

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



W186

**RECORD PACKET COPY****DATE:** December 16, 1998**TO:** COMMISSIONERS AND INTERESTED PERSONS**FROM:** PETER DOUGLAS, EXECUTIVE DIRECTOR**SUBJECT:** EXECUTIVE DIRECTOR'S DETERMINATION that the City of National City's actions, certifying Local Coastal Program Amendment No. 1-98A, approved with suggested modifications, are legally adequate (for Commission review at its meeting of January 13-15, 1999)**BACKGROUND**

At its October 15, 1998 meeting, the California Coastal Commission certified, with suggested modifications, the City of National City Local Coastal Program Amendment No. 1-98. The amendment consists of several technical revisions to the City's certified Land Use Plan (LUP). Specifically, the amendment involves revisions to several LUP policies and maps to reflect the change in ownership of Paradise Marsh and the designation of the marsh area as a National Wildlife Refuge. In addition, the amendment includes LUP policy revisions to reflect the elimination of the Tidelands Avenue crossing over the Sweetwater Channel and revision to the LUP jurisdictional map to reflect a boundary change from National City to Port jurisdiction for a portion of the National City Marina project site. At the time of the hearing, the Commission adopted suggested modifications modifying notes on the City's maps addressing the relationship of the City's LCP to federally-owned lands.

By their action adopting Resolution No. 98-158 on December 1, 1998, the City Council acknowledged and accepted all the Commission's suggested modifications. As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine if the action of the City of National City is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13544 of the California Code of Regulations then requires that this determination be reported to the Commission for its concurrence.

**RECOMMENDATION**

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

(NatCityLCPA198AEDCkoffstfrpt)

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1728

(619) 521-9038

PETE WILSON, Governor



December 17, 19989

Honorable George H. Waters, Mayor  
City of National City  
1243 National City Boulevard  
National City, CA 91950

Re: Certification of the City of National City LCP Amendment No. 1-98

Dear Mayor Waters:

The California Coastal Commission has reviewed the City's Resolution No. 98-158, together with the Commission's action on October 15, 1998, certifying, with suggested modifications, Amendment No. 1-98 to the City's Local Coastal Program. This amendment primarily addresses revisions to Land Use Plan policies and maps associated with the Paradise Marsh, Tidelands Avenue and National City Marina sites.

In accordance with Section 13544 of the California Code of Regulations, I have made the determination that the City's actions are legally adequate; and the Commission has concurred at its meeting of January 13-15, 1999. By its actions on December 1, 1998, the City has formally acknowledged and accepted the Commission's certification of this amendment, including all suggested modifications, which address the LCP's applicability to federally-owned lands.

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

Sincerely,

Peter Douglas  
Executive Director

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**RESOLUTION NO. 98- 158**

**RESOLUTION OF THE  
CITY COUNCIL  
OF THE CITY OF NATIONAL CITY  
ACCEPTING AND ADOPTING  
THE CALIFORNIA COASTAL COMMISSION'S  
SUGGESTED MODIFICATIONS TO THE  
LOCAL COASTAL PROGRAM AMENDMENT NO. 1-98A.**

WHEREAS, on July 28, 1998, the City Council of the City of National City approved an amendment to update relevant policies and maps of the National City Certified Local Coastal Program Land Use Plan for submittal to the California Coastal Commission as Local Coastal Program Amendment No. 1-98A; and,

WHEREAS, on October 15, 1998, the California Coastal Commission Resolution of Certification for National City Local Coastal Program Amendment No. 1-98A with suggested modifications; and,

WHEREAS, on October 23, 1998, the California Coastal Commission Resolution Of Certification for National City Local Coastal Program Amendment No. 1-98A was transmitted to the City of National City, setting forth the suggested modifications which must be accepted and adopted by the City Council of the City of National City to achieve final certification of Local Coastal Program Amendment No. 1-98A; and,

WHEREAS, the Community Development Commission of the City of National City has prepared revisions to Local Coastal Program Amendment No. 1-98A that incorporate the suggested modifications contained in the California Coastal Commission Resolution of Certification; and

WHEREAS, public notice of the intent of the City Council of the City of National City to consider those revisions to Local Coastal Program Amendment No. 1-98A on December 1, 1998, to incorporate the California Coastal Commission's suggested modifications, was mailed, published in a newspaper of general distribution, and otherwise made available on November 11, 1998; and

WHEREAS, the review and approval of the suggested modifications by the California Coastal Commission on October 15, 1998 constituted the functional equivalent of CEQA review; and

WHEREAS, the proposed action is statutorily exempt from CEQA;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City acknowledges receipt of the California Coastal Commission Resolution of Certification for National City Local Coastal Program Amendment No. 1-98A with suggested modifications.

*City of National City LCRA  
Exhibit #1 #1-98*

Resolution No. 98-158

December 1, 1998

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BE IT FURTHER RESOLVED that the City Council of the City of National City accepts and agrees to those suggested modifications to National City Local Coastal Program Amendment No. 1-98A.

BE IT FURTHER RESOLVED that the City Council of the City of National City hereby formally adopts those suggested modifications as amendments to National City Local Coastal Program Amendment No. 1-98A.

BE IT FURTHER RESOLVED that the City Council of the City of National City agrees to issue coastal development permits for the total area included in the land use plan, including those portions covered by National City Local Coastal Program Amendment No. 1-98B, as certified by the California Coastal Commission on November 5, 1998.

BE IT FURTHER RESOLVED that the City Council of the City of National City authorized transmittal of this resolution and all relevant supporting documentation to the Executive Director of the California Coastal Commission for determination that this action is legally adequate to satisfy the suggested modifications contained in the Commission's action on October 15, 1998.

BE IT FURTHER RESOLVED that the City Council of the City of National City respectfully requests concurrence in the Executive Director's determination by the California Coastal Commission at its December meeting in San Francisco.


PASSED AND ADOPTED this 1st day of December, 1998.

  
George H. Waters, Mayor

ATTEST:

  
Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

  
George H. Eiser, III  
City Attorney

Passed and adopted by the Council of the City of National City, California, on December 1, 1998, by the following vote, to-wit:

Ayes: Councilmembers Beauchamp, Inzunza, Morrison, Soto, 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. 98-158 of the City of National City, California, passed and adopted by the Council of said City on December 1, 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

### AMENDMENT TO THE CERTIFIED NATIONAL CITY LCP LAND USE PLAN

NOTE: This draft amendment to the certified National City Local Coastal 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.

#### 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). The areas north 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 32<sup>nd</sup> Street to intersect with it.

##### 1.3 Recreation Policy 5

Given the federal acquisition of Paradise Marsh, 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 U. S. 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 U. S. Fish and Wildlife Service, whose coordination and cooperation with the City and other interested agencies, persons, and organizations is cordially invited.

#### 1.4 Marsh Preservation Policy 1

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

"The wetlands of the Paradise Marsh complex, including the secondary area of Paradise Marsh, east of I-5 (Bannister Marsh), 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 shall be OPEN SPACE/WETLAND PRESERVE. The boundaries of the "Open Space Wetland Preserve" include marsh area within the Caltrans right-of-way easterly of the SDG&E right-of-way and Bannister Marsh..."

#### 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 Bannister Marsh, and the Sweetwater River south of 35<sup>th</sup> 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 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, that the National City LCP policies, relating to land owned by the federal government, are advisory only and have no binding legal effect on federal activities".

2.1.2 The Land Use Plan map presently extends the CT (Tourist Commercial) District south of the easterly projection of 32<sup>nd</sup> 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, that the National City LCP policies, relating to land owned by the federal government, are advisory only and have no binding legal effect on federal activities".

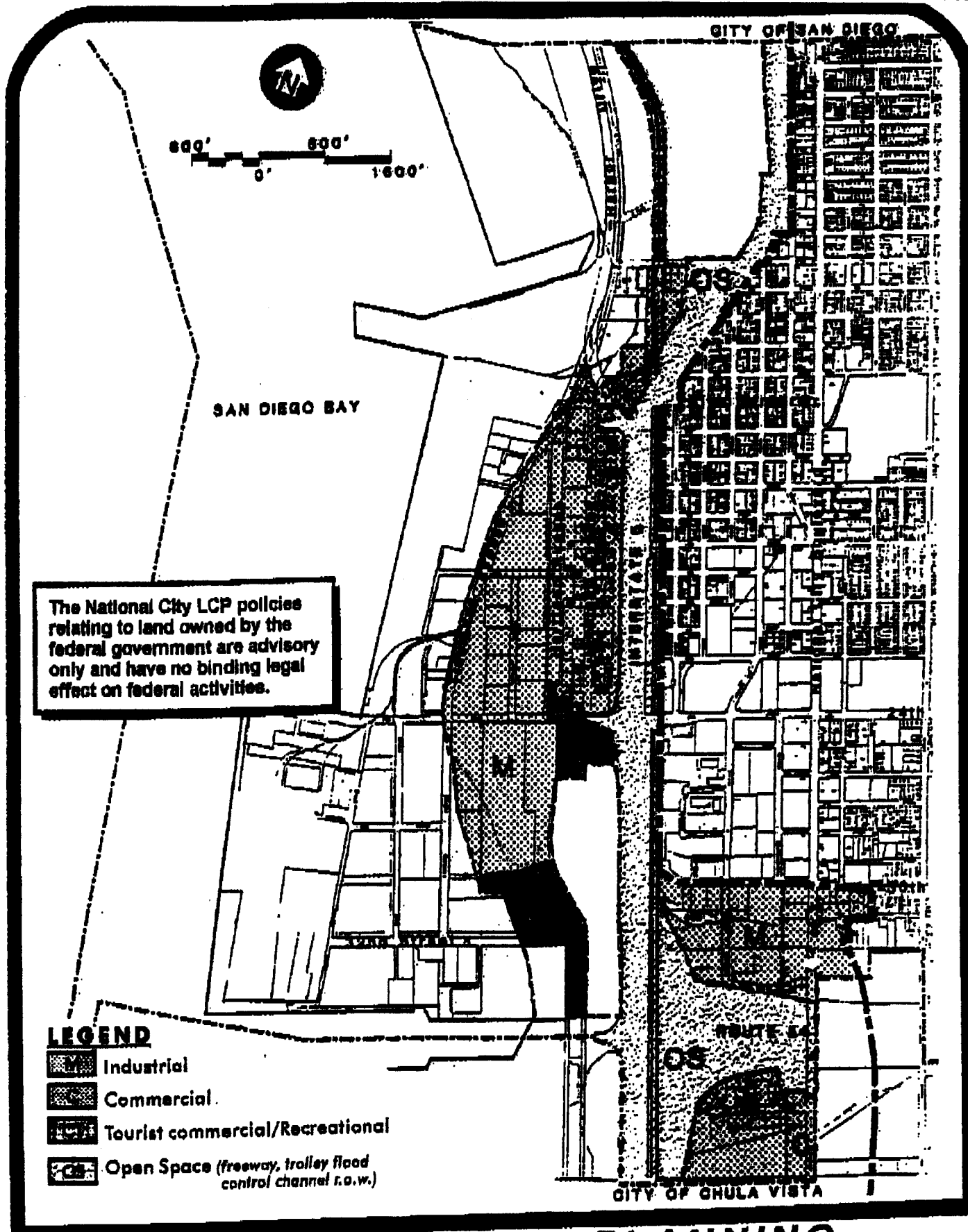
2.2.2 The Political Jurisdictions map also presently includes the area, south of 32<sup>nd</sup> Street and between the historic MHIL and the westerly boundary of the SDG&E utility corridor parcel, as being in the City's political jurisdiction. With Port District transmittal of the above-referenced legal 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, that the National City LCP policies, relating to land owned by the federal government, are advisory only and have no binding legal effect on federal activities".

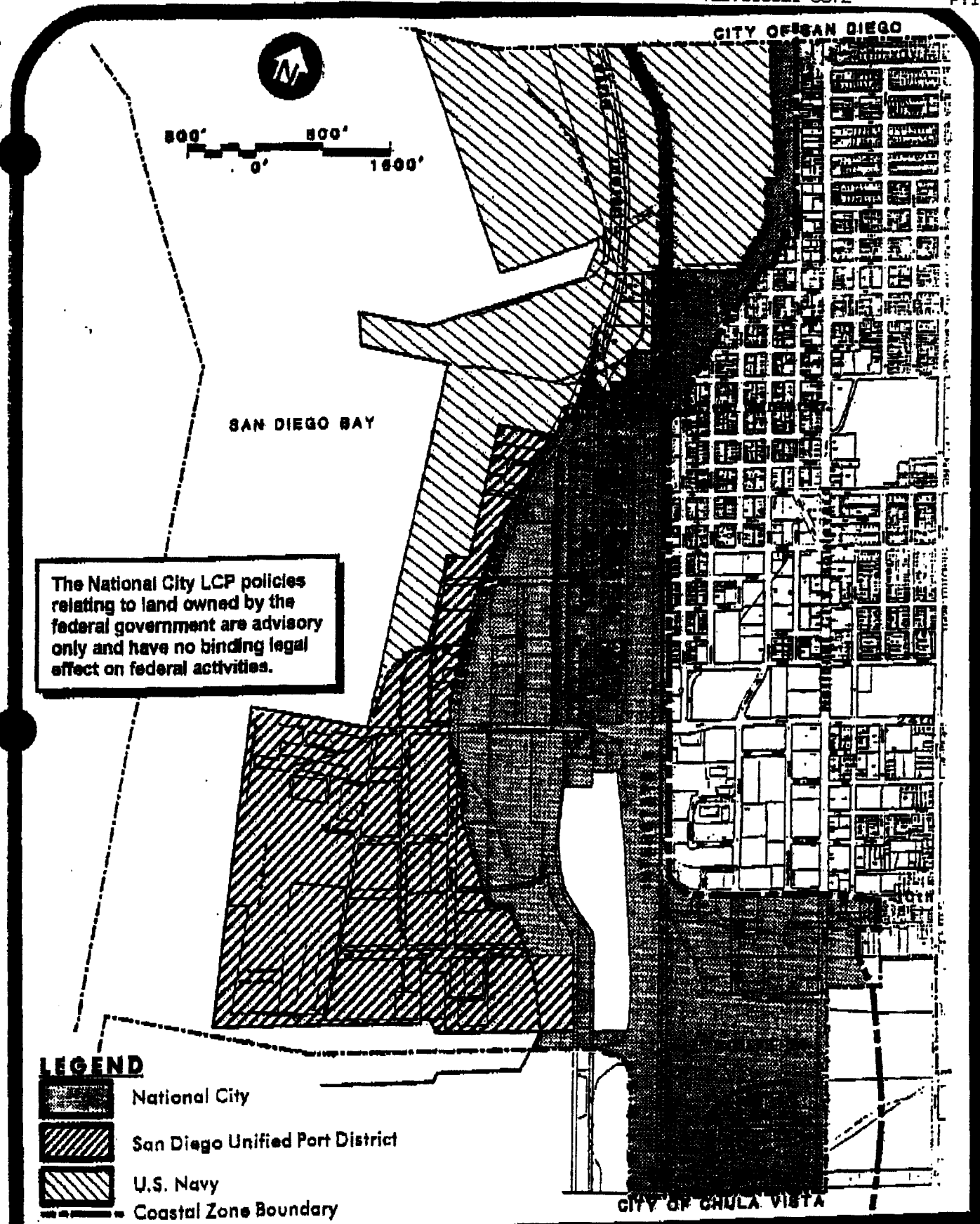


- 2.3.2 The Subarens map also includes the area of the National City Marina that shortly will be within the Port District's jurisdiction upon Coastal Commission action on the revised legal geographic boundary. It should be excluded here, as well.



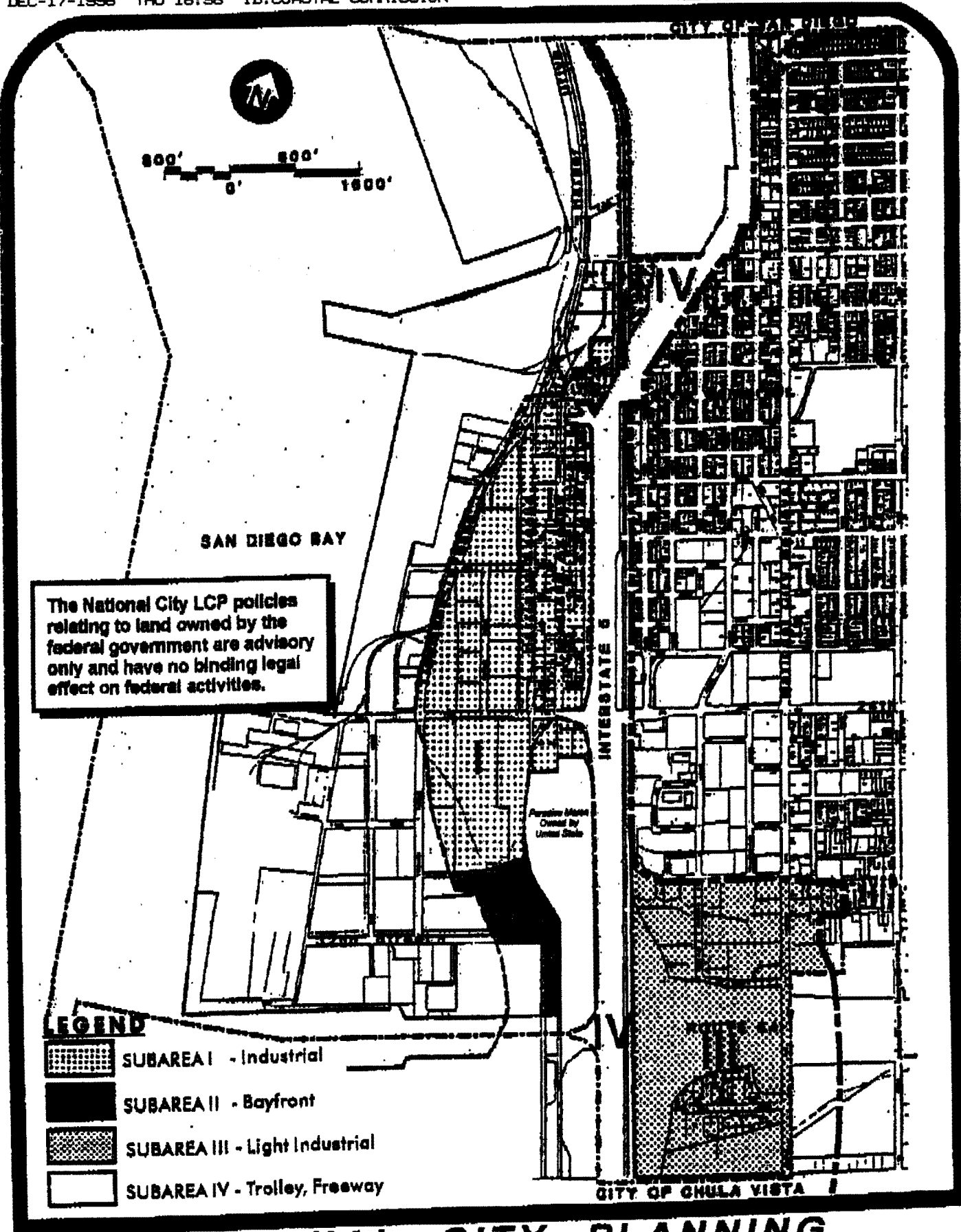
## NATIONAL CITY PLANNING

**FIGURE 1**  
**LAND USE PLAN**



## NATIONAL CITY PLANNING

**FIGURE 2**  
**POLITICAL JURISDICTIONS**



# NATIONAL CITY PLANNING

**FIGURE 3**  
**SUBAREA MAP-NATIONAL CITY**  
**COASTAL ZONE**