit shall not be counted in establishing the existing grade.
  - (2) A roof or other covering of the Railcar Art Project may be up to 30 feet in height.
- (b) In Subarea B (CT-CZ District), the maximum height of tourist commercial structures above existing grade as of March 24, 1997 shall be limited by the Marsh View Plane, as shown in Figure 5.2, or 30 feet, whichever is less, provided that:

- (5) The first 2 feet, measured horizontally, of any building fronting on W. 24th Street or on Harrison Avenue Public Access Corridor, shall be limited to two stories (not to exceed 20 feet) above existing grade as of March 24, 1996, and any otherwise allowed additional stories shall incorporate an additional 2-foot setback relative to the lower two stories. (See Fig. 4.1.)
  - (6) The first 20 feet, measured horizontally, of any building fronting on the entry driveway into Subarea A from W. 24th Street shall be limited to 20 feet in height, as shown in Figure 4.1.
  - (7) Building elements facing Paradise Marsh shall incorporate a 50-foot setback, respectively, between the first and second, and the second and third stories, consistent with the Marsh View Plane standard in Section 5.2 and as shown in Figure 4.1, provided that balcony railings and separation walls, outdoor furniture, and rooflines within the Marsh View Plane may be utilized in these setback areas.
  - (8) No building shall utilize reflective glass or surfaces, or exterior lighting that illuminates Paradise Marsh, any delineated wetland, or any wetland habitat buffer or refugia.
  - (9) No impervious surface shall drain into Paradise Marsh, any delineated wetland, or any wetland habitat buffer or refugia during a 6-hour, 100-year recurrence storm event.
  - (10) All utilities shall be undergrounded.
  - (11) Structures and landscaping shall be located, and be maintained, so as to provide minimum 20-foot paved horizontal access and 13.5-foot vertical clearance for emergency response vehicles and equipment.
- (b) Within Subarea B:
- (1) No building shall be located within twenty (20) feet of the Harrison Avenue right-of-way, provided, however, that up to 10 feet of this distance adjacent to the building may be permitted to be utilized for outdoor dining, seating, or other commercial or marina-oriented services.
  - (2) The first 20 feet, measured horizontally, of any building fronting on Harrison Avenue shall be limited to one story above existing grade as of October 1, 1997.
  - (3) Building elements facing Paradise Marsh shall incorporate a 120-foot setback between the first and second, and any otherwise feasible second and third stories, as shown in Figure 4.2, provided that balcony railings, roof lines below the Marsh View Plane, and outdoor furniture may be utilized in the setback areas.
  - (4) Notwithstanding section (b)(3), a commercial building, not to exceed 4,000 SF and 18 feet in height above existing grade, may be located in the southeastern part of Subarea B-1 adjacent to and west of the combined Bayshore Bikeway and pedestrian accessway to primarily serve these public access and recreational

- uses.
- (5) Building elements facing the National City Marina shall be limited to 20 feet above existing grade as of March 24, 1996, as shown in Figure 4.1.
  - (6) All utilities serving development within the Subarea shall be undergrounded. Relocation and removal of the SDG&E electric transmission lines is recommended at the earliest feasible opportunity.
  - (7) No impermeable surface shall drain into Paradise Marsh, any delineated wetland, or any wetland habitat buffer, including, but not limited to, during a 6-hour, 100-year recurrence storm event.
  - (8) No building shall utilize reflective glass or surfaces, or exterior lighting that illuminates Paradise Marsh, any delineated wetland, any wetland habitat buffer, or any other environmentally sensitive habitat area.
  - (9) The building height limit in Subarea B-2, as shown in Figure 4.2, shall be 30 feet above existing grade as of March 24, 1996, provided that a 20 foot setback for any development from the westerly edge of the Harrison Avenue right-of-way and a 20 foot height limit for structures fronting on Harrison Avenue or 32nd Street applies, as also shown in Figure 4.1.
  - (10) Structures and landscaping shall be located, and be maintained, so as to provide minimum 20-foot paved horizontal access and 13.5-foot vertical clearance for emergency response vehicles and equipment.

### **5.3.3 Unified Building Design**

All buildings shall adhere to, and carry out, a unified building design theme in the Harbor District, as follows:

- (a) Within Subarea A, buildings shall have exteriors that combine wood and other natural materials to formulate a texture and color scheme that is compatible with the natural colors of Paradise Marsh, the Bay Point Formation, and coastal San Diego County.
- (b) Within Subarea B, building exteriors shall be compatible with a nautical or traditional National City design theme.

### **5.3.4 Signs**

Signs in the Planning Area shall be regulated as follows:

- (a) Public access and directional signs shall, at a minimum, be located at or near all street intersections, where public accessways cross each other or with streets, at and near the 24th Street Trolley Station, and along I-5 north and south of the 24th street offramps. Signs shall be consistent with the format and appearance of the Joint Coastal

- Commission-State Coastal Conservancy Public Access Guidelines.
- (b) Building-mounted signs shall be allowed in Subareas A and B, provided that they:
    - (1) Serve on-premise commercial or marina-related industrial uses only;
    - (2) Do not exceed fifty (50) square feet in size;
    - (3) Do not illuminate any part of Paradise Marsh, adjacent delineated wetlands, habitat buffers, or environmentally sensitive areas;
    - (4) Are located at least one (1) foot below the Marsh View Plane.
  - (c) Free standing on- or off-premise commercial signs, and roof-mounted signs, are prohibited throughout the Planning Area.
  - (d) Off-site commercial advertising signs are prohibited throughout the Planning Area.
  - (e) No provision of this Section shall be deemed to supersede applicable and more stringent provisions of the National City Land Use Code regarding signs.
  - (f) Environmental, cultural, and historical interpretive signs may be placed in parks, plazas, along public accessways and bicycleways, and along the landward side of habitat buffers in consultation with, and pursuant to agreement of, the USFWS, provided they are compatible with the Marsh View Plane and all applicable provisions of Chapter 3. Environmental interpretive signs should identify and explain the native plants and animals within the National Wildlife Refuge, adjacent delineated wetlands, wetland habitat buffers, Paradise Creek, and other nearby environmentally sensitive areas.

#### 5.3.5 Antennae

Location of any antenna is prohibited in the Specific Plan Area if it is visible from Paradise Marsh, I-5, West 24th Street/Harbor Gateway, Harrison Avenue Public Access Corridor, any public vista point, plaza, or park, or if it extends within one (1) foot of the Marsh View Plane, as shown in Figures 4.1, 4.2, 5.1, and 5.2. Additional Marsh View Plane analysis shall be required if an antenna is proposed outside the areas covered by said Figures. This Section does not govern any location of antennae within the legal geographical jurisdiction, as amended, of the Port District pursuant to the California Coastal Act.

#### 5.3.6 SDG&E Electric Transmission Towers and Lines

The four SDG&E electric transmission towers and lines in and through the Planning Area shall constitute a legal non-conforming use in Subareas B-3 and D until the date of the expiration of the license for, the decommissioning of, or the existence of a feasible alternative to, the South Bay Electric Power Generating Station, with which they are connected, at which point they shall be removed as blight at the earliest feasible time, but in any case no later than 180 days following the date of any of the above conditions.

#### 5.4 Harbor District Advisory Committee

The Plan recommends that the Mayor and City Council appoint a Harbor District Advisory Committee, to consist of representatives of the community, schools, property owners, interested regional, state, and federal agencies, and other interested persons with special knowledge, ability, or expertise to fulfill the following functions in support of the continuing implementation of the Plan:

- (a) Preparation of an annual monitoring report about the implementation of the Plan and presentation of it, including any recommendations, as appropriate, for its improvement, to the Mayor, Council, Planning Commission, Coastal Commission, USFWS, and Port District.
- (b) Leadership in an on-going Paradise Marsh, Paradise Creek, habitat buffer, park and other landscaped area clean-up and maintenance program, in cooperation with community groups, businesses, schools, and public agencies.
- (c) Organization of an annual "Harbor District Festival" to celebrate the economic and environmental revitalization of the National City Bayfront.

## CHAPTER 6. MARINE-RELATED INDUSTRY

### 6.1 Historical Background

Since the 1870's, the National City Bayfront has been host to major regional San Diego Bay industrial, transportation, and naval facilities. At one time it served as the main southwestern U.S. rail yard for the Atchison Topeka and Santa Fe Railroad, and it is now largely occupied by a United States Naval Station, the 24th Street Marine Terminal in the Port District, and numerous marine-related and general industrial uses.

During the past 57 years, the Bayfront land area has been dramatically expanded by filling. In 1941, approximately 170 acres were filled out to the U.S. Bulkhead Line (immediately west of Terminal Way), between 26th Street on the south and the foot of 8th Street near Harbor Drive on the north, for naval vessel berthing.

By 1946, in connection with dredging of 10.1 million cubic yards along the eastern part of Central San Diego Bay to increase its navigational depth from -20 feet to -30 feet MLLW, an additional 230 acres were filled to "provide excellent sites for commercial airports" in the areas south of 26th Street and in the salt marsh and mudflats at the historical mouth of Paradise Creek. Concurrently, historic Paradise Creek was channelized from within Paradise Marsh, northeast of the SD&AE Railroad trestle, through the fill to San Diego Bay, in the "24th Street Channel".

In 1968, the 253-acre 24th Street Marine Terminal was created through further fill in the area west of Terminal Way, between the present Sweetwater Channel Wharf on the south and the foot of 24th Street on the north. In conjunction with this project, the man-made "24th Street Channel" was also filled and the linear Paradise Creek Channel, southwest of "Bannister Marsh", was relocated to the center of the man-made "connector marsh" in the area of the delta of the historic Sweetwater River.

Since the late 1960's, the westerly part of Planning Subarea B ("Subarea B-2", located to the west of the proposed alignment of Harrison Avenue Public Access Corridor, south of the BNSF spur track curve and adjacent to the Port Planning Subarea 55, "Lumber Yards") has been utilized for storage of maritime lumber, building, and more recently automobile cargo in conjunction with evolving market utilization of the National City Marine Terminal on Port lands. These historical cargo storage uses are conditionally permitted by this Plan to continue in the area west of Harrison Avenue Public Access Corridor within Subarea B-2 for the duration of the Memorandum of Understanding between the San Diego Unified Port District and the City Regarding this area (to the year 2002).

The SD&AE Railroad (formerly, "Coronado Belt Line") was constructed in its current alignment on earthen fill in, and on the Paradise Creek trestle over, Paradise Marsh, and through the Bay Point Formation at the southwesterly corner of Subarea A in the 1870's. In the mid-1920's, this rail line ran along the east side of Harrison Avenue north to 13th Street, where it turned east and north. At present (1998), this rail line, now owned by Metropolitan Transit Development Board, is generally inactive. Other

diagonal spur tracks cross Subarea A to continue north in Cleveland Avenue and in the alley between it and Harrison Avenue.

Substantial fill of the Paradise Creek channel and adjacent Paradise Marsh, between the present I-5 freeway on the east and the SD&AE Railroad right-of-way of the west, has also occurred. In 1928, the road from 24th Street south to the area of the present Sweetwater Channel was located on  $\pm 1.5$  acres of fill of the historic Paradise Marsh, but the I-5 fill in that same segment now covers  $\pm 20$  acres. An additional  $\pm 2$  acres constitute part of the "Davy's" burn dump landfill, west of I-5 and apparently on both sides of the present (1998) Paradise Creek channel. Between 1928 and 1997, other land fill for industrial uses, including with contaminated materials, in Subarea A encroached into the Marsh and Creek, for a distance of up to  $\pm 310$  feet. (Ninyo & Moore, 1998.)

In 1959-1960, SDG&E constructed a 10-inch pressurized heavy fuel oil pipeline to the west of the San Diego & Arizona Eastern (SD&AE) Railroad track and near the edge of Paradise Marsh. This 4.5-mile long transfer pipeline, which holds 1,600-1,800 barrels and has a throughput capacity of 50,000 barrels (12 hours) to 230,000 barrels (36 hours), connects the utility's South Bay electricity generating station in Chula Vista with the oil tanker terminal at the National City Marine Terminal. Along some 1,550 feet of the westerly edge of the National Wildlife Refuge in Paradise Marsh, the pipeline is located within  $\pm 25$ -40 feet of the delineated wetlands. For some 210 feet in the area of the railroad trestle over the historic outflow of Paradise Creek and the salt pan that extends south of it, the pipeline crosses or is located beneath delineated wetlands within Subarea B and C. (Rick Engineering Company, 1998.) The pipeline also crosses over the Sweetwater Channel.

According to the pipeline oil spill contingency plan, the average number of fuel oil transfers is 2.33 per year, with an average through put of 84,000 barrels. However, the contingency plan posits a "worst case" oil spill, involving No. 6 oil, of 47,000 barrels. The Contingency Plan's "response strategy" to such an event is to:

- (1) "quickly boom both sides of Paradise Creek and the Sweetwater Channel" (to contain the oil in Paradise Marsh),
- (2) "attempt to slow the spread of oil into San Diego Bay by utilizing a series of booms to deflects the oil toward shoreside collection points", and,
- (3) "cleanup will be largely collecting oil from boom and bermed areas, collecting absorbents, and using skimmers."

In a companion "Risk and Hazard Analysis and Offsite Consequence Analysis for the 24th Street [National City] Marine Terminal and Pipeline", the potential for recovery of oil in a spill involving the facility is identified as "about half of the spill", or some 23,000 barrels (987,000 gallons). An equal amount would remain in Paradise Marsh and adjacent wetlands, although lighter fractions of petroleum would evaporate and likely contribute to locally significant air quality reduction. The Contingency Plan finds the "The response to a worst case oil spill will probably be inadequate." Based on this information as a whole, and the fact that the liquids transported through the pipeline

are considered by the California Coastal Management Program as among the most damaging to wetland resources, this Plan recommends a program to abandon the pipeline in place (after appropriate cleaning and sealing) and to replace it, as may be necessary, by an alternative upland route through or around the Harbor District.

## 6.2 LCP Standards, Objectives, and Requirements

In 1998, the National City Marine Terminal is one of two San Diego Bay maritime commercial terminal within the Port District. The certified National City LCP Land Use Plan (1988) identifies it as "the only one [port terminal] capable of expansion" on San Diego Bay. After years of relative underutilization, the Terminal has experienced a significant (412%) increase in cargo tonnage throughput during 1996-97, largely due to phenomenal growth in maritime automobile import-export. Further increase in cargo volumes are anticipated during 1998.

Coastal Act §30255, which is referenced in the certified LCP Land Use Plan, establishes locational criteria for coastal-dependent (and coastal-related) industrial development, as follows:

"Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in the division [i.e., the Coastal Act], coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal -related uses they support."

At the Marine Terminal, the primary coastal-related use consists of handling and storage of maritime cargoes, including imported-exported automobile and light trucks, lumber, other building materials, containers, and bulk cargo. Maritime cargo storage occurs both within the Marine Terminal, west of Terminal Street, as well as within Port Master Plan Subareas 55 (involving lumber and automobiles), 57 (automobiles), 58 (automobiles), 59 (automobiles), and on ±4.4 acres within Specific Area Plan Subarea B, which has been generally used to store lumber, automobiles, and similar cargoes. The certified LCP also provides that if different industrial land uses compete for available industrial land, priority shall be given to marine related industrial uses. In recent years, the Port District has stored dredged materials on the property it acquired in Subarea B to allow the to dry, before hauling the off-site and outside the coastal zone for disposal. Such temporary use is permitted only in conjunction with excavation of fill material to create National City Marina boat basin.

Other LCP standards, objectives and requirements that apply to marine-related industrial development and use in the Planning Area include:

- (a) New marine-related industry shall be prohibited in Subareas B-1 and B-3, generally east of Harrison Avenue, and in Subarea C, Harrison Avenue Public Access Corridor.
- (b) All new development shall incorporate adequate on-site parking to accommodate generated demand.

- (c) Marine-related truck traffic shall be prohibited in Harrison Avenue Public Access Corridor, between W. 24th Street and the historic mean high tide line at 32nd Street.
- (d) Development shall provide landscaping and other design elements to create and maintain appropriate visual separation between industrial uses to the west of Harrison Avenue Public Access Corridor and the public access corridor and Paradise Marsh to the east.
- (e) The intensity of permitted development shall be reviewed for impacts on traffic circulation.
- (f) Paradise Marsh, and adjacent delineated wetlands in the Specific Area Plan, and their valuable and sensitive biological resources, shall be preserved, including through avoidance of adverse effects from new development and implementation of appropriate buffers.
- (g) The dumping of rubbish or commercial waste into the marsh area, adjacent wetlands, and storm drains shall be prohibited.
- (h) Drainage shall be directed to existing street drains from new development or remodeling of existing development. Potential increase in storm water runoff from new development, or in pollutant loadings, shall be appropriately controlled and maintained to avoid adverse erosion, sedimentation or other impacts on wetlands, or on water quality.
- (i) Landscaping utilizing native species shall be preferred; plant species that are invasive of wetlands shall be prohibited.
- (j) Development in Subarea B shall assure and maintain the highest aesthetic quality through appropriate height limits, landscape elements, signage, and public view protection.
- (k) Harrison Avenue Public Access Corridor shall be designed, constructed, and maintained as a landscaped gateway to Subarea B, the National City Marina, Pepper Park, and the Boat Launching Ramp.

### 6.3 Coordinated Planning with the Port District

The certified National City LCP provides for coordination between the Specific Area Plan and the Port District Master Plan planning and implementation program to address and encourage concurrent high quality and feasible development of tourist, commercial and recreational areas west of Paradise Marsh.

Similarly, the certified Port Master Plan provides that "(t)he Port District will remain sensitive to the needs (of), and cooperate with(,) adjacent communities and other appropriate governmental agencies in Bay and tideland development", including that it "will at all times attempt to relate tidelands to the uplands". The certified Port Master Plan further provides that "(t)he Port District will integrate the tidelands into a functional regional transportation network", including through "(p)roviding pedestrian linkages" and "encouraging development of non-automobile linkage systems to bridge the gap between pedestrian and major mass (transit) systems.

That cooperative relationship between the Port District and National City has been evidenced in:

- The certified Port Master Plan Amendment ("PMPA") No. 19, which in 1994 authorized the National City Marina project to be excavated from previously placed fill between 32nd Street and the Sweetwater Channel;
- The Memorandum of Understanding ("MOU") between the National City Community Development Commission and SDUPD in 1997, which forms the functional basis for the City's implementation of the Specific Area Plan mandate contained in the LCP;
- Pursuant to the MOU and parallel to the Specific Area Plan process during 1998, the Port District's preparation of an amendment to its legal geographical jurisdictional boundary to fully include that area of PMPA 19 within the certified Port Master Plan and convey coastal development permit jurisdiction therefor to SDUPD, and thereby establish new jurisdictional boundaries between the Port and City, which are reflected in this Plan, as well as in the companion clean-up LCP Land Use Plan Amendment.

#### **6.4 COASTAL-RELATED DEVELOPMENT: MANDATORY STANDARDS**

##### **(a) Marina-Related Uses**

##### **(1) Permitted Uses**

In addition to the tourist-commercial uses permitted in Subarea B pursuant to Chapter 4, marina-related industry may be permitted in Subarea B, consistent with all other applicable provisions of the Plan, and subject to approval of a conditional use permit and coastal development permit, including for:

- (A) A boatyard for small craft boat building and repair;
- (B) A boat chandlery;
- (C) Marine hardware and electronic sales and repairs;
- (D) Sail making and repairs, including of boat covers and similar materials;
- (E) Marine engine repairs;
- (F) Boat sales, displays, and rentals;
- (G) Boat dry storage;
- (H) Upland support uses, including, but not limited to, office or other commercial space for harbor master; water taxi; boatyard; boat sales, services, and storage; and related professional services; and
- (I) Temporary events, lasting fewer than ninety (90) days, associated with transient boat races, including regattas; provided that they do not impede public use of accessway, as shown on Figure 2.1.

**(2) Mandatory Requirements and Conditions**

Marina-related permitted development and use shall conform to the following requirements and conditions, in addition to all applicable provisions of the Plan and the certified LCP:

- (A) The listing of permissible uses in Part 6.4.a.(1).
- (B) The Plan conservation and development standards, as provided in Chapter 3.
- (C) Coordination, prior to the filing of a coastal development permit application, among the development applicant, the Community Development Commission of National City, and the Port District to harmonize proposed marina-related development uses in Subarea B with development and uses in Port Planning Subareas 55, 55, and 59.
- (D) Coordination with the USFWS, Coastal Commission, and CDFG during the project design phase to identify, avoid, and/or fully mitigate unavoidable impacts on coastal resources, including listed threatened or endangered species, and on public access to and along the shoreline.
- (E) Public hearing before the Planning Commission and City Council which may be conducted in joint session.

**(3) Prohibited Uses:**

- (A) All development and uses enumerated in Part 6.4.a.(1) are prohibited in the rights-of-way of Harrison Avenue Public Access Corridor and of 32nd Street, within the Planning Area.
- (B) Spray-painting of boats or boat components outside enclosed and ventilated areas.
- (C) Discharge of any toxic material or liquid onto the ground, into Paradise Marsh or an adjacent wetland, directly or indirectly into the storm water drainage system, or into the air.
- (D) Exterior boatyard-related uses that would adversely affect the National Wildlife Refuge, any adjacent wetlands, any habitat buffer, or any public accessway, provided that boats may be transported across the public accessway along the southerly boundary of Subarea B-1, as shown in Figure 2.1, to the Marina.
- (E) Any uses which would generate noise levels that would exceed 65 dbA within Paradise Marsh, any other delineated wetland, any wetland habitat buffer area, or any part of the National Wildlife Refuge.
- (F) Utilization of any light fixtures that would illuminate Paradise Marsh, any other delineated wetland, any wetland

habitat buffer, or any environmentally sensitive habitat area.

**(b) Maritime Cargo Storage**

**(1) Permitted Uses.**

Maritime cargo, limited to automobiles, trucks, and containers, shall be a conditionally permitted use Subarea B-2, west of Harrison Avenue, subject to the following conditions:

- (A) Cargo shall only be stored to the west of the Harrison Avenue Public Access Corridor landscaped security fence and setback area, as provided in Section 4.2.
- (B) The plan conservation and development standards, as contained in Chapters 3 apply.
- (C) The maximum height of stored cargo in Subarea b-2 shall, to the maximum extent feasible, not exceed the height of the landscaped security fence and adjacent landscaping, as depicted in (typical) Section 7 of Figure 2.5.
- (D) Ingress and egress for truck traffic that serves maritime cargo storage in Subarea B-2 shall be prohibited on Harrison Avenue Public Access Corridor and on 32nd Street, east of the historic mean high tide line.
- (E) Coordination, prior to coastal development permit application, among the development applicant, the Community Development Commission of National City, and the Port District is strongly recommended to harmonize proposed marine-related development and uses in Port Planning Subareas 55, 58, and 59 with this Plan.
- (F) Coordination is strongly recommended with the USFWS, Coastal Commission, and CDFG during the project design phase to identify, avoid, and/or fully mitigate unavoidable impacts on coastal resources, including listed threatened or endangered species, and on public access to and along the shoreline, including recreational resources.
- (G) Public hearing before the Planning Commission and City Council, which may be conducted in joint session, shall be required.

**(2) Interim Permitted Uses**

The temporary storage by the Port District of fill from the excavation of the National City Marina boat basin shall be permitted in Subarea B-2, consistent with the US Army Corps of Engineers Section 404 permit, for up to 180 days following the date on which a coastal development permit is issued for the Marina boat basin, prior to the end of which period the material shall be removed removal of the material to a location outside

the National City coastal zone.

**(3) Prohibited Uses**

The following uses are prohibited in connection with, or separate from, maritime cargo storage in Subarea B-2:

- (A) Temporary or permanent storage of dredged materials from outside Port Planning Subarea 59.
- (B) Storage of hazardous materials, except in incidental minor quantities that are ancillary to otherwise permitted uses (including, but not limited to, fuel in vehicles).
- (C) Drainage of storm water runoff into Paradise Marsh or any other delineated wetland within the Planning Area, as depicted in Figure 3-1.
- (D) Utilization of Harrison Avenue Public Access Corridor and of 32nd Street, east of the historic Mean High Tide Line, for truck traffic, truck or trailer parking, and loading or unloading equipment associated with maritime cargo storage or handling in Subarea B-2.
- (E) Employee parking associated with maritime cargo storage or handling, or with commercial recreational uses, at any time along Harrison Avenue Public Access Corridor or along 32nd Street, between Harrison Avenue Public Access Corridor and the historic Mean High Tide Line.
- (F) Any uses which would generate noise levels that would exceed 65 dBA within Paradise Marsh or adjacent delineated wetlands.
- (G) Maritime cargo storage is prohibited in the Harbor District Specific Plan Area outside of Subarea B-2, as defined in Part 6.4.b.(1) and shown in Figure 1.3.

**(4) Conditional Use Permit Procedures**

- (A) A conditional use permit pursuant to Section 6.4(a) shall be considered in conjunction with a coastal development permit application for development in Subarea B-2. The procedures for obtaining a Conditional Use Permit for marina related development and uses, or for maritime cargo storage, in Subarea B-2 shall be those contained in Chapter 18.116 of the City Land Use Code; provided, that where differences occur between Chapter 18.116 and the provisions of the Plan, the latter shall govern.
- (B) A conditional use permit for otherwise permitted maritime cargo storage in Subarea B-2 shall be issued for the period of the Memorandum of Understanding (MOU) between the CDC and the Port District, dated June 26,

1997, provided that:

- (i) A submittal of a purchase offer to the Port District for the  $\pm 7.2$  acres of land referenced in, and pursuant to the provisions of, part 11 of the MOU shall toll a 180-day period, commencing on the date of said submittal, by the of which the condition use permit for maritime cargo shall cease, and any stored cargo shall be removed by the person entitled to store such cargo.
- (ii) In the event that monitoring of the cargo storage area and landscaped security fencing identifies potentially significant adverse effects from these facilities on coastal resources, including, but not limited to listed threatened and endangered species, the provisions of Chapter 3 shall apply.
- (iii) If the purchase offer referenced in Section (3)(B)(i), above, does not occur before July 1, 2002, then the Port District may apply for, and the City shall approve, an amendment to an approved conditional use permit and coastal development permit for marine-related cargo storage to extend their terms, respectively, by five (5) years, subject to a finding of continued consistency with the policies of Chapter 3 and the continuance of all previous conditions of approval. said permits may be renewed for subsequent five year terms, provided that the City makes a finding, after consultation with USFWS, CDFG, and the Coastal Commission that there are no materially changed circumstances either in the development or use, or in the natural and restored resources of Paradise Marsh, adjacent delineated wetlands, or public access to and along the shoreline, and to recreational areas.

**(c) Oil Pipeline**

**(1) Existing Facility**

- (A) The National City Transfer Station-South Bay Power Plant oil pipeline that is located in Planning Subareas A (24th Street right-of-way), B, C, and D constitutes a pre-existing use and as such shall be allowed to operate, consistent with all applicable laws, and be maintained and repaired, consistent with its Certificate of Convenience and Necessity from the California Public Utilities Commission, the California Oil Spill Prevention and Response Act of 1990, and the maintenance and repair provisions of §30610(d).

- (B) Any substantial change in the location, use, intensity of use, or level of protection against the spillage of petroleum products or other hazardous substances by the pipeline shall trigger mandatory coastal development permit review of such development, including consideration of whether there is a continued need for the pipeline.

**(2) Relocation and Abandonment in Place**

- (A) If a continued need for the pipeline is demonstrated, and the provisions of Section (c)(2)(B) apply, consideration shall be given to the following program, which shall constitute a permitted implementation action undertaken to protect the public health and safety:
  - (i) Preference shall be given to incorporating a comparably sized new oil pipeline, with effective monitoring and control equipment, in an engineered conduit on uplands within either the Harrison Avenue Public Access Corridor (Subarea C) and public access corridors in Subareas B and D, between W. 24th Street and the SDG&E utility bridge over Sweetwater Channel, or location of the new pipeline in Tidelands Avenue, 32nd Street, and to connect with the public access corridors in Subareas B and D, between W. 24th Street and the SDG&E utility bridge over Sweetwater Channel;
  - (ii) Instituting a maximally effective oil pipeline monitoring, oil spill containment, and clean-up program, including through avoidance by design of utilizing Paradise Marsh, adjoining delineated wetlands, the Sweetwater Channel, and the National Wildlife Refuge as oil spill containment or recovery areas; and,
  - (iii) Abandoning the existing pipeline in-place after purging, cleaning, inerting, sealing, and otherwise containing it, consistent with applicable laws, and with appropriate monitoring and remediation, as necessary to comply with all the standards of Chapter 3.
- (B) The Plan recommends that the Mayor and City Council petition the Governor and State Legislature to fund, in conjunction with SDG&E, a program to implement Section (c)(2)(A).

RESOLUTION NO. 98 - 94

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

Resolution No. 98 - 94  
July 28, 1998  
Page 2 of 3

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

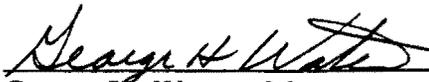
WHEREAS, the Local Coastal Program Amendment has been prepared and reviewed pursuant to the California Coastal Commission's Local Coastal Program regulations which have been deemed by the California Secretary for Resources to be the functional equivalent of the California Environmental Quality Act.

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

Resolution No. 98 - 94  
July 28, 1998  
Page 3 of 3

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 28<sup>th</sup> day of July, 1998.

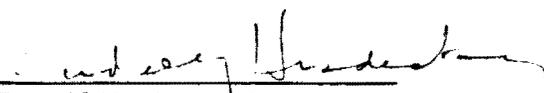
  
George H. Waters, Mayor

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

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

**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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PUBLIC REVIEW DRAFT  
APPROVED BY PLANNING COMMISSION  
ADOPTED BY CITY COUNCIL

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

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**  
**(COMPANION DOCUMENT TO THE HARBOR DISTRICT SPECIFIC AREA PLAN)**

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APPROVED BY PLANNING COMMISSION  
ADOPTED BY CITY COUNCIL**

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

**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

**AMENDMENT TO THE CERTIFIED NATIONAL CITY LCP LAND USE PLAN**  
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**JUNE 16, 1998  
JULY 20, 1998  
JULY 28, 1998**

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)**

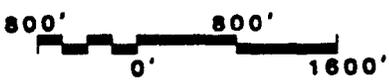
2.2.1 The Political Jurisdictions map presently designates the area of Paradise Marsh owned by the United States as being within the political jurisdiction of the City of national City. The map should be amended to state, consistent with the US Attorney General opinion referenced above, that lands owned 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.

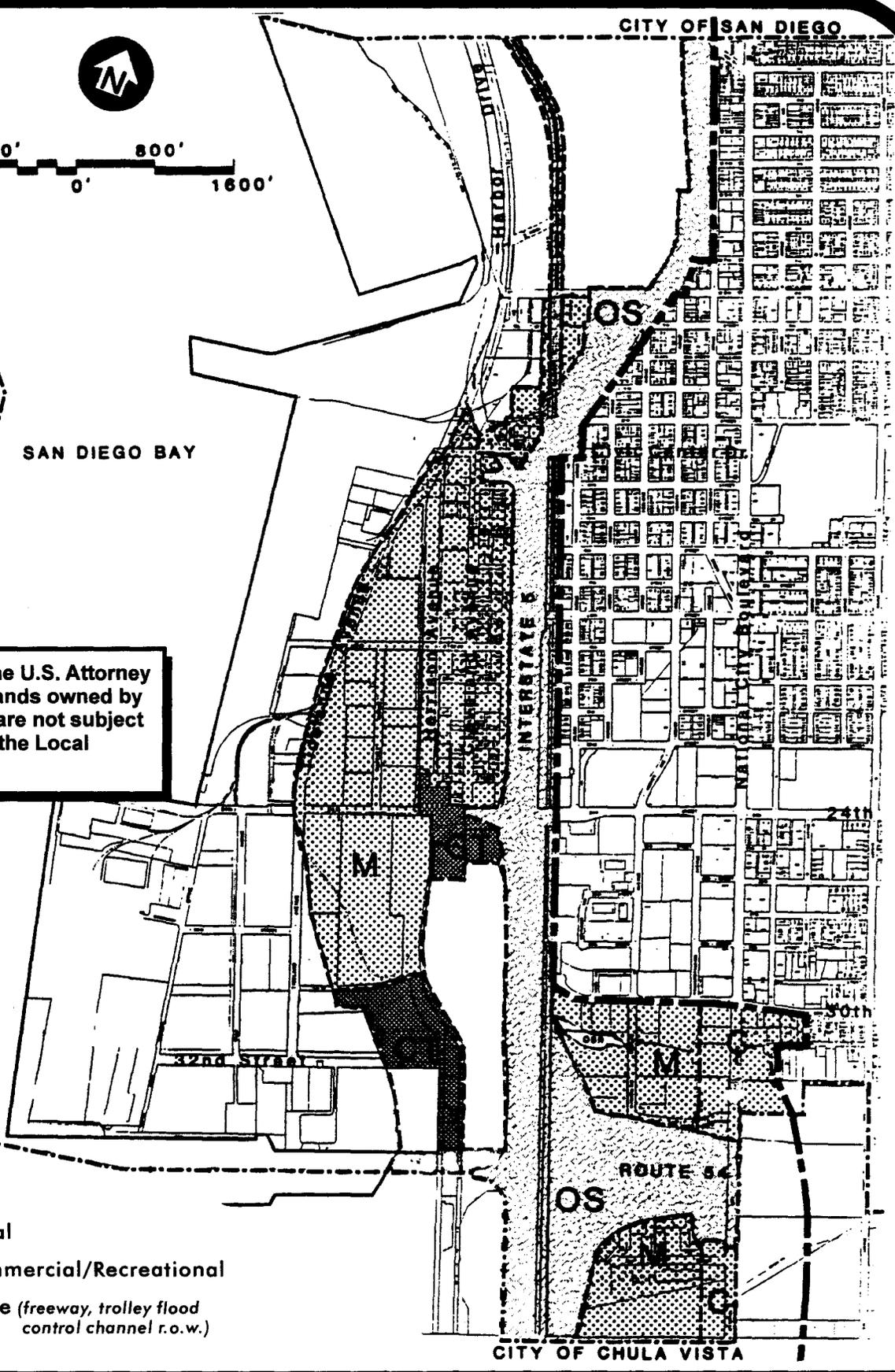


SAN DIEGO BAY

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.

**LEGEND**

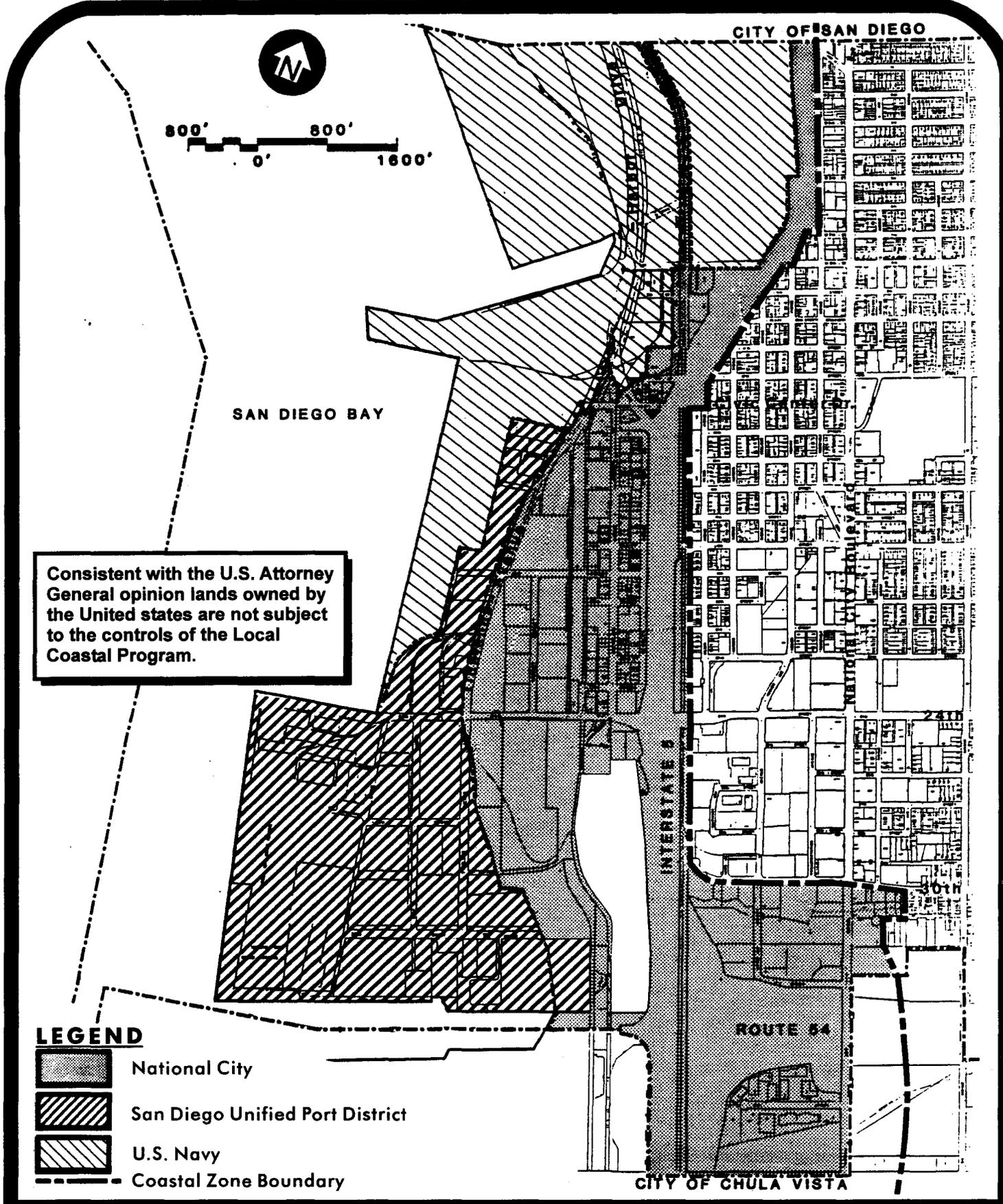
-  Industrial
-  Commercial
-  Tourist commercial/Recreational
-  Open Space (freeway, trolley flood control channel r.o.w.)



CITY OF CHULA VISTA

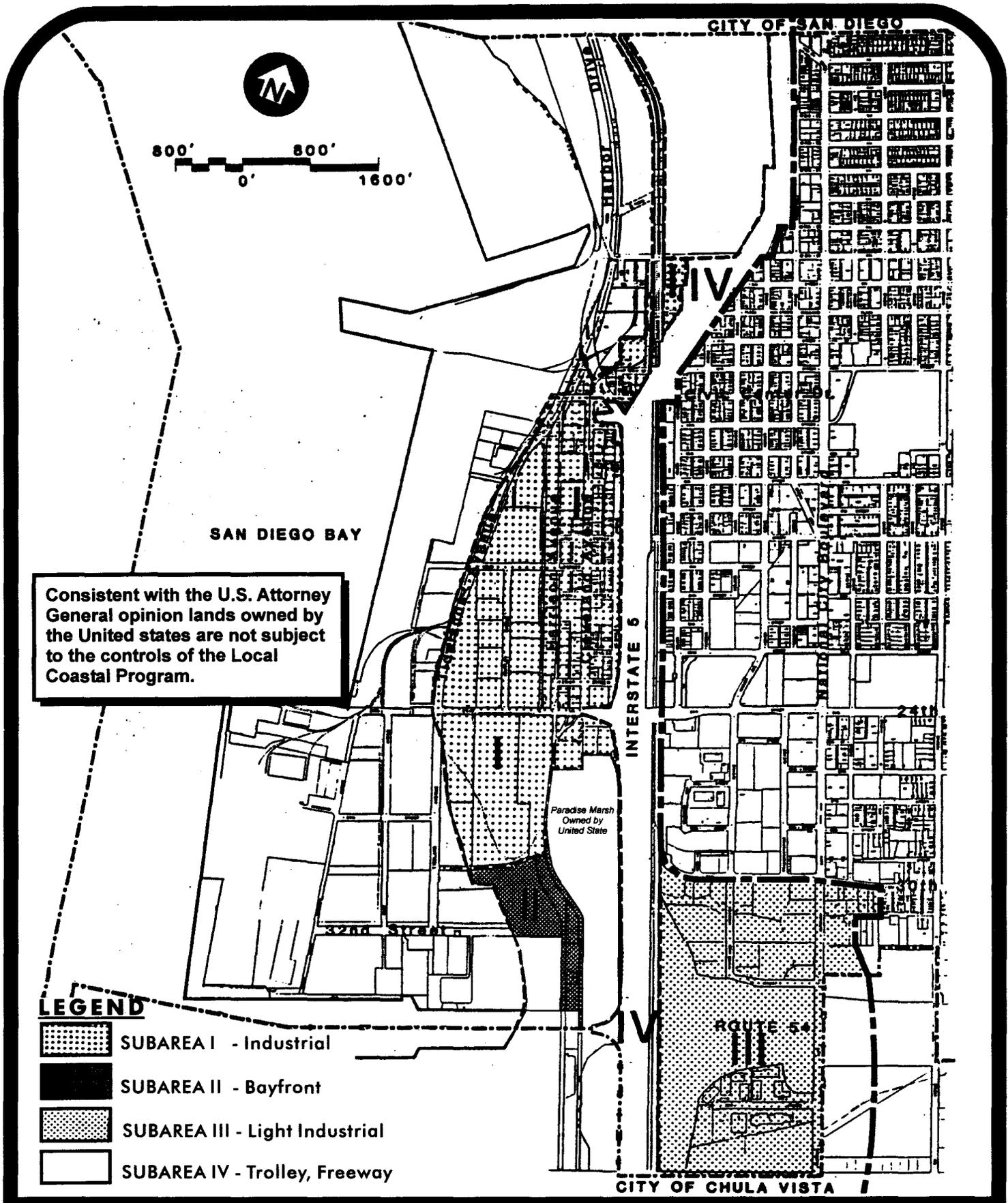
**NATIONAL CITY PLANNING**

FIGURE 1  
**LAND USE PLAN**



# NATIONAL CITY PLANNING

FIGURE 2  
POLITICAL JURISDICTIONS



## NATIONAL CITY PLANNING

FIGURE 3  
SUBAREA MAP - NATIONAL CITY  
COASTAL ZONE

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

ADOPTED BY CITY COUNCIL

JULY 28, 1998

**COASTAL ACT CONSISTENCY ANALYSIS**

**1. Contents and Analysis**

This amendment to the certified National City Local Coastal Program ("LCP") Land Use Plan ("LUP") updates it with regard to:

- 1.1. The ownership status of Paradise Marsh, which was transferred from a private property owner (Santa Fe Land Company) to the United States of America as part of the settlement of litigation and is now administered by the US Fish and Wildlife Service as part of the Sweetwater Marsh National Wildlife Refuge.

On the advice of the United States Attorney General (August, 1976), areas within the ownership of the United States of America are considered to be outside the delineated California coastal zone, as defined at Cal. Public Resources Code §30103. (See, U.S. Department of Commerce, Office of Coastal Zone Management, "State of California Coastal Management Program and Final Environmental Impact Statement", August, 1977, page 87: "... all lands owned by the United States are excluded from the coastal zone.")

The following provisions of the LUP are amended to bring it into conformity with that changed ownership status and jurisdiction:

- a. Recreation Policy 1, deletion of (1) geographic reference to Paradise Marsh, and (2) of the LUP land use designation for Paradise Marsh.

The LUP update is consistent with the jurisdictional framework established by Cal. Pub. Res. Code §30008 and the aforementioned Attorney General's opinion and federally approved California Coastal Management Program.

- b. Recreation Policy 5, (1) recognition of federal ownership and management of Paradise Marsh and (2) recommendations for federal-local-state cooperation and coordination to restore high quality wetland and endangered species habitat at Paradise Marsh. Deletion of references to state and local agency restoration of Paradise Marsh.

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The LUP update is consistent with (1) the jurisdictional framework established by Cal. Pub. Res. Code §30008, (2) the aforementioned Attorney General's opinion, (3) the federally approved California Coastal Management Program, and (4) the interagency cooperation provisions of Cal. Pub. Res. Code §30001.5(e) and §30004(b).

- c. Marsh Preservation Policy 1, (1) recognition of federal ownership and management of Paradise Marsh, (2) recommendations for federal-local agency coordination in wetland preservation, and (3) continued recognition of the high biological values and sensitivity of wetlands that are outside the National Wildlife Refuge and within the jurisdiction of National City.

The LUP update is consistent with (1) the jurisdictional framework established by Cal. Pub. Res. Code §30008, (2) the aforementioned Attorney General's opinion, (3) the federally approved California Coastal Management Program, (4) the interagency cooperation provisions of Cal. Pub. Res. Code §30001.5(e) and §30004(b), and (5) the substantive wetland protection policies of Cal. Pub. Res. Code §30231 and 30233 in that it provides for the protection and restoration of the quality and productivity of the wetlands, while precluding inconsistent uses and development within or adjacent to them. As provided in the certified LUP, the companion Harbor District Specific Area Plan contains the detailed provisions to specifically implement the policies of the LUP.

- d. Marsh Preservation Policy 3, (1) deletion of the reference to dredging of Paradise Marsh as part of a local-state restoration program and (2) clarification of the marsh refugia (buffer) areas within the City's jurisdiction.

The LUP update is consistent with (1) the jurisdictional framework established by Cal. Pub. Res. Code §30008, (2) the aforementioned Attorney General's opinion, (3) the federally approved California Coastal Management Program, (4) the interagency cooperation provisions of Cal. Pub. Res. Code §30001.5(e) and §30004(b), and (5) the substantive wetland protection policies of Cal. Pub. Res. Code §30231 in that it specifies the protection and restoration of wetland habitat buffers (refugia) within the City's jurisdiction. Consistent with Cal. Pub.

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**COASTAL ACT CONSISTENCY ANALYSIS**

Res. Code §30230, the Policy is also clarified to encourage both scientific and environmental educational programs in association with the wetland buffer restoration program. The Harbor District Specific Area Plan provides implementation measures that have been planned in consultation with the US Fish and Wildlife Service and the California Department of Fish and Game.

- e. LUP Land Use Plan map (Figure 1), deletion of the "OSR" Open Space Wetlands Preserve land use designation over the area in Paradise Marsh that is owned by the United States of America.

The LUP update is consistent with (1) the jurisdictional framework established by Cal. Pub. Res. Code §30008, (2) the aforementioned Attorney General's opinion, and (3) the federally approved California Coastal Management Program.

- f. LUP Political Jurisdiction map (Figure 2), deletion of the area in Paradise Marsh that is owned by the United States of America.

The LUP update is consistent with (1) the jurisdictional framework established by Cal. Pub. Res. Code §30008, (2) the aforementioned Attorney General's opinion, and (3) the federally approved California Coastal Management Program.

- g. LUP Subareas map (Figure 3), deletion of the area in Paradise Marsh that is owned by the United States of America.

The LUP update is consistent with (1) the jurisdictional framework established by Cal. Pub. Res. Code §30008, (2) the aforementioned Attorney General's opinion, and (3) the federally approved California Coastal Management Program.

- 1.2. The previous deletion by the Coastal Commission in certifying the City of Chula Vista Bayfront LCP of the Tidelands Avenue extension across Sweetwater Channel and the harmonization of the parallel provision in the National City LUP through deletion of references thereto in Recreation Policy 3.

The LUP update is consistent with the Commission's previous Chula Vista LCP action, which was taken in furtherance of meeting the resource protection objectives of Cal. Pub. Res. Code §30240 and

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**COASTAL ACT CONSISTENCY ANALYSIS**

the infrastructure provision of §30254.

- 1.3. Impending changes in land use planning and permitting authority over a portion of the National City Marina project site east of the historic Mean High Tide Line and south of the projection of 32nd Street, for which the San Diego Unified Port District has processed Port Master Plan Amendment No. 19 (certified in 1994) and is currently processing a legal geographical boundary amendment that will give it coastal development permit review responsibility in this area. The amended LUP maps reflect this planning and regulatory jurisdictional change vis-a-vis the Port District in:

- a. Land Use Plan map (Figure 1), by deletion of that part of the CT (Tourist Commercial) land use designation that previously applied to the area now governed by PMPA 19, east of the historic Mean High Tide Line and south of the projection of 32nd Street.

The LUP update is consistent with (1) the Commission's decision to certify Port District PMPA 19, (2) the ability of the Port District to amend at its discretion, pursuant to the Port District enabling statute, as amended in 1996, its legal geographical boundary pursuant to Cal. Pub. Res. Code §30710 and the Commission's regulations at Title 14, Cal. Code of Regs., §13601(a)(3), and (3) the LCP jurisdictional definition in Cal. Pub. Res. Code §30500(a) ["Each local government ... shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction."]

- b. Political Jurisdiction map (Figure 2), by deletion of that part of the National City jurisdictional area that previously applied to the area now governed by PMPA 19, east of the historic Mean High Tide Line and south of the projection of 32nd Street.

The LUP update is consistent with (1) the Commission's decision to certify Port District PMPA 19, (2) the ability of the Port District to amend at its discretion, pursuant to the Port District enabling statute, as amended in 1996, its legal geographical boundary pursuant to Cal. Pub. Res. Code §30710 and the Commission's regulations at Title 14, Cal. Code of Regs., §13601(a)(3), and (3) the LCP jurisdictional definition in Cal. Pub. Res. Code §30500(a) ["Each local government ... shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction."]

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- c. The LUP Subareas map (Figure 3), be deletion of that part of National City Subarea II, south of the projection of 32nd Street, between the historic Mean High Tide Line and the westerly boundary of the San Diego Gas & Electric Company utility corridor parcel.

The LUP update is consistent with (1) the Commission's decision to certify Port District PMPA 19, (2) the ability of the Port District to amend at its discretion, pursuant to the Port District enabling statute, as amended in 1996, its legal geographical boundary pursuant to Cal. Pub. Res. Code §30710 and the Commission's regulations at Title 14, Cal. Code of Regs., §13601(a)(3), and (3) the LCP jurisdictional definition in Cal. Pub. Res. Code §30500(a) ["Each local government ... shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction."]

**2. Public Notice and Participation**

**2.1. Notices: Availability.** Consistent with 14 CCR §13515(a) and (c), notices of the availability of the Public Review Draft of the Land Use Plan Amendment ("LUPA") on June 16, 1998, and of the scheduled hearings on the LUPA before the Planning Commission (July 20, 1998) and City Council (July 28, 1998) were mailed by the Community Development Commission project coordinator to the enclosed mailing list (Attachments A, B), which includes all of the following:

- a. any member of the public who requested them;
- b. each local government that is contiguous with National City;
- c. each local government, special district, or port district that could be directly affected by the LUPA;
- d. the Coastal Commission Appendix A mailing list;
- e. the National City public library;
- f. local media;
- g. other regional and federal agency staffs that expressed an interest in the LUPA or may be affected by it.

A notice of LUPA availability and schedule of public hearings was published in the San Diego Union-Tribune on June 17, 1998. (Attachment C.)

Consistent with 14 CCR 13515(d), notices of public hearing before the Planning Commission and City Council were mailed and published in

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**COASTAL ACT CONSISTENCY ANALYSIS**

a newspaper of general local circulation no less than ten (10) working days prior to the respective date of hearing. (Attachments C and E.)

**2.2. LUPA Distribution.** Consistent with 14 CCR §13515(b), copies of the Public Review Draft of the LUPA were made available by the Community Development Commission project coordinator to requesting public agencies and members of the public at no cost. In addition, copies of the Public Review Draft of the LUPA were placed in the National City public library and were available for review at the National City Community Development Commission and Planning Department offices, consistent with 14 CCR §13515(c).

**2.3. LUPA Public Review Period.** Consistent with 14 CCR §13515(c), the Public Hearing Draft LUPA was available for public review for six weeks prior to action on it by the City Council.

**3. Methodology**

**3.1.** Consistent with 14 CCR §13511(a), and as shown in the substantive portions of the Consistency Analysis above, preparation of the LUPA addressed and conformed to applicable resource protection, greater-than-local infrastructure, and LCP-content policies of the Coastal Act to determine the kind and location of permissible land and water uses, and LCP-based planning and regulatory jurisdictions within the Harbor District Specific Planning Area. The LUPA does not affect public access to and along the shoreline, which in relevant part pertaining to location of a marine facility is provided through Coastal Commission-certified PMPA 19 for the San Diego Unified Port District. Public access within the Specific Planning Area is provided by Chapter 2 of the companion Harbor District Specific Area Plan, which constitutes the implementation action of the LUP for said area. The LUPA also does not create any cumulative impacts on coastal resources, but does eliminate such coastal resource effects as the Tidelands Avenue crossing of Sweetwater Channel within National City's jurisdiction was previously identified by the Coastal Commission to have.

**3.2.** Consistent with 14 CCR §13511(c), the LUP revises applicable land use plan maps to reflect the Commission's previous certification of PMPA 19 and the acquisition by the United States of America of Paradise Marsh. Substantively, the marina authorized by PMPA 19 for development by the Port District is consistent with the City's previously applicable CT land use and zoning provisions, and federal ownership objectives for

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Paradise Marsh largely parallel the previous protection, restoration, and enhancement provisions for it in the certified LUP. Consistent with 14 CCR §13511(c)(1), the LUPA maintains and clarifies the previously certified LUP development controls and resource (buffer) protection policies, which will be implemented through the Harbor District Specific Area Plan, as provided in the certified LUP. The LUPA does not change the public notice provisions in the certified LCP regarding impending development.

**4. Public Access Component**

With the exception of the conforming (ministerial) deletion of the Tidelands Avenue crossing of Sweetwater Channel, in which National City's action through the subject LUPA merely reflects prior Coastal Commission action on the City of Chula Vista Bayfront LCP, the LUPA has no effect on public access to or along the National City Bayfront. As previously noted, the Port District's PMPA 19 marina project substantively includes and will provide the aquatic and terrestrial (boat basin edge) access improvements previously contemplated by the certified LCP. Within the LUPA jurisdiction, Chapter 2 of the companion Harbor District Specific Area Plan provides detailed and environmentally sensitive public access improvements, consistent with 14 CCR §13512.

**5. Uses of Greater Than Local Significance**

For the jurisdictional reason stated above, the LUPA deletes Paradise Marsh, a wildlife habitat pursuant to 14 CCR §13513(a)(6), from the policy and mapped provisions of the certified LUP.

To achieve conformity pursuant to 14 CCR §13513(b) with the Commission's decision [reading "recommendation" to be functionally synonymous here with "decision"] in the Chula Vista Bayfront LUP to delete the Tidelands Avenue crossing of Sweetwater River, an "other transportation facility" proposed to serve greater-than-local needs pursuant to the meaning of 14 CCR §13513(a)(5), the LUPA also deletes the previously proposed Tidelands Avenue crossing from the certified LUP.

The LUPA does not change or affect other uses of supra-local importance, such as W. 24th Street (which serves both to access the Harbor District as well as the National City Marine Terminal, Pepper Park/boat launching ramp, and proposed marina), the extension of Harrison Avenue to 32nd Street, or regional railroad trackage.

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**6. City Council Resolution**

Consistent with 14 CCR §13518, the National City Council's Resolution (#98-94) adopting the LUPA and authorizing its submittal to the Coastal Commission is enclosed as Attachment F. The Resolution identifies the LUPA, pursuant to 14 CCR §13518(b)(1) as a program that will take effect automatically upon Coastal Commission approval of the LUPA, as submitted. Minutes of the Planning Commission and City Council hearings and action on the LUPA are found in Attachments D and G, respectively.

**7. Contents of Submittal**

Consistent with Cal. Pub. Res. Code §30510(b) and 14 CCR §13519, the City submits the following supplemental and documentary materials for the LUP Amendment:

- 7.1. Summary of Measures to Consult and Coordinate with Local Governments, other Public Agencies, and the Public.
- a. Consistent with 14 CCR §13519(a), the Community Development Commission ("CDC") of the City of National City, which prepared the LUPA, provided mailed and published notices of the availability of the LUPA and the Planning Commission (July 20, 1998) and City Council (July 28, 1998) public hearings on it to contiguous local governments; other federal, state, regional, and local public agencies; non-governmental organizations; property owners; and other known interested persons. (Attachments A, B, C, and D.)
  - b. The CDC also conferred about the LUPA with:
    - (1) the County of San Diego (Office of Supervisor Greg Cox, regarding jurisdictional boundaries and Bayshore/Sweetwater River Bikeway locations);
    - (2) the United States Fish and Wildlife Service (Martin Kenney, Rebecca Young, Brian Collins, regarding jurisdictional boundaries, HDSAP-LUPA relationship, wetland habitat and buffer protection, restoration, enhancement, criteria, monitoring, implementation, and coordination);
    - (3) the California Department of Fish and Game (Terry Dickerson, same as with USFWS);
    - (4) the San Diego Unified Port District (Jess Van Deventer, Larry Killeen, Wayne Lindquist, Dan Wilkens, Tom Morgan,

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Bill Chopyk, Paula Danker, relating to jurisdictional boundaries, mapping and graphics, coordination of Port District legal geographical boundary amendment for Port Subarea 59 (National City Marina), and regional infrastructure provisions);

- (5) the California Coastal Commission (Deborah Lee, Sherilyn Sarb, Lee McEachern, relating to Coastal Act/ certified LCP framework for Harbor District Plan and LUPA, technical criteria for federal lands, programmatic and policy objectives, scheduling), and,
- (6) the San Diego Chapter of the Audubon Society (Jim Peugh, avian species protection and same as USFWS).

(Additional consultations were conducted relating to the Harbor District Specific Area Plan ["HDSAP"]. Please see the HDSAP Consistency Analysis.)

No written comments were received on the LUPA and no member of the public or public agency representative addressed either the Planning Commission or City Council public hearings on the LUPA.

- 7.2. Consistent with 14 CCR §13519(b), the updated LUP Figures 1, 2, and 3 are produced in the same 8 1/2 inch by 11 inch format as the originally certified maps in the LUP. They clearly depict the land use designations (or deletions) applicable to Paradise Marsh and the portion of the CT District south of 32nd Street, between the historic Mean High Tide Line on the west and the westerly boundary of the SDG&E utility corridor parcel on the east. The updated LUP policy recommendations are presented in underlining and ~~strike-out~~ format to indicate textual additions and deletions, respectively. Certified LUP Figure 4, "Public Access", remains unchanged in the LUP; a more specific Public Access Program is provided for the Harbor District in Chapter 2 of the Harbor District Specific Area Plan.
- 7.3 Consistent with 14 CCR §13519(c), the methodology for preparation of the LUPA implements the criteria of 14 CCR §13511 and, when taken together with this Consistency Analysis, demonstrates the consistency of the LUPA with all applicable provisions of Chapter 6 of the Coastal Act.
- 7.4 In response to 14 CCR §13519(d), no separate environmental review documents have been prepared for the LUPA because preparation of the LUPA by the City of National City, including CDC, is statutorily exempt

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from the California Environmental Quality Act, and preparation and review of the LUPA pursuant to Coastal Commission administrative regulations governing LCP's have been deemed by the California Secretary for Resources to be the functional equivalent of the California Environmental Quality Act.

- 7.5. In response to 14 CCR §13519(e), and consistent with the programmatic guidance contained in certified LUP Public Access Policy Recommendation 8, Recreation Policy Recommendation 3, Marsh Preservation Policy Recommendations 1 and 5, and Visual Resources Policy Recommendations 2 and 4, the Harbor District Specific Area Plan contains the specific implementation measures to carry out all of the LUP policy recommendations that apply to the Harbor District.

**8. ATTACHMENTS**

**A. Notice of Availability of LUPA**

1. Mailed Notice, dated June 16, 1998
2. Newspaper Notice, San Diego Union-Tribune, June 17, 1998

**B. National City Comprehensive LCP Mailing List**

**C. Notice of Planning Commission Public Hearing. July 20, 1998**

1. Mailed Notice, dated June 16, 1998
2. Newspaper Notice, San Diego Union-Tribune, June 17, 1998
3. Newspaper Notice, San Diego Transcript, July 7, 1998

**D. Planning Commission Minutes for July 20, 1998 Meeting**

**E. Notice of City Council Public Hearing. July 28, 1998**

1. Mailed Notice, dated June 16, 1998
2. Newspaper Notice, San Diego Union-Tribune, June 17, 1998

**F. City Council Resolution 98-94 (Land Use Plan Amendment)**

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

ADOPTED BY CITY COUNCIL

JULY 28, 1998

**COASTAL ACT CONSISTENCY ANALYSIS**

G. City Council Minutes for July 28, 1998 Meeting

223:d9829.9724.507.110898

**RESOLUTION NO. 98 - 95**

**RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF NATIONAL CITY ADOPTING A  
HARBOR DISTRICT SPECIFIC AREA PLAN**

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 generally from the Coastal Commission, but effective certification of a certain area around Paradise Marsh within the City's jurisdiction pursuant to the California Coastal Act was deferred; and

WHEREAS, the City Council of the City of National City has adopted 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 on July 28, 1998 authorized the submittal of said Amendment to the California Coastal Commission for review, approval, and effective certification; and

WHEREAS, the certified National City Local Coastal Program contains a Land Use Plan that requires City preparation, adoption, and submittal to the California Coastal Commission for its review, approval, and effective certification of a Specific Area Plan for said area around Paradise Marsh and to facilitate habitat-consistent land uses, habitat restoration and buffers, public access, recreation, and circulation; and

WHEREAS, a duly noticed City Council public workshop on implementation planning, programmatic objectives, and projects for and in the Harbor District was held on December 8, 1997; and

WHEREAS, a duly noticed City Council and Planning Commission workshop on implementation planning was held on March 18, 1998; and

WHEREAS, the Community Development Commission of the City of National City conferred extensively with other public agencies, real properties, environmental organizations, community organizations, and other public stakeholders in the preparation of the Harbor District Specific Area Plan, including through on-site field trips, meetings, and the preparation and review of administrative draft planning documents; and

WHEREAS, the Community Development Commission of the City of National City has prepared a "Harbor District Specific Area Plan", dated June 16, 1998, to implement the policy requirements and directives of the certified Local Coastal Land Use Plan for the area around Paradise Marsh ("the Harbor District"); and

Resolution No. 98 - 95

July 28, 1998

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WHEREAS, the Harbor District Specific Area Plan contains a detailed and implementable public access component in Chapter 2; and

WHEREAS, the Harbor District Specific Area Plan contains detailed and implementable provisions that address, provide for, and regulate, as appropriate and consistent with the certified Local Coastal Program Land Use Plan and California Coastal Act, uses of greater than local significance within the Harbor District, or that are or may be affected by said Plan; and

WHEREAS, notice of the availability of the Harbor District Specific Area Plan 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 on the Public Review Draft of the Harbor District Specific Area Plan, including clarifying corrections and revisions in response to comments, have been held 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 said Plan 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 Planning Commission on July 20, 1998 after the close of its public hearing and after deliberation recommended approval of the Harbor District Specific Area Plan, as clarified and revised, to the City Council; and

WHEREAS, based on comments received on and technical review of the June 16, 1998 Public Review Draft Harbor District Specific Area Plan, the Community Development Commission of the City of National City has made corrections and revisions to findings, policies, and maps contained in the Harbor District Specific Area Plan in order to maximize Specific Area Plan accuracy and provide substantive responses to public and agency comments which are contained in the addendum dated July 21, 1997; and

WHEREAS, the Community Development Commission of the City of National has prepared a specific Consistency Analysis of the Harbor District Specific Area Plan in relation to applicable policies of the certified Local Coastal Program Land Use Plan and the California Coastal Act; and

WHEREAS, said Consistency Analysis finds that the Public Review Draft of the Harbor District Specific Area Plan, as further clarified and revised in the July 21, 1998

Resolution No. 98 - 95

July 28, 1998

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addendum, is fully consistent with and adequate to carry out, the policies of the certified Land Use Plan, the California Coastal Act, and applicable regulations of the California Coastal Commission that govern preparation of Local Coastal Programs Amendments thereto; and

WHEREAS, the Community Development Commission of the City of National City has prepared written responses to written and oral comments that were received on the Harbor District Specific Area Plan, including during the workshops; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission to approve the Harbor District Specific Area Plan, as corrected and revised; and

WHEREAS, the preparation of and City Council action on the Harbor District Specific Area Plan constitute a Local Coastal Program Implementation Amendment that is statutorily exempt from the California Environmental Quality Act; and

WHEREAS, the Harbor District Specific Area Plan 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 Harbor District Specific Area Plan Local Coastal Program Implementation Amendment is consistent with, and adequate to carry out, all applicable provisions of the certified National City Local Coastal Program Land Use Plan, the California Coastal Act, and regulations of the California Coastal Commission.

2. The National City Local Coastal Program, as amended by the Harbor District Specific Area Plan, is intended to be carried out in a manner fully consistent with the California Coastal Act.

3. The Harbor District Specific Area Plan Local Coastal Program Implementation Amendment, as submitted, is intended to take effect immediately upon certification action of the California Coastal Commission.

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

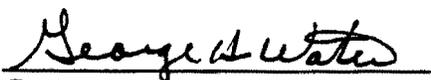
Resolution 98 - 95

July 28, 1998

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5. The hearing and action by the California Coastal Commission on the Harbor District Specific Area Plan Local Coastal Program Implementation Amendment is requested to occur within the County of San Diego during said Commission's meeting in Oceanside on October 13 - 16, 1998.

PASSED and ADOPTED this 28<sup>th</sup> day of July, 1998.

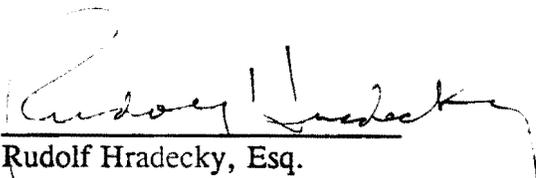
  
George H. Waters, Mayor

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, Zarate, Waters.

Nays: None.

Absent: Morrison.

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. 98-95 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

# Affidavit of Publication

COMMUNITY DEVELOPMENT

140 E 12TH ST #B

NATIONAL CITY, CA 91950

STATE OF CALIFORNIA } ss.  
County of San Diego }

The Undersigned, being duly sworn, deposes and says: That....She is a resident of the County of San Diego. THAT....She is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that .....She is not a party to, nor interested in the above entitled matter, that ....She is..... Chief Clerk for the publisher of .....

The San Diego Union-Tribune a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit: JUNE 17, 1998

*Janet A. Shlez*  
Chief Clerk for the Publisher

Subscribed and Sworn to before me this

July 11, 1998

*Cheryl Reed*  
Notary Public in and for the said County and State

## Affidavit of Publication of

Legal Classified Advertisement

Ordered by: ANGELICA

### IMPORTANT PUBLIC HEARING NOTICE OF THE AVAILABILITY OF THE CITY OF NATIONAL CITY COMMUNITY DEVELOPMENT COMMISSION HARBOR DISTRICT SPECIFIC AREA PLAN AND SCHEDULE OF PUBLIC HEARINGS

The Community Development Commission (CDC) of the City of National City has prepared the Harbor District Specific Area Plan ("Plan") and a technical amendment to the certified Local Coastal Program (LCP). Pursuant to the LCP and the Coastal Act, the Plan constitutes an implementation of the LCP.

The Purpose of the technical LCP Amendment is to update the boundaries and the text for the Harbor District relating to Paradise Marsh and to the National City Marina site.

The purpose of the Plan is to carry out the requirements of the California Coastal Act, the certified National City Local Coastal Program, and other applicable laws in the area. The area is bound by Interstate Highway 5, the Sweetwater River Flood Control Channel; the boundary of the San Diego Unified Port District, the Burlington Northern Santa Fe Railroad tracks west of Harrison Avenue, and W. 24th Street. The planning area is included in the Plan.

Interested persons may review the Plan during normal business hours at the CDC offices, 140 East 12th Street, Suite B, National City 91950 or at the National City Public Library, 200 East 12th Street. A copy of the Plan is also available to any person upon request from the CDC.

All interested persons are invited to comment, either in writing or in person, on the Plan. Public Hearings on the Plan are scheduled as follows:

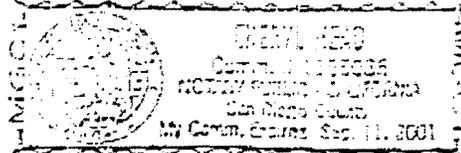
July 20, 1998, 6:00 am  
National City Planning Commission

City Council Chambers,  
1243 National City Blvd.,  
National City, CA 91950

July 28, 1998, 6:00 am  
City Council of National City  
City Council Chambers,  
1243 National City Blvd.,  
National City, CA 91950

The City Council may act on the plan following the hearing on July 28, 1998.

Please address written comments or questions to Eric Crockett, Project Coordinator Community Development Commission of the City of National City, 140 E. 12th Street, Suite B, National City, CA, 91950. Phone 336-4250. Fax: 336-4286. E-mail: HOSAPDC@aol.com



June 16, 1998

**IMPORTANT PUBLIC HEARING NOTICE OF THE AVAILABILITY OF THE  
CITY OF NATIONAL CITY COMMUNITY DEVELOPMENT COMMISSION  
HARBOR DISTRICT SPECIFIC AREA PLAN AND SCHEDULE OF PUBLIC  
HEARINGS**

The Community Development Commission (CDC) of the City of National City has prepared the Harbor District Specific Area Plan ("Plan") and a technical amendment to the certified Local Coastal Program (LCP). Pursuant to the LCP and the Coastal Act, the Plan constitutes an implementation of the LCP.

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Interested persons may review the Plan during normal business hours at the CDC offices, 140 East 12<sup>th</sup> Street, Suite B, National City 91950 or at the National City Public Library, 200 East 12<sup>th</sup> Street. A copy of the Plan is also available to any person upon request from the CDC.

All interested persons are invited to comment, either in writing or in person, on the Plan. Public Hearings on the Plan are scheduled as follows:

July 20, 1998, 6:00pm National City Planning Commission  
City Council Chambers, 1243 National City Blvd., National City CA 91950

July 28, 1998, 6:00pm City Council of National City  
City Council Chambers, 1243 National City Blvd., National City CA 91950

The City Council may act on the plan following the hearing on July 28, 1998.

Please address written comments or questions to Eric Crockett, Project Coordinator  
Community Development Commission of the City of National City, 140 E. 12<sup>th</sup> Street, Suite B National City, CA. 91950  
Phone: 336-4250, fax 336-4286, E-mail: HDSAPCDC@Aol.com



*Chairman*  
George H. Waters  
*Members*  
Mitch Beauchamp  
Ralph Inzunza  
Ron Morrison  
Rosalie G. Zarate  
*Executive Director*  
Paul Desrochers

140 E. 12<sup>th</sup> Street, Suite B · National City, CA 91950-3312 · (619) 336-4250 · fax 336-4286

## NOTICE OF PUBLIC WORKSHOP

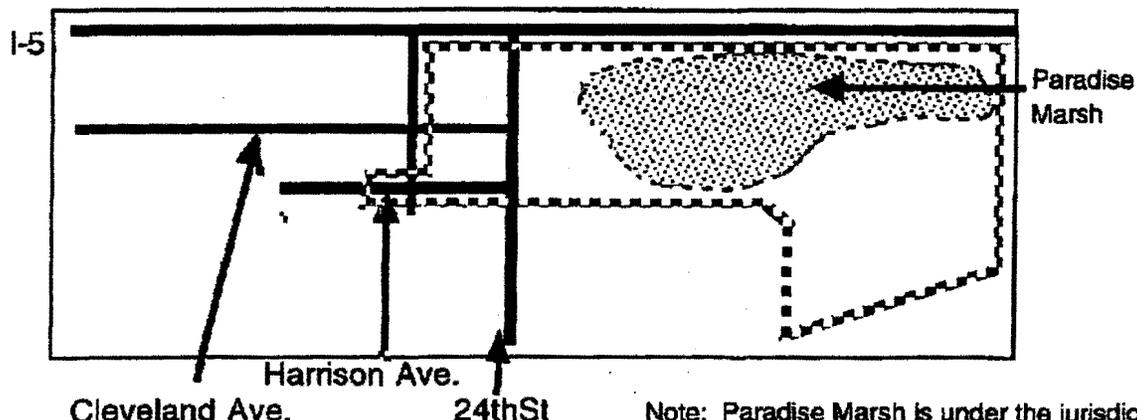
**3:00 - 5:00 PM  
MONDAY  
DECEMBER 8, 1997  
CITY COUNCIL CONFERENCE ROOM  
1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY**

The Community Development Commission (CDC) of the City of National City will hold a Public Workshop at the time and place indicated above to receive public comments and provide for CDC direction regarding the specific area plan for the Harbor District.

Preparation of this plan is a requirement of the certified National City Local Coastal Program and a key part of its successful implementation. It is CDC's commitment and objective to prepare an environmentally-based and economically feasible Harbor District Specific Plan that revitalizes and beautifies the 24th Street gateway to the National City Bayfront, supports the Paradise Marsh National Wildlife Refuge, provides for an environmentally compatible West 24th Street and Harrison Avenue public access corridor, and facilitates future Coastal Act-consistent land uses within the planning area. A draft Harbor District Specific Plan is expected to be ready for public review in March, 1998.

All members of the public, owners of property, business people, and representatives of public agencies that are interested in the Harbor District are cordially invited to attend and participate in this workshop. If you have any questions about the workshop, or the Harbor District Specific Planning process, please call Eric Crockett, Project Coordinator, at 336-4250., or write to him at CDC, 140 E. 12th Street, Suite B, National City, California 91950-3312.

HARBOR DISTRICT SPECIFIC PLAN AREA



November 21, 1997

Note: Paradise Marsh is under the jurisdiction of the United States Fish and Wildlife Service.



*Chairman*  
George H. Waters  
*Members*  
Mitch Beauchamp  
Ralph Inzunza  
Ron Morrison  
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*Executive Director*  
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140 E. 12<sup>th</sup> Street, Suite B · National City, CA 91950-3312 · (619) 336-4250 · fax 336-4280

## NOTICE OF PUBLIC WORKSHOP

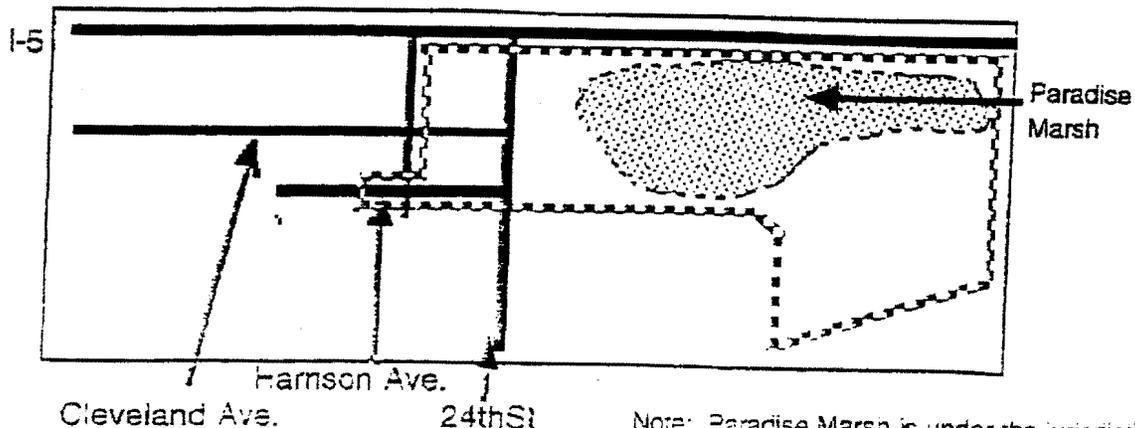
WEDNESDAY  
MARCH 18, 1998  
3:00 PM  
CITY COUNCIL CHAMBERS  
1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY

The Community Development Commission (CDC) of the City of National City will hold a joint public workshop, at the time and place indicated above, to discuss planning goals for the Harbor District Specific Area Plan of the National City Local Coastal Program before the City Council, CDC and the Planning Commission.

The workshop will include a presentation by CDC consultants on the planning efforts to date, with discussion and comments from the City Council, CDC and Planning Commission. A draft Specific Area Plan will be prepared following the workshop for public review.

All members of the public, owners of property, business people, and representatives of public agencies that are interested in the Harbor District Planning Area are cordially invited to attend and participate in this workshop. This is an informational workshop only. No action by the City Council, Planning Commission or by the CDC is scheduled. If you have any questions about the workshop please call Eric Crockett, Project Coordinator at 336-4250, or write to him at 140 E. 12th Street, Suite B, National City, California 91950-3312.

### HARBOR DISTRICT PLANNING AREA



November 21, 1997

Note: Paradise Marsh is under the jurisdiction of the United States Fish and Wildlife Service.

## GENERAL LCP MAILING LIST

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Updated 04/06/98

Anne Geraghty, Manager  
Air Resources Board  
General Projects Section  
P.O. Box 2815  
Sacramento, CA 95812

City of Carlsbad Planning  
Attn: Gary Wayne  
2075 Las Palmas Drive  
Carlsbad, CA 92008

City of Oceanside  
300 No. Coast Hwy  
Oceanside, CA 92054

Dept. of Housing & Com. Dev.  
William Murphy, Supervisor  
Local Assistance and Review  
1800 Third St.  
Sacramento, CA 95814

City of Carlsbad  
Vincent F. Blondo, Jr.  
City Hall  
1200 Elm Ave  
Carlsbad, CA 92008

Army Corps of Engineers  
10845 Rancho Bernardo Road  
Suite 210  
San Diego, CA 92127

Dept. of Real Estate  
James A. Edmonds Jr. Comm.  
2201 Broadway  
Sacramento, Ca 95814

City of Chula Vista  
Chris Salamone, Director  
Community Development  
276 Fourth Ave  
Chula Vista, CA 91910

Intergovernmental Relations  
City of San Diego  
202 C Street, M.S. 11B  
San Diego, CA 92101

Business and Transportation  
Jan Hall  
1120 N. Street  
Sacramento, CA 95814

Coronado Planning Dept.  
Attn: Edward Kleeman  
City Hall, 1825 Strand Way  
Coronado, CA 92118

Prescilla Dugard  
Office of City Attorney  
1200 Third St., Suite 1100  
San Diego, CA 92101

C. Samuel Blick, Esq.  
P.O. Box 9477  
Rancho Santa Fe, CA 92067

Del Mar Planning Dept.  
1050 Camino Del Mar  
Del Mar, CA 92014

EQD DEPUTY DIRECTOR  
City of San Diego  
202 "C" Street,  
San Diego, CA 92101

William Chopyk  
S.D. Unified Port District  
P.O. Box 488  
San Diego, CA 92112-0488

City of Encinitas  
Dept. of Community Developmt  
505 S. Vulcan  
Encinitas, CA 92024

City of Solana Beach  
Planning Department  
635 S. Highway 101  
Solana Beach, CA 92075

District 11 Cal Trans  
Transportation Planning Br.  
Attn: Bill Dillon/S. Johnson  
P.O. Box 85406 Mail Stn S-5  
San Diego, CA 92186-5406

City of Imperial Beach  
Planning Dir./City Manager  
825 Imperial Beach Blvd.  
Imperial Beach, CA 91932

City of Solana Beach  
Attn: Steven Apple, Dir  
Dept. of Planning  
635 S. Highway 101  
Solana Beach, CA 92075

Opal Trueblood  
2728 Fredericka Parkway  
Chula Vista, Ca 91910-1861

Planning Dept. Roger Post  
National City Planning Dept.  
1243 National City Blvd  
National City, CA 91950-4397

City of Oceanside  
Attn: Michael Blessing  
City Planner  
300 No. Coast Hwy  
Oceanside, CA 92054

James A Peugh  
San Diego Audubon  
2321 Morena Blvd., Suite D  
San Diego, CA 92110

City Attorney's Office  
City of Oceanside, City Hall  
300 No. Coast Hwy  
Oceanside, CA 92054

Michael L. Fischer  
Coastal Conservancy  
1330 Broadway, Ste. 1100  
Oakland, CA 94612

General LCP  
Page 2

John Samsone  
County Counsel  
County Administration Center  
1600 Pacific Highway, Rm 355  
San Diego, CA 92101

Dept. of Fish and Game  
Don Lollock, Chief  
Environmental Services Div  
1416 Ninth Street, Rm 1206-20  
Sacramento, CA 95814

San Diego County Planning  
Att: Dick Empey  
5201 Ruffin Road, Ste. B  
San Diego, CA 92123-1666

ERC, Environmental Services  
5510 Morehouse Dr.  
San Diego, CA 92121

Department of Conservation  
Ms. Deborah Herrmann  
Environmental Programs Coord.  
801 K Street, MS 24-02  
Sacramento, CA 95814-3528

Environmental Services  
Region 3 DF&G  
Ted Wooster  
P.O. Box 47  
Yountville, CA 94559

Department of Fish & Game  
Bill Paznokas  
4949 Viewridge Avenue  
San Diego, CA 92123

Susan Davis  
Member of the Assembly  
1010 University Ave. #C 207  
San Diego, CA 92103

John Massie  
Dept. of Fish and Game  
4949 Viewridge Ave  
San Diego, CA 92123

Department of Forestry  
Doug Wickizer, Environmental  
Coordinator  
1416 Ninth Street, RM. 1516-2  
Sacramento, CA 95814

Dept. of Health & Human Ser  
George Miller, Regional Dir  
50 United Nations Plaza,  
Rm 431  
San Francisco, CA 94102

Dept. of Housing and Community  
Housing Policy Dvlpment Dept.  
P.O. Box 952053  
Sacramento, CA 94252-2053

Department of Justice  
Jamee Jordan Patterson  
P.O. Box 85266  
San Diego, CA 92186-5266

The Honorable Howard Wayne  
Member of the Assembly  
1350 Front St., Rm. #6013  
San Diego, CA 92101

Dept. of Parks & Rec  
Southern Region  
Clay Phillips,  
8885 Rio San Diego Drive  
San Diego, CA 92108

Department of Parks & Rec  
Attn: Chief Planning Division  
P.O. Box 942896  
Sacramento, CA 94296

MTDB  
1255 Imperial  
Suite 1000  
San Diego, CA 92101

State of California  
Parks & Rec Dept. Frontera  
Ed Navarro District Supervisor  
9609 Maples Suite 200  
San Diego, CA 92121

Dept. of Real Estate  
2201 Broadway  
Sacramento, CA 95814

S.D. Unified Port District  
Planning Dept.  
P.O. Box 488  
San Diego, CA 92112

Department of Fish and Game  
Wildlife Management  
330 Golden Shore, Suite 50  
Long Beach, CA 90802

S.D.G. & E.  
Land Planning  
P.O. Box 1831  
San Diego, CA 92112

Joanne Pearson  
1525 Buckingham Drive  
La Jolla CA 92037

Bob Leiter  
City Hall  
276 Fourth Ave  
Chula Vista, CA 91910

League of Women Voters  
of North San Diego County  
P.O. Box 727  
Cardiff, CA 92007

Department of Transportation  
P.O. Box 942874  
Sacramento, CA 94274-0001

Divison of Mines & Geology  
James Davis, State Geologist  
801 K Street, MS 12-30  
Sacramento, CA 95814-3531

Division of Oil and Gas  
M.G. Mefferd, Oil & Gas Coord  
801 K St. - MSC12 30  
Sacramento, CA 95814-3531

SD Council of Divers  
P.O. Box 84778  
San Diego, CA 92138-4778

George Eiser  
City Hall  
1243 National City Blvd.  
National City, CA 91950

Energy Resources, Conserv.  
& Development Commission  
Chuck Najarian  
1516 Ninth Street  
Sacramento, CA 95814

Farmers Home Administration  
194 W. Main St., Ste. F  
Woodland, CA 95695

Roger Krauel, Esq.  
5090 Shoreham Pl. #101  
San Diego, CA 92122-5934

James Milch  
Milch & Wolfsheimer  
1850 Union Bank Bldg.  
530 B Street  
San Diego CA 92101-4469

E.C. Fullerton, Regional Dir  
National Marine Fisheries  
Southwest Region  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA 90802-4213

Office of Planning & Research  
Office of Local Govt. Affairs  
1400 Tenth Street  
Sacramento, CA 95814

Otay Mesa/Nector Planning  
Attn: Ruth Schneider  
1042 Piccard Ave.  
San Diego, CA 92154-2565

Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Dr. Hugh Ellis  
USD  
5998 Alcala Park  
San Diego, CA 92111

San Diego RWQCB/Exec Officer  
9771 Clairemont Mesa Blvd.  
Ste. B, Attn: Art Coe  
San Diego, CA 92124-1331

SANDAG  
Attn: Irwin Hoffmann  
401 B Street, Suite 800  
San Diego, CA 92101

PACE  
74 New Montgomery  
San Francisco, CA 94105-3411

Sierra Club  
Legal Defense Fund  
180 Montgomery St. #1400  
San Francisco, CA 94104-4209

Farm Advisor  
County of San Diego  
5555 Overland, Bldg. #4  
San Diego, CA 92123

Resources Agency  
1416 Ninth Street, Rm 1311  
Sacramento, CA 95814

Ron Roesch  
2800 Nielson Way # 708  
Santa Monica, CA 90405

SANDAG  
Kenneth Sulzer, Exec. Dir.  
First Interstate Bank Bldg.  
401 B Street, Suite 800  
San Diego, CA 92101

S.F. Bay Conservation  
& Development Commission  
Bill Travis  
30 Van Ness Ave  
San Francisco, CA 94100

CALTRANS  
District 11  
P.O. Box 85406  
San Diego, CA 92138-5406

State Lands Commission  
Dwight Sanders  
100 Howe Ave., Suite 100 So.  
Sacramento, CA 95825-8202

Water Resources Control Bd  
P.O. Box 100  
Sacramento, CA 95801

Waste Management Board  
8800 Cal Center Drive  
Sacramento, CA 95826-3268

Atchison, Topeka & Santa Fe  
Attn: Bob Brenda  
Industrial Development Dept.  
740 East Carnegie Dr.  
San Bernardino, CA 92408

LAFCO  
1600 Pacific Highway #452  
San Diego, CA 92101

Matt Peterson  
Peterson and Price  
530 B Street, Suite 2300  
San Diego CA 92101

North County Transit District  
Planning Department  
810 Mission Avenue  
Oceanside, CA 92054

William W. Jacoway  
13128 Grape Arbor Way  
San Diego, CA 92064

Council on Environmental Qty  
722 Jackson Place, N.W.  
Washington D.C. 20006-4978

Dept. of Food and Agriculture  
Steve Shaffer, Agric. Res.  
1220 N Street, Rm. 100  
Sacramento, CA 95814

Barry Brayer, ANP-8  
FAA Western Region  
P.O. Box 92007  
Worldway Post Center  
Los Angeles, CA 90009

Clifford Emmerling, Director  
Federal Energy Regulatory Com  
901 Market St., Ste 350  
San Francisco, CA 94103

Julie Anna Cirillo  
Region 9  
201 Mission Street, Ste 2100  
San Francisco, CA 94105

U.S. EPA  
David Jones, Region IX  
Water Division  
75 Hawthorne St.  
San Francisco, CA 94105

Senator Dede Alpert  
39th, District  
1557 Columbia Street  
San Diego CA 92101

National Park Service  
Brian O'Neill Superintendent  
Golden Gate National Rec. Are  
Building 201, Fort Mason  
San Francisco, CA 94123

John L. Sansing, Super.  
Point Reyes National Seashore  
Point Reyes, CA 94596

National Park Service  
Gary Cummings, Superintendent  
Cabrillo National Monument  
1800 Cabrillo Memorial Drive  
San Diego, CA 92106

National Park Service  
Western Region  
600 Harrison St., #600  
San Francisco, CA 94107-1372

Department of Transportation  
Maritime Administration  
201 Mission St., Ste 2200  
San Francisco, CA 94105-1905

Allen S. Robertson Envir. Cor.  
Dept. of Forestry and Fire  
Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

Commanding Officer, Western  
Naval Facilities Engineering  
Attn: Robert Forsyth, Dir.  
P.O. Box 727  
San Bruno, CA 94066

Naval Facilities Engineering  
Command-San Diego Branch  
Western Division (Room 210)  
San Diego, CA 92132-5190

San Diego Daily Transcript  
Attn: Thor Biberman  
P.O. Box 85469  
San Diego CA 92138

Citizens Coordinate For C-3  
P.O. Box 1028  
San Diego CA 92112

John B. Martin, Regional Dir  
Nuclear Regulatory Comm.  
Region V  
1450 Maria Lane, Ste. 210  
Walnut Creek, CA 94596-5368

Betty Dehoney  
Tetra Tech, Inc.  
591 Camino de la Reina, #640  
San Diego, CA 92108

Dept. of Commerce/NOAA/OCRM  
SSMC4, N/ORM3, Pacific Reg.  
1305 East West Highway  
Silver Spring, MD 20910

Phillip Lammi, Chief  
U.S. Air Force Reg. Cvl Eng.  
333 Market St., Ste 600  
San Francisco, CA 94105-2107

Environmental Studies  
University of San Diego  
Alcala Park  
San Diego, CA 92110

Channel 8 News - KFMB  
Assignment Editor  
7677 Engineer Rd.  
San Diego, CA 92111

Sierra Club, San Diego Chap.  
Conservation Coordinator  
3820 Ray Street  
San Diego, CA 92104

District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 2711  
Los Angeles, CA 90053-2325

Channel 10 News - KGTV  
Assignment Editor  
4600 Air Way  
San Diego, CA 92186

CA Native Plant Society  
Environmental Tech. Comm.  
P.O. Box 985  
National City, CA 91950

U.S. Army Corps of Engineer  
333 Market St.  
San Francisco, CA 94105-2102

Patricia Port, CZ Coordinator  
U.S. Dept. of the Interior  
600 Harrison St., Suite 515  
San Francisco, CA 94107-1376

Reserve Manager  
Tijuana River Estuarine  
301 Caspian Way  
Imperial Beach, CA 91932

Edward Haste, State Dir  
U.S. Bureau of Land Mgt.  
Attn: Bob Barney  
2135 Butano Drive  
Sacramento, CA 95825

James McKeivitt, Field Spvr.  
U.S. Fish and Wildlife Serv  
Division of Ecological Serv  
3310 El Camino Ave., Ste 130  
Sacramento, CA 95821-6340

Cal. Native Plant Society  
P.O. Box 1390  
San Diego, CA 92112

Robert L. Erwin, Director  
Area Planning and Development  
U.S. Forest Service-USDA  
630 Sansome St. #1037  
San Francisco, CA 94111

U.S. Fish and Wildlife Serv.  
Southern Calif. Field Stn.  
2730 Loker Avenue West  
Carlsbad, CA 92008

Dept. of Health  
714 P Street  
Sacramento, CA 95814

Chris Salamone  
Community Development Dept.  
276 Fourth Ave.  
Chula Vista, CA 91910

Western Pac. Region, FAA AWP4  
Attn: Dr. Maureen Kaneko  
P.O. Box 92007  
Worldway Postal Center  
Los Angeles, CA 90009

Burlington N & Santa Fe RR  
P.O. Box 961050  
2650 Lou Menk Dr. - Mktg 2  
Fort Worth, Texas 76131-2830

Norbert Dall  
Dall and Associates  
6700 Freeport Blvd., #206  
Sacramento, CA 95822-5927

Duncan L. Howard, Reg. Admin.  
U.S. Dept. of Housing & Urban  
Development -Region IX  
450 Golden Gate Ave.  
San Francisco, CA 94102

SD County Archaeological Soc.  
P.O. Box A-81106  
San Diego, CA 92138

OICC SW REG  
Attn: Doug Lemaire  
Intergovernmental Branch Off  
1220 Pacific Highway  
San Diego, CA 92132

Joseph P. Juetten, Chief  
U.S. Dept. of Energy  
1301 Clay St.  
Oakland, CA 94612

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Biology Dept.  
San Diego State University  
San Diego, CA 92182

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1629 S Street  
Sacramento, CA 95814

KSON Radio  
Assignment Editor  
1615 Murray Canyon Rd  
San Diego, CA 92108

Mr. Dan E. Wilkens  
Deputy Director, Public Affairs  
San Diego Unified Port District  
P.O. Box 488  
San Diego, CA 92112

Sentinel Newspapers  
P.O. Box 1207  
Chula Vista, CA

Coronado Journal  
P.O. Box 18008  
Coronado, CA 92118

KSDO, Assignment Editor  
5050 Murphy Canyon Rd.  
San Diego, CA 92123

Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

Channel 39 News - KNSD  
Assignment Editor  
8330 Engineer Rd.  
San Diego, CA 92171

San Diego City Library  
Government Documents Section  
8th and E Streets  
San Diego, CA 92101

Ocean Beach Preservation Lg.  
David W. Diehl, Chairperson  
5155 Cape May Avenue  
San Diego, CA 92107

Union Tribune  
678 Third Avenue, Ste. 101  
Chula Vista, CA 91910-5737

Channel 51 KUSI  
Attn: Terry Burhans  
Assignment Editor  
4575 Viewridge Drive  
San Diego, CA 92123

KFMB AM/FM  
7677 Engineer Rd.  
San Diego, CA 92111

Dept. of Water Resources  
1416 Ninth St., Room 449  
Sacramento, CA 95814

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Government Documents Section  
5555 Overland, Bldg. 15  
San Diego, CA 92123

SDSU Library  
Government Publications  
5300 Campanile Dr. Room 214  
San Diego, CA 92186-0511

Air Resources Board  
Anne Geraghty, Manager  
P.O. Box 2815  
Sacramento, CA 95812

Dept. of Housing & Community  
Development  
William Murphy, Supervisor  
1800 Third Street  
Sacramento, CA 95814

Dept. of Real Estate  
James Edmonds  
2201 Broadway  
Sacramento, CA 95814

Business and Transportation  
Jan Hall  
1120 N Street  
Sacramento, CA 9584

C. Samuel Block, Esq.  
P.O. Box 9477  
Rancho Santa Fe, CA 92067

San Diego Unified Port District  
Fred Trull  
P.O. Box 488  
San Diego, CA 92112-4088

CALTRANS  
District 11  
P.O. Box 85406 Mail Station S-5  
San Diego, CA 92186-5406

Opal Trueblood  
13014 Caminito del Rocio  
Del Mar, CA 92014

San Diego Audubon  
2321 Morena Blvd., Suite D  
San Diego, CA 92110

City of Carlsbad  
Planning Department  
2075 Las Palmas Drive  
Carlsbad, CA 92008

City of Carlsbad  
City Hall  
1200 Elm Avenue  
Carlsbad, CA 92008

City of Chula Vista  
Community Development  
276 Fourth Avenue  
Chula Vista, CA 91910

Coronado Planning Department  
Edward Kleeman  
1825 Strand Way  
Coronado, CA 92118

Del Mar Planning Department  
1050 Camino Del Mar  
Del Mar, CA 92014

City of Encinitas  
Dept. of Community Development  
535 Encinitas Blvd., Suite 10C  
Encinitas, CA 92024

City of Imperial beach  
Gary Barberio, Planning Director  
825 Imperial Beach Blvd.  
Imperial Beach, CA 91932

City of Oceanside, City Hall  
Charles R. Revlett  
300 North Hill Street  
Oceanside, CA 92054

City of Oceanside  
400 North Hill Street  
Oceanside, CA 92054

City of Oceanside  
Sandy Holder  
400 North Hill Street  
Oceanside, CA 92054

City of San Diego  
Intergovernmental Relations  
202 C Street, M.S. 11B  
San Diego, CA 92101

City of San Diego City Hall  
John Witt  
202 C Street, M.S. 3A  
San Diego, CA 92101

City of Solana Beach  
Daniel Hentschke  
380 Stevens Avenue, Suite 120  
Solana Beach, CA 92075

City of Solana Beach, Planning  
Department  
Steven Apple, Director  
380 Stevens Avenue, Suite 120  
Solana Beach, CA 92075

City of Oceanside Planning  
Department  
Michael Blessing  
300 North Hill Street  
Oceanside, CA 92054

Coastal Conservancy  
Executive Officer  
1330 Broadway, Suite 1100  
Oakland, CA 94612

County Administration Center  
County Counsel  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Dept. of Fish and Game  
Environmental Services Division  
1416 Ninth Street, Room 1206  
Sacramento, CA 95814

San Diego County Planning  
5201 Ruffin Road, Suite B  
San Diego, CA 92123-1666

AC Environmental Services  
5510 Morehouse Drive  
San Diego, CA 92121

Dept. of Conservation  
Environmental Programs  
Coordinator  
801 K Street, MS 24-02  
Sacramento, CA 95814-3528

Environmental Services  
Region 3 DF&G  
P.O. Box 47  
Yountville, CA 94559

~~Mike Gotch  
Member of the Assembly  
1080 University Avenue, #H-201  
San Diego, CA 92103~~

Council on Environmental Quality  
722 Jackson Place, N.W.  
Washington, D.C. 20064-978

Eleventh Coast Guard District  
Commander  
Union Bank, 400 Ocean Gate Blvd.  
Long Beach, CA 90822

Dept. of Food and Agriculture  
1220 N. Street, Room 100  
Sacramento, CA 95814

FAA Western Region  
Worldway Post Center  
P.O. Box 92007  
Los Angeles, CA 90027-0007

Director, Federal Energy Regulatory  
Commission  
901 Market Street, Suite 350  
San Francisco, CA 94103

Federal Highway Administrator  
211 Main Street, Room 1100  
San Francisco, CA 94105

U.S. EPA  
Region IX, water Division  
75 Hawthorne Street  
San Francisco, CA 94105

Operational Planning Director  
General Services Administrator  
525 Market Street  
San Francisco, CA 94105

National City Service  
Golden Gate National Recreation Area  
Building 201, Fort Mason  
San Francisco, CA 94123

John Sansing, Supervisor  
Point Reyes National Seashore  
Point Reyes, CA 94596

National Park Service  
Cabrillo National Monument  
P.O. Box 6670  
San Diego, CA 92166

Regional Director  
National Park Service  
450 Golden Gate Avenue, Box 36063  
San Francisco, CA 92102

Maritime Administration  
211 Main Street, Room 1112  
San Francisco, CA 94105

Commandant, Eleventh Naval  
Attn.: District Civil Engineer  
San Diego, CA 92132

Commanding Officer  
Western Naval Facilities Engineering  
P.O. Box 727  
San Bruno, CA 94066

Naval Facilities Engineering  
Command-San Diego Branch  
Western Division (Room 210)  
San Diego, CA 92132-5190

San Diego Daily Transcript  
P.O. Box 85469  
San Diego, CA 92138

Citizens Coordinate for C-3  
P.O. Box 85469  
San Diego, CA 92138

Regional Director  
Nuclear Regulatory Commission  
Region V  
1450 Maria Lane, Suite 210  
Walnut Creek, CA 94596-536

Geological Survey  
Director, Western Region  
345 Middlefield Road  
Menlo Park, CA 94111

San Diego County Archaeological  
Society  
San Diego, CA 92138

Dr. Joy Zedler  
Biology Department  
San Diego State University  
San Diego, CA 92182

San Diego Chapter - Sierra Club  
3820 Ray Street  
San Diego, CA 92104

California Native Plant Society  
Environmental Technical Committee  
P.O. Box 985  
National City, CA 91951

Tijuana River National Estuar  
Sanctuary  
3990 Old Town avenue, #300-  
San Diego, CA 92110

Secretarial Representative  
U.S. Dept. of Transportation  
211 Main Street, Room 1005  
San Francisco, CA 94111

U.S. Fish & Wildlife Service  
Southern California Field Station  
2730 Loker Avenue West  
Carlsbad, CA 92008

Western Pacific Region FAA  
AMP4  
P.O. Box 92007  
World Postal Center  
Los Angeles, CA 90009

Dall and Associates  
Norbert Dall  
6700 Freeport Blvd., #206  
Sacramento, CA 95822-5927

OICC SW Reg.  
Intergovernmental Branch Office  
1220 Pacific Highway  
San Diego, CA 92132

Government Publications  
California State Library  
P.O. Box 942837  
Sacramento, CA 94237-0001

**NATIVE AMERICAN CONTACTS**

**San Diego County**

**March 3, 1998**

<p>Carmen Lucas PO Box 44 Julian, CA 92036 (619) 708-4207</p>	<p>Diegueno - Kwaaymil</p>	<p>La Posta of Mission Indians Gwendolyn Parada, Chairperson PO Box 1048 Boulevard, CA 91905 (619) 478-2113</p>	<p>Diegueno</p>
<p>Clarence Brown, Sr PO Box 309 Alpine, CA 91903 (619) 445-4818</p>	<p>Kumeyaay (Diegueno)</p>	<p>Manzanita Band of Mission Indians Frances Shaw, Chairperson PO Box 1302 Boulevard, CA 91905 (619) 766-4930 (619) 766-4930 Fax</p>	<p>Diegueno</p>
<p>Barona Group of the Capitan Grande Band Clifford LaChappa, Spokesman 1095 Barona Road Lakeside, CA 92040 (619) 443-6512/13</p>	<p>Diegueno</p>	<p>Mesa Grande Band of Mission Indians Howard Maxcy, Chairperson P.O. Box 270 Santa Ysabel, CA 92070 (950) 782-3818 (950) 782-3570 Fax</p>	<p>Diegueno</p>
<p>Campo Band of Mission Indians Ralph Goff, Chairperson 38190 Church Road, Suite 1 Campo, CA 91906 (619) 478-9046 (619) 478-5818 Fax</p>	<p>Diegueno</p>	<p>San Pasqual Band of Mission Indians Allen E. Lawson, Chairperson PO Box 385 Valley Center, CA 92082 (760) 749-3200 (760) 749-3876</p>	<p>Diegueno</p>
<p>Cuyapaipa Band of Mission Indians Tony Pinto, Chairperson 2271 Alpine Blvd. Alpine, CA 91901 (619) 445-6315</p>	<p>Diegueno</p>	<p>Santa Ysabel Band of Mission Indians Ben Scerato, Chairperson PO Box 130 Santa Ysabel, CA 92070 (760) 765-0846 (760) 765-0320 Fax</p>	<p>Diegueno</p>
<p>Jamul Indian Village Kenneth Maze, Sr., Chairperson P.O. Box 612 Jamul, CA 91935 (619) 669-4785 Fax: (619) 669-4817</p>	<p>Diegueno</p>	<p>Sycuan Band of Mission Indians Georgia Tucker, Chairperson 5459 Dehesa Road El Cajon, CA 92021 619 445-2613 619 445-1927 Fax</p>	<p>Diegueno</p>
<p>Kumeyaay Cultural Heritage Preservation Frank Salazar 3811190 Suite 5, Church Road Campo, CA 91906 (619) 478-9046 (619) 478-5818 Fax</p>	<p>Diegueno / Kumeyaay</p>	<p>Viejas Band of Mission Indians Anthony Pico, Chairperson PO Box 908 Alpine, CA 91903 (619) 445-3810 (619) 445-5337 Fax</p>	<p>Diegueno</p>
<p>Kumeyaay Cultural Historic Committee Ron Christman 58 Viejas Grade Road Alpine, CA 92001 (619) 445-0385</p>	<p>Kumeyaay (Diegueno)</p>		

Post-It™ brand fax transmittal memo 7571 # of pages 1

To: STEPHANIE DALL	From: D. TREADWAY
Co: DALL & ASSOC	Co: NAHC
Dept:	Phone #: 653-4038
Fax #: 392-0462	Fax #:

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7650.5 of the Health and Safety Code, Section 5007.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regards to the cultural assessment for National City, San Diego

Please notify the Commission of change of addresses and phone numbers.

Stephen Vance  
SANDAG  
401 B Street Suite 800  
San Diego CA 92101

Claude Edward  
4588 Wilson Avenue  
San Diego CA 92116

Terry Dickerson  
Fish & Game  
4949 View Ridge Ave.  
San Diego CA 92123

James Peugh  
2776 Nipoma Street  
San Diego CA 92106

SDG&E  
Planning Services  
101 Ash Street  
PO Box 1831  
San Diego CA 92112

Ace Metals  
720 W. 23<sup>rd</sup> Street  
National City CA 91950

Cleveland Associates  
2501 Cleveland Ave  
National City CA 91950

Cuyamaca Meats  
2510 Cleveland Ave  
National City CA 91950

Expo Builders  
840 W. 24<sup>th</sup> Street  
National City CA 91950

MSI  
2200 Cleveland Ave  
National City CA 91950



CITY OF NATIONAL CITY  
PLANNING COMMISSION

Civic Center, 1243 National City Blvd.  
National City, CA 91950 (619) 336-4310

MINUTES  
FOR THE MEETING OF

JULY 20, 1998

Meeting: 6:00 p.m. to 9:25 p.m.

These Minutes have been abbreviated. Cassette tape recordings of the full proceedings are on file and are available to the public.

AGENDA ITEMS

COMMISSIONERS LARGE, FLORES  
VALDERRAMA, DETZER,  
MARTINELLI, BACA, GODSHALK.

ROLL CALL

ALSO PRESENT: ASSISTANT SENIOR  
CITY ATTORNEY HRADECKY,  
PLANNING DIRECTOR POST,  
PRINCIPAL PLANNER RAY,  
ASSISTANT PLANNER SANTOS,  
PRINCIPAL ENGINEER BERKUTI, CDC  
DIRECTOR DESROCHERS, CDC  
PROGRAM COORDINATOR  
CROCKETT.

SAID BY COMMISSIONER GODSHALK.

PLEDGE OF ALLEGIANCE

LED BY COMMISSIONER LARGE.

INVOCATION

APPROVAL OF MINUTES

1. MOTION BY BACA, 2ND BY  
GODSHALK FOR APPROVAL OF  
MINUTES FOR THE MEETING HELD  
ON JUNE 15, 1998.

1. MINUTES OF THE REGULAR  
MEETING HELD ON JUNE 15, 1998.

ROLL CALL: AYES - UNANIMOUS.

2. MOTION BY BACA, 2ND BY  
GODSHALK, FOR APPROVAL OF  
MINUTES FOR THE MEETING HELD  
ON JULY 6, 1998.

2. MINUTES OF THE REGULAR  
MEETING HELD ON JULY 1, 1998.

ROLL CALL: AYES - UNANIMOUS.

MOTION BY FLORES, 2ND BY  
MARTINELLI, FOR APPROVAL OF  
AGENDA.

APPROVAL OF AGENDA

ROLL CALL: AYES - UNANIMOUS.

PUBLIC HEARINGS -

3. STAFF DISTRIBUTED HANDOUT REVISING CONDITION NO. 6 TO MATCH WHAT GTE AND THE PARK AND RECREATION DEPARTMENT HAD AGREED TO CONCERNING INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, REPAIR AND UPGRADE OF THE FACILITY.

STAFF ALSO DISTRIBUTED LETTER WITH RESPONSES FROM GTE AND STAFF ANSWERING CONCERNS RAISED BY CITIZEN.

JASON REYNOLDS, LETTIERI-MCINTYRE AND ASSOCIATES, 1551 4TH AVENUE, SUITE 430, SAN DIEGO, SPOKE IN SUPPORT OF CONDITIONAL USE PERMIT AND RESPONDED TO COMMISSIONERS QUESTIONS CONCERNING SWEETWATER AUTHORITY FACILITIES, CONCERN FOR EMF'S AND PROXIMITY TO ELEMENTARY SCHOOL, AND OTHER SITES CONSIDERED FOR THE WIRELESS FACILITY.

LARRY DOHERTY, GTE WIRELESS, 6925 LUSK BOULEVARD, SAN DIEGO, RESPONDED TO COMMISSIONER VALDERRAMA'S CONCERNS ABOUT EMF'S AND COMMISSIONER GODSHALK'S CONCERNS OF VISUAL IMPACTS AND SCREENING THE ANTENNA.

COMMISSIONER FLORES COMMENTED ON A WELL WRITTEN STAFF REPORT AND ALSO WELL WRITTEN LETTER TO CONCERNED CITIZEN.

MOTION BY FLORES, 2ND BY GODSHALK TO CLOSE THE PUBLIC HEARING, APPROVE CONDITIONAL USE PERMIT 1998-4, WITH MODIFICATION TO CONDITION NO. 6 AS DISTRIBUTED IN THE HANDOUT.

3. PUBLIC HEARING - CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITY AT 2005 E. 4TH STREET (EL TOYON PARK). APPLICANT: GTE MOBILNET OF SAN DIEGO. STAFF REPORT BY ASSISTANT PLANNER SANTOS. CASE FILE NO. CUP-1998-4.

DISCUSSION ON MOTION:

CHAIRMAN DETZER STATED THAT HE WOULD LIKE TO SEE SCREENING PROVIDED.

ROLL CALL: AYES - LARGE, FLORES, DETZER, MARTINELLI, BACA, GODSHALK.

NAYS: VALDERRAMA.

- |   |  |
|---|--|
| 4. MR. CHU, 1320 HIGHLAND AVENUE, RESPONDED TO COMMISSIONERS QUESTIONS. HE STATED THAT HE WAS OPEN FOR TWO HOURS BEFORE THE CITY ASKED HIM TO STOP AND CLOSE HIS STORE. | 4. PUBLIC HEARING - CONDITIONAL USE PERMIT TO ALLOW AN INDOOR BAZAAR WITHIN AN EXISTING COMMERCIAL BUILDING AT 1320 HIGHLAND AVENUE. APPLICANT: KYE CHUAN CHU. STAFF REPORT BY ASSISTANT PLANNER SANTOS. CASE FILE NO. CUP-1998-5. |
|---|--|

COMMISSIONERS ASKED STAFF HOW MANY TIMES THE APPLICANT HAD BEEN TOLD TO NOT OPERATE WITHOUT FIRST OBTAINING A CONDITIONAL USE PERMIT.

STAFF RESPONDED THAT SEVERAL CONVERSATIONS HAD BEEN HELD WITH THE APPLICANT; WHEN TENANT IMPROVEMENT PLANS WERE REVIEWED, WHEN REVIEWING THE BUSINESS LICENSE AND WHEN WORKING ON THE CONDITIONAL USE PERMIT.

COMMISSIONER MARTINELLI EXPRESSED CONCERN OVER ADEQUATE PARKING FOR THE PROPOSED BAZAAR.

COMMISSIONER FLORES STATED THAT STAFF HAS DETERMINED THERE IS ADEQUATE PARKING. HE SUPPORTED REQUEST AND FELT THAT APPLICANT MADE A MISTAKE, BUT CORRECTED IT.

COMMISSIONER BACA ASKED WHAT SECURITY WOULD BE PROVIDED.

STAFF STATED THAT THE APPLICANT HAS STATED THAT HE WOULD HIRE A SECURITY GUARD FOR THE BUSINESS.

COMMISSIONER MARTINELLI STATED THAT SHE FEELS THE CITY HAS ENOUGH OF THIS TYPE OF BUSINESS WITH PRICE BREAKERS, 99c STORES, AND THE SWAP MEET.

COMMISSIONER GODSHALK STATED THAT GENERAL PLAN POLICIES ENCOURAGE HIGH-QUALITY RETAIL BUSINESS DEVELOPMENT. THIS IS NOT THAT TYPE OF BUSINESS.

ERNEST PETERSON, PROPERTY OWNER, 1320 HIGHLAND AVENUE, STATED THAT HE HAS LEASED THE PROPERTY TO LUCKY, WHO THEN HAS SUBLEASED THE PROPERTY TO MR. CHU. HE STATED THAT IF THIS APPLICATION IS APPROVED, HE WOULD LIKE TO DISCUSS CONDITIONS OF APPROVAL CONCERNING RECIPROCAL PARKING AND ACCESS AGREEMENTS, ACCESSIBILITY OF THE DRIVEWAY BETWEEN FEDCO AND HIS PROPERTY, AND THE NOTICE OF RESTRICTION.

MARY LOUISE MARTIN, 1527 E. 15TH STREET, SPOKE IN OPPOSITION TO THIS PERMIT. SHE STATED THE CITY HAS ENOUGH OF THESE TYPES OF USES.

MOTION BY MARTINELLI, 2ND BY BACA TO CLOSE THE PUBLIC HEARING, AND DENY CONDITIONAL USE PERMIT 1998-5, BASED ON FINDINGS FOR DENIAL AS RECORDED ON THE STAFF REPORT.

ROLL CALL: AYES - LARGE, MARTINELLI, VALDERRAMA, DETZER, BACA, GODSHALK.

NAYS: FLORES.

5. CDC DIRECTOR DESROCHERS GAVE OUTLINE OF HARBOR DISTRICT SPECIFIC AREA PLAN AND AMENDMENTS PROPOSED TO THE LOCAL COASTAL PROGRAM (LCP) AND INFORMED COMMISSION OF ACTIONS THEY NEED TO MAKE TONIGHT. HE ASKED THAT THEY ACT ON THE LCP AMENDMENTS FIRST, THEN DISCUSS THE HARBOR DISTRICT SPECIFIC AREA PLAN.

COMMISSIONER GODSHALK ASKED IF ANY CHANGES ARE PROPOSED TO THE LCP IMPLEMENTATION DOCUMENT.

PRINCIPAL PLANNER RAY STATED THAT THERE ARE NO CHANGES PROPOSED TO THE LCP IMPLEMENTATION DOCUMENT.

MOTION BY GODSHALK, 2ND BY BACA TO CLOSE THE PUBLIC HEARING AND ADOPT PROPOSED AMENDMENTS TO THE LOCAL COASTAL PROGRAM-LAND USE PLAN AS PREPARED.

ROLL CALL: AYES - UNANIMOUS.

NORBERT DALL, DALL AND ASSOCIATES, 6700 FREEPORT BOULEVARD, SUITE 206-207, SACRAMENTO, CONSULTANT, REVIEWED HARBOR DISTRICT SPECIFIC AREA PLAN DOCUMENT AND STATED THAT EVERY PROVISION IN THE PLAN IS AS THE CALIFORNIA COASTAL COMMISSION ADVISED THE CITY. HE REVIEWED VARIOUS CHAPTERS AND MAIN POINTS IN EACH. HE ADDRESSED SEVERAL HANDOUTS WHICH WERE PROVIDED TO THE COMMISSION ADDRESSING CORRECTIONS TO THE PLAN AND COMMENTS.

5. PUBLIC HEARING - HARBOR DISTRICT SPECIFIC AREA PLAN AND AMENDMENT TO THE LOCAL COASTAL PROGRAM. APPLICANT: NATIONAL CITY COMMUNITY DEVELOPMENT COMMISSION. CASE FILE NOS. SP-1998-1, LCP-1998-1.

JIM KELLEY, PRESIDENT, KELLEY AND ASSOCIATES ENVIRONMENTAL SCIENCES, INC, STEPHANIE DALL, DALL AND ASSOCIATES, JOHN GODDARD, RICK ENGINEERING, NORM ARNDT, RICK PLANNING GROUP, JESS VAN DEVENTER, PORT COMMISSIONER, ADDRESSED THE HARBOR DISTRICT SPECIFIC AREA PLAN AND SPOKE IN SUPPORT.

CHAIRMAN DETZER ASKED FOR ANY COMMENTS FROM THE PUBLIC.

NO COMMENTS RECEIVED.

COMMISSIONERS LARGE, VALDERRAMA, MARTINELLI, FLORES AND BACA SPOKE IN SUPPORT OF PLAN AND ACKNOWLEDGED ALL THE EFFORT THAT WENT INTO PREPARING THE PLAN.

COMMISSIONER GODSHALK ASKED HOW THE LETTERS RECEIVED FROM THE PORT DISTRICT AND AUDUBON SOCIETY AFFECT THE PLAN AND INQUIRED ABOUT HANDICAPPED ACCESS ON 24TH STREET.

CDC DIRECTOR DESROCHERS AND NORBERT DALL, CONSULTANT, RESPONDED THAT MOST OF THE PORT'S COMMENTS WERE ADDRESSED IN THE CORRECTED DOCUMENT, AND MINOR TECHNICAL CHANGES WILL ADDRESS THE AUDUBON SOCIETY'S COMMENTS.

COMMISSIONER GODSHALK ASKED ABOUT TIMELINE FOR THE PLAN TO BE IMPLEMENTED.

CDC DIRECTOR DESROCHERS STATED THAT IN THREE YEARS THE PLAN SHOULD BE IMPLEMENTED.

COMMISSIONER GODSHALK STATED THAT HE SUPPORTS PUBLIC ACCESS AND WOULD LIKE TO SEE THESE PUBLIC ACCESS AREAS LARGER THAN THE MINIMUM REQUIREMENT.

CDC DIRECTOR DESROCHERS STATED THAT WE CAN ONLY PLAN FOR AREA UNDER CITY JURISDICTION, BUT WE CAN RECOMMEND TO THE PORT DISTRICT THAT THE PUBLIC ACCESS AREAS BE MADE LARGER, BUT THE PROGRAM STILL NEEDS TO BE ECONOMICALLY VIABLE.

COMMISSIONER GODSHALK STATED THAT HE WOULD LIKE TO SEE DEVELOPMENT STEPPED WHERE VISIBLE FROM INTERSTATE 5 AS WELL.

COMMISSIONER GODSHALK SPOKE IN SUPPORT OF UNDERGROUND PARKING FOR AREAS WITHIN THE SPECIFIC PLAN.

COMMISSIONER GODSHALK STATED THAT PARADISE CREEK EDUCATIONAL PARK IS ON HOOVER AVENUE, AND ASKED THAT THE NAME NOT BE USED FOR THE PROPOSED PARKS.

MR. DALL MENTIONED THAT THIS WAS AN ERROR WHICH WAS SUPPOSED TO HAVE BEEN CORRECTED.

COMMISSIONER GODSHALK COMMENTED THAT GOOD CONTROL OF SIGNAGE IS USED THROUGHOUT THE PLAN AND WOULD LIKE TO SEE AREA B2 RESERVED FOR TOURIST COMMERCIAL USES AND LEAVE REPAIR FACILITIES ON CLEVELAND AND TIDELANDS AVENUES.

CHAIRMAN DETZER ASKED ABOUT PROPOSED BIKEPATHS, AND INSTALLATION OF BIOFILTERS.

HE ALSO QUESTIONED HOW THE KUMEYAAY FACILITY WOULD BE FUNDED.

STEPHANIE DALL CLARIFIED AND MENTIONED THAT THIS MAY CONSIST OF INTERPRETIVE SIGNING.

CHAIRMAN DETZER EXPRESSED CONCERN THAT BUSINESSES ON CLEVELAND AVENUE EMIT NOXIOUS ODORS WHICH WERE NOT ADDRESSED.

NORBERT DALL, DALL AND ASSOCIATES, CONSULTANT, STATED THAT THESE BUSINESSES ARE NOT IN THE HARBOR DISTRICT SPECIFIC PLAN AREA AND TECHNICAL AIR STUDY CONDUCTED BY RECON STATED THAT AIR QUALITY WILL NOT ADVERSELY BE AFFECTED.

NORBERT DALL, DALL AND ASSOCIATES FURTHER STATED THAT THE AUDUBON LETTER SUGGESTS TECHNICAL CHANGES WHICH CONSULTANT AGREES WITH AND WILL BE INCORPORATED INTO PLAN. A WRITTEN RESPONSE WILL BE FORWARDED TO THE AUDUBON SOCIETY.

HE FURTHER STATED THAT 80% OF THE COMMENTS MADE IN THE PORT LETTER HAVE BEEN ADDRESSED BY REVISIONS AND TWO ISSUES REMAIN; TRAFFIC, WHICH USES THE BEST AVAILABLE PROFESSIONAL DATA THAT WAS PROVIDED TO THE CDC BY THE PORT FROM A JANUARY, 1997 STUDY, AND THEN A WEEKEND STUDY WAS CONDUCTED WHICH WILL BE INCORPORATED INTO THE DOCUMENT AND FORWARDED TO THE CITY COUNCIL, BUT THE TRAFFIC ANALYSIS IS ADEQUATE; AND SECONDLY, SETBACKS. SETBACKS ARE DRIVEN BY MARSH VIEW PLAN, AND NATIONAL FIRE CODE.

MOTION BY GODSHALK, 2ND BY FLORES, TO RECOMMEND TO THE CITY COUNCIL THAT THE HARBOR DISTRICT SPECIFIC AREA PLAN BE ADOPTED AND FORWARDED TO THE CITY COUNCIL WITH COMMENTS INCLUDED.

ROLL CALL: AYES - UNANIMOUS.

NO REPORT.

SENIOR ASSISTANT CITY  
ATTORNEY

DIRECTOR POST MENTIONED SEVERAL ITEMS PROVIDED TO COMMISSIONERS IN THE FRONT OF THEIR BOOKS, INCLUDING A REPORT ON THE HEALTH INSPECTION PROCEDURE FOR WATER VENDING MACHINES.

COMMISSIONER GODSHALK MENTIONED TWO BUSINESSES BEING RUN, (ONE INSIDE, ONE OUTSIDE IN PARKING LOT) AT 801 W. 24TH STREET.

COMMISSIONER BACA MENTIONED TRASH ALONG FENCE IN BAGS AT 4TH AND "R".

COMMISSIONER MARTINELLI ASKED THAT THE FOLLOWING BE REFERRED TO PUBLIC WORKS: 4 WAY STOP SIGNS REMOVED AT 9TH STREET AND "A" AVENUE, AND NEVER REINSTALLED; AND FLICKERING STREET LIGHT BY BUS STOP AT PLAZA BOULEVARD AND B AVENUE.

CHAIRMAN DETZER MENTIONED FORMER MITSUBISHI STORE AT DUCKPOND SITE IS IN NEED OF WEED ABATEMENT AND THAT A BIKE LANE SHOULD BE INSTALLED ON CLEVELAND AVENUE FROM CIVIC CENTER DRIVE TO 24TH STREET.

NONE.

9:25 P.M.

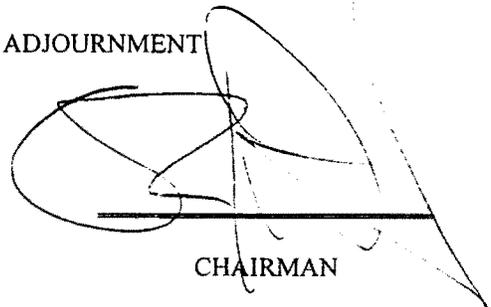
PLANNING DIRECTOR

COMMISSIONERS

CHAIRMAN

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT). NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

ADJOURNMENT



CHAIRMAN

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF NATIONAL CITY,  
CALIFORNIA**

**JULY 28, 1998**

The Regular Meeting of the City Council of the City of National City was called to order at 6:00 p.m. by Mayor Waters.

**ROLL CALL**

Councilmembers present: Beauchamp, Inzunza, Morrison, Zarate, Waters.  
Administrative officials present: Dalla, Desrochers, Dicerchio, Eiser, Iglesias, Matienzo, McCabe, Morse, Myers, Post, Ray, Williams.

**SALUTE TO THE FLAG AND INVOCATION**

The meeting was opened with the salute to the flag led by City Manager Tom G. McCabe, followed by the invocation by Councilman Beauchamp.

**APPROVAL OF MINUTES**

Motion by Morrison, seconded by Zarate, the Minutes of the Regular Meeting of July 14, 1998 and the Minutes of the Regular Meeting of July 21, 1998 be approved. Carried by unanimous vote.

**Note: Item Nos. 1 and 2, Public Hearings, were deferred to the end of the Agenda.**

**PUBLIC HEARINGS**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

1. Public Hearing on a technical amendment to the National City Local Coastal Program (LCP). (Community Development Commission) **(Refer to Item No. 10)**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

**SPECIFIC PLAN AMENDMENT/HARBOR DISTRICT (417-1-7)**

2. Public Hearing on the Harbor District Specific Area. (Community Development Commission) **(Refer to Item No. 11)**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR** - Item Nos. 3 through 6 (Resolution Nos. 98-90, 98-91, 98-92, and 98-93), Item No. 7 (Warrant Register No. 3), Item No. 8 (Consolidated Cash & Investment Report), and Item No. 9 (Claim for Damages). Motion by Inzunza, seconded by Zarate, the Consent Calendar be approved, and the Claim for Damages be denied. Carried by unanimous vote.

**CONTRACT (C98-23)**

3. Resolution No. 98-90. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO MJC CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND PEDESTRIAN RAMPS, ENGINEERING SPECS. NO. 98-1". (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C94-24)**

4. Resolution No. 98-91. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO MJC CONSTRUCTION COMPANY FOR THE WILSON AVENUE AND MISCELLANEOUS STORM DRAIN IMPROVEMENT PROJECTS AT VARIOUS LOCATIONS, SPECS. NO. 98-2". (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C98-25)**

5. Resolution No. 98-92. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO U-LINER WEST FOR THE SEWER REHABILITATION AND INSTALLATION. ENGINEERING SPECS. NO. 98-3". (Engineering)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (continued)**

**CONTRACT (C98-26)**

6. Resolution No. 98-92. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO TRASIG CORPORATION FOR THE TRAFFIC SIGNAL UPGRADE AT 24TH STREET/HOOVER AVENUE AND 8TH STREET/HARBISON AVENUE INTERSECTIONS. ENGINEERING SPEC. NO. 97-5". (Engineering)

**ACTION:** Adopted. See above.

**WARRANT REGISTER (202-1-13)**

7. Warrant Register #3. Ratification of Demands in the amount of \$122,544.89 (Warrant Nos. 150152 through 150276 inclusive excepting none / 10970 through 10973, 10975 and 10976 inclusive) and Certification of Payroll in the amount of \$515,258.15. (Finance)

**ACTION:** Adopted. See above.

**FINANCIAL MANAGEMENT 1998 (204-1-13)**

8. **SUBJECT:** Consolidated Cash and Investment Report as of June 30, 1998. (Finance)

**ACTION:** Accepted and filed. See above.

**CLAIMS 501-1-142)**

9. **SUBJECT:** Claim for Damages: Irma Morales. (City Clerk)

**ACTION:** Denied. See above.

**Note:** Item Nos. 10 and 11, Non Consent Resolutions, were deferred to the end of the Agenda.

**NON CONSENT RESOLUTIONS**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

10. Resolution No. 98-94. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING A TECHNICAL AMENDMENT TO THE NATIONAL CITY LOCAL COASTAL PROGRAM". (Community Development Commission). (Refer to Item No. 1)

**NON CONSENT RESOLUTIONS (continued)**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

**SPECIFIC PLAN AMENDMENT/HARBOR DISTRICT (417-1-7)**

11. Resolution No. 98-95. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING A HARBOR DISTRICT SPECIFIC AREA PLAN". (Community Development Commission) (Refer to Item No. 2)

**NON CONSENT RESOLUTIONS**

**REVENUE AND TAXATION ADMIN (205-2-1)**

12. Resolution No. 98-96. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO REQUEST REFUND OF, OR IN THE ALTERNATIVE, DISCONTINUANCE OF BOOKING FEES FOR THE COUNTY OF SAN DIEGO". (City Attorney)

**RECOMMENDATION:** Staff recommended that Council adopt the Resolution.

**TESTIMONY:** None.

**ACTION:** Motion by Morrison, seconded by Zarate, to adopt Resolution No. 98-96. Carried by unanimous vote.

**ORDINANCE FOR ADOPTION**

Motion by Morrison, seconded by Inzunza, the Ordinance be adopted by title only. Carried by unanimous vote.

**MUNICIPAL CODE 1998 (506-2-13)**

13. "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 10 OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING CHAPTER 10.45 REGARDING SECURITY AND FIRE ALARM SYSTEMS". (City Attorney)

**RECOMMENDATION:** Staff recommended that Council adopt the Ordinance.

**TESTIMONY:** None.

**ACTION:** Motion by Inzunza, seconded by Waters, in favor of Ordinance No. 98-2150. Carried by unanimous vote.

7/28/98

**NEW BUSINESS**

**POLICE DEPARTMENT ADMIN (302-4-1)**

14. **SUBJECT:** Staff report on meeting FCC loading requirement for 800 MHZ radio system (Police Department)

**RECOMMENDATION:** Accept and file.

**TESTIMONY:** None.

**ACTION:** Accepted and filed.

**CITY MANAGER** - No Report.

**CITY ATTORNEY** - No Report.

**OTHER STAFF** - No Report.

**MAYOR**

Mayor Waters presented a \$320,000 check to City Manager Tom McCabe from the Community Development Commission tax-increment money to be applied to Capital Improvement Projects (CIP). Mayor Waters read a letter from a citizen commending Code Conformance Officer Alex Behr.

**CITY COUNCIL**

Councilman Beauchamp reported that he was interviewed on the radio regarding the Duck Pond story that appeared in the newspaper.

**PUBLIC ORAL COMMUNICATIONS**

Marion Cooper, 1313 "N" Ave., requested that the Garage Sale Ordinance be modified to allow charitable organizations and groups to hold rummage sales. The matter was referred to staff for a report to come back in 30 days.

**Note:** Item No. 1, Public Hearing, scheduled at the beginning of the Agenda, was taken up next.

**PUBLIC HEARING**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

1. Public Hearing on a technical amendment to the National City Local Coastal Program (LCP). (Community Development Commission)  
(Refer to Item No. 10)

**PUBLIC HEARING**

**LOCAL COASTAL PROGRAM ADMIN (continued)**

**NOTE:** Notice of Public Hearing and Proof of Publication are on file in the office of the Community Development Commission.

**RECOMMENDATION:** Hold the Public Hearing, hear the presentation by staff and consultants, allow for City Council and public comments, and close the Public Hearing.

**TESTIMONY:** None.

**ACTION:** The Public Hearing was closed.

**Item No. 10, Non Consent Resolution, scheduled at the beginning of the Agenda, was taken up next.**

**NON CONSENT RESOLUTIONS**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

10. Resolution No. 98-94. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING A TECHNICAL AMENDMENT TO THE NATIONAL CITY LOCAL COASTAL PROGRAM". (Community Development Commission). (Refer to Item No. 1)

**RECOMMENDATION:** Staff recommended that Council adopt the Resolution.

**TESTIMONY:** None.

**ACTION:** Motion by Inzunza, seconded by Morrison, to adopt Resolution No. 98-94. Carried by unanimous vote.

**Note:** Item No. 2, Public Hearing, scheduled at the beginning of the Agenda, was taken up next.

**PUBLIC HEARING**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

**SPECIFIC PLAN AMENDMENT/HARBOR DISTRICT (417-1-7)**

2. Public Hearing on the Harbor District Specific Plan. (Community Development Commission) (Refer to Item No. 11)

**PUBLIC HEARING**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

**SPECIFIC PLAN AMENDMENT/HARBOR DISTRICT (continued)**

**NOTE:** Notice of Public Hearing and Proof of Publication are on file in the office of the Community Development Commission.

**RECOMMENDATION:** Hold the Public Hearing, hear the presentation by staff and consultants, allow for City Council and public comments, and close the Public Hearing.

**TESTIMONY:** Presentations were made by the following consultants in support of the Specific Plan:

Norbert Dall, Dall & Associates, 6700 Freeport Blvd. #206, Sacramento, CA.

Norm Arndt, Rick Engineering, 5620 Friars Rd., San Diego

David Kelley, Kelley & Associates, 216 "F" St. #61, Davis, CA

Nancy Dall, Dall & Associates

San Diego Unified Port Commissioner, Jess VanDeventer, offered comments in support and answered questions.

**ACTION:** The Public Hearing was closed. Councilman Beauchamp read into the record an excerpt from the Minutes of the San Diego & Arizona Eastern Railroad (SDA&E) Board Meeting that related to the relocation of the oil pipeline by San Diego Gas and Electric (SDG&E): "Board Member Tom Larwin moved to authorize execution of the letter of consent to assign licenses (to SDG&E) to run a pipeline under the railroad right-of-way subject to all four licenses being granted at fair market value to be determined by staff and upon clear statement of SDG&E's obligation to relocate or remove, at its own expense, the ten inch oil pipeline at the request of the City of National City and SDA&E Railroad. Board Member Flour seconded the motion and it was unanimously adopted".

Note: Item No. 11, Non Consent Resolution, scheduled at the beginning of the Agenda, was taken up next.

**NON CONSENT RESOLUTIONS**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

**SPECIFIC PLAN AMENDMENT/HARBOR DISTRICT (417-1-7)**

11. Resolution No. 98-95. A "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING A HARBOR DISTRICT SPECIFIC AREA PLAN". (Community Development Commission) (Refer to Item No. 2)

**RECOMMENDATION:** Staff recommended that Council adopt the Resolution, and direct staff to prepare Plan for submittal to the California Coastal Commission.

**TESTIMONY:** None.

**ACTION:** Motion by Beauchamp, seconded by Zarate, to adopt Resolution No. 98-95 and the amending documents including the six-hour limits rather than the ten-hour limits.

Carried by unanimous vote. Absent: Morrison.

**ADJOURNMENT**

Motion by Inzunza, seconded by Zarate, the meeting be adjourned to the Next Regular City Council Meeting - August 4, 1998 - at 3:00 p.m. - Council Chambers, Civic Center. Carried by unanimous vote. Absent: Morrison.

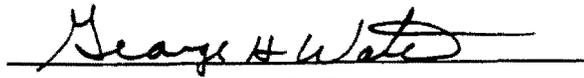
The meeting closed at 8:15 p.m.



CITY CLERK

7/28/98

The foregoing minutes were approved at the Regular Meeting of August 4, 1998.



MAYOR  
CITY OF NATIONAL CITY

**ALL CITY COUNCIL MEETINGS ARE TAPE-RECORDED. YOU MAY LISTEN TO THE TAPES IN THE CITY CLERK'S OFFICE. COPIES OF THE TAPES MAY BE PURCHASED FROM THE CITY CLERK.**

## RESPONSES TO COMMENTS

### 1. California Coastal Commission staff (July 23, 1998), Attachment 1

Lee McEachern, Supervisor of Permits and Enforcement, California Coastal Commission, San Diego Area office, on July 23, 1998 in a telephone conference with Stephanie D. Dall, senior environmental advisor to the Community Development Commission ("CDC") of National City, provided oral comments on the Public Review Draft of the Harbor District Specific Area Plan ("HDSAP"). CDC staff and advisors conferred with Coastal Commission staff during the issues identification, Administrative and Public Review Draft preparation, and Planning Commission-City Council public hearing phase, including with Assistant District Director Deborah Lee and Wetlands Biologist Dr. John Dixon. CDC officials, staff and advisors also participated in a site visit to the Planning Area with Coastal Commission and USFWS National Wildlife Refuge staff on August 6, 1998.

#### Detailed Responses to Comments:

##### 1.01. Chapter 2

- 1.01.01. Page 2-4, Bullet 5 et al.: Why is LOS D used as the planned traffic capacity level of service?

Level of Service (LOS) D constitutes the Regional Growth Management Strategy (RGMS) LOS objective for arterial streets as well as freeways. Urban Systems Associates, Table 3, "Regional CMP LOS Standards", in "Transportation Analysis for the 24th Street Widening and Harrison Avenue Extension Projects in the City of National City", July 2, 1997, page 7, based on "1991 Congestion Management Program (CMP) Updated February 1994". The City Council in adopting the HDSAP determined to apply the standard to W. 24th Street, Harrison Avenue extension, and the W. 24th Street intersections with the south-bound I-5 ramps, Cleveland Avenue, and Harrison Avenue within the Planning Area.

##### 1.02. Chapter 3:

- 1.02.01. Request for Audubon Society Comments.

Audubon's oral comments of December 1997 and written comments of July 1998 were summarized for Dr. Dixon by telephone on July 24, 1998; and the written comments were faxed to him later the same day, along with CDC responses and relevant revised language responding to comments.

- 1.02.02. Request for disclosure that a reduced buffer, where necessitated by

physical constraints, may not achieve the range of benefits to be provided in a wider buffer, notwithstanding its adequacy to avoid adverse impacts to the marsh from upland activity.

Policy 3.3.3.1(b) (formerly at 3-16, now at 3-17) has been revised to provide the requested disclosure.

- 1.02.03. Request for specification/quantification of the absolute minimum setback/buffer width (structural and construction staging) in the Narrows.

Policy 3.3.3.1(c) (formerly at 3-16, now at 3-17) has been revised to specify the minimum setbacks to be allowed in the Narrows, based on the maximum structural and construction setbacks that can be achieved at the most constrained location through the Narrows, according to Rick Engineering Company.

In the constrained area between the northern end of Paradise Marsh and the SD&AE trestle and bounded on the west by the BNSF tracks, the setback *averages* 90 feet during the construction period. Once completed, the vegetated retaining wall will itself become part of the designated buffer, making the minimum setback/buffer between the Harrison Avenue Public Access Corridor ("HAPAC") and the marsh 13 feet wider, and providing an *average* setback/buffer width of over 100 feet in this section.

- 1.02.04. Request for insertion of provision for independent biologist oversight, biological performance standards, and establishment of implementation milestones.

The mandatory components for habitat buffer implementation in Section 3.4.6 have been revised to articulate these requirements. In response to discussions with USFWS staff, specific performance criteria are required to be customized for each buffer segment in the implementation plan or plans, to ensure that location-specific needs are fully addressed. (Desirable "cover" varies both between segments and, within each segment, by variations in elevation and slope.)

1.03. Chapter 4:

- 1.03.01. Page 4-5, Section 4.3.1(b)(2) et al.: A 40 foot high limit is too high. In the City of San Diego, a height limit in similar locations is believed to be 30 feet.
- 1.03.02. Page 4-6, Section 4.3.1(b)(6) and (7), and at Page 4-7, Section 4.3.1: Language should be added to indicate that public accessways will be dedicated or recorded wherever feasible.

Section 2.5.7(b) was added to specify that, in connection with any development in Subarea A or B, and the Harrison Avenue extension project, a specific finding of Coastal Act, certified LCP, and Harbor District Specific Area Plan public access policy implementation is required to be made as part of any action, not just limited to actions on a coastal development permit, relating to development in said areas. No feasibility test is provided in this regard, since the dedication of public accessways in the Harrison Avenue Public Access Corridor is integral to the purpose of that project, and lateral and vertical public accessways in Subareas A and B are required as part economic development of these respective subareas.

Section 2.5.7(c) was added to Chapter 2, Public Access, to specifically implement the relevant Coastal Commission regulation (14 CCR 13574(b)) by designating the Community Development Commission (CDC) as the local processing entity for all legal documents relating to the acceptance, opening, operation and maintenance of any public access, open space, or conservation easement, or other restriction on the use of land, that is required by a coastal development permit approved by the City pursuant to the Harbor District Specific Area Plan. This new Section also implements the informational transmittal process to the Coastal Commission executive director that is set forth in 14 CCR 13574(b).

#### 1.04. Chapter 5

- 1.04.01. Page 5-12, Section 5.3.2(a)(9): Why is a 6-hour rather than a 10-hour period used as the interval duration for a 100-year recurrence storm event?

The 6-hour, 100-year recurrence storm event is National City's standard design storm event with regard to storm water runoff control measures. National City is guided herein by the National Weather Service (NWS) hydrologic forecasts and calibrations (hydrologic models), which have been typically prepared using inputs of 6-hour mean areal precipitation (MAP) estimates derived from rain gage networks. (See, e.g., Finnerty, B., and Johnson D., Office of Hydrology, NOAA/National Weather Service, Silver Spring, Maryland 20910, "Comparison of National Weather Service Operational Mean Aerial Precipitation Estimates Derived from NEXRAD Radar vs. Rain Gage Networks" [Paper presented at the International Association for Hydraulic Research, XXVII Congress, San Francisco, CA, August 10-15, 1997, at page 1.]) National City notes, however, that "operational hydrologic forecasts can now be prepared using 1-hour, as well as 6-hour, MAPs derived from high resolution gridded precipitation estimates from the NWS Next Generation Radar system (NEXRAD)." (Id.) NEXRAD consists of

a national system of radars called "Weather Surveillance Radar 1988-Doppler (WSR88-D)".

1.05. Chapter 6

- 1.05.01. Page 6-9: Please explain jurisdiction in the context of the MOU which is referenced, but has not been reviewed by Coastal Commission staff.

The basic Coastal Act-based jurisdictional lines in National City, west of I-5, reflect (1) the tidelands boundary of the SDUPD, bayward of which the certified Port Master Plan governs; (2) the geographical area in the former "Barkett Property" for which the Coastal Commission in 1994 certified Port Master Plan Amendment No. 19 (National City Marina); and (3) the legal geographical boundary amendment for the area of PMPA 19, which was filed by SDUPD with the Coastal Commission in July, 1998.

In addition, the HDSAP makes reference to the Memorandum of Understanding between National City and SDUPD (1997), which defines the relationship between the City and the Port District, including as to the sequencing and classification of uses in the former Barkett Property, which was acquired by SDUPD in 1994 (now, SDUPD Parcel 103-100). The term of the MOU extends to the year 2002, at which point, depending on intermediate actions, the former Barkett Property (exclusive of the PMPA 19 area) remains within the Coastal Act-based planning and regulatory jurisdiction of National City, or may be incorporated by SDUPD pursuant to further legal geographical boundary amendment into the Port District's area for planning and regulation pursuant to the Port Master Plan. The City and SDUPD have agreed that during the term of the MOU, the area of Parcel 103-100 (exclusive of the area of PMPA 19) will remain in National City's planning and regulatory jurisdiction.

**2. United States Fish and Wildlife Service staff (July, 1998),  
Attachment 2**

CDC officials, staff, and advisors conferred with Environmental Services Branch and National Wildlife Refuge staff of the United States Fish and Wildlife Service throughout the issue identification, wetlands delineation, species identification, habitat buffer design, development and use alternatives analysis, impact avoidance, Administrative Draft, and Public Review Draft phases of the HDSAP. Formal meetings occurred on February 25, 1998 and on May 1, 1998. Site visits to the Paradise Marsh and adjacent areas occurred in 1997 and 1998. In July, 1998, Brian Collins, Sweetwater Marsh National Wildlife Refuge biologist, provided the following oral questions to Eric Crockett, CDC project coordinator with regard to the Public Review Draft HDSAP:

2.01. Chapter 1

- 2.01.01. Page 1-8, what is the meaning of the reference to no biological linkage between ruderal and exotic species on the uplands and Paradise Marsh?

The reference was deleted from the HDSAP adopted by City Council. The previous intent, which apparently was unclearly stated, was to indicate what may be obvious: that the ruderal and exotic species that have colonized the man-made fill edges around Paradise Marsh in Subareas A (north side), B and C (west side), and D (south and east side) play no apparent biological role in relation to the wetlands species in the Marsh.

2.02. Chapter 3

- 2.02.01. Comments and recommendations from the USFWS have been received during the year-long planning process, and all chapters of the HDSAP reflect those comments and recommendations.

With respect to Chapter 3 of the Public Review Draft, the only comment concerned the accuracy of the common name listed for a plant species, the accuracy of which has been confirmed.

2.03. Chapter 6

- 2.03.01. Page 6-5, boatyards, marine engine repair, and related boat serving uses in Subarea B may adversely affect adjacent natural areas and waters.

The Coastal Commission-certified National City LCP Land Use Plan, which constitutes the planning basis for the HDSAP, specifically identifies "boating uses", including "boat service facility", as the highest

priority for the CT (Tourist Commercial) land use area west of Paradise Marsh (i.e., Subarea B), subject to consistency with Marsh and other wetland habitat protection policies. (LUP Recreation Policy 3; Marsh Preservation Policies 2, 4.)

In response to USFWS staff's comment, the City Council-adopted HDSAP Section 6.4(a)(3)D) prohibits, in Subarea B-1 (the area between Harrison Avenue on the west and the delineated edge of wetlands/ National Wildlife Refuge boundary), "exterior boatyard-related uses that would adversely affect the National Wildlife Refuge, any adjacent wetlands, any habitat buffer, or any public accessway." (Page 6-6.) The minimum 200-foot setback (separation) between the boundary of the National Wildlife Refuge and any structural (e.g., building) use related a boating service facility in Subarea B-2, west of Harrison Avenue just south of the "Narrows" curve, would also apply. These restrictions on boat service facility uses in the otherwise developable planning subarea nearest to the Refuge or other delineated wetlands would substantially protect the natural resource areas, including habitat buffers, from potential adverse effects associated with such uses. Movement of boats to the PMPA 19 marina area across the east-west pedestrian accessway along the southerly boundary of Subarea B-1 would, however, be permitted.

2.03.02 Page 6-6

Ventilation of boat painting within buildings may adversely affect air quality and other natural resources in and over the Refuge.

HDSAP Section 6.4(a)(3)(C), as adopted by the City Council, adds to the list of prohibited marina-related uses the discharge of any toxic material or liquid into the air, in addition to prohibiting their discharge onto the ground, into Paradise Marsh, an adjacent wetland, or directly or indirectly into the storm water drainage system.

### **3. San Diego Unified Port District (July 16, 1998), Attachment 3**

CDC officials, staff, advisors, and consultants conferred extensively with SDUPD officials, senior staff, and technical staff in 1997 and 1998 during the issue identification, infrastructure and economic development alternatives analysis, technical studies design, implementation and review, graphics design, review, and updating, Administrative and Public Hearing Draft preparation and review, and issues resolution processes. By letter dated July 16, 1998 and signed by L. Thomas Morgan, Senior Director, Real Estate Operations, and Dan E. Wilkens, Senior Director, Strategic Planning Services, the San Diego Unified Port District ("SDUPD") provided

detailed written comments to the CDC regarding the Public Review Draft of the Harbor District Specific Area Plan ("HDSAP"). CDC staff and consultants conferred with SDUPD officials and staff in response to the comment letter and recommended specific changes to the Public Review Draft HDSAP pursuant thereto, which were sequentially approved by the Planning Commission on July 20, 1998 and adopted by the City Council on July 28, 1998.

### 3.01. General Comments - Applicable to Entire Plan

- 3.01.01. Page 1, Buffer Zone, location of public walkways, bikeways, landscaping, view points: internal consistency and SDUPD preference(s).

The City Council-adopted HDSAP provides for a restored and protected habitat buffer around Paradise Marsh and delineated wetlands that is a minimum 100-feet in width, except where unalterable physical constraints (i.e., the location of the BNSF Railroad tracks in the "Narrows", which themselves are constrained by the large [former Safeway] distribution building immediately to the west and the location of a minimum functional width Harrison Avenue Public Access Corridor) make achievement of that full buffer width impossible along 600 feet out of a total 3,600-foot long buffer (17% measured along the buffer-Harrison Avenue extension interface, or 6% by area where the buffer is less than 100 feet wide). Considered in its entirety, the average habitat buffer width is 104+ feet.

In coordination with USFWS and CDFG, location of suitably buffered and non-intrusive public access improvements (walkway, bikeway, vista point, and the unavoidable segment of Harrison Avenue Public Access Corridor through the Narrows) are permitted within the landward-most side of the buffer area, as provided in Section 3.3.2.(e), subject to specific conservation and location criteria therein. SDUPD misreads Section 5.2.1(a), which specifically cross-references the permitted uses in habitat buffer and building setback areas provided by Chapter 3 (e.g., Section 3.3.2.(e)); no inconsistency exists between the two Sections.

- 3.01.02. Page 1, Buffer Zone, reduction in width below 100 feet if public accessways, vista points, and landscaping cannot be located in them.

No reduced habitat buffer width below 100 feet, other than in the physically constrained "Narrows", is either necessary (because access ways, etc. can be carefully located in and adjacent to them), ecologically desirable, or consistent with LUP Marsh Preservation Policy 2, which establishes the general 100-foot buffer width standard on point for the HDSAP.

- 3.01.03. Page 1, Definition of "development" to allow public accessways, vista

points, and landscaping within the 100-foot buffer zone.

The term "development" is statutorily provided in Cal. Coastal Act (Pub. Res. Code) Section 30106. It is a settled matter of California Coastal Management Program implementation that the term may not be changed at the point of LCP (or Port Master Plan) application. As noted in Response to Comment ("RTC") 3.01.01, public access and similar non-intrusive improvements may be located along the landward side of the habitat buffer with the concurrence of USFWS and CDFG.

3.01.04. Pages 1-2, Revisions to graphics

Bullet 1: Fig. 2.1 depicts the typical location of the vista point in Subarea A along the landward edge of the 100-foot habitat buffer from the delineated edge of wetlands, as shown in Fig. 3.1 (1998 conditions). Subsequent geotechnical and Phase 2 environmental analysis indicates that, depending on the restoration contours of the Paradise Marsh North Bluff if contaminated fill materials are removed and the location of the vista point relative to the approximately natural Bay Point Formation landform, the distance between the vista point or public "blufftop" accessway in Subarea A and edge of delineated wetlands (1998) may be 130-210 feet.

Consistent with Section 3.3.2(e), the vista point in the northerly part of Subarea B-1 is located at the landward (westerly) edge of the 100-foot wide habitat buffer of the delineated wetlands (salt pan). As a result of the identification of endangered Salt marsh bird's beak plants in the southwesterly corner of the Paradise Marsh unit of Sweetwater Marsh National Wildlife Refuge, Section 2.5.6 has been amended to clarify that the marsh habitat viewing platform in that area only be constructed if it can be shown not to adversely affect this plant habitat. Fig. 2.1 reflects that status by removing the vista point

Bullet 2: The driveway/public accessway, and bikeway connection between Subarea A and the Harrison Avenue Public Access Corridor is necessary for secondary fire and emergency equipment access to Subarea A, as well as to provide a secondary ingress/egress to the commercial recreational uses and connecting (continuous) pedestrian/bicycle ways in the Subarea. CDC has made a railroad line crossing request to MTDB (the owner of the SD&AE) for these driveway, pedestrian, and bicycle way crossings.

- Bullet 3: Fig. 2.1 and the Sections in Chapter 2 refer to location of public parks by Subarea and/or type of use. Naming of parks and other public spaces is reserved by the City Council to itself.
- Bullet 4: Subareas A, B, C, and D are identified in the City Council-adopted HDSAP Fig. 2.1.

3.01.05. Page 2, Figure 4.1

- Bullet 1: 15-foot building setbacks (e.g., from property lines) are inadequate to meet minimum 20-foot fire and other emergency equipment lane requirements, especially where, as in Subarea A, various corners and turns in the property lines and building edges are involved. The 100-foot setback of the nearest one-story development envelope from the property line with the National Wildlife Refuge reflects the implementation of the environmentally based height limit based on the Marsh View Plane analysis pursuant to HDSAP Section 5.2.9.
- Bullet 2: The visual linkage between W. 24th Street and Paradise Marsh along the southerly projection of Cleveland Avenue is a required HDSAP implementation measure by LUP Visual Resources Policies 2 and 4, and therefore cannot be eliminated from the HDSAP. Two terraced (stepped) development envelopes, east and west of the projection of Cleveland Avenue, are shown in HDSAP Fig. 4.1, as adopted by the City Council. Alternative terraced (stepped) development envelopes for Subarea A (Concept A and B) have been prepared by RPG based on subsequent geotechnical and Phase 2 environmental site assessment studies. Within the three-dimensional development envelopes, there is substantial flexibility for optimal design, density, and intensity of economic uses within the applicable environmental parameters established by the certified LUP, City Land Use Code, and HDSAP as adopted by City Council.
- Bullet 3: Height limits and design improvements are required in the HDSAP by, respectively, LUP Visual Resources Policies 2 and 4.

In light of the subsequent geotechnical and Phase 2 environmental site assessment studies of Subarea A (as required by LUP Environmental Hazards Policy 1 and 2), the 100-foot building setback from the property line of

Subarea A with the National Wildlife Refuge shown in Figure 4.1, as adopted by the City Council, depicts the development scenario if the contaminated fill is substantially replaced by stable clean material.

Alternative Concepts A and B (Rick Planning Group, August, 1998) reflect development setbacks in the event of (approximate) natural landform restoration of the Baypoint Formation and Paradise Creek alluvial plain/wetlands. The terracing (stepping) of the development envelope is a wetland habitat preservation measure, pursuant to LUP Marsh Preservation Policy 1, that was formulated in consultation with the USFWS and CDFG to protect avian marsh species from predation by raptors that likely would perch on new elevated building edges facing the Marsh.

Continuous building massing across the visual corridor along the projection of Cleveland Avenue would be inconsistent with the requirement of LUP Visual Resources Policy 4 to enhance the visual linkage between the W. 24th Street area and Paradise Marsh, and is therefore not provided by the HDSAP.

Bullet 4: Please see RTC 3.01.04, Bullet 2.

Bullet 5: Please see RTC 3.01.04, Bullet 1.

3.01.06 Page 2, Figure 4.2.

Bullet 1: Please see RTC 3.01.05, Bullet 1.

Bullet 2: The correct locations of Subarea B-1 and B-2 are consistently shown on Fig. 1.3, 2.1, and 4.2.

Bullet 3: Please see RTC 3.01.05, Bullets 1 and 2.

Bullet 4: Please see RTC 3.01.04, Bullet 1.

Bullet 5: The previously depicted 18-foot wide setback of the development envelope along the easterly edge of Subarea B-1 was deleted in the City Council-adopted HDSAP because it is unnecessary, given the specific 200-foot building setback requirement from the edge of the National Wildlife Refuge established in Section 3.3.3.1(e).

The previously depicted 20-foot setback along the southerly side of Subarea B-1, where it faces the PMPA 19 area

of the National City marina, has been deleted and replaced by the public accessway depicted in Fig. 2.1 to connect the combined Bayshore bikeway/pedestrian way with the sidewalk and bikeway in 32nd Street that leads to Pepper Park.

- Bullet 6: The previously shown 50-foot setback of the development envelope from the public park at the northerly edge of Subarea 1 has been deleted as unnecessary because the park itself constitutes the visual transition zone between Harrison Avenue Public Access Corridor and Subarea B-1, a 20-foot wide (minimum) driveway occurs along the northerly B-1 edge, and permitted development immediately facing the park is limited to a 20-foot height.
- Bullet 7: Figures 1.2, 1.3, 1.4, 2.1 and 4.2 have all been revised to reflect the National City-SDUPD boundary, consistent with PMPA 19 and the Port District's current filing of a legal geographical boundary amendment in this area, to follow the southerly edge of the 32nd Street right-of-way east to the SDG&E utility corridor parcel.
- Bullet 8: The public plaza ("Marina View Plaza") at the south-southeasterly edge of the intersection of Harrison Avenue Public Access Corridor and 32nd Street has been sited so as to be located only within the National City LCP jurisdiction.

### 3.02. Chapter 2

#### 3.02.01. Page 3, re HDSAP Section 2.4(b), (c), (d)

The findings in HDSAP Section 2.4 relating to traffic generation and circulation patterns in, and adjacent to, the Harbor District are based on the information, analysis, and engineering recommendations available to National City through July 28, 1998, when the City Council adopted the HDSAP. National City thanks the Port District for its collegial sharing of the May, 1997 traffic study prepared by Urban Systems Associates under subcontract to SDUPD, which addresses "existing traffic conditions, future short-term existing traffic (10 years) conditions, and buildout (Year 2015) conditions with and without the roadway projects" (Transportation Analysis for the 24th Street Widening and Harrison Avenue Extension Projects in the City of National City", July 2, 1997, page 1.) The study constitutes a basis for the design by Rick Engineering Company of the travel lane, intersection, turn lane, signalization, and emergency parking lane geometric and capacity components of the W. 24th Street widening and Harrison Avenue extension, as shown in City Council-adopted

Figures 2.6, 2.7 and 2.8.

The design capacity of Harrison Avenue extension, between W. 24th Street and 32nd Street is 7,500 ADT's (USA, 1997, indicates a design ADT of 10,000). At build-out, traffic demand generated by the maximum permitted intensities of use in Subarea B, the development of the National City marina, and Pepper Park/boat launch ramp is estimated to be 4,495 weekday ADT's and 4,713 holiday weekend ADT's. (See HDSAP, Table 2.1.)

The traffic analysis thus indicates that sufficient public access and recreational traffic average weekend and weekend holiday and peak hour intersection capacity along W. 24th Street and Harrison Avenue exists at present and will exist at buildout (Year 2015) to serve existing and planned access/ recreational uses in the HDSAP and adjacent Port marina, park, and boat launch areas.

Another major finding of USA's traffic study is that the bulk of the existing traffic (ADT's) in W. 24th Street, between I-5 and Haffley Avenue (the westerly-most street in the City's industrial area, west of the Harbor District Specific Planning Area), originates and is destined to existing land uses within the City's industrial areas west and north of the HDSAP. The findings and objectives stated in HDSAP Section 2.4(d) have been clarified to make even more clear that the heavy truck traffic reduction (and possible elimination) goal applies only to the traffic that originates and is destined to land uses within the City's jurisdiction. In other words, the HDSAP does not propose to either reduce or eliminate truck traffic on W. 24th Street to and from the National City Marine Terminal on Port tidelands.

The noise reduction goal provided by HDSAP Section 2.4(c) for W. 24th Street lies fully within the public health and safety authority of the City of National City. Coordinated signalization of the W. 24th Street intersections at Haffley, Harrison, Cleveland, and the I-5 ramps, as proposed by the City's traffic engineer to facilitate efficient traffic flows to and from the freeway, will likely reduce noise levels associated with current repeated heavy truck start-ups at the intersections. National City agrees with the Port District that a comprehensive truck traffic study is desirable to enhance and formalize already existing northbound truck circulation patterns via the Port's recently improved Tidelands Avenue segment, as well as through the I-5/Civic Center intersection. Section 2.4(b) states National City's goal in this regard; however, since neither Tidelands Avenue nor the I-5/Civic Center intersection are within the Harbor District Specific Planning Area, the HDSAP contains no mandatory standards regarding them.

Please see RTC 3.01.06, Bullet 8. Traffic analysis performed for the HDSAP of the Harrison Avenue extension-32nd Street curve (partial intersection) does not consider or address possible future incorporation of an entrance here into the landside support functions of the National City marina. Should it be proposed in the future by SDUPD, the relatively small segment of "Marina View Plaza" that would be affected by a street/driveway entrance cut could be shifted by SDUPD to the broader segment of the 32nd Street right-of-way, just west of the historic MHTL. (See HDSAP Figure 4.2.) Therefore, the City Council-adopted HDSAP retains the references, standards, and graphic depiction (location) of this important public view plaza from the foot of Harrison Avenue to the National City marina, boat basin entrance, and Sweetwater Channel.

3.03. Chapter 3

3.03.01. Page 3, re: Section 3.3.3.1(e) and 3.3.3.7(d)

SDUPD's recommendation to reduce the setback from 200 feet to 100 feet for buildings in Subarea B-1 relative to the boundary of the National Wildlife Refuge is unimplementable because (a) in the area of Marsh View Plane Line D (Figure 5.2, Subarea B-3) such a reduced setback would allow habitable buildings (restaurant, lodging facility) to be located inside the SDG&E utility corridor right-of-way, contrary to the HDSAP and applicable laws regulating development in overhead electric transmission and oil pipeline corridors; and, (b) in Subarea B-1, north and west of the SDG&E utility corridor parcel, the 200-foot setback extends only into the area where projected development will consist of landscaped surface parking, given that the Marsh View Plane height limit here is generally below 15-feet within the setback area. Therefore, there is neither a development need nor a marsh habitat-supportable basis for reducing the size of the 200-foot setback area. It should be noted, however, that the one-story low rise bikeway-oriented commercial facility allowed by Section 4.3.2.(c)(2) in the southeasterly corner of Subarea B-1 is specifically consistent with the 200-foot setback requirement from the boundary of the National Wildlife Refuge.

3.03.02. Page 3, re: Section 3.3.11.(e)

Full compliance with, and enforcement as necessary of, the HDSAP standards, including Best Management Practices, to protect the natural resources in, and adjacent to, the Planning Area are essential components to the compliance of the HDSAP with LUP Marsh Preservation Policies 1, 2, 4, and 5. Utilization of the conditional use permit review and renewal process, including revocation in extreme cases, is a standard local government technique pursuant to local government's police power authority to protect the public health and

safety. The City Council therefore adopted Section 3.3.11.(e) as stated in the Public Review Draft HDSAP.

3.03.03. Page 3, re: Section 3.3.3.13.(j)

In response to SDUPD's request to delete and Audubon Society's recommendation to strengthen this Section, which implements Coastal Act guidance regarding the enforcement of HDSAP standards relating to construction activities, the Section has been revised in the City Council-adopted HDSAP to clarify its applicability to "permit applicants" and to incorporate the mandatory resource restoration or replacement criteria of the California Coastal Management Program. (It may also be noted, in response to SDUPD's comment, that the basic principle of this Section reflects SDUPD's own CEQA-implementation provisions.)

3.03.04. Page 4, re: Section 3.5.4.6.

The City Council-adopted HDSAP specifies that persons listed by the San Diego Natural History Museum are deemed qualified to conduct paleontological studies pursuant to HDSAP requirements.

3.04. Chapter 4

3.04.01. Page 4, re: Section 4.2(c).

Bullet 1: The purpose of Section 4.2(c) is to assure that adequate traffic capacity in W. 24th Street, as proposed to be expanded, is reserved for Coastal Act priority land uses that are, in whole or part, served by this major east-west street, including public access, park and aquatic recreation, tourist-commercial recreation, and water-dependent maritime industry. Since the preliminary traffic study (USA, 1997) identified that some 75% of all traffic in W. 24th Street turns at the Cleveland Avenue intersection, and since the HDSAP policies can only govern within the City's LCP jurisdictional area (and hence not within the Port District's legal geographical jurisdiction under the Coastal Act), the HDSAP neither requires nor implies any mandatory traffic volume or circulation restrictions on Port tidelands.

Bullet 2: The HDSAP, as adopted by City Council, retains the last sentence in Section 4.2(c), which references the cooperative SDUPD-City long term truck traffic management study, because Coastal Commission administrative regulations governing the preparation of LCP's require them to consider supra-local issues, including specifically transportation corridors and commer-

cial port facilities. (14 CCR Section 13513(a)(4) and (5).)

3.04.02. Page 4-5, re: Section 4.2(d)

The CDC of National City has engaged in additional consultation with SDG&E regarding the status of utility easements in the Planning Area, which is memorialized in several pieces of correspondence between CDC and SDG&E. The HDSAP generally requires undergrounding of service electric lines, and reserves corridors along W. 24th Street therefore, but because specific utility plans are often only prepared at the point of specific development project design, Section 4.2(d) requires their incorporation in any application for a coastal development permit that affects the area in which such utilities, or utility easements, are located. Since above-ground utility lines (other than individual building hook-ups) and easements typically preclude the location of habitable structures beneath/above them, and above-ground lines have significant adverse visual quality effects contrary to LUP Visual Resources Policies 3 and 4, the location, undergrounding, and/or vacation of utility lines or easements is a necessary component of any complete application for a coastal development permit in Subareas A or B.

3.04.03. Page 5, re: Section 4.2(e)

Please see RTC 3.03.01.

3.04.04. Page 5, re: Section 4.3.2(e)

The residual diesel fuel oil in the SDG&E oil pipeline, as well as the types of fuel oils identified in SDG&E's pipeline oil spill contingency plan, both constitute "toxic materials", as defined. The reference to "hazardous" materials has been deleted from the HDSAP.

3.05. Chapter 5

3.05.01. Page 5, re: Section 5.1.1(a)

Please see RTC 3.01.05.

3.05.02. Page 5, re: Section 5.1.1(i)

Please see RTC 3.01.06, Bullet 8.

3.05.03. Page 5, re: Section 5.1.2(4)

Please see RTC 3.01.06, Bullet 8.

3.05.04. Page 5, re: Section 5.2.3(c)

"Marina View Park" was the placeholder name given to the park in Subarea B-3 along the westerly edge of the SDG&E utility corridor parcel where it overlooks the PMPA 19 National City marina boat basin. In the City Council-adopted HDSAP Figure 2.1 it is marked by a green star.

3.05.05. Page 5, re: Section 5.2.4

Please see RTC 3.01.06, Bullet 8.

3.05.06. Page 6, re: Section 5.2.5(b)

The limitation on turf areas within public parks is a reflection of their relatively small size, their proximity to habitat areas, and a function of the HDSAP's objective to minimize (or avoid altogether) the introduction of new significant sources of noise, irrigation water, or potential pollutants in proximity to wetland or habitat buffer areas. The City Council therefore adopted the HDSAP with the turf area limitation proposed in the Public Review Draft HDSAP.

3.05.07. Page 6, re: Section 5.2.6(b)

Consistent with LUP Marsh Preservation Policy 2, this Section has been clarified to require a minimum 100-foot buffer between commercial structures in Subarea A and the boundary of the National Wildlife Refuge. The subsequent geotechnical and Phase 2 environmental site assessment studies of Subarea A indicate the economic and environmental feasibility of that requirement. (See, e.g., RPG Concept A and B, August, 1998.) Consultation with CDFG and USFWS on buffer location and design concepts did not identify any sustainable reduction of the design (minimum) habitat buffer width in Subarea A below 100 feet.

3.05.08. Page 6, re: Section 5.2.6(d)

Consistent with LUP Visual Resource Policy 2 and 4, Section 5.2.6(d) references colors, materials, and textures that are compatible and do not conflict with the natural palette of the Harbor District setting: Paradise Marsh, the Baypoint Formation, and coastal San Diego County.

3.05.09. Page 6, re: Section 5.2.6(h)

The Section has been clarified to identify the regulations of the California Coastal Commission (at 14 CCR 13574) as the legal basis for the requirement that recorded open space and other easements run with the

land as a condition of coastal development permit issuance. This requirement is a settled matter of California Coastal Management Program implementation by local governments through LCP's.

3.05.09. Page 6, re: Section 5.2.7(b)

Bullet 1: Please see RTC 3.03.01.

Bullet 2: The provision for a maximum 4,000 SF bikeway-oriented commercial recreational building in the southeasterly corner of Subarea B-1 is based on a preliminary Marsh View Plane assessment (Line D in Fig. 5.2). Given the at-grade space demands for automobile parking to serve the other commercial recreational uses and densities proposed for Subarea B-1, which most likely would also be placed in the easterly (lowest development intensity) part of Subarea B-1, no additional space for a larger bikeway-oriented building appears to be available.

3.05.10. Page 6, re: Section 5.2.7(c)

Please see RTC 3.03.01.

The requirement for utilization of native vegetation in landscaping applies, pursuant to this Section, to areas within 200 feet of Paradise Marsh, Creek, and any delineated wetland, not "throughout a tourist commercial area" as stated in the comment. The mandatory requirement for utilization of native vegetation is based on the requirement of LUP Marsh Preservation Policy 1, which requires the "preservation" of these resources (including biologically against invasive introduced species).

3.05.11. Page 6, re: Section 5.2.8

Please see RTC 3.01.06, Bullet 8.

3.05.12. Page 6, re: Section 5.3.2

Please see RTC 3.01.05, Bullet 1.

The building height in Section 5.3.2 are based on the entryway, visual linkage, and design improvements/architectural provisions of LUP Visual Resources Policies 3 and 4, and are specifically intended to avoid creation of a visual tunnel along Harrison Avenue extension and W. 24th street by taller structures' crowding the street.

3.05.13. Page 7, re: Section 5.3.2(3)

The 120-foot terrace between first and second story elements of buildings in Subarea B that face Paradise Marsh is the direct result of the very flat landscape, when taken together with the predominant Marsh View Plane sections along the line 100 feet into the Refuge, which establishes the three-dimensional development envelope. Creative architects are likely to be able to utilize the sloping roof line(s) provided by the site-specific Marsh View Plane(s) to design attractive, environmentally sustainable, and economically functional areas in the space provided.

3.05.14. Page 7, re: Section 5.3.6

The SDG&E electric transmission lines in Subareas B and D constitute a major visual blight on the Harbor District Planning Area, and may likely also episodically (e.g., during inclement or foggy conditions) result in, or contribute to, substantial bird kills. In addition, the towers associated with the lines likely constitute premier perches for raptors who prey on avian endangered species in Paradise Marsh. Consistent with LUP Visual Resources Policy 4 and 5, the HDSAP provides a methodology whereby removal of the towers and transmission lines can be considered in conjunction with decommissioning of the South Bay Power Plant in Chula Vista, which they serve. Undergrounding of these high voltage lines is not proposed in the HDSAP.

3.06. Chapter 6

3.06.01 Page 7, re: Introduction

Given the SDG&E oil pipeline's location in and adjacent to delineated wetlands, its advanced age and reported lacking systems or dysfunctions, the projected significant planned adverse effect on Paradise Marsh in the event of a design "worst case" oil spill, and the basic requirement of LUP Marsh Preservation Policy 1 to preserve the wetland habitat resources, the HDSAP's consideration of abandonment of the pipeline in place and, if it is needed at all, relocation to an upland corridor appears prudent and indicated pursuant to the California Coastal Management Program. The City Council-adopted HDSAP provides therefor in cooperation with SDG&E, the Governor, and State Legislature.

3.06.02. Page 7, Section 6.2(a)

The reference to Subarea B-2 in the Public Review Draft stemmed from a previous mapping error in Figure 4.2; both have been corrected, including to indicate that the prohibition of new marine-related industry applies only to Subareas B-1 and B-3, both east of Harrison Avenue extension.

The fairly homogeneous broom baccharis which has established itself on the Subarea B upland "fill" in the southwestern portion of the Planning Area is a successional community which does not presently support significant fauna, as many plants as feasible are intended to be salvaged during site preparation. Policy 3.3.3.3(c) and (d) have been revised to stress the inclusion of broom baccharis in the habitat buffer vegetation where its association with other native species is expected to provide more productive habitat, as well as in the upland landscaping adjacent to the buffer, and in parks and public areas elsewhere in the Planning Area as feasible. (See Section 3.4.4.4 and Table 3.4.)

- 4.01.08. Recommendation to provide signage for identification and interpretation of native flora and fauna.

The access amenities provided in the HDSAP are intended to provide the public with the opportunity to become acquainted with the rich resources of Paradise Marsh and its ecology, without intrusion into the marsh itself. Policy 5.3.4(f) provides for interpretive biological and cultural resource signage throughout the Planning Area around the northern and western upland perimeter of Paradise Marsh, and including public accessways, parks, and vista points throughout the Planning Area.

- 4.01.09. Recommendation that wetland habitat buffer should be expanded outside of the constrained Narrows to achieve an average width of about 100 feet.

The habitat buffers to be observed outside of the Narrows around the entire northern and western perimeter of Paradise Marsh, as well as along the delineated wetlands located west of the SD&AE Railroad tracks, in combination with the maximum feasible buffer in the Narrows, achieve and exceed the overall 100-foot habitat buffer average recommended.

In addition, the marsh is further separated from allowed habitable structures by additional setbacks from the National Wildlife Refuge ("NWR") boundary, as well as by height limits imposed by application of the marsh view plane analysis methodology recommended by Martin Kenney/USFWS Ecological Services.

Although the Coastal Act and the certified National City Local Coastal Program afford a high priority to protection of Paradise Marsh and other delineated wetlands, they also place a high priority on upland public access opportunities around the perimeter of Paradise Marsh, and visual access to the marsh itself. HDSAP policies have been crafted to provide optimal protection of wetland resources and public access, consistent with resource protection goals. Further expansion of proposed habitat

buffers could unnecessarily hamper the ability to meet constitutional and statutory public access goals, without concomitant tangible benefit to the protected resources.

- 4.01.10. Concern regarding negative effects of buffer planting along the steep banks through the Narrows, including erosion.

Because of the steep conditions cited in the comment, consulting engineers have indicated that a retaining wall will be required along approximately 500 feet of the Harrison Avenue Public Access Corridor ("HAPAC") through the Narrows.

To meet the visual quality requirements of the Coastal Act and the certified National City LCP, the HDSAP specifies that the structure will be a *vegetated* wall, containing drought-resistant native species (See Table 3.5 and Figure 3.5) which, once established, are not expected to require irrigation; and a planter box retaining wall system has been identified that meets the specifications necessary to accommodate the recommended species.

The wall will extend vertically above the finished grade of the bikeway according to Caltrans specifications to provide a solid structural barrier between the accessway and the adjacent railroad and Paradise Marsh, as well as provide sound attenuation.

In addition to being fully vegetated on the marsh (east) side, the wall's top planter box, will provide landscaping on the HAPAC side of the wall, and will also serve as a vegetated screen between the upland activity and the marsh. (See Section 6, Figure 2.4.)

This design will remedy the current erosion and sedimentation in the affected area, while avoiding the potential for future buffer-related erosion, as identified in the comment, and providing an attractive and unintrusive backdrop to the marsh view from I-5. Although the vegetation palette model proposed for the wall (developed in consultation with USFWS Refuge and Ecological Services staff) will be compatible with the vegetated habitat buffers to the north and south, the wall is not expected to provide significant habitat value.

Elsewhere in the Planning Area, slopes are proposed to be recontoured where necessary to reduce erosion and achieve optimal revegetation success, as discussed in (10) below.

- 4.01.11. Recommendation that steep slopes be recontoured where feasible to reduce erosion, increase buffer viability, improve habitat value, and enhance visual access to the marsh from public accessways.

While the Coastal Act generally discourages alterations to *natural* land forms, the HDSAP allows for recontouring of steep slopes which occur primarily in manmade fill banks to maximize buffer functions and visual access, including in Policy 3.3.2(e)(1), Section 3.4.5.2(1), and conceptually in Figure 3.4.

- 4.01.12. Recommendation that construction practices conformance be closely monitored.

Policy 3.3.3(b), combined with other applicable construction and development standards, provides for monitoring at all stages of project construction and operation, and provides a means for implementing additional corrective actions in the event that full compliance with conditions of approval proves inadequate to protect wetland resources.

- 4.01.13. Recommendation that penalties and remediation considerations be incorporated into construction contracts to facilitate enforcement.

In addition to the enforcement provisions of the Clean Water and Endangered Species Acts which may be applicable, Chapter 9 of the Coastal Act and related case law establish legal liability for enforcement of coastal development permit conditions. Policy 3.3.3.13(j), as revised, reiterates the permittee's direct responsibility, and sets a *minimum* standard for restoration or replacement of impacted resources. Whether the HDSAP can impose penalty and remediation liability provisions at the contract level will be referred to the City Attorney.

- 4.01.14. Recommendation that "lubrication and maintenance", in addition to fueling, be conducted away from sensitive areas.

Response (12): Policies 3.3.3.12(f) and (g) have been revised as recommended.

- 4.01.15. Recommends that Chapter 3 be used as a starting point for future planning documents with potential wetland impacts, and shared with other development agencies and developers.

The endorsement implied in this recommendation is greatly appreciated.

Because of the truly unique features of the Harbor District Planning Area, many provisions of Chapter 3 may not actually "fit" in other locales. However, replication of the *process* through which Chapter 3 evolved should result in similarly positive results elsewhere.

First, National City's ongoing commitment to meet all Coastal Act and certified LCP requirements, and to avoid *any* wetland encroachment, has provided the necessary context for identifying and implementing

resource conservation goals in the planning document.

Second, participation by biological experts throughout the process as an integral part of the planning team has assured that all plan concepts were screened for consistency with resource conservation goals.

Third, early and ongoing consultation with, and invaluable guidance and advice from, the USFWS Refuge and Ecological Services staffs, and Department of Fish and Game and Coastal Commission staff, have resulted in identification of issues and reasoned methods for resolving them in the planning process itself.

Finally, Chapter 3 has also benefited from the comments of the interested public, including public officials, and the constructive analysis and recommendations contained in the Audubon Society's comments at the December 8, 1997 workshop and in its July 17, 1998 communication.

Credit for the success of this cooperative approach in preparation of the HDSAP goes to all of the contributing parties; and the HDSAP is structured to continue this approach during plan implementation, as well.

Summary of Oral Comments Provided by Lee McEachern/California Coastal Commission/San Diego to CDC Consultant by Telephone on July 23, 1998

Chapter 2:

Page 2-4, Bullet 5 (and wherever else it occurs): **Question:** Why is LOS D used as the planned traffic capacity LOS?

Chapter 3:

General comments on 2nd Administrative Draft/Chapter 3 provided by CCC staff biologist John Dixon in writing.

Chapter 4:

Page 4-5, Section 4.3.1(b)(2) (and wherever else it occurs): **Concern/Objection:** 40 foot height limit is too high. Mr. McEachern is of the opinion that **30** feet is the maximum height for similar locations in the San Diego region, citing specifically the City of San Diego.

Page 4-6, Section 4.3.1(b)(6) and (7):

Page 4-7, Section 4.3.1(d)(6) and (7): **Request:** Please add language indicating that public accessways will be dedicated/recorded wherever feasible.

Chapter 5:

Page 5-12, Section 5.3.2(a)(9): **Question:** Why is a 6-hour period used? CCC staff is used to seeing a 10-hour period.

Chapter 6:

Chapter reviewed by Port Analyst Diana Lilly.

Page 6-9: **Inquiry:** Please explain jurisdiction in the context of the MOU which is referenced, but has not been reviewed by CCC staff.



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Paul Desrochers

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140 E. 12<sup>TH</sup> Street, Suite B · National City, CA 91950-3312 · (619) 336-4250 · fax 336-4286

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June 29, 1998

2:00pm

USFWS, Brian Collins

Comments on HDSAP

- 1-8 Do not understand the meaning of " Planning Area upland is characterized by ruderal and exotic species which are not apparently biologically linked to Paradise Marsh.
- 1-8 The reference in paragraph four regarding Silt traps regular maintenance should be changed from (may require) to (requires) regular maintenance to maximize its potential effectiveness.
- 2-12 2.5.6(d)  
The public vista point East of Sub-area b-1 seems Large.
- 2-16 Top paragraph, who will fund?
- 3-19 Opuntia ficus-indica is it's common name really TUNA?
- 6-5 Marina Related Uses  
Concerned with the use for a boat Chandlery and Marine engine repairs contributing significant pollutants to the environment.



# Port of San Diego

and Lindbergh Field Air Terminal

(619) 686-6200 • P.O. Box 488, San Diego, California 92112-0488

RECEIVED

JUL 17 1998

Community  
Development Commission

July 16, 1998

Paul Desrochers, Executive Director  
National City Community Development Commission  
140 E. 12<sup>th</sup> Street, Suite B  
National City, CA 91950

Dear Mr. Desrochers:

The San Diego Unified Port District has reviewed the *Public Review Draft of the Harbor District Specific Area Plan dated June 16, 1998 (Plan)*. District staff has worked with CDC staff on the Plan for several months and understands the complex and challenging issues associated with this project. The District's comments, questions, concerns and suggested revisions are as follows:

## GENERAL COMMENTS - APPLICABLE TO ENTIRE PLAN

Buffer Zone: Acceptance of the proposed 100' buffer zone, in lieu of analyzing other mitigation alternatives, was predicated on the understanding that public walkways, bikeways, landscaping, and view points could be constructed within the 100' buffer zone. Figures 2.1, 4.1, and 4.2 show public access ways, the proposed bikeway and view points within the buffer zone. However, sections of the document, for example Section 5.2.1 - Visual Protection Areas, specifically prohibit "development" within the buffer zone and building setback areas. The Plan is inconsistent on this point. The proposed 100' buffer is acceptable only if the above mentioned improvements are allowed within the buffer zone. If these improvements are not allowed, then a narrower buffer zone should be considered. In addition, the proposed definition of "development" should be revised to allow public walkways, bikeways, paving, view points, landscaping, etc. within the buffer zone.

Graphics: The District understands that revisions have recently been made to the graphics and the following comments may have already been incorporated into the Plan. However, they are provided for your use.

#### Figure 2.1

- The viewpoint shown in Subarea A should be moved to within the buffer zone, as are the two view points located in Subarea B-3 and the public access way in Subarea A.
- The ingress/egress point across the railroad tracks, from Harrison Avenue to the Subject A parcels, should be identified as "optional". Access over the tracks will require a third party agreement which may or may not be obtainable.
- The Public Parks shown on the figure are referred to throughout the document, but are not appropriately identified by name or number on Figure 2.1. This causes confusion for the reader.
- Subarea C--Harrison Avenue Extension should be identified on Figure 2.1.

#### Figure 4.1

- Reduce all setbacks to 15 feet, except for buffer zone.
- Eliminate Subarea A on graphic which shows a view corridor on the property. This limits the design and placement of buildings on the parcel that would have the same intensity of use in a modified design configuration. Since there has been no market study performed for the site, it is recommended that alternative site plans be developed so that the site offers flexibility for potential development which may result in a greater opportunity for a successful development project.
- Show maximum building heights only, delete setbacks and step-ups. Continue building height contour across width of property.
- Identify ingress/egress point over rail tracks as "optional".
- Public access ways are shown to be located within buffer zone. View point should also be shown within buffer zone on this graphic.

#### Figure 4.2

- Reduce all setbacks to 15 feet.
- Switch Subareas B-1 and B-2 on either this graphic or on Figure 2.1 so that they are consistent.
- Show maximum building heights possible across the width of the property and delete step-ups.
- Pedestrian access way and bikeway should be located within buffer zone.
- Eliminate unnecessary 20' setback around perimeter of Subarea B-2.
- Eliminate unnecessary 50' setback between park and Subarea B-2.
- Area south of extension of 32<sup>nd</sup> Street is not within Plan boundary. Delete this area from the Plan.
- Eliminate public outlook located at intersection of Harrison Avenue and 32<sup>nd</sup> Street. Not within boundary of Plan.

## CHAPTER 2

Page 2-6, Section 2.4 (b), (c) and (d)

Until a comprehensive traffic study is completed, results are analyzed and a strategy formulated, these detailed recommendations regarding truck traffic are premature and unsubstantiated. Furthermore, 24<sup>th</sup> Street is a major traffic circulation element for the area and restricting its use may unreasonably impact vehicular traffic to the National City Marine Terminal. The District cannot support these recommendations prior to completion of the traffic study.

Page 2.8, Section 2.5.4.

Delete this section and all references to Marina Plaza throughout the document. The area south of the intersection of Harrison Avenue and 32<sup>nd</sup> Street is within the District's planning jurisdiction. In addition, placement of a plaza in this location may interfere with a future entry point into the marina project.

## CHAPTER 3

Page 3-16, Section 3.3.3.1 and Page 3-21, Section 3.3.3.7. (d)

The requirement for a 200' setback in Subarea B should be reduced to a maximum of 100 feet as shown on Figure 4.2 on page 4-4 and the Subarea B line of sight graphic on page 5-5 of the Plan.

Page 3-22, Section 3.3.3.11 (e)

This language should be modified. Revoking an operator's conditional use permit for failure to comply with prescribed Best Management Practices is counterproductive. Failure to comply with best management practices may require corrective action, but revoking the conditional use permit for operation of any commercial and coastal related development in the Planning Area due to this infraction does not cure instances of non-compliance and will not be accepted by proposed Planning Area operators and may have a negative impact on securing interest in development of the site.

Page 3-25, Section 3.3.3.13 (j)

Delete this section. This is beyond the scope of the Plan and is a legal matter.

Page 3-41, Section 3.5.4.6.

This section is incomplete.

## CHAPTER 4

Page 4-1, Paragraph Three

The National City Local Coastal Program, adopted by City Council Ordinance No. 1994 on August 21, 1990 and amended by Ordinance Nos. 91-2004, 91-2006 and 93-2055, allows for the following uses under the tourist commercial designation:

- boat marinas and supportive commercial and recreational businesses
- boat storage areas
- boat sales, leasing, rentals and service
- restaurants with cocktail lounges, nightclubs, dancing and entertainment
- tourist-oriented retail stores
- museums and aquariums
- offices and studios
- eating places (drive-through, drive-in, take-out) require a conditional use permit

Since a market feasibility analysis was not performed prior to the drafting of the Plan, it is difficult to determine if the limited uses identified for Subarea B are sufficient. Therefore, uses allowed under the Tourist Commercial designation of the National City Local Coastal Program should also be included as allowable uses in the Harbor District Specific Area Plan.

Page 4-2, Section 4.2 (c)

- Is the implication of the second to last sentence that commercial truck traffic exiting I-5 and traveling west on 24<sup>th</sup> Street will no longer be permitted? If this is the intention of the plan, the District cannot agree to this due to the negative impact on the National City Marine Terminal.
- Delete last sentence. The District has agreed to perform a traffic study in coordination with the city of National City. The results from this study will determine what programs, if any, will be necessary.

Page 4-2, Section 4.2 (d)

Please explain the meaning of the last sentence of this section which states, "The presently unsettled status of utility easements, including for an above ground 69 kv electric transmission line adjacent to the W. 24<sup>th</sup> Street right-of-way, is required to be

resolved within the Planned Development procedure provided by the LCP and the City's Land Use Code prior to any coastal development permit approval for redevelopment in Subarea A, including the proposed widening of W. 24<sup>th</sup> Street." This appears to place restrictions on development in Subarea A until utility easements are cleared from title. This may be an unreasonable development constraint on Subarea A.

Page 4-2, Section 4.2 (e)

- This section states that the required buffer and setback of buildings from the refuge boundary will be 200' in Subarea B because of the "flat topography of the area". The buffer and setback requirement for Subarea B should be reduced to a maximum of 100 feet as shown on Figure 42. on page 4-4 and the Subarea B line of sight graphic on page 5-5.

Page 4-10, Section 4.3.2.(e)

Delete the word "hazardous". The oil pipeline is an existing condition and there is no evidence that this existing pipeline is "hazardous".

## CHAPTER 5

Page 5-2, Section 5.1.1. (a)

Setback should be reduced to 15 feet.

Page 5-4, Section 5.1.1. (i)

Delete Marina View Plaza. It is outside of the Plan boundary.

Page 5-6, Section 5.1.2. (4)

Delete reference to public plaza since it is outside of Plan boundary.

Page 5-7, Section 5.2.3. (c)

Is Marina View Park the same as Marina View Plaza? If so, delete this reference to "Marina View Plaza". It is outside of the Plan boundary.

Page 5-8, Section 5.2.4

Delete this section regarding Marina View Plaza. It is outside of the Plan boundary.

Page 5-8, Section 5.2.5. (b)

Delete limitation on turf area in parks. In the proposed 10,000-square-foot park, limiting turf area to 500 square feet precludes full utilization and enjoyment by park patrons and by implication, calls for more impervious surfaces which could add to urban run-off problems.

Page 5-9, Section 5.2.6. (b)

Change "minimum" to "maximum" of 100 feet...

Page 5-9, Section 5.2.6. (d)

Delete reference to maritime design theme because it is not specific and does not include detailed design guidelines.

Page 5-9, Section 5.2.6. (h)

Delete this section. This extends beyond the MOU period. Permanent commitments are unnecessary and require third party agreements which may not be obtainable. Conditions of the coastal development permit should achieve the goals of this section.

Page 5-9, Section 5.2.7 (b)

- Setback should be a maximum of 100 feet from the property line.
- Since a market feasibility study was not performed prior to drafting of the Plan, the 4,000-square-foot building limitation may be inappropriate. The Plan does not substantiate the 4,000 square foot recommendation.

Page 5-10, Section 5.2.7. (c)

Setback/landscape area should be reduced to a maximum of 100 feet. Requirements on the utilization of native vegetation throughout a tourist commercial area may not be appropriate and should be optional.

Page 5-10, Section 5.2.8

Delete reference to Marina Plaza.

Page 5-12, Section 5.3.2.

Modify all setbacks from streets to 15 feet. Delete building height restrictions.

Page 5-13, Section 5.3.2. (3)

This architectural constraint may severely restrict the economic viability of the proposed development. Delete unsubstantiated 120' setback reference on terracing building floors.

Page 5-14, Section 5.3.6.

Delete this section on eliminating the SDG&E electric transmission lines. Power lines are a public utility and their continued usage may be required for the power grid of the region. If the desire is to underground these transmission lines, then that is a goal which is the sole prerogative of the city of National City and outside of the provisions of the MOU between the city and the District.

## CHAPTER 6

### Introduction

The District does not support the relocation and/or abandonment of the SDG&E oil pipeline as part of this Plan.

Page 6-4, Section 6.2 (a)

Delete reference to Subarea B-2. New marine related development shall be allowed west of Harrison Avenue. On Figure 2.1, Subarea B-2 is shown west of Harrison Avenue and on the graphic for the development envelope for Subarea B, B-2 is shown east of Harrison Avenue. This inconsistency should be corrected.

Page 6-7, Section 6.4(b)(1) - Permitted Uses

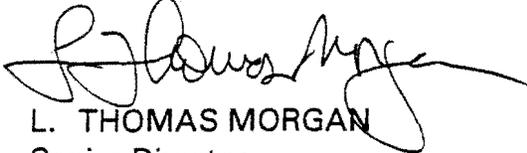
Delete "limited to automobiles and containers". The District does not agree to limit the use of this property to automobile and container storage. All marine related cargo storage shall be allowed on this site.

Page 6-8, Section 6.4 (b) (2)

- Where is Subarea B-2 as referenced in this section? Is it west or east of Harrison Avenue? Marine related cargo storage will be allowed in the area west of Harrison Avenue.
- Delete "up to 180 days".

District staff has been working with CDC staff on the Harbor District Specific Area Plan for several months and looks forward to further refinements and improvements based on the above comments. We trust that these comments will be incorporated into the final version of the Plan that will be submitted to the Coastal Commission for approval. Thank you for your cooperation in this effort. If you have any questions regarding the above information, please call Paula Danker at (619)686-6295 or Bill Chopyk at (619)686-6469.

Sincerely,



L. THOMAS MORGAN  
Senior Director  
Real Estate Operations



DAN E. WILKENS  
Senior Director  
Strategic Planning Services

LTM/DEW/PMD/mp



## SAN DIEGO AUDUBON SOCIETY

2321 Morena Boulevard, Suite D • San Diego CA 92110 • 619/275-0557

July 17, 1998

Mr. Eric Crockett, Project Coordinator  
Community Development Commission  
City of National City  
140 E. 12th Street, Suite B  
National City, California 91950

Dear Mr. Crockett:

SUBJECT: HARBOR DISTRICT SPECIFIC AREA PLAN AND LCP AMENDMENT

The San Diego Audubon Chapter appreciates having had the opportunity of reviewing the SUBJECT document. We especially appreciate the plan's intent to protect and feature the Paradise Marsh and its wildlife. This will contribute to the value of the planned improvements. However we have a few specific concerns about the project.

On page 3-1 in section 3.1 there is a list of effects from which the LCP will protect the wetland habitat. It includes non-point source pollution, but even nonseasonal supply of clear water can degrade a saltwater wetland. We suggest that the list be expanded to include irrigation runoff and seepage. Similarly we suggest that the list in section 3.3.3.2 Buffers be expanded to include irrigation runoff and seepage.

It was not clear what type of vegetation or irrigation will be used in the small park in subarea B-2. If a high level of irrigation is required, the water is likely to seep down to a soil discontinuity and then seep horizontally to the marsh edge. This could result in a stand of freshwater vegetation such as cat-tails that would displace saltmarsh vegetation and would obstruct views. We urge that this area be monitored for seepage and irrigation and landscaping be modified if this occurs.

Around the park area mentioned above and the planned marina, it appears that all of the broom baccharis upland habitat will be lost. We urge that the broom baccharis and other native upland plants be used in the park landscaping in this area for its habitat, educational, and interpretive value as well as its low water use. Interpretive signs identifying native plants and the insects and birds that they support in the park area would help expand their educational and interpretive value.

The buffer between the wetland/upland transition vegetation and the bikeway is very narrow in some places because of a variety of constraints. We hope that in areas without those constraints, the buffer can be expanded so that it will average out to about 100 feet.

We are particularly concerned with the vegetated bank at the area called "the Narrows". Unfortunately due to the narrowness of the area, this bank may be too steep to be safely planted with buffer vegetation. In making decisions for this confined area, we urge that measures to reliably control erosion take precedence over the laudable desire to vegetate this bank. If any irrigation is used in this area we urge that it be carefully planned, monitored, and maintained to prevent erosion.

We urge that opportunities be sought to gentle the steep slopes of the banks of the marsh where possible. This will reduce the likelihood of future erosion into the marsh, increase the viability of the vegetative buffer, improve the high-water refuge habitat value, and allow much better views of the marsh and its wildlife from the pathways and viewpoints.

The conditions defined for construction practices is very thorough. We urge that conformance be strictly monitored and that penalties and remediation considerations be included in construction contracts to facilitate enforcement.

We urge that the Grading and Construction precautions of section 3.3.3.12 (f) and (g) require that lubrication and maintenance of machinery also be conducted away from sensitive areas.

We suggest that the Chapter 3, Wetland Conservation Program, be used as a starting point for future planning documents that could impact wetlands and that it be shared with other agencies. It could provide useful insight for other development agencies and developers.

Sincerely,



James A. Peugh  
Coastal and Wetlands Conservation Chair

## HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX

The following document contains an index that identifies side-by-side:

- (1) the policies of the certified National City Local Coastal Program ("LCP") Land Use Plan [in column 1, "Policy Clusters"],
- (2) a concise statement of Land Use Plan policy requirements and standards [in column 2, "Requirements/Standards"], and,
- (3) specific references to Sections (implementing provisions), Figures, Graphics, Findings, and Tables of the Harbor District Specific Area Plan as adopted by the City Council of National City on July 28, 1998 [in column 3, "Specific Area Plan Implementation Actions] that implement the policies stated in column 1 and the requirements and standards stated in column 2.

The purpose of this index is to provide a reference tool to assist the reader in locating specific implementation measures required by the certified Land Use Plan through the Harbor District Specific Area Plan (which itself is a requirement of Recreation Policy 3). It can be seen that the Specific Area Plan addresses and implements the mandatory provisions of the certified Land Use Plan.

For the actual policies, requirements, and standards lease see the Land Use Plan, pages (iii) to (ix), "Policy Recommendations". For the implementation actions, please see the Harbor District Specific Area Plan pages 2-6 to 2-17 (Public Access), 3-14 to 3-45 (Wetland Habitat Conservation, including Archeological and Paleontological Resource Conservation), 4-5 to 4-11 (Tourist Commercial Recreation), 5-6 to 5-16 (Visual Resources), 6-5 to 6-10 (Marine-Related Industry), and figures and tables referenced therein.

Where appropriate, notations in column 3 also provide (a) factual clarifications, (b) references to the National City Land Use Code, (c) references to the ownership of Paradise Marsh by the USFWS and its resultant exclusion by law from this Plan, and (d) references to the parallel technical (cleanup) LCP Land Use Plan Amendment.

Notes at the bottom of pages 7-2, 7-4, 7-5, 7-8, and 7-10 provide the meanings of abbreviations used in the columns.

## HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX

Reference: California Coastal Act §130513 establishes as the test for the adequacy of Local Coastal program implementation actions, such as this Specific Area Plan, whether "they conform with, or are adequate to carry out, the provisions of the certified land use plan." This Consistency Analysis reviews the City Council-adopted Specific Area Plan Public (July 28, 1998) in light of all policies and maps of the certified National City Land Use Plan, as amended.

POLICY CLUSTER	REQUIREMENT/STANDARD	SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS
<b>PUBLIC ACCESS</b>		
1. New public accessways required as per LUP Map 4	1.1. To Paradise Marsh	1.1. Public Access Element Fig. 2.1; § 2.5, 2.5.5(b), (c),(d)
	1.2. Along Paradise Marsh	1.2. Pub. Acc. El. Fig 2.1; § 2.5, 2.5.3(b), 2.5.5(d), 2.5.6(c)
	1.3. To Sweetwater Channel	1.3. Pub. Acc. El. Fig. 2.1; § 2.5, 2.5.6(b),(c)
	1.4. Along Sweetwater Channel	1.4. Pub. Acc. El. Fig. 2.1; § 2.5, 2.5.6(f)
2. Pub. accessways to be provided in conjunction with new development Public accessways to be protected through easements	2.1. Subarea A	2.1. § 2.5, 2.5.2(b), 2.5.7, 4.3.1(b)(6), (c)(6), (d)(6)
	2.2. Subarea B	2.2. § 2.5, 2.5.7, 4.3.2(a)(6), (c)6)
	2.3. Subarea C	2.3. § 2.5, 2.5.3(a), (b)
	2.4. Subareas A, B, C	2.4. § 4.3.1(b)(7), 4.3.2(a)(7), 4.3.2(c)(7), Note: Harrison Ave. PAC is a public facility, no easement is req.
3. State Coastal Conservancy programmatic spt coordinatn	3.1 NA	3.1. § 1.2
4. Implement CCC-SCC Public Access Guidelines	4.1 Max. feasible consistency w/ Guidelines	4.1. § 2.5.3, 2.5.4, 2.5.5, 2.5.6, 2.5.7, Fig. 2.2, 2.3.,2.4, 2.5, 4.3.1(b)(7), (c)(7), (d)(7), 4.3.2(a)(7), (c)(7)
5. Extend Bay Route Bikeway	5.1. From 24th St. to Paradise Marsh	5.1. Figure 2.1; § 2.5.3(a),(b), 2.5.6(b)
	5.2. To Boat Launch Ramp	5.2. Figure 2.1 (in cooperation with SDUPD)
	5.3. Across Sweetwater Channel to CV	5.3. Figure 2.1 (in cooperation with County of San Diego)

NOTE: (1) "LUP Map 4" means the National City Planning Public Access Map, Figure 4, at LUP page 19. (2) References to "Policy" are to the Coastal Commission-certified Policy Recommendations in the LUP, as restated at pages (iii) through (ix). (3) "Pub. Acc. El. Fig." means the Public Access Element of the Harbor District Specific Area Plan contained in Figure 2.1, page 2-3. (4) "Harrison Avenue PAC" means Harrison Avenue Public Access Corridor. (5) NA = not applicable. (6) "CCC-SCC Public Access Guidelines" means the Joint California Coastal Commission and State Coastal Conservancy Public Access Guidelines", August, 1980. (7) "CV" means the City of Chula Vista.

**HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX**

POLICY CLUSTER	REQUIREMENT/STANDARD	SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS
<b>PUBLIC ACCESS, continued</b>		
5. continued		
Develop add'l trails	5.4. Nature trails adj. to Paradise M.	5.4. Fig. 2.1; § 2.5.3(b), 2.5.5(d),
	5.5. Bike trails adj. to Paradise M.	5.5. Fig. 2.1; § 2.5.3(b), 2.5.6(c),
	5.6. Connect trails w/ Bay Bikeway	5.6. Fig. 2.1
	5.7. Connect w/Sweetwater R. Bikewy	5.7. Fig 2.1; § 2.5.6(f)
6. Encourage alternative access to the Bayfront	6.1. Utilize the Sweetwater Ch. trail	6.1. Fig. 2.1
7. Provide adequate on-site parking in all new development to meet demand.	7.1. City parking requirements are minimum standards	7.1. Land Use Code Chapter 18.58 gen'l'y; Sec. 18.58.010(B)
	7.2 Determine number of spaces for new development in HDSAP	7.2. Public access parking: § 2.5.5(f); 2.5.6(a); Tourist-com. parking: § 4.3.1(b)(5), (c)(5),(d)(5), §4.3.2(a)(5), (c)(5)
8. Harrison Avenue	8.1. Extension from W. 24th St. to Boat Launching Ramp area	8.1. Figure 2.1; § 2.5.3
	8.2. Located on uplands w. of Marsh	8.2. Fig. 2.1; Fig. 2.3, 2.4, 2.5 (Sec. 7), 2.6, 2.7, 2.8., 3.1 3.3.2(e), 3.3.3.3
	8.3. Landscaping and design elements to provide:	8.3. § 3.3.2, 3.3.3.3
	a. Paradise Marsh identity	a. Fig. 3.1
	b. Paradise Marsh visual linkage	b. Fig. 2.3, 2.4, 2.5, § 3.3.3.7
	c. screening of industrial area	c. Fig. 2.3, 2.4, 2.5; §2.5.3(a), (b); § 6.4(b)(1)(C)
	d. visual separation from freeway	d. Fig. 2.3, 2.4, 2.5
Buffer	8.4. Between road and Paradise Marsh	8.4. Fig. 2.4, § 3.3.3.2, 3.3.3.3, Sec. 3.4
	8.5. To be identified in Specific Plan	8.5. § 3.3.3.2, 3.3.3.3, Sec. 3.4
9. Prescriptive public access Desirable existing access	9. Prohibit interference with either	9. Fig. 2.1; § 2.5.2(a), 2.5.3(b), 2.5.5(d), 2.5.6(b), (c), (f), (g)

## HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX

POLICY CLUSTER	REQUIREMENT/STANDARD	SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS
<b>PUBLIC ACCESS, continued</b>		
Access to natural resources	9.1. Provide, unless fragile natural resources or adeq. nearby access exist(s)	9.1. Fig. 2.1, Fig. 2.4, P 2.5.3(a), 2.5.5(d), (e), 2.5.6(a),(d)
Access to recreational facil.	9.2. Provide, unless fragile natural resources or adeq. nearby access exist(s)	9.2. Fig. 2.1, § 2.5.2, 2.5.4, 2.5.5, 2.5.6
Evidence of public use	9.3. Address	9.3. General implementation: § 2.5.7; de facto: 2.5.2(b), 2.5.3(b), 2.5.5(a),(c), (d), (e), 2.5.6(b), (c), (f)
<b>RECREATION</b>		
1. Tourist commercial designat. Recreational designations Area east of SD&AE RR	1.1. As per Land Use Plan Map Fig. 1	1.1. Fig. 1.4
Subarea A, n. of Paradise M.	1.2. As per Land Use Plan Map Fig. 1	1.2. Fig. 1.4
Subarea B, w. of SD&AE RR	1.3. Passive recreation uses only	1.3. Fig. 2.1, Fig. 3.1
Wetlands west of SD&AE RR	1.4. Tourist commercial & rec. uses	1.4. Fig. 2.1, Table 2.1, Fig. 4.1, § 4.3.1
	1.5. Tourist commercial & rec. uses	1.5. Fig. 2.1, Table 2.1, Fig. 4.2, § 4.3.2
	1.6. Protect from incompatible devel.	1.6. Fig. 3.1
2. Passive rec. area adj. to PM	2.1. Preserve marsh, provide access and landscaping	2.1. Fig. 2.1, Fig. 2.3 and 2.4, Fig. 3.1, Fig. 3.6, Fig. 3.7
Public access near Marsh	2.2. Consistent w/ Pub. Acc. Compon't and wetland values	2.2. Fig. 2.1, Fig. 2.3, 2.4, Fig. 3.1, § 2.5, 2.5.3(a)
Recreation to landward	2.3. More active recreation allowed	2.3. Fig. 2.1, 2.5.4, 2.5.6(e), 4.3.1(f), 4.3.2(e), 6.4(a)(1)(G) and (I)
Landscaped areas	2.4. Public parks, plazas	2.4. Fig. 2.1, § 2.5.4, 2.5.6(a), 2.5.6(e).
3. Priority commercial uses	3.1. Overnight uses	3.1. § 4.3.1(a), 4.3.2(a)
	3.2. Boating uses	3.2. Finding, page 4-1; § 4.3.2(b), 6.4(a)(1)
West of Paradise Marsh	3.3. Allowed uses	3.3. Subarea B
	a. marina development	a. Finding, page 4-1 (provided in PMPA 19)

NOTE: "PM" means Paradise Marsh. Fig. 3.7 remains to be provided. "PMPA 19" is SDUPD's certified master plan amendment for the marina.

**HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX**

<b>POLICY CLUSTER</b>	<b>REQUIREMENT/STANDARD</b>	<b>SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS</b>
<b>RECREATION, continued</b>		
3. Priority com'l uses, cont'd	3.3. Allowed uses w. of PM, cont'd	3.3. Subarea B
	b. hotel/motel	b. Fig. 4.2, § 4.3.2(a)
	c. restaurants	c. Fig. 4.2, § 4.3.2(c),
	d. RV parks/campgrounds	d. Finding 4.2(e), page 4-5
	e. boat dry-storage/service	e. § 4.3.2(b), (e)
	f. public parks	f. Fig. 2.1, § 2.5.4, 2.5.6(a), (e)
North of Paradise Marsh	3.4. Allowed uses north of PM	3.4. Subarea A
	a. hotel/motel facilities	a. Fig. 4.1, § 4.3.1(b)
	b. restaurants	b. § 4.3.1(c)
	c. other tourist commercial uses	c. § 4.3.1(d)
Traffic circulation	3.5. Review develop. for effects on	3.5. Table 2.1
Specific Plan	3.6. Prepare to address:	3.6. Harbor District Specific Area Plan
	a. Traffic circ. and roadway imp.	a. Findings Sec. 2.4, pages 2-2 to 2-6; § 2.5.2(a), 2.5.3(c)
	b. Correlate w/develop. plans	b. Table 2.1, Findings Sec. 2.4, pages 2-4 & 2-5
	c. Roadway improvement location	c. Fig. 2.1,
	d. Resource protection standards	d. § 2.5.3(a); Fig. 2.3, 2.4, 2.5, 2.6, 2.7, 2.8., Sec. 3.3, generally; § 3.3.3.2
Tourist commercial develop.	3.7. Intensity consistent w/road cap.	3.7. Generally: Table 2.1 (quantifications); § 2.5
	a. Subarea A	a. Finding, page 2-4; § 2.5.2(a), 4.3.1
	b. Subarea B	b. Finding, page 2-4; § 2.5.3(a), (b), (c), (d), 4.3.2
	c. Tidelands Avenue Extension	c. Recommended for deletion in LCPA Policy Rec. 1.2
4. Subarea B com. & rec. uses	4.1. Coordination with SDUPD	4.1. Findings: pages 1-3 (multi-modal public access), 2-2 (public access/circulation), 2-4 (circulation), 2-5 (truck traffic), 2-6 (truck traffic), Section 6.3 (coordinated planning), § 6.4(b)(1)
5. Paradise Marsh	5.1. Restoration program (now by USFWS)	5.1. Finding, page 1-1; Section 1.3(a), (b); Chapter 3; LCPA Policy Recommendation 1.3.

NOTE: "Com'l" or "com" means commercial and "rec" means recreational. "Cont'd" means continued from the previous page. "PM" means Paradise Marsh. "RV" means recreational vehicle(s). "Develop." means development. "SDUPD" means San Diego Unified Port District. "LCPA" means the draft Amendment to the Certified National City LCP Land Use Plan, June 16, 1998. "ctd" (as on page 7-6) means continued from the previous page.

## HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX

POLICY CLUSTER	REQUIREMENT/STANDARD	SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS
<b>RECREATION, continued</b>		
6. Max. recreational potential	6.1. Required considerations	6.1. Generally: Fig. 2.1
	a. San Diego Trolley line	a. Fig. 2.2, § 2.5.2(b), 2.5.5(a), 4.3.1(b)(5), (c)(5), (d)(5), 4.3.2(a)(5), (c)(5)
	b. Bikeways	b. § 2.5.1, 2.5.3, 2.5.6(b)
	c. Sweetwater Channel levee	c. § 2.5.6(e) and (f)
	d. Other recreational uses	d. Findings, page 2-4; § 2.5.3(a) [access to marina area], 2.5.4; Fig. 2.6, 2.7, 2.8
<b>MARSH PRESERVATION</b>		
1. Paradise Marsh	1.1. Preservation	1.1. Finding page 1-1 (jurisd.), 1-6 (coop. preserv.), Sec. 3.3 and 3.4; § 3.3.2, 3.3.3
Jurisdictional wetlands	1.2. Preservation	1.2. Fig. 3.1; § 3.3.2, 3.3.3
	1.3. Specific Implementation	1.3. HDSAP gen'l'y; Sec. 3.3 and 3.4, gen'l'y
	a. precise wetland mapping	a. Fig. 3.1
	b. buffer delineation	b. Fig. 3.2-3.6, § 3.3.2(e), 3.3.3.2, Sec. 3.4
	c. Open space easements	c. Buffers are located on public/public utility lands
Land Use Designation	1.4. Open Space/Wetlands (P)reserve	1.4. LCPA Policy Recommendation 1.4
Sweetwater River area south of 35th Street	1.4. Preservation	1.5. Area is outside of Harbor District Specific Area Plan area
2. Wetland preservation	2.1. Limitations on alterations	2.1. § 3.3.2(a)-(d)
	a. incidental public facilities	a. § 3.3.2(d)(5)
	b. restoration measures	b. § 3.3.2(d)(2)-(3)
	c. nature study	c. § 3.3.2(d)(4)
	2.2. Other alteration is prohibited	2.2. § 3.3.2(a)-(c)
	2.3. Marsh rest. progr. (by USFWS)	2.3. § 3.3.2(d)(2)-(3); Sec. 3.4
	2.4. Rubbish or waste dumping prohib.	2.4. § 3.3.3.4, 3.3.3.5
	2.5. Prevent ORV/pedestrian intrusion	2.5. § 3.3.2, 3.3.3.2(b)
	2.6. Buffer required	2.6. § 3.3.2(e), 3.3.3.1, 3.3.3.2, 3.3.3.3
	a. General 100' buffer requirement	a. § 3.3.3.1, 3.3.3.2
	b. Site-specific buffer analysis	b. § 3.3.3.1(b)-(d), 3.3.3.11
	c. Consultation w/CDFG&USFWS	c. § 3.3.2(e), 3.3.3.1, 3.3.3.3, Sec. 3.4

## HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX

POLICY CLUSTER	REQUIREMENT/STANDARD	SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS
<b>MARSH PRESERVATION ctd</b>		
3. Wetland habitat&visual qual.	3.1. Enhance through restoration	3.1. Generally: Sec. 3.3 and 3.4 (PM restoration by USFWS)
	a. Habitat quality (w/in NC juris.)	a. Sec. 3.4
	b. Visual quality	b. Find'g 5.1.1(c); Fig. 5-1, 5-2; Pol. 3.3.3.7, 5.1.2(1),(3) objectives; 5.2.1(a) and (b); 5.2.2; 5.2.3; 5.2.6(a) (Marsh View Plane); 5.2.7(a) [Marsh View Plane]; 5.2.9 [MVP analysis]; 5.3.1 (Heights); 5.3.2 (Bulk, Mass, Setbacks); 5.4 (Design review process, advisory committee)
	c. Coordinate w/Coastal Conserv.	c. § 3.3.2, 3.3.3.14
	d. Coordinate w/CDFG	d. § 3.3.2, 3.3.3.1, 3.3.3.3, 3.3.3.12, 3.3.3.13, 3.3.3.14, Sec. 3.4
	e. Coordinate w/USFWS	e. Find'g, p. 1-6; 3.3.2, 3.3.3.1, 3.3.3.3, 3.3.3.7,3.3.3.8, 3.3.3.12, 3.3.3.13, 3.3.3.14, Sec. 3.4
	f. Restoration elements	f. PM restoration now by USFWS
	(1) Public marsh observation	(1) Fig. 2.1; § 2.5.3(a),(b); Fig. 2.3-2.5; § 2.5.5(d),(e) 2.5.6(b), (c), (d), (f), 3.3.2(e)(3)&(5), page 2-16
	(2) Environmental education	(2) § 2.5.6(a), 4.3.1(b)(7), (c)(7), (d)(7), 4.3.2(a)(7), (c)(7), 3.3.2(d),(e)
	(3) Control intrusion into marsh	(3) Fig. 2.3, 2.4, 2.5; § 3.3.2, 3.3.3.1, 3.3.3.2, 3.3.3.6-7
	(4) Interpretive nature trail	(4) Fig. 2.1.; § 2.5.5(d), 2.5.6(c), 2.5.6(f), 3.3.2(e)(3) 3.3.3.1
	(5) Observation platform	(5) § 2.5.5(e), 2.5.6(d), 3.3.2(e)(3), 3.3.3.1, p. 2-16
	(6) Rubbish & debris removal	(6) § 3.3.2(d)(1), 3.3.2(e)(1), 3.3.3.4, 3.3.3.5
	(7) Scientific research	(7) § 3.3.2(d)(4), 3.3.2(e)(5)
4. New development standards	4.1. Discourage intrusion	4.1. Fig. 2.3, 2.4, 2.5; § 3.3.2, 3.3.3.1, 3.3.3.2, 3.3.3.6, 3.3.3.7-13
(includes roadways) adjacent	4.2. Animal control	4.2. § 3.3.3.8
to Paradise Marsh and other	4.3. Landscaping	4.3. Fig. 2.3, 2.4, 2.5; § 3.3.3.3; Sec. 3.4
wetlands	4.4. Non-invasive species	4.4. § 3.3.3.3(g), Sec. 3.4
	4.5. Drainage away from wetlands	4.5. § 3.3.11, 6.4(b)(3)(C)
	4.6. Storm-water runoff control	4.6. § 3.3.11

## HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX

POLICY CLUSTER	REQUIREMENT/STANDARD	SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS
<b>MARSH PRESERVATION ctd</b>		
5. Privately owned wetlands	5.1. Protection	5.1. Sec. 3.3, § 3.3.1-3.3.3.14
	5.2. Buffers	5.2. Fig. 3.2; § 3.3.3.1, 3.3.3.2, 3.3.3.7
	5.3. Design and siting of structures	5.3. § 3.3.3.1-3, 3.3.3.1.6-7; Fig. 3.1, 2.6, 2.7, 2.8, 4.1, 4.2
	5.4. Open space easements	5.4. These wetlands are located on public utility lands
	5.5. Applic. of standards @ CDP rev.	5.5. § 3.3.1, 3.3.3.2, Sec. 3.4, 2.5, 4.3, 5.2.9, 6.4(a)(2), 6.4(b)(1)(B)
6. Landscaping adj. to wetlands	6.1. Only non-invasive species allowed	6.1. § 3.3.3.3, 5.2.3
7. Grading	7.1. Limitations on (time period)	7.1. § 3.3.3.12, 3.3.3.13
	7.2. Performance standards	7.2. § 3.3.3.12(a)-(q), 3.3.3.13
<b>VISUAL RESOURCES</b>		
1. Sweetwater Flood Control	1.1. Project visual quality	1.1. Project is completed
	1.2. Channel-Marsh connections	1.2. Project is completed
	1.3. Levee recreational features	1.3. Fig. 2.1; § 2.5.6(e), 2.5.6(f)
2. Specific Plan dev. standrds (highest aesthetic standards)	2.1 Subarea C, w. of Paradise Marsh	2.1. § 2.5.3; Sec. 2.3, 2.4, 2.5, 5.4
	(a) height limits	(a) Fig. 2.2, 2.3, 2.4, 2.5, § 5.3.1(c), 3.3.3.7
	(b) landscaping	(b) Fig 2.2, 2.3, 2.4, 2.5; § 2.5.3(a),(b), 3.3.3.3, Sec. 3.4 5.2.3(a), (b), (c)
	(c) signage	(c) Fig. 2.3, 2.4, 2.5., § 5.3.4
	(d) view protection	(d), § 5.2, 5.2.1, Fig. 2.3, 2.4, 2.5, 5.2.8, 5.2.9
	(e) vistas to PM and S. Channel	(e) Fig. 2.1, § 2.5.5(e), 2.5.6(d), page 2-16
	2.2. Subarea A	2.2. Generally: § 5.2, 5.2.1, 5.2.9, 5.3.3, 5.3.5, 5.4
	(a) height limits	(a) § 3.3.3.7, 5.2.6, 5.3.1(a); Fig. 4.1, 5.1
	(b) landscaping	(b) § 3.3.3.3, 5.2.3, 5.2.6(c), Fig. 2.2, Sec. 3.4
	(c) signage	(c) Fig. 2.2, § 5.3.4
	(d) view protection	(d) § 5.2, 5.2.1, Fig. 2.2, 4.1, 5.1, 5.3.2(a), 5.3.3(a)
(e) vistas to PM and S. Channel	(e) Fig. 2.1, 4.1, § 5.2., 5.2.1, 5.2.2, 5.2.5(a), 5.2.6	

NOTE: "CDP" means coastal development permit; "dev" means development; PM means Paradise Marsh; "S." means Sweetwater.

## HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX

POLICY CLUSTER	REQUIREMENT/STANDARD	SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS
<b>VISUAL RESOURCES, cont'd</b>		
2. Specific Plan dev. standrds	2.3. Subarea B	2.3. Generally: § 5.2, 5.2.1, 5.2.9, 5.3.3, 5.3.5, 5.3.6. 5.4
	(a) height limits	(a) § 5.2.7, 5.3.1(b), 5.3.2(b)
	(b) landscaping	(b) § 5.2.3, 5.2.5(a)(2), (3), 5.2.7(a), (c), (e)
	(c) signage	(c) Fig. 2.3, 2.4, 2.5, § 5.3.4
	(d) view protection	(d) § 5.2, 5.2.1, Fig. 2.3, 2.4, 2.5, 5.1, P. 5.3.2(b), 5.3.3(b)
	(e) vistas to PM and S. Channel	
	2.4. Subarea D	2.4. § 5.3.1(d) [no new structural development allowed]
3. Harrison Ave. Extension	3.1. Highest visual quality required	3.1. Finding, page 5-1, 5-2; § 5.2, 5.2.1, 5.4
	3.2. Gateway quality	3.2. § 2.5.3(a), (b), 5.2, 5.2.1(d), 5.2.3(b), 5.3.1(c), Fig. 2.3, 2.4, 2.5
W. 24th Street	3.3. Landscape improvements	3.3. Fig. 2.2, § 5.2.1(c), 5.2.6(e), (f)
4. Design improvements	4.1. Specific Plan to identify	4.1. Fig. 2.2, 2.3, 2.4, 2.5, Fig. 4.1, 4.2, 5.1, 5.2, Fig. 3.3.3.3; § 5.2.1(a), (b), (d), (f), (g), (e), 5.2.2, 5.2.3(a), (b), (c), 5.2.5, 5.2.6, 5.2.7, 5.2.9, 5.3.1, 5.3.2(a),(b) 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.4
	4.2 Visual linkage betw. Subarea A & B commercial recreational uses and Sweetwater Channel	4.2. Fig. 2.1, 2.2, 2.3, 2.4; § 2.5.2(c) [continuous signs], 5.2.1, 5.2.2, 5.2.3, 5.2.5, 5.2.6, 5.2.7, 5.3.2(a), (b), 6.4(1)(C) [landscaped fence]
	4.3. Visual separation of industrial area and freeway from commer- cial areas and from Paradise M.	4.3. Fig. 2.3, 2.4, 2.5, § 6.4.1(C); Fig. 4.1, 4.2, 5.1, 5.2 § 5.2.9 (Marsh View Plane)
	4.4 Landscape elements	4.4. § 3.3.3.3; Sec. 3.4; Fig. 2.2, 2.3, 2.4, 2.5, 3.4-3.6; § 5.2.3, 25.2.5, 5.2.6, 5.2.7, 5.3.1(c)(2)(3)
	4.5. Signing	4.5. § 5.3.4, 5.3.1(c)(4)
	4.6. Architectural criteria	4.6. § 5.3.3, Fig. 4.1, 4.2, 5.1, 5.2, § 5.2.9, 5.3.1, 5.3.2
	4.7. Vistas	4.7. Fig. 2.1, § 2.5.5(e), 2.5.6(d), page 2-16 (rec. to USFWS)

**HARBOR DISTRICT SPECIFIC AREA PLAN: CONSISTENCY ANALYSIS INDEX**

<b>POLICY CLUSTER</b>	<b>REQUIREMENT/STANDARD</b>	<b>SPECIFIC AREA PLAN IMPLEMENTATION ACTIONS</b>
<b>VISUAL RESOURCES, cont'd</b>		
5. Design review	5.1. Conformance w/ building visual, materials, height, signage, and landscaping standards	5.1. §5.2.6(q) [Subarea A]; 5.2.7(q) [Subarea B]; §5.3.1, 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.4
<b>INDUSTRIAL USES</b>		
1. Priority land uses	1.1. Marine-rel. industry has priority	1.1. Finding, Sec. 6.2; § 6.4(b)
<b>ENVIRONMENTAL HAZARDS</b>		
1. Environmental hazard review	1.1. Required to minimize risk	1.1. § 2.5, Finding 4.2(d), § 4.3, 4.3.1(a), Land Use Code Chapter 18.128
2. Geotechnical reports	2.1. Req. in geological hazard areas	2.1. § 4.3.2(a)(1)
3. Waivers of liability	3.1. Req. in geological hazard areas	3.1. § 4.3.2(a)(1)
4. Development s. of 35th St.	4.1. Flood hazard study required	4.1. This area is outside the Harbor District Specific Area Plan

NOTES: "Marine-rel. industry" means marine related industry. "Req." means required. "s." means south.