

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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February 17, 1999

RECORD PACKET COPY**Wed 196****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: REVISED FINDINGS 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 March 9-12, 1999)**

SYNOPSIS**SUMMARY OF COMMISSION ACTION**

At the Commission meeting of November 5, 1998, the Commission reviewed the City of National City LCP Amendment #1-98B pertaining to adoption of the Harbor District Specific Area Plan and LCP Implementation Amendment. Staff had originally recommended denial of the implementation plan as submitted, then approval with six suggested modifications addressing wetland protection, the status of the certified LCP with regard to the Sweetwater Marsh National Wildlife Refuge, and a technical correction. However, in response to the staff recommendation and prior to Commission action on LCPA #1-98B, the City of National City amended its submittal to incorporate the six suggested modifications. Therefore, at the hearing, staff modified its recommendation to approval as submitted. In its action on LCPA #1-98B, the Commission approved the implementation plan as submitted and amended.

COMMISSION VOTES

National City LCPA 1-98B, reject as submitted and amended:

Commissioners Voting "Yes": None

Commissioners Voting "No": Herron, Armanasco, Johnson, Nava, Reilly, Tuttle, Wan,
and Chairman Areias

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.

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.

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

The Commission adopted the following resolutions and findings following the public hearing.

A. RESOLUTION I (Resolution to approve certification of the City of National City Harbor District Specific Plan, as submitted)

Resolution I

The Commission hereby approves certification of the amendment request to the Implementation Plan of the City of National City Local Coastal Program 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. FINDINGS FOR APPROVAL 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 24th Street and 32nd 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.

Staff had originally recommended denial of the implementation plan as submitted, then approval with six suggested modifications addressing wetland protection, the status of the certified LCP with regard to the Sweetwater Marsh National Wildlife Refuge, and a technical correction. However, in response to the staff recommendation and prior to Commission action on LCPA #1-98B, the City of National City amended its submittal to incorporate the six suggested modifications. Therefore, at the hearing, staff modified its recommendation to approval as submitted.

B. FINDINGS FOR APPROVAL

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 originally submitted by the City of National City, would not have fully implemented the intent of the habitat protection policies of the certified land use plan. In addition, several references and map notes contained language that incorrectly characterizes the status of the LCP with regard to development within Paradise Marsh. On October 28, 1998, the City of National City amended its submittal to address these issues.

1. Wetland Habitat Conservation Program

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.

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.

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 a few areas in which the Specific Plan as initially submitted would not have fully implemented the certified LUP. The first 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. This correction has been made and the map properly labeled by the City of National City in its amended submittal.

Second, the habitat protection and enhancement policies in the plan specifically referenced 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 initially drafted, the policies would have applied only to the 1997-1998 wetlands delineation, regardless of changes in actual status of the wetlands in the planning area. In addition, the plan did 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, the City of National City amended its submittal to require 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.

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 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, language that was in the proposed plan as originally submitted, which implied that the National City certified LCP would have no applicability in any circumstance for development within the refuge, would not have been consistent with the resource protection policies of the certified LCP. Therefore, the City amended its submittal to clarify the status of the LCP as important guidance for land use decisions in the refuge.

Therefore, as submitted and amended, the Harbor District Specific Plan can be found consistent with and adequate to carry out the resource protection policies of the certified LCP.

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 24th 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 submitted, the Harbor District Specific Plan conforms with and is adequate to carry out the certified land use plan.

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

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

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP implementation plan, the Commission finds that approval of the plan as submitted and as amended on October 28, 1998, would not result in significant impacts to environmentally sensitive habitat areas under the meaning of the California Environmental Quality Act.

As discussed above, the Commission finds the proposed local coastal program amendment, as submitted, 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 submitted and amended, can be supported.

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October 28, 1998
Agenda Item Th7a

Ms. Sherilyn Sarb
District Manager, San Diego Office
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, California 92108-1725

RE: TRANSMITTAL OF AMENDMENTS TO CITY OF NATIONAL CITY LOCAL COASTAL PROGRAM AMENDMENT NO. 1-98B (Harbor District Specific Area Plan), FOR CONSIDERATION BY THE CALIFORNIA COASTAL COMMISSION ON NOVEMBER 5, 1998; AND,

REQUEST FOR CERTIFICATION AS SUBMITTED, AND AMENDED, BY CITY.

Dear Ms. Sarb:

The California Coastal Commission is scheduled to hear City of National City Local Coastal Program Amendment No. 1-98B ("LCPA 1-98B," Harbor District Specific Area Plan) on Thursday, 5 November, 1998, in Agoura Hills.

This plan has been prepared in year-long in-depth consultation with the U. S. Fish and Wildlife Service, as well as the California Department of Fish and Game, the Audubon Society, and Coastal Commission staff. Plan policies reflect the recommendations of all parties up through final unanimous adoption by the National City City Council, and the document itself has been recommended by the Audubon Society to serve as a model for other planning efforts adjacent to sensitive resources.

Nonetheless, the "Staff Recommendation on Major Amendment 1-98B (Harbor District Specific Plan)," dated 21 October, 1998, recommends denial of LCPA 1-98B as submitted, and contains six suggested modifications which Commission staff recommends are necessary to achieve LCPA 1-98B's consistency with, and adequacy to carry out, National City's certified Land Use Plan.

Because the National City City Council has now amended LCPA 1-98B to incorporate all six changes recommended by Coastal Commission staff in its 21 October "Staff Recommendation," National City respectfully requests that the California Coastal Commission certify the Harbor District Specific Area Plan as submitted.

Adoption and Submittal of Non-material Amendments to LCPA 1-98B. Pursuant to Section 13536 of the Coastal Commission's regulations, the City of National City Council unanimously adopted on 27 October 1998, and hereby submits, all of the six suggested modifications contained on Pages 5 and 6 of the "Staff Recommendation on Major Amendment 1-98B (Harbor District Specific Plan)," as non-material

amendments to Local Coastal Program Amendment No. 1-98B.

As required by Section 13552 of the Commission's regulations, City Council Resolution No. 98-143 and affected pages of LCPA 1-98B showing the precise amendment language, are included in this submittal, along with the tape and minutes of the 27 October hearing. Also included are copies of the public hearing notice, the certificate of publication, and LCP mailing/distribution list, which together constitute a summary of the measures taken to provide the public and affected agencies and districts maximum opportunity to participate in the amendment process.

Following are a description of those public notice and publication measures and an analysis of the materiality of the Suggested Modifications/Amendments.

Public Notice and Participation. On 12 October 1998, public notice was published and distributed by mail to the public and agencies on the LCP mailing/distribution list, indicating that the National City City Council would hold a public hearing on 27 October for purposes of responding to, and possibly adopting, any suggested modifications to LCPA 1-98B, as submitted by National City, proposed by Coastal Commission staff.

Copies of "Staff Recommendation on Major Amendment 1-98B (Harbor District Specific Plan)" were immediately hand-delivered or faxed to interested persons who so requested; and copies were also available for public review at the Community Development Commission offices and at the City Library.

No written or oral comments from the public were received prior to or during the 27 October public hearing.

Summary of Suggested Modifications and Responsive Amendments. The six suggested modifications recommended by Coastal Commission staff, which National City has adopted as amendments, are consistent with both the contents and the intent of LCPA 1-98B as originally submitted, and therefore do not constitute a material change to the original submittal, as demonstrated in greater detail below.

Suggested Modifications/Amendments 1-4. Commission staff's first four grounds for denial of LCPA 1-98B involve non-policy language, and the four suggested modifications proposed by Commission staff, and adopted by National City, likewise involve no policy revisions. They consist of changes in labeling on five illustrative graphics (Suggested Modification/Amendment 1), and revisions to Harbor District Specific Area Plan narrative (Suggested Modifications/Amendments 2-4), which reflect Coastal Commission action in certifying National City LCPA 1-98A with suggested modifications.

Therefore, although National City acknowledges that the modified language in the the Commission's October action on LCPA 1-98A and Commission staff's suggested modifications for LCPA 1-98B may not fully address jurisdictional factors applicable to federal property and federal activities within National City's corporate boundaries, the graphic labeling and narrative suggested modifications/amendments have no material effect on either National City's or the Coastal Commission's jurisdiction, or the applicability of the Harbor District Specific Area Plan. In addition, the language has been, in substantial part, the subject of public review before the Coastal Commission on 15 October, 1998 in the certification of LCPA 1-98A.

Suggested Modification/Amendment 5. As a separate grounds for denial, Commission staff cites the absence of a figure number on the Harbor District Specific Area Plan's "Wetland Delineation and Upland Habitat Map," and proposes a suggested modification that would require affixing a "Figure 3.1" label to

the graphic, although staff incorrectly identifies its location as being between Pages 3-1 and 3-2.

The Harbor District Specific Area Plan certified by the National City City Council for submittal to the Coastal Commission contained an accurately labeled "Figure 3.1," which was apparently inadvertently deleted from the graphic in some (but not all) copies of the Harbor District Specific Area Plan during reproduction. The copies retained at National City contain the properly labeled graphic, but apparently the copy reviewed by Commission staff does not.

The identity of the graphic itself is well-established in the Harbor District Specific Area Plan as submitted, whether or not "Figure 3.1" is visible. The graphic (actually located between Pages 3-1 and 3-3, rather than between Pages 3-1 and 3-2, as indicated in the Staff Recommendation), in its lower right-hand corner contains the words "Wetland Delineation and Habitat Map." In the list of figures contained on Page v of the Table of Contents, Figure 3.1 (Wetland Delineation and Habitat Map) is shown at Page 3-2, the exact location of the referenced graphic. Finally, Chapter 3 of the Harbor District Specific Area Plan repeatedly identifies the graphic by title as being Figure 3.1.

Therefore, National City's adoption of Commission staff's Suggested Modification 5 as an amendment makes no material change to LCPA 1-98 as submitted.

Suggested Modification/Amendment 6. The final grounds for denial cited is Commission staff's interpretation that the Harbor District Specific Area Plan would not require project-specific wetland mapping, for which it proposes Suggested Modification 6, adopted by National City, to articulate that requirement, as well as to apply the Harbor District Specific Area Plan protection standards to any newly identified wetland areas.

National City contends that its certified Implementation Plan, which the Harbor District Specific Area Plan augments, **but does not replace**, already provides the requirements set forth in Suggested Modification/Amendment 6.

Certified Implementation Plan Section X.2. establishes the applicability of specific plan provisions within the Harbor District Specific Area Plan boundaries; and Section X.4.a. clearly requires that "All wetlands not included in the OSR zone...shall be mapped as a condition of coastal development permit approval...."

National City intentionally did not duplicate all existing Implementation Plan regulations in the Harbor District Specific Area Plan, and does not believe it is required to do so to meet the Coastal Act test of consistency and adequacy to carry out the certified Land Use Plan, where the Commission has already certified Implementation Plan provisions which apply within the planning area boundaries.

However, because the substance of Suggested Modification/Amendment 6 is already a requirement of National City's Certified Implementation Plan that will continue to apply within the geographic boundaries of the Harbor District following Specific Area Plan certification, the amendment makes no material change to LCPA 1-98B as originally submitted. In addition, the substance of Suggested Modification/Amendment 6 has been the subject of public review before the Coastal Commission in its certification of the Certified Implementation Plan.

Additional Suggested Modifications. As you know, National City has been advised of an addendum to the 21 October Staff Recommendation that proposes yet a further grounds for denial, and an additional suggested modification, that Commission staff had not identified at the time of our recent City Council deliberations.

The new objection concerns the extensive "rainy season" grading provisions (Section X.B.4.K.) of the certified National City Implementation Plan that will continue to apply within the Harbor District planning area following certification of LCPA 1-98B, but which Commission staff now believes it is necessary to restate in significantly abbreviated and altered form in the Harbor District Specific Area Plan.

National City submits that:

- (1) Certified Implementation Plan Section X.B.4.K. will already apply *in its entirety* within the Harbor District, including with respect to bonding, without further modification to LCPA 1-98B;
- (2) there is no PRC Section 30513 or 30514 requirement for repetition of the clearly applicable Certified Implementation Plan policy in the Harbor District Specific Area Plan that only augments, *but does not replace*, the Certified Implementation Plan; and,
- (3) Commission staff's proposed suggested modification, however inadvertently, would actually weaken, rather than strengthen, the regulation of grading within the planning area in a manner that is detrimental to protection of wetland resources.

National City formally stipulates as to the applicability of Certified Implementation Plan Section X.B.4.K. to the Harbor District planning area, and respectfully urges your determination that no further additional suggested modification on this point is necessary.

REQUEST FOR CERTIFICATION OF LCPA 1-98B AS SUBMITTED, WITH AMENDMENTS, BY NATIONAL CITY

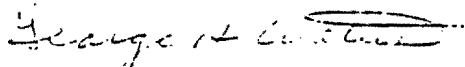
LCPA 1-98B, as amended by National City on 27 October 1998, incorporates all six modifications recommended by Coastal Commission staff in its "Staff Recommendation on Major Amendment 1-98B (Harbor District Specific Plan)," dated 21 October, 1998, to achieve consistency with and adequacy to carry out the certified National City Local Coastal Program.

Therefore, National City respectfully requests that the California Coastal Commission certify the Harbor District Specific Area Plan as submitted.

Pursuant to Resolution No. 98-95 which accompanied the transmittal of LCPA 1-98B, Coastal Commission certification per City would allow LCPA 1-98 to take effect immediately, and would facilitate timely implementation of its public access components.

On behalf of the City Council and the people of National City, I would like to express our appreciation to the Coastal Commission's San Diego District staff, particularly Ms. Lilly and Mr. McEachern, for your assistance in this productive planning process, and thank you in advance for your favorable consideration of our request.

Sincerely,



The Honorable George Waters, Mayor
City of National City

ATTACHMENTS:

City Council Resolution No. 98-143
Amended Graphics Figures 1.2, 1.3, 2.1, 4.1, 4.2, and 3.1
Amended Text Pages 1-1, 1-8, 3-1, and 3-17
Public Hearing Minutes
Public Hearing Tape
Public Hearing Notice
Certificate of Public Hearing Notice Publication
LCP Mailing/Distribution List

cc (without attachments):

California Coastal Commission Members and Alternates
Peter Douglas, Esq. (CCC Executive Director)
Chuck Damm (CCC Chief Deputy Director)
Deborah Lee (CCC South Coast Deputy Director)
Dan Wilkens, SDUPD

The new objection concerns the extensive "rainy season" grading provisions (Section X.B.4.K.) of the certified National City Implementation Plan that will continue to apply within the Harbor District planning area following certification of LCPA 1-98B, but which Commission staff now believes it is necessary to iterate in significantly abbreviated and altered form in the Harbor District Specific Area Plan.

National City submits that:

- (1) Certified Implementation Plan Section X.B.4.K. will already apply *in its entirety* within the Harbor District, including with respect to bonding, without further modification to LCPA 1-98B;
- (2) there is no PRC Section 30513 or 30514 requirement for repetition of the clearly applicable Certified Implementation Plan policy in the Harbor District Specific Area Plan that only augments, *but does not replace*, the Certified Implementation Plan; and,
- (3) Commission staff's proposed suggested modification, however inadvertently, would actually weaken, rather than strengthen, the regulation of grading within the planning area in a manner that is detrimental to protection of wetland resources.

National City formally stipulates as to the applicability of Certified Implementation Plan Section X.B.4.K. to the Harbor District planning area, and respectfully urges your determination that no further additional suggested modification on this point is necessary.

REQUEST FOR CERTIFICATION OF LCPA 1-98B AS SUBMITTED, WITH AMENDMENTS, BY NATIONAL CITY

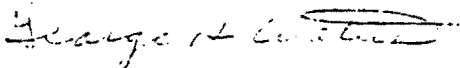
LCPA 1-98B, as amended by National City on 27 October 1998, incorporates all six modifications recommended by Coastal Commission staff in its "Staff Recommendation on Major Amendment 1-98B (Harbor District Specific Plan)," dated 21 October, 1998, to achieve consistency with and adequacy to carry out the certified National City Local Coastal Program.

Therefore, National City respectfully requests that the California Coastal Commission certify the Harbor District Specific Area Plan as submitted.

Pursuant to Resolution No. 98-95 which accompanied the transmittal of LCPA 1-98B, Coastal Commission certification per City would allow LCPA 1-98 to take effect immediately, and would facilitate timely implementation of its public access components.

On behalf of the City Council and the people of National City, I would like to express our appreciation to the Coastal Commission's San Diego District staff, particularly Ms. Lilly and Mr. McEachern, for your assistance in this productive planning process, and thank you in advance for your favorable consideration of our request.

Sincerely,



The Honorable George Waters, Mayor
City of National City

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Amended Graphics Figures 1.2, 1.3, 2.1, 4.1, 4.2, and 3.1
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RESOLUTION NO. 98-143

RESOLUTION OF THE
CITY COUNCIL
OF THE CITY OF NATIONAL CITY
APPROVING AN AMENDMENT TO THE
HARBOR DISTRICT SPECIFIC AREA PLAN AND LOCAL
COASTAL PROGRAM IMPLEMENTATION AMENDMENT
(Major Amendment 1-98B)

WHEREAS, on September 2, 1998 the City of National City submitted the Harbor District Specific Area Plan and Local Coastal Program Implementation Amendment (Major Amendment 1-98B) to the California Coastal Commission for public hearing and possible final action at the Coastal Commission Hearing on November 5, 1998, and

WHEREAS, the California Coastal Commission staff pursuant to Section 30513 of the Coastal Act reviewed major amendment I-98B for conformity with the National City certified Land Use Plan, and

WHEREAS, staff has recommended six modifications to major amendment 1-98B so that it conforms with and is adequate to carry out the provisions of the certified land use plan, and

WHEREAS, a public hearing, to respond to Coastal Commission staff recommendations, was duly noticed in a newspaper of general circulation in accordance with Coastal Act noticing requirements, and

WHEREAS, copies of the Coastal Commission report and major amendment 1-98B have been made available to the public at the City library, Community Development Commission office and office of the City Clerk, and

WHEREAS, the six suggested modifications are consistent with the certified National City Local Land Use Plan, and reflect clarifications to the contents and intent of the Harbor District Specific Area Plan, as adopted by the City Council on July 28, 1998; and

WHEREAS, the six suggested modifications are minor, and do not constitute material changes or changes that have not been the subject of public review and comment before the Commission; and

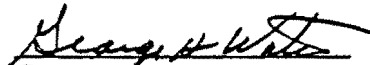
WHEREAS, the City Council held a public hearing on October 27, 1998 at which time it received oral and documentary evidence concerning the recommendations of the California Coastal Commission staff, and

WHEREAS, the City Council directed staff to make the modifications recommended by Coastal Commission staff to Major amendment 1-98, and


WHEREAS, staff has been directed to submit ~~the~~ adopted modification to the California Coastal Commission as an amendment to the Harbor District Specific Area Plan and Local Coastal Program Implementation Major Amendment I-98B for consideration and action on November 5, 1998.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of National City hereby approves an amendment to the Harbor District Specific Area Plan and Local Coastal Program Implementation Amendment, as recommended by the staff of the California Coastal Commission.

PASSED AND ADOPTED this 27th day of October, 1998.


George H. Waters, Mayor

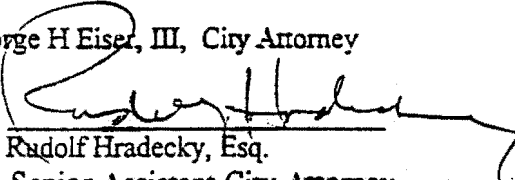
ATTEST:


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 October 27, 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. 98-143 of the City of National City, California, passed and adopted by the Council of said City on October 27, 1998.



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

By: _____
Deputy