

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**W18a**

September 21, 2001

TO: Commissioners and Interested Persons

FROM: Tami Grove, Deputy Director
Charles Lester, District Manager
Rick Hyman, Deputy District Chief Planner

RECORD PACKET COPY

SUBJECT: **CITY OF MARINA: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-01.** For public hearing and Commission action at its meeting of October 10, 2001, to be held in the City of Coronado at the Hotel Del Coronado, 1500 Orange Avenue, Coronado, CA 92118.

I. SUMMARY OF STAFF REPORT**Amendment Description**

The City of Marina proposes to change the land use designation of parcel 033-111-007 and the adjacent right-of-way at the Northeast corner of the intersection of Reservation Road and Seaside Circle from General Commercial to Visitor-Oriented Commercial (Land Use Plan Amendment). The City also proposes to change the Implementation Plan's zoning designation of the existing unimproved street right of way abutting the parcel along Reservation Road from Open Space (O/ C-P) to Planned Commercial (PC/C-P) and the existing unimproved street right-of-way abutting the parcel along Seaside Circle from One-Family Residential (R-1/ C-P) to Planned Commercial (PC/C-P) (please see Exhibit 1). Staff has reviewed the proposed amendment to the Land Use Plan for conformance with the Coastal Act. As discussed in detail below, Staff recommends approval of the City of Marina LCP proposed Land Use Plan Major Amendment No. 1-01, if it is modified to address LCP limitations concerning identification and mitigation of potential habitat impacts. Staff also recommends approval of the amendment to the City's Implementation Plan as modified, as adequate to carry out the modified LUP.

The Commission certified the City of Marina's Local Coastal Program on April 20, 1982. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Section 30514, California Code of Regulations 13551 through 13553). The amendment was filed on June 1, 2001. The City Council held noticed public hearings. In addition, noticed public hearings at the Planning Commission level were held. Commission staff requested and was granted a one-year time extension for action on the LCP amendments at the Commission's August 2001 meeting. The City of Marina has also approved a coastal development permit for an 80 unit hotel on the

**California Coastal Commission**

site, subject to Commission approval of this amendment. The CDP for the hotel is not within the appeal jurisdiction of the Commission.

Further information on the submittal may be obtained from Mike Watson at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

Standard of Review

The standard of review for land use plan amendments is that they must be consistent with the resource protection policies of the Coastal Act. The standard of review for implementation amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

Staff Recommendation

Staff recommends that the Commission deny both the Land Use Plan (LUP) and Implementation Plan (IP) as submitted, and approve the LUP and IP, only if modified as set forth below.

The primary purpose of the current proposal is to change the land use designation of the site from General Commercial to Visitor-Oriented Commercial, and the zoning of the abutting street right-of-way from a combination of Open Space and Low Density Residential to Planned Commercial, to allow for development of an eighty-unit hotel with meeting rooms and associated facilities.

The proposed amendment (MAR-MAJ-1-01) to the Land Use Plan would allow development of the subject site as a visitor-oriented hotel. The task at hand is to determine whether a visitor-serving use is an appropriate use on the site. The current land use designation allows for a hotel at the site, though re-designation of the land use and subsequent development gives priority to visitor-oriented commercial and recreational use over other development types, consistent with Coastal Act policy 30222. The second issue of concern regarding the proposed amendment to the LUP is protection of coastal resources, such as sensitive dune habitat. The land in the coastal zone that would be affected by the amendment includes habitat values that support sensitive plant species which, because of their scarcity, may qualify as ESHA under Coastal Act Section 30240. The proposed amendment to the LUP does not provide adequate protection for sensitive resources, which may require mitigation. Therefore, staff recommends denial of the amendment of the LUP as proposed, and recommends approval of the amendment to the LUP only as modified to expand the definition of primary habitat and include specific mitigation criteria.

The second component of the LCP amendment involves determining whether the proposed amendment to the City's Implementation Plan is consistent with and adequate to carry out the intent of the certified Land Use Plan as amended and modified. The visitor-oriented commercial zoning is certainly consistent with and adequate to carry out the intent of the LUP designation of the same. With respect to coastal resource protection measures and sensitive species habitat, the proposed amendment to the IP does not provide



adequate guidance for the protection and maintenance of affected coastal resources. Similar to the LUP, the IP will require additional modification to be found consistent with and adequate to carry out the intent of the modified LUP amendment. Therefore, staff recommends denial of the amendment of the IP as proposed, and recommends approval only if modified to expand the definition of primary habitat and to include minimum habitat mitigation and restoration plan requirements.

Summary of Issues and Comments

City hearings on the amendment occurred on January 25, 2001, February 20, 2001 and March 6, 2001. These hearings on the LCP amendment elicited several comments, though much of the testimony focused on matters not in the Commission's purview (e.g., labor concerns). However, significant environmental concerns were raised during the meetings as well and are summarized below. After taking comments at its March 6, 2001 meeting, the Marina City Council approved Resolution 2001-06 amending Marina's Local Coastal Land Use Plan changing the land use designation of the site. The City Council subsequently adopted Resolution 2001-04 amending its Local Coastal Implementation Plan (Zoning Map) on March 20, 2001.

A review of the correspondence in the submittal reveals the following generalizations. There were several comments regarding potential impacts from increased illumination on Locke Paddon Park, especially with regard to sign placement and height of the proposed building, those interested argued that additional screening and proper sign placement could reduce potential impacts. The project met with less-than-favorable reaction from persons concerned about direct impacts to sensitive plant and animal species as the result of developing the subject site. Those commenting are concerned that the 1988 EIR on the subject site is out-dated and does not provide adequate mitigation measures to protect plant and animal species. Finally, there was comment taken from an adjacent property owner who expressed some concern about being able to access his property once the hotel development was in place. Specifically, the adjacent property owner wished to secure an easement across the applicant's property.



TABLE OF CONTENTS

I. SUMMARY OF STAFF REPORT	1
Amendment Description	1
Standard of Review	2
Staff Recommendation	2
Summary of Issues and Comments	3
EXHIBITS	4
II. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS	5
A. DENIAL OF LAND USE PLAN MAJOR AMENDMENT No. 1-01, AS SUBMITTED	5
B. APPROVAL OF LAND USE PLAN MAJOR AMENDMENT No. 1-01, IF MODIFIED	5
C. DENIAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT No. 1-01, AS SUBMITTED	6
D. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT No. 1-01, IF MODIFIED	6
III. SUGGESTED MODIFICATIONS	7
A. Land Use Plan Modifications for Protection and Mitigation of Habitat Values	7
B. Implementation Plan Modifications for Protection and Mitigation of Habitat Values	8
IV. RECOMMENDED FINDINGS	11
A. Land Use Plan Amendment	11
1. Visitor-Serving Land Uses	11
a. Description and Background	11
b. Standard of Review	12
c. Analysis and Conclusion	12
2. Environmentally Sensitive Habitat Areas (ESHA)	12
a. Description and Background	12
b. Standard of Review	13
c. Analysis and Conclusion	13
B. Implementation Plan Amendment	21
1. Visitor-Serving Land Uses and ESHA	21
a. Description and Background	21
b. Standard of Review	21
c. Analysis and Conclusion	21
D. California Environmental Quality Act (CEQA)	22

EXHIBITS

- Exhibit 1: Land Use Plan Map & Zoning Map
- Exhibit 2: Habitat Map
- Exhibit 3: Aerial Site View
- Exhibit 4: Mitigation and Restoration Plan
- Exhibit 5: Hotel Drawings



II. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

The Commission must make four separate motions in order to act on this recommendation:

A. DENIAL OF LAND USE PLAN MAJOR AMENDMENT No. 1-01, AS SUBMITTED

MOTION 1:

"I move that the Commission certify Major Amendment No. 1-01 to the City of Marina Land Use Plan as submitted by the City."

STAFF RECOMMENDATION OF DENIAL

Staff recommends a "NO" vote. Failure of this motion will result in denial of the land use plan amendment component as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION:

The Commission hereby denies certification of Major Amendment No. 1-01 to the land use plan of the City of Marina as submitted and adopts the findings set forth below on the grounds that the amendment component, as submitted, does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not comply with the requirements of the California Environmental Quality Act because there are feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the land use plan amendment may have on the environment.

B. APPROVAL OF LAND USE PLAN MAJOR AMENDMENT No. 1-01, IF MODIFIED

MOTION 2:

"I move that the Commission certify Major Amendment No. 1-01 to the City of Marina Land Use Plan as submitted by the City, if modified as suggested by Modifications A1 and A2 in this staff report."

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED

Staff recommends a "YES" vote. Passage of this motion will result in certification of the amendment component with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of Commissioners present.



RESOLUTION:

The Commission hereby approves Major Amendment No. 1-01 to the land use plan of the City of Marina if modified according to suggested modifications and adopts the findings set forth below on grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment..

C. DENIAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT No. 1-01, AS SUBMITTED

MOTION 3:

"I move that the Commission reject Major Amendment No.1-01 to the City of Marina Local Coastal Program Implementation Plan as submitted by the City."

STAFF RECOMMENDATION OF REJECTION

Staff recommends a "YES" vote. Passage of this motion will result in rejection of Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby rejects Major Amendment #1-00 to the Implementation Plan of the City of Marina local coastal program, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted is not in conformity with the certified land use plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program amendment as submitted.

D. APPROVAL OF IMPLEMENTATION PLAN MAJOR AMENDMENT No.1-01, IF MODIFIED

MOTION 4:



"I move that the Commission certify Major Amendment No.1-01 to the City of Marina Local Coastal Program Implementation Plan, if it is modified as suggested by Modifications B1 and B2 in the staff report."

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED

Staff recommends a "YES" vote. Passage of this motion will result in certification of the Implementation Plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby certifies Major Amendment No.1-01 to the Implementation Plan of the City of Marina Local Coastal Program, as modified by Suggested Modification B-1, and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications will be in conformity with and adequate to carry out the certified land use plan. Certification of the Implementation Program amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following changes to the proposed Local Coastal Program amendments, which are necessary to make the requisite findings. If the local government accepts each of the suggested modifications within six months of Commission action, by formal resolution of the City Council, the corresponding amendment portion will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

A. Land Use Plan Modifications for Protection and Mitigation of Habitat Values

Revise the City's 1982 certified Local Coastal Program Land Use Plan as follows:

1. Amend the LUP definition of "primary habitat" in Exhibit A as follows (additions underlined and bold):

Habitat – Primary habitat: This term includes all of the environmentally sensitive habitat areas in Marina. These are as follows:

1. *Habitat for all identified plant and animal species which are rare, endangered,*



threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as "rare and endangered."

....

4. Areas otherwise defined as secondary habitat that have an especially valuable role in an ecosystem for sensitive plant or animal life, as determined by a qualified biologist approved by the City.

2. Amend LUP Planning Guidelines on page 10 as follows (additions **underlined and bold**):

Because site-specific study is needed in many areas before any development can take place the following policies apply to all of the areas indicated on the map or meeting the definitions of Exhibit "A" [primary and secondary habitat] as being potential habitats for rare and endangered plants and animals.

....

- *Primary habitat areas shall be protected and preserved. All development must be sited and designed so as not to interfere with the natural functions of such habitat areas. Management and enhancement opportunities should be incorporated into use or development proposals; potential impacts shall be **fully mitigated, including the assurance of longterm mitigation and maintenance of habitat through the use of appropriate acreage replacement/restoration ratios for any unavoidable direct impacts to habitat areas.***
- *Potential secondary or support habitat areas to the primary habitats identified on the site should also be defined. Secondary habitat investigation should include identification of the role and importance of the secondary area to the primary habitat area and should stress the impact of use or development in the secondary area on the primary habitat. All development in this area must be designed to prevent significant adverse impacts on the primary habitat areas. In concert with State law, City ordinances shall require environmental review and appropriate mitigation of identified impacts for all development in the Coastal Zone, **including the assurance of longterm mitigation and maintenance of habitat through the use of appropriate acreage replacement/restoration ratios for any direct impacts to habitat areas.***

....

B. Implementation Plan Modifications for Protection and Mitigation of Habitat Values

Revise the City's 1982 certified Local Coastal Program Implementation Plan as follows:



1. Amend the IP definition of "primary habitat" and corresponding Ordinance 17.04.391 as follows (additions **underlined and bold**):

17.04.391 Habitat, primary. This term includes all of the environmentally sensitive **habitat** areas in Marina. These are as follows:

1. *Habitat for all identified plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as "rare and endangered."*

....

4. *Areas otherwise defined as secondary habitat that have an especially valuable role in an ecosystem for sensitive plant or animal life, as determined by a qualified biologist approved by the City.*

2. Amend the Implementation Plan and zoning ordinances as necessary to incorporate the following new habitat mitigation requirements:

a. *Minimum Habitat Mitigation/Restoration Plan Requirements. All direct and potential impacts to primary and secondary habitats shall be fully mitigated. Appropriate acreage replacement/restoration ratios for any unavoidable direct impacts to habitat areas and buffer areas shall be applied to fully protect identified habitat. Habitat Restoration Plans shall be prepared and approved prior to issuance of any grading or building permits.*

b. *Habitat Restoration Plan Requirement. All habitat restoration, enhancement, and/or buffering plans shall be prepared by a qualified biologist and where appropriate, with the assistance of a qualified hydrologist. Plans shall be developed in consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service in cases where these agencies have jurisdiction. The plans and the work encompassed in the plans shall be authorized by a coastal development permit. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the City. No changes to the approved final plans shall occur without a City-approved amendment.*

The elements of such a plan shall at a minimum include:

(a) A detailed site plan of the entire habitat and buffer area with a topographic base map;

(b) A baseline ecological assessment of the habitat and buffer area, including but not limited to, assessment of biological, physical, and chemical criteria for the area;

(c) The goals, objectives, performance standards, and success criteria for the site, including specific coverage and health standards for any areas to be planted. At a minimum, explicit performance



standards for vegetation, hydrology, sedimentation, water quality, and wildlife, and a clear schedule and procedure for determining whether they are met shall be provided. Any such performance standards shall include identification of minimum goals for each herbaceous species, by percentage of total plantings and by percentage of total cover when defined success criteria are met; and specification of the number of years active maintenance and monitoring will continue once success criteria are met. All performance standards shall state in quantifiable terms the level and extent of the attributes necessary to reach the goals and objectives. Sustainability of the attributes shall be part of every performance standard. Each performance standard shall identify: (1) the attribute to be achieved; (2) the condition or level that defines success; and (3) the period over which success must be sustained. The performance standards must be specific enough to provide for the assessment of habitat performance over time through the measurement of habitat attributes and functions including, but not limited to, wetland vegetation, hydrology, and wildlife abundance.

(d) The final design, installation, and management methods that will be used to ensure the mitigation site achieves the defined goals, objectives, and performance standards;

(e) Provisions for the full restoration of any impacts that are identified as temporary necessary to install the restoration or enhancement elements;

(f) Provisions for submittal, within 30 days of completion of initial (and subsequent phases, if any of) restoration work, of "as built" plans demonstrating that the restoration and enhancement has been established in accordance with the approved design and installation methods;

(g) Provisions for a detailed monitoring program to include at a minimum provisions for assessing the initial biological and ecological status of the site. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation;

(h) Provisions to ensure that the site will be promptly remediated if monitoring results indicate that the site does not meet the goals, objectives, and performance standards identified in the approved mitigation program and provisions for such remediation. If the final report indicates that the mitigation project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original program which did not meet the approved performance standards.

(i) Provisions for submission of annual reports of monitoring results to the City for the first five years after all restoration and maintenance activities have concluded (including but not limited to watering and weeding, unless weeding is part of an ongoing long-term maintenance plan) and periodic monitoring after that time, beginning the first year after submission of the "as-built" assessment. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the project in relation to the performance standards.



IV. RECOMMENDED FINDINGS

The Commission finds and declares the following for the proposed City of Marina Major Amendment No. 1-01 regarding the change in land use designation and zoning map change at the Northeast corner of Reservation Road and Seaside Circle:

A. Land Use Plan Amendment

1. Visitor-Serving Land Uses

a. Description and Background

The City of Marina is proposing to amend its Local Coastal Program (LUP and IP amendment) to allow the development of an 80-unit hotel on approximately 1.75 acres of land at the Northeast corner of Reservation Road and Seaside Circle in the City of Marina. The subject site includes a privately owned parcel by Bart Bruno, a small portion of an abutting parcel owned by Mr. Frank Herrod which Mr. Bruno intends to lease, and less than 0.5 acre of publicly owned land within the current City street right-of-way of Reservation Road and Seaside Circle (currently zoned as Open Space and R-1) which Mr. Bruno intends to acquire from the City of Marina. The Land Use Plan amendment would change the current land use designations to Visitor-Oriented Commercial; the site is currently zoned General (Retail) Commercial. Under the Land Use Plan, "Visitor-Oriented Commercial" allows a variety of commercial uses including: hang-gliding equipment sales, commercial overnight campgrounds, riding stables, inns and commercial uses dependent upon existing resources and recreational opportunities available in the area. A "General Commercial" land use designation allows a broader range of commercial uses including: retail stores and shops of light commercial character conducted within a building, such as appliance stores, banks, barber shops, beauty parlors, bookstores, cleaner or laundry agents, dress shops, drugstores, food stores, furniture shops, millinery shops, offices, radio sales, restaurants, shoe shops, studios, tailor shops, hotels, clubs, lodges, churches, and public and quasi-public uses and buildings, public utility uses and buildings, service stations, drive-in banks, dancing academies, retail plant nurseries, drive-in restaurants, and other uses with similar characteristics and which will not be detrimental or obnoxious to the neighborhood in which they are to be located.

The proposed hotel site was previously included in a 1988 EIR site evaluation of the entire 25 acre area bounded by Reservation Road, Beach Road, Seaside Circle, and Marina Drive. That EIR led to a phased approval of the Marina Landing Shopping Center which included a K-mart project and convenience store (now built), and a proposed Albertson's Store. Exhibit 3 provides an aerial overview of the site and existing development patterns. The site for the proposed hotel at issue in this LCP amendment was not included as part of that previous City development approval, although the City has relied on the 1988 EIR for the environmental review of the current proposal



b. Standard of Review

The standard of review for land use plan amendments is the Coastal Act. Under the Act, land use plans are to indicate the kinds, locations, and intensities of uses that are allowable in various locations (PRC 30108.5). The substantive policies of Chapter 3 are the primary basis for making these determinations. In this case, the most relevant governing section of the Coastal Act is:

Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

c. Analysis and Conclusion

The general area of Reservation Road west of Del Monte Boulevard has potential for development of a desirable visitor-serving area with a number of amenities, such as the State Park, the vernal ponds in the area, and Locke Paddon Park. The attractiveness of the area to visitors and the residents of Marina may be enhanced by the introduction of additional visitor-serving commercial uses. The applicant proposes to construct an 80-unit hotel on the subject site, which will be primarily visitor-serving in nature. As noted above, the Coastal Act places a higher priority on visitor-serving uses over other type of uses such as, residential, general commercial, and industrial. Visitor-serving uses do not take priority over agriculture or coastal-dependent uses. The current land use designation for the largest segment of the site is general (retail) commercial. Although, the current land use designation would allow for a hotel at the site, re-designation of the land use and subsequent development gives clear priority to visitor-serving commercial and recreational use over other more general commercial uses, consistent with Coastal Act policy 30222.

The proposed change in land use designation is therefore consistent with policy 30222 of the Coastal Act.

2. Environmentally Sensitive Habitat Areas (ESHA)

a. Description and Background

The site consists of approximately 1.75 acres of degraded, isolated remnant inland dunes scrub, covered with mostly invasive non-native iceplant. The site is fragmented and is bounded on all sides by roads and urban development. Zander and Associates, Environmental Consultants to the developer of the site, performed a formal survey of the property on April 21, 1998 to characterize and map existing vegetation and assess potential for sensitive plant and animal species to occur on-site. Amongst the iceplant, they discovered a few scattered native plants (silver bush lupines, California sagebrush, and mock heather shrubs), as well as, two rare plant species of concern on the site. Both the federally-listed threatened Monterey spine flower (*Chorizanthe pungens* var. *pungens*), and the State-listed Threatened and Federally-listed Endangered Sand gilia (*Gilia tenuiflora* ssp. *arenaria*) were documented amid the open patches of sand.



Surveys were also performed to determine the presence of the California black legless lizard. California black legless lizard is a "California Species of Concern" that lives in a variety of vegetation types in dunes and sandy areas. They are most abundant in dune scrub habitats where native vegetation is present. Due to a lack of suitable native vegetation and habitat, coupled with the surrounding development, Zander and Associates determined the subject site would at best provide marginal habitat for a few individuals. In fact, during its survey, none were found.

If the amendment to the LCP is certified, there is a proposed project to construct an 80-unit hotel with meeting rooms, associated facilities, and parking. The area impacted by the development includes the entire site excluding the "panhandle" with Eucalyptus. Mitigation for disturbance of the rare plants currently on site is proposed off-site at Locke Paddon Park just across the street from the proposed hotel. Mitigation (catch and release) for disturbance to any California black legless lizards will be done off-site as well to a site that has yet to be determined.

b. Standard of Review

The standard of review for land use plan amendments is the Coastal Act. Under the Act, land use plans are to indicate the kinds, locations, and intensities of uses that are allowable in various locations (PRC 30108.5). The substantive policies of Chapter 3 are the primary basis for making these determinations. In this case, the most relevant governing section of the Coastal Act is:

30240: *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Coastal Act definition of environmentally-sensitive habitat is also relevant:

30107.5: *"Environmentally sensitive area" means any area 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 developments.*

c. Analysis and Conclusion

In evaluating a proposed land use change, the Commission must analyze the on-the-ground resources and



planning context at the time of the proposed LCP amendment, to assure that the land use designations are consistent with the Coastal Act. As mentioned above, there are two sensitive rare plant species of concern on the site proposed for a change in land use designation (the spineflower and Sand gilia). Although the area was previously the site of the Brown Bulb Ranch, a large-scale flower nursery, before this it was also likely once a functioning piece of the larger Monterey Dunes system, prior to being separated from the larger system by Highway One and surrounding urban development.

Coastal dunes, of course, provide unique, sensitive habitat values. Throughout its history, the Commission has placed high priority on the protection and preservation of coastal dune systems. On the Central coast, the largest coastal dune systems include the Nipomo dunes, Asilomar Dunes, and the Monterey Dunes complex. One of the most critical functions of these dune systems is their role as habitat for unique flora and fauna that are specially adapted to the conditions and opportunities found in the dunes. Dune plants in particular play a special role by both stabilizing the dunes from the effects of wind erosion, and hosting rare fauna. However, as these natural dune systems have been reduced and fragmented over time, the risk of extinction has increased for several species. Thus, each new impact within these dunes system has and will continue to contribute to the cumulative decline of these species.

Typically, dune structures with sensitive species are defined and treated as environmentally sensitive habitat areas by the Commission, even when degraded, because of their ability to naturally restore/recover through normal ecosystem functions (wind, species movement, etc.). Coastal dunes present a rather harsh and difficult growing environment, where the wind keeps shifting the shape of the ground, rainfall rapidly percolates out of reach, and, lacking a distinct topsoil horizon, nutrients are quickly exhausted. Plants like the Monterey spineflower or Sand gilia may over a year or two use up the available moisture and nutrients at a particular site, and by means of wind-blown seed “move” to a neighboring area. In this simplified model, the original site remains a bare sand surface until life’s necessities again accumulate at the original site—thereby allowing recolonization and repeating of the cycle. Thus, the overall growing area (“habitat”) needed over the long run is vastly larger than the area occupied by the plants at any one “snapshot” in time. This also explains why entire dune surfaces—not just the locations where the plants (and animals) are found in any one particular year—are typically considered ESHA.

In this case, the existing habitat on site comprises mainly remnant inland leeward dunes mostly invaded by annual grasses and ice plant. In addition, to the extent that there is a functioning “habitat” on site, it is surrounded by urban growth and bounded by streets and development (see Exhibit 2). Unlike the dunes connected to a larger ecological system (e.g., along Marina’s shoreline of Monterey Bay), it is unclear if there are any significant functional ecosystem connections operating in this case. There are certainly no direct land connections with larger dune structures along Monterey Bay.

Notwithstanding its relative isolation from the larger Monterey dunes system, there has been a sustainable population of rare plants observed flourishing over the approximately 2 acres at the site of the proposed land use change. In 1988 there were 448 sand gilia plants observed in four locations on the project site (Harvey & Stanley Associates Report, April 10, 1988). In 1999, Zander Associates counted 805 sand gilia plants. The Monterey spineflower appears to be flourishing on site as well. Because the plant species was not listed as threatened until 1994, no prior data was collected. However, the spineflower was observed in



1999 by Zander Associates at a rate of 10-20 plants per square meter, or roughly 18,000 plants for the site.

Even considering the sizable number of rare plants observed at the site, though, it is nonetheless difficult to argue that the site functions as a distinct ecosystem itself or as a significant component of a larger ecological dune system, because of its fragmented, degraded character, as well as its isolation from the larger Monterey Dunes system. Thus, there is likely an absence of physical/ecological connections functioning between the sensitive plants on site, (e.g. dependent animal or insect species that normally rely on the availability of rare plants).

At the same time, colonies of rare plants such as those found on the site may still be important at some level. For instance, according to the California Department of Fish and Game, Sand gilia has two main population centers, at Fritzsche Field on the former Fort Ord and at the East Dunes in the City of Sand City. These two areas have sparse, open vegetation with areas of open sand and have a population almost every year. The remainder of the distribution of the species, though, is in sites that have been disturbed, on roadsides, areas where there has been military training or grading, or in areas that have been burned. These sites are not constant and will likely disappear as the surrounding vegetation closes in, thus these satellite populations wink in and out. However, these populations may be important to the species as a whole as they can opportunistically occupy areas as they become available. In so doing, the distribution of the species is maintained and a viable auxiliary seed bank amassed. Survival of the species may ultimately depend on these unique, even isolated, populations during catastrophic events at primary population centers. Thus, these few remaining satellite populations can be very important in the evolutionary process of the species.

The difficulty we are faced with in cases such as the proposed amendment is in determining whether or not the site of the proposed land use change constitutes an ESHA for purposes of Coastal Act Section 30240. As we have seen, the site has and continues to support two species of rare plants. However, it is fragmented and isolated without [land] connection to the larger Monterey dunes system; the site also exhibits large annual variation in species populations, likely has no dependent insects or animals, and is of generally limited and significantly degraded habitat acreage. These facts support a finding that the site is not ESHA. Nevertheless, the subject site may be important as a contributing resource to the already scarce population of rare native coastal dune plants; and it does contain populations of rare and endangered plants, which supports a finding that the site is ESHA. Overall, while there is no question that the site has some important habitat values, it is not completely clear that the site is ESHA under the Coastal Act, at least for purposes of identifying the appropriate land use designation for the site (e.g. "resource conservation" versus the proposed "visitor-serving commercial"). That is, the biological evidence is not conclusive enough to warrant a wholesale redesignation of the site to "resource conservation" or equivalent land use category designed to preserve ESHA.

In terms of the City's proposed LCP amendment, the certified LCP of Marina does provide some useful guidance with respect to the ESHA question. The City of Marina's current LUP policies regarding habitat protection and mitigation were drafted and certified as part of the City's LCP effort in 1982. The LCP currently distinguishes between "primary" and "secondary" habitats, and identifies various policies that



should be applied in either circumstance. First, the LCP contains several general policy goals of the City to address sensitive habitats:

- 19. To promote restoration and protection of native dune habitat and vegetation.*
- 25. To protect the habitat of recognized rare and endangered species found in the Coastal dune area.*
- 26. To regulate development in areas adjacent to recognized rare and endangered species or their habitats so that they will not threaten continuation of the species or its habitat.*

Second, the LCP defines sensitive habitats as follows:

Habitat – Primary habitat: *This term includes all of the environmentally sensitive areas in Marina. These are as follows:*

- 1. Habitat for all identified plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as "rare and endangered."*
- 2. Vernal ponds and their associated wetland vegetation. The Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas (California Coastal Commission, February 14th 1981) contains technical criteria for establishing the inland boundary of wetland vegetation.*
- 3. All native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina's natural sand dune formations.*

Habitat – Secondary habitat: *This term refers to areas adjacent to primary habitat areas within which development must be sited and designed to prevent impacts which would significantly degrade the primary habitat. The secondary habitat area will be presumed to include the following, subject to more precise determination upon individual site investigation:*

- 1. The potential/known localities of rare and endangered plant species as shown on "Disturbed Vegetation" map in Marina Local Coastal Program.*
- 2. The potential wildlife habitats as shown on "Potential Wildlife Habitats" map in the Marina Local Coastal Program.*
- 3. Any area within 100 feet of the landward boundary of a wetland primary habitat area.*

The LCP then specifies a site-specific assessment approach in order to protect so-called primary and secondary habitats [emphasis added]:



Because site-specific study is needed in many areas before any development can take place the following policies apply to all of the areas indicated on the map or meeting the definitions of Exhibit "A" [primary and secondary habitat] as being potential habitats for rare and endangered plants and animals.

- *Before any use or change in use, areas identified as potential habitat for rare and endangered plant or animal species shall be investigated by a qualified biologist to determine the physical extent of the primary habitat areas for the specific rare and endangered plants and animals on that site.*
- *Primary habitat areas shall be protected and preserved. All development must be sited and designed so as not to interfere with the natural functions of such habitat areas. Management and enhancement opportunities should be incorporated into use or development proposals; potential impacts shall be mitigated.*
- *Potential secondary or support habitat areas to the primary habitats identified on the site should also be defined. Secondary habitat investigation should include identification of the role and importance of the secondary area to the primary habitat area and should stress the impact of use or development in the secondary area on the primary habitat. All development in this area must be designed to prevent significant adverse impacts on the primary habitat areas. In concert with State law, City ordinances shall require environmental review and appropriate mitigation of identified impacts for all development in the Coastal Zone.*
- ...
- *Available evidence indicates that dune vegetation is more resilient than previously thought, and areas damaged by illegal use or negligence shall be considered restorable and eligible for restoration.*
- *Where habitats of rare and endangered species are located on any parcel, owners and/or operators shall, at such time that development is proposed, develop and execute a Management Plan which will protect identified rare and endangered plant and animal communities. Each plan should be drawn up by a qualified biologist in co-operation with the property owner developer.*

The approach taken in the certified Marina LCP thus distinguishes between "primary habitat," which was intended to address the avoidance and protection of "environmentally sensitive habitat areas" required by sections 30240 and 30107.5; and "secondary habitat," which addresses the need to prevent significant disruption of ESHA under 30240, particularly concerning development proposed adjacent to primary habitat (ESHA). At the time of LCP certification, there was no specific identification of the various habitat areas in Marina's coastal zone, other than the broad mapping of known habitat and potential habitat areas, and it was left to the process of site-specific biological assessment to determine the appropriate treatment of an area in any given case.



The importance of this two-level distinction is to allow for development to occur, provided that the development is designed to prevent adverse significant impacts to the primary habitat areas and to ensure that any disruptions are adequately mitigated. As for mitigation, the City's Implementation Plan and zoning ordinances require environmental review and appropriate mitigation of adverse impacts for all development in its Coastal Conservation and Development District (mainly west of Highway 1), but these requirements do not appear to extend to any other zone district, such as the General Commercial zone at issue here. Also note, adequate protection measures and specific mitigation criteria that would provide guidance in issuing coastal development permits have not been developed and incorporated into the LCP.

In terms of the existing LCP, the site proposed for redesignation may or may not constitute primary habitat (ESHA), but this is a site-specific determination for the City to make at the time of reviewing a development proposal for a coastal development permit. The City has already taken an action of the hotel development proposed for the site. In its analysis of the site and potential impacts associated with the land use change, the City relied upon the 1988 Marina Landing Shopping Center EIR. The City determined that the proposed project is consistent with the scope of the 1988 Marina Landing EIR and that the EIR constitutes adequate environmental review according to CEQA. The City's Planning Commission found that the need for a subsequent or supplemental EIR was not necessary and that there is no evidence the project will individually or cumulatively have any adverse environmental impact on fish or wildlife resources. A restoration and mitigation plan also was prepared by Rana Creek Associates, consultants to the developer of the property, to satisfy the requirements of the EIR (see Exhibit 4). In characterizing the habitat value of the site the plan concludes, in part:

The existing habitat to be developed is comprised of remnant inland dunes mostly invaded by non-native annual grasses and Hottetot fig. The habitat is surrounded by urban growth and bounded by streets and development. Removal of the sand gilia and spine flower would occur for construction of a proposed Holiday Inn Express on the BT Development project site. Onsite mitigation is not feasible given the limited size and location of the property. There would be little ecological value in preserving or enhancing habitat on site. CDFG concurs with this finding during a site visit and consultation with the applicant. Therefore, offsite mitigation is proposed. An appropriate offsite mitigation area was identified in collaboration with the Monterey Peninsula Regional Park District (MPRPD). The off-site area selected is historical hind dune scrub habitat in Locke-Paddon Park, which is located on the south side of Seaside Circle across the street from the property to be developed (see appended maps). The mitigation site will have extensive invasive species control, and be planted with native dune scrub species including Monterey spineflower and sand gilia. The project will also include environmental education in the form of informative signage within the park, and a brochure available to visitors of the hotel. The site is appropriate because it currently contains remnant colonies of Monterey spineflower. (Exhibit 4)

Based on this report, and the Zander habitat assessment, the City of Marina made the following coastal development permit finding to address LCP requirements to protect sensitive habitat:



There is little ecological value in preserving or enhancing the habitat on the site given the urbanization and fragmentation of this site from intact dunes. The loss of habitat on this site will be mitigated by off-site restoration of a primary habitat area west of Dunes Drive. (City of Marina CDP Findings, #4)

Although the City has already approved the CDP for the project, this approval is nonetheless subject to and contingent upon Commission certification of this LCP amendment request. In order to assure that this application of LCP ESHA policies is consistent with the Coastal Act in this case, based on the foregoing discussion, it is apparent that the LCP ESHA policies need to be updated to provide more clear direction for potential development proposals on the site concerning the appropriate identification, protection, and mitigation of habitat impacts. The Commission has learned a great deal since 1982 concerning the ecology and functioning of dune systems, particularly concerning the importance of entire system values and ecological roles, such as bare sand areas, as opposed to the more limited focusing on existing plants and their locations. Currently, the LCP includes rare plant areas as primary habitat (ESHA), but does not include the broad notion of ecosystem value included in the Coastal Act definition of ESHA. Amending the LCP to address the ecosystem basis for identifying ESHA is important in cases like this. For example, it is clear that the site contains rare and sensitive plant species, but nonetheless, it is not clear that the site would fall under the primary habitat definition of the LCP based on its biological circumstances, precisely because of the uncertainty about the larger ecological significance of the site. The Commission finds, therefore, that modification A1 is necessary to assure that the proposed land use change for the parcel is consistent with the Coastal Act.

Similarly, the LCP should be updated to better reflect the Commission's knowledge and improved understanding about habitat mitigation. Thus, whether the site at issue qualifies as "primary" or "secondary habitat," the LCP should have improved mitigation policies to assure consistency with the section 30240 requirement of "no significant disruption" to areas with habitat values. In this case, the City and the developer have already contemplated and developed a mitigation plan, in consultation with the Department of Fish and Game, that would restore habitat on an adjacent site. As previously mentioned, the City relied upon the 1988 Marina Landing Shopping Center EIR for its evaluation of the subject site. The EIR concluded that the site was a degraded and fragmented inland dune community, cleared of much of its natural vegetation. Based on the conclusions of the Final EIR and as defined in the City's LCP, the City concluded that the site constitutes secondary habitat. Primary habitat, as defined in the City's LCP, includes all environmentally sensitive areas (ESHA). After review of the biological evidence and in consultation with the Department of Fish & Game, the Commission's staff biologist has concurred with this assessment of the site.

The EIR, though, did note that the uncultivated areas including the southwest knoll (Bruno's property) potentially contained sensitive species and as per its recommendation, the City consulted to have the subject site surveyed for plant and animal species during the flowering season. Again, in 1998, Zander & Associates surveyed the site and confirmed the presence of sensitive plant species. The City's Land Use Plan policies for secondary habitat require that any disruptions of the habitat values be adequately mitigated. Based on recommendations from the Department of Fish & Game, the developer's consultant prepared a mitigation and restoration plan that calls for an off-site restoration and revegetation plan.



Coastal staff and biologists from the Department of Fish & Game became involved in evaluating the project and the proponent's Mitigation Plan for the loss of sensitive species. Though not directly within the scope of the LCP amendment, project oversight by staff was necessary to ensure that the planned change in land use designation is appropriate to address Coastal Act ESHA policies, and would allow for the type of development that was being proposed. Of particular concern to the Commission are the types of mitigation and restoration requirements that assure restoration success, such as adequate mitigation ratios, monitoring requirements, etc. In general, a minimum of 2:1 restoration ratios are needed to adequately mitigate direct habitat impacts from development. After reviewing the mitigation plan (Exhibit 4), the Commission generally concurs with the proposed mitigation and approach. Nonetheless, to assure that this mitigation has a high likelihood of success, Modification A2 proposes changes to the LUP (with corresponding IP changes discussed below), to address the Commission's more recent understandings and experience with respect to necessary mitigation requirements, and to assure conformance with Coastal Act section 30240.

3. Visual Resources

Coastal Act 30253 requires the protection of visual resources. The site proposed for redesignation is inland of Highway One in an already urbanized area. As evaluated by the City, the proposed hotel that would be located on the site would not impact any views to the ocean. Nor would the project site be visible from the shoreline due to the Marina Dunes landform that lies between Highway One and the ocean. The proposed hotel would be visible from Highway One as one looks inland, but it would be located in an already urbanized area, in the vicinity of the K-mart shopping center.

In terms of the LCP amendment in front of the Commission, the City's proposal does not substantively change existing LCP requirements. The zoning that applies for the current General Commercial land use designation (planned commercial) has a height limit of 35 feet. This zoning remains the same for the proposed change to visitor-serving commercial. With respect to the actual building height approved by the City in its coastal development permit, the development is a three-story hotel that has been constrained to 37 feet or no greater than 20 feet above the top of the existing knoll, which would be graded down. Visual impacts to views in the surrounding area are proposed to be mitigated using appropriate landscaping such as planting Monterey Cypress, Fern Pine, and Coast Live Oak, particularly along Seaside Circle across from Locke Paddon Park. Exhibit 5 shows illustrations of the proposed hotel.

Also relevant, LCP Amendment 1-88 (Marina Landing Shopping Center) increased the building site coverage allowance from 25% to 30% over the area bounded by Beach Road, Reservation Road, Marina Drive, and Seaside Circle. Seaward of Highway One, though, the Commission limited building coverage to a maximum of 25%, with possible further limitations, to address concerns about the bulk and scale of development in sensitive visual areas. The building site coverage for the proposed 80-unit hotel at Reservation Road and Seaside Circle is 23.2%. Furthermore, although the EIR assessed the habitat values of the entire Brown Bulb Ranch, the Marina Landing Shopping Center project did not encompass the southwest knoll (Bruno property) at Reservation Road and Seaside Circle. As such, there are no encumbrances on the Bruno property requiring it to remain as open space, nor does the Bruno property acreage enter into the overall estimation of building site coverage and open space calculations for the



Marina Landing Shopping Center CDP. The City's LCP amendment would change a small area of open space zoning in the existing public right-of-way to allow for the expanding commercial zoning. Overall, the proposed LCP amendment does not change the existing visual policies and ordinances, which remain adequate for conformance with Coastal Act 30253.

B. Implementation Plan Amendment

1. Visitor-Serving Land Uses and ESHA

a. Description and Background

The proposed amendment to the Implementation Plan is to the zoning map. It involves the zoning of the abutting street right-of-way from a combination of Open Space and Low Density Residential to Planned Commercial. Planned Commercial allows for the development of a business area as a primarily retail shopping facility to serve present and future needs of coastal visitors and the residential community, with emphasis on preserving and expanding the characteristics of the area in which the commercial use is proposed.

In the Coastal Zone the uses permitted shall be determined by the Local Coastal Land Use Plan and a Coastal Development Permit shall be required. Such uses shall include but not be limited to visitor-oriented retail and service uses, accommodations and public access.

As noted in the land use plan findings, the purpose of the amendment is to facilitate development of a hotel. Specifically these two areas in question are now City rights-of-way that are to be acquired by the hotel developer.

b. Standard of Review

The standard of review is the certified land use plan. As described above, the land use plan designation is being amended to be visitor-oriented commercial. It is also being modified to better address habitat protection and mitigation standards.

c. Analysis and Conclusion

In general, the proposed planned commercial zoning designation is appropriate to implement the visitor-oriented commercial land use designation as the list of permitted uses are similar and not in conflict with land use designation. However, as noted in the above findings, the land use plan amendment needs to be modified to include improved habitat protection and mitigation policies. The Implementation Plan thus lacks standards adequate to carry out the modified land use plan. Therefore, the proposed amendment would be inconsistent with the land use plan as amended and modified and hence can not be approved as submitted.



The proposed implementation plan amendment can be further revised to address the above-mentioned deficiency. Specifically, the recommended revisions to the IP include modifications to update the definition of primary habitat and includes detailed implementation standards for habitat mitigation and restoration plans. As discussed in the land use plan findings, the Commission has new knowledge and experience with the appropriate mitigation of sensitive habitat impacts. Modifications A2, B1, and B2 are therefore necessary. Furthermore, the project proponent's mitigation and habitat restoration plan has been reviewed by Coastal staff and Fish & Game staff and determined to be consistent with the City's Implementation Plan, as modified. Therefore, as so modified, the implementation plan amendment is approved as being consistent with and adequate to carry out the certified land use plan as amended and further modified.

D. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. In this case, the City of Marina considered the specific hotel project in conjunction with the LCP amendments. The City made an environmental determination that the proposed project is consistent with the scope of the previously approved 1988 Marina Landing Shopping Center EIR and that the 1988 EIR constitutes adequate review under CEQA. The findings in this report are consistent with the City's environmental analysis. Modifications have been suggested that will further assure that any adverse environmental impacts will not occur or will be mitigated. Approval of the amendment, as modified, will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.


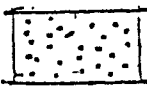
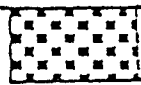
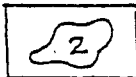


ATTACHMENT A

28



PLANNING AREA BOUNDARY

-  LOW DENSITY RESIDENT
-  PARK & OPEN SPACE
-  GENERAL COMMERCIAL
-  VERNAL POND

VERNAL POND - BROWN
BULL RANCH PLANNING AREA

COASTAL ZONE
BOUNDARY



PLANNING AREA BOUNDARY

VISITOR-ORIENTED
COMMERCIAL

LOW DENSITY RESIDE:

PARK & _____
OPEN SPACE

GENERAL COMMERCE

VERNAL POND

VERNAL POND - BROWN
BULL RANCH PLANNING AR

MARINA LOCAL COASTAL PROGRAM

CALIFORNIA COASTAL COMMISSION
Division created by
Marina City Council
Resolution 2001-06
EXHIBIT 1 pg. 2

Inside & Ass
Planning Const

220 Grand Avenue Oakland Calif

TAX RATE AREA 012-002

COUNTY OF MON
ASSESSOR'S
BOOK 33

08

BEACH

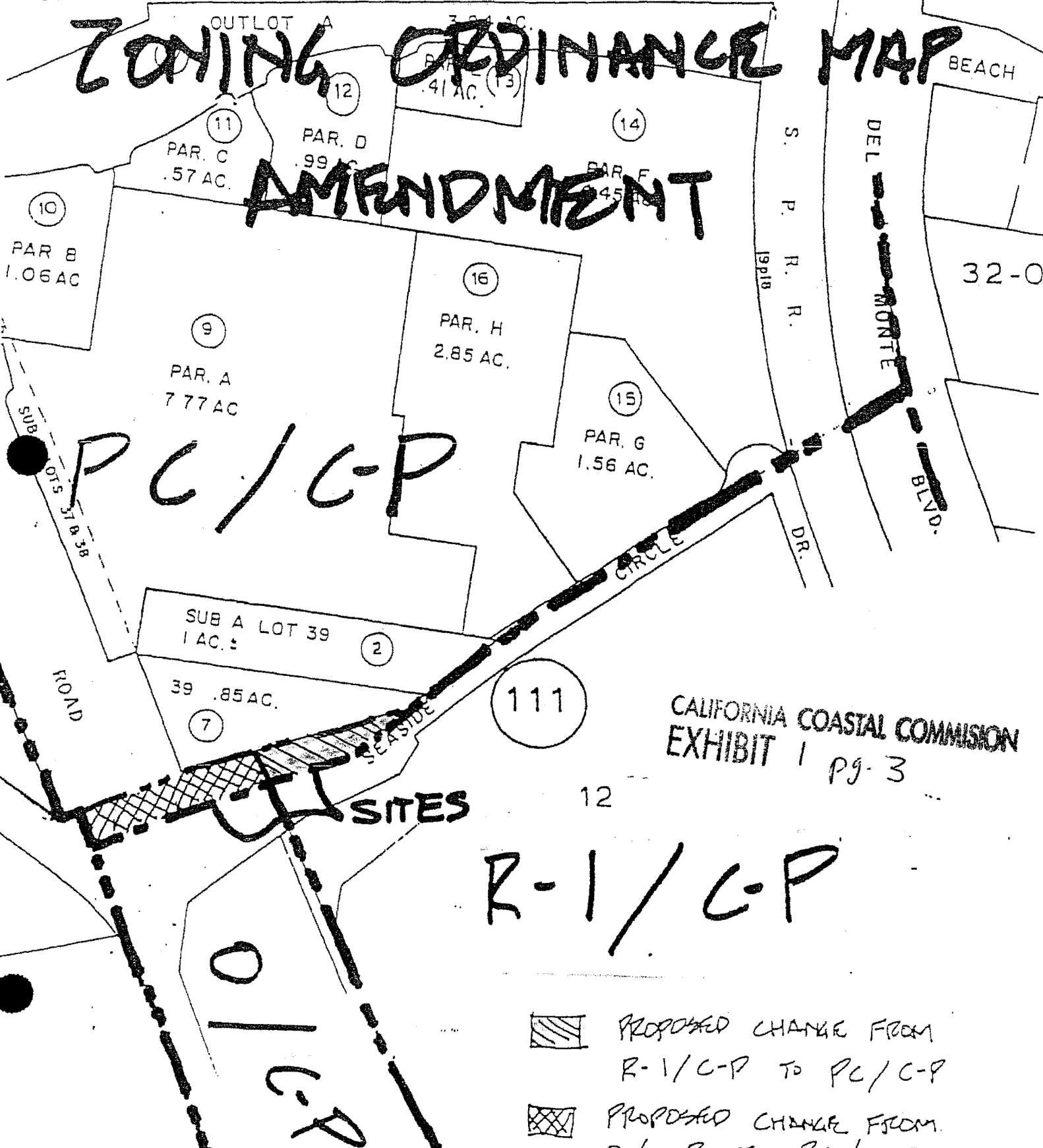
ROAD

MARINA

BEACH

ZONING ORDINANCE MAP

AMENDMENT



CALIFORNIA COASTAL COMMISSION
EXHIBIT 1 pg. 3

R-1/C-P






PROPOSED CHANGE FROM
R-1/C-P TO PC/C-P



PROPOSED CHANGE FROM
O/C-P TO PC/C-P



Legend

-  BT Development Company L.L.C. Property with Slope and Road Easements Approximately 2 acres
-  Dune Scrub Restoration Area (3.55 acres)
-  Locke-Paddon Park

Vicinity Map

2000 0 2000 Feet




RANA CREEK
HABITAT RESTORATION








Holiday Inn Express Project



600 0 600 Feet

Aerial Photograph - December 1999

Legend

-  Sensitive Habitat on the BT Development Company L.L.C. Property and Easements - 1.52 acres
-  BT Development Company L.L.C. Property with Slope and Road Easements Approximately 2 acres
-  Total Restoration Area (3.55 acres)
-  Locke-Paddon Park
-  Monterey Spineflower (*Chorizanthe pungens* var. *pungens*) within restoration area to be protected from heavy equipment
-  Carex dominated native swale to be protected from heavy equipment
-  Possible Future City of Marina Library

Dune Scrub Restoration Plan

Holiday Inn Express Project



RANA CREEK
HABITAT RESTORATION

Locke-Paddon Park
Monterey Regional Parks District

Exhibit 2
Habitat Map
MAR-MAJ-1-01



MARINA
LANDING
SHOPPING
CENTER
SITE

This is an aerial photograph of a shopping center site. The image is in black and white. A large rectangular area in the upper right is labeled 'MARINA LANDING SHOPPING CENTER SITE'. Within this area, a smaller rectangular area is labeled 'Kmart'. To the left of the Kmart area, a smaller area is labeled 'BRUNO SITE' with an arrow pointing to it. The image shows various buildings, parking lots, and roads. A large, irregularly shaped area in the lower right appears to be a body of water or a large undeveloped lot.

KMART

BRUNO
SITE

Exhibit 3
Aerial Site View
MAR-MAJ-1-01

**Revised Restoration and Mitigation Plan
for
BT Development Company L.L.C.
Holiday Inn Express Project
(2081-2001-011-03)**

Prepared for:
B.T. Development Company L.L.C.
P.O. Box 2317
Monterey, CA 93942

Prepared by
Paul Kephart and Dale Hameister
Rana Creek Habitat Restoration
August 30, 2001




RECEIVED

AUG 31 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Rana Creek Habitat Restoration
35351 East Carmel Valley Road Carmel Valley, California 93924
(831) 659-3820

EXHIBIT NO. 4
APPLICATION NO. MAR-MAY-1-01
pg 1 of 34
 California Coastal Commission

I. EXECUTIVE SUMMARY

A. Introduction

This Restoration Plan has been revised to address the comments Robert W. Floerke, Regional manager of the Central Coast Region of the California Department of Fish and Game dated August 13, 2001. Specifically the performance standards and monitoring protocol has been revised to address the concerns of the California Department of Fish and Game.

This Restoration Plan has been prepared to mitigate for the loss of upland dune habitat as a result of the proposed Holiday Inn Express Project at the corner of Reservation Road and Seaside Circle in Marina, CA (2081-2001-011-03). The property is degraded and dominated by Hottentot fig (*Carpobrotus edulis*) but also contains Federally Threatened Monterey spine flower (*Chorizanthe pungens* var. *pungens*) and the State Threatened and Federally Endangered Sand gilia (*Gilia tenuiflora* ssp. *arenaria*). State Listing is pursuant to Section 1904 (Native Plant Protection Act of 1977) and Section 2074.2 and 2075.5 (California Endangered Species Act of 1984) of the Fish and Game Code, relating to listing of Endangered and Threatened species of plants and animals. Federal listing is pursuant with the Federal Endangered Species Act of 1973. This plan has been prepared fully mitigate as required by the City of Marina General Plan, California Environmental Quality Act (CEQA), California Endangered Species Act, and the Federal Endangered Species Act.


Impacts Assessment

The project involves the development of a Holiday Inn Express. The total area to be developed is approximately 1.9 acres including road and grading easements. The entire development site is to be developed. The area containing sensitive species is 1.52 acres in size. The sensitive species occur in patches of open sand between areas dominated by non-native Hottentot fig. The remaining area of the project (referred to as the panhandle) contains Eucalyptus trees, Hottentot fig, and other non-native invasive specie, and is not used in the calculations to determine mitigation amounts. During the spring 2001 surveys, there were 42 sand gilia plants in a small area of 226 ft². 900 Monterey spineflower were found in fragmented areas totaling approximately 2,500 ft². within the 1.52 acre sensitive habitat area.

Mitigation

Mitigation will entail establishment and management of sand gilia, Monterey spineflower and associated upland dune scrub species at Locke-Paddon Park of the Monterey Peninsula Regional Parks District (MPRPD) directly across the street on similar habitat. An agreement with MPRPD for this use is appended. The area available for restoration at the park is 3.55 acres.

This plan describes the methods and techniques to restore, protect, propagate, and monitor native plant components of upland dune scrub habitat including Monterey spine flower (*Chorizanthe pungens* var. *pungens*) and Sand gilia (*Gilia tenuiflora* ssp. *arenaria*) on MPRPD property which fully mitigates for the loss of habitat on the site to be developed.

EXHIBIT NO. 4
APPLICATION NO. MKE-MA1-1-01
Pg. 2 of 34
 California Coastal Commission

Environmental Review

The City of Marina has accepted the previously approved 1988 Marina Landing Shopping Center EIR as adequate Environmental Review for the property.


Based on the October 12th, 2000 City of Marina staff report, the recommendation was made to "Make environmental determinations that the proposed project is consistent with the scope of the 1998 Marina Landing Shopping Center FEIR, and that the FEIR constitutes adequate environmental review according to CEQA " with the adoption of the following EIR addendum of which listed below are pertinent to the biological issues at hand.

1. All Environmental Mitigation listed in the 1988 Marina Landing Shopping Center FEIR or substitute environmental mitigations described elsewhere in this document, will be made conditions of approval of all information in and referred to as attachments and exhibits to the project as they may be applicable.
2. In connection with consideration of the approval actions and environmental review regarding the proposed project, the Planning Commission has taken and considered testimony, and reviewed and considered all information in and referred to as attachments and exhibits to the project Staff Report for the October 12, 2000 meeting on these matters.
3. The Marina Landing EIR as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15168.
4. None of the conditions triggering subsequent or supplemental environmental review under section 21166 of CEQA have occurred since the certification of the Final EIR. Specifically, the current project in combination with any additional mitigation measures and conditions of approval will not increase significant impacts or lead to the occurrence of new significant impacts, and the Planning Commission finds that a supplemental or subsequent EIR is not required as a result of this approval.
5. That if the project is developed in accordance with the environmental mitigations contained or referenced herein, there is no evidence that the project will either individually or cumulatively have any potential adverse impact on fish or wildlife resources.

The 1988 Marina Landing Shopping Center FEIR Table 2.1 Summary of Impacts and Mitigation Measures states:

"Any type of clearing or grading which might be proposed in the future should be undertaken only after a mitigation plan has been prepared in cooperation with the Department of Fish and Game to protect the existing sand gilia plants or to provide for their reestablishment in a suitable area."

This restoration and mitigation plan has been prepared to satisfy this requirement of the 1988 Marina Landing Shopping Center FEIR.

EXHIBIT NO. 4
APPLICATION NO. MAR-MAS-1-01
Pg. 3 of 34
 California Coastal Commission

Marina General Plan regarding Biological Resources

4.111 As used in this General Plan, "sensitive species" refers to the following categories of species and "sensitive habitat" refers to habitat identified as supporting one or more of the following: federally proposed and listed threatened and endangered species; species that are candidates federal listings as threatened or endangered; state-listed threatened or endangered species; and California Native Plant Society list 1B species with extensive portions (i.e. greater than 10 percent) of their known range within the Marina Planning Area.

4.112 Within areas identified as supporting sensitive habitat(s), the following requirements shall apply:

1. With the expectations of areas where an approved Habitat Management Program (HCP) allows development without restrictions, and for structures erected to maintain, restore or enhance sensitive habitat and species, require discretionary approval for all new structural and road development proposed within sensitive habitat areas or on sites supporting sensitive species and habitat.

2. Site and design those new structures or roads which may be allowed within designated Habitat Reserves or other sensitive habitat areas so as to minimize adverse impacts upon habitat areas. They may entail site plan modification and/or the inclusion of appropriate mitigation measures developed by biologists, soil engineers, or hydrologists (e.g. erosion and storm drainage controls, wildlife culverts, and grading imitations.) Specific requirements shall govern the design and construction of California Avenue where it passes through the UC Natural Reserve System.

4.113 Within areas for which there is an approved (HMP) or (HCP) and where avoidance of significant impacts is not feasible as determined through discretionary review, a seasonal avoidance and/or salvage/relocation program for certain species and habitat areas should be established or undertaken, as appropriate, prior to site development.

4.114 Where new development may remove all or a portion of identified sensitive habitat in an area not subject to an approved HCP, and where no less environmentally damaging alternative can be feasibly implemented, comparable habitat should be restored either on-site or off-site on a two-to-one basis (e.g. two acres of habitat shall be restored for every acre of habitat removed).

4.115 Except where possible "take" of sensitive species is allowed (and may be mitigated in compliance with state and federal laws, regulations, and other applicable legal mechanisms such as approved HCP or HMP), the city shall designate all areas identified as supporting sensitive habitat as "Habitat Reserve," and, where occurring on private property, it shall ensure protection through easements, dedications, or other appropriate legal means.

These provisions of the Marina General Plan pertain to both the Federally Threatened Monterey spine flower (*Chorizanthe pungens* var. *pungens*) and the State Threatened and Federally Endangered Sand gilia (*Gilia tenuiflora* ssp. *arenaria*). The existing population this year (2001) was surveyed using GPS equipment and integrated into a GIS based map (appended). The area of extents of the rare plant habitat of the property is approximately 1.52 acres. Per section 4.114 of the Marina General Plan the Restoration Area which totals 3.55 acres is adequate to mitigate for the proposed development.

The Marina General Plan does not designate California black legless lizard (*Anniella pulchra nigra*) as a sensitive species. California black legless lizard is a California Species of Concern, and must be afforded protection under CEQA. Surveys were conducted to determine the presence of legless lizards on the site. None were found. See section II. B. herein for details of the lizards surveys and plans for extensive searching for potentially occurring lizards prior to construction.

EXHIBIT NO.	4
APPLICATION NO.	MAR-MAJ-1-01
	pg 4 of 34
California Coastal Commission	

Fish and Game Code

2052.1. The Legislature further finds and declares that if any provision of this chapter requires a person to provide mitigation measures or alternatives to address a particular impact on a candidate species, threatened species, or endangered species, the measures or alternatives required shall be roughly proportional in extent to any impact on those species that is caused by that person. Where various measures or alternatives are available to meet this obligation, the measures or alternatives required shall maintain the person's objectives to the greatest extent possible consistent with this section. All required measures or alternatives shall be capable of successful implementation. This section governs the full extent of mitigation measures or alternatives that may be imposed on a person pursuant to this chapter.

2081. The department may authorize acts that are otherwise prohibited pursuant to Section 2080, as follows:

(b) The department may authorize, by permit, the take of endangered species, threatened species, and candidate species if all of the following conditions are met:

- (1) The take is incidental to an otherwise lawful activity.
- (2) The impacts of the authorized take shall be minimized and fully mitigated. The measures required to meet this obligation shall be roughly proportional in extent to the impact of the authorized taking on the species. Where various measures are available to meet this obligation, the measures required shall maintain the applicant's objectives to the greatest extent possible. All required measures shall be capable of successful implementation. For purposes of this section only, impacts of taking include all impacts on the species that result from any act that would cause the proposed taking.

This plan provides methods to fully mitigate the take of listed species on the development site, and to create/enhance habitat in restoration area that is more diverse in native species and has higher ecological function than the site to be developed.

This plan will be included as supporting documentation for required California Fish and Game Incidental Take Permit §2081. The permit will enable the project proponent to collect, propagate, and transplant the listed species.

B. Summary of Project

The project includes the development of a Holiday Inn Express, parking area, and driveway as approved by the Marina City Council and certified by the City of Marina Project Approval Certificate dated April 16, 2001.

The existing habitat to be developed is comprised of remnant inland dunes mostly invaded by non-native annual grasses and Hottetot fig. The habitat is surrounded by urban growth and bounded by streets and development. Removal of the sand gilia and spine flower would occur for construction of a proposed Holiday Inn Express on the BT Development project site. Onsite mitigation is not feasible given the limited size and location of the property. There would be little ecological value in preserving or enhancing habitat on site. CDFG concurs with this finding during a site visit and consultation with the applicant. Therefore, offsite mitigation is proposed. An appropriate offsite mitigation area was identified in collaboration with the Monterey Peninsula Regional Park District (MPRPD). The off-site area selected is historical hind dune scrub habitat in Locke-Paddon Park, which is located on the south side of Seaside Circle across the street from the property to be developed (see appended maps). The mitigation site will have extensive invasive species control, and be planted with native dune scrub species including Monterey spineflower and sand gilia. The project will also include environmental

EXHIBIT NO. 4
APPLICATION NO. MAR-MAN-1-01
Pg. 5 of 34

education in the form of informative signage within the park, and a brochure available to visitors of the hotel. The site is appropriate because it currently contains remnant colonies of Monterey spineflower.

C. Name and Location of Project

1. Applicant: B.T. Development Company L.L.C.
P.O. Box 2317
Monterey, CA 93942

2. Location: The project is located at 189 Seaside Ave in the City of Marina, California on the northeast corner of Reservation Road and Seaside Avenue. The project is bounded by the K-mart shopping center to the north, Seaside Circle to the south, a residential property to the east, and Reservation Road to the west. The mitigation site is located to the south of the BT Development property across Seaside Ave at Locke-Paddon Park.

D. Regulatory Jurisdiction

Lead Agency
City of Marina Planning Department
211 Hillcrest Avenue
Marina, CA 93933

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA. 93960


Application for §2081 permit submitted to:
Rob Floreke
California Department of Fish and Game
P.O. Box 47
Yountville, CA 94599

Debra Hillard
California Department of Fish and Game
213 Beach St.
Morro Bay, CA 93422

E. Restoration goals

The primary goal of this Mitigation Plan is focused on 1) mitigate impacts to areas containing sensitive plants 2) propagating a viable, reproducing population of the threatened Monterey spine flower (*Chorizanthe pungens* var. *pungens*) and endangered sand gilia (*Gilia tenuiflora* ssp. *arenaria*), 3) Create self sustaining upland dune scrub habitat, 3) Eradicate and control exotic non-native pest plants, and 4) monitor the relative success of the restoration activities.

Restoration and Mitigation Plan for BT Development Company L.L.C. Holiday Inn Express
August 30, 2001

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
pg. 6 of 34
 California Coastal Commission

F. Short term schedule

Restoration work shall proceed upon approval of the plan and issuance of a §2081 permit. Exotic species control will occur during the late summer of 2001, with restoration implementation scheduled to begin the fall of 2001.

II. EXISTING CONDITIONS

A. Vegetation/Habitat Description

The California Native Plant Society Inventory of Rare Vascular Plants of California (2001) and The California Department of Fish and Game California Natural Diversity Database was utilized for identification of known populations of State and Federal listed rare, threatened and endangered plant species on or in the vicinity of the project site. Plant identification was validated utilizing The Jepson Manual (Hickman 1993). Cultivar species were identified utilizing the Sunset Western Garden Book.

The sight to be developed is highly degraded remnant upland dune scrub. Hottetot fig (*Carpobrotus edulis*), an invasive iceplant from South Africa, dominates the BT Development property. There are a few scattered silver bush lupines (*Lupinus chamissonis*), California sagebrush (*Artemisia californica*), and mock heather (*Ericameria ericoides*) shrubs on the property. Monterey spine flower (*Chorizanthe pungens* var. *pungens*) and Sand gilia (*Gilia tenuiflora* ssp. *arenaria*) occur in some of the open patches of sand between areas of Hottetot fig. The restoration receiver site is located on upland habitat on the adjacent Locke-Paddon Park. Non-native grasses and forbs that will be controlled prior to planting of the native dune plants dominate the park site. There are a few scattered coyote brush and mock heather shrubs in the restoration area, as well as areas of native dune swale vegetation, and Monterey spineflower that are to remain. These areas are to be protected during exotic species control and during operation of heavy machinery.

Vascular plant list of the BT Development Property

Scientific Name	Common Name
<i>Acacia melanoxylon</i> *	blackwood acacia
<i>Anaphalis margaritacea</i>	pearly everlasting
<i>Anthemis cotula</i> *	mayweed (dog fennel)
<i>Artemisia californica</i>	coast sagebrush
<i>Avena fatua</i> *	slender wild oats
<i>Baccharis pilularis</i>	coyote brush
<i>Bromus diandrus</i> *	ripgut brome
<i>Camissonia cheiranthifolia</i>	beach primrose
<i>Cardionema ramosissimum</i>	sandmat
<i>Carpobrotus edulis</i> *	hottentot fig (ice plant)
<i>Ceanothus</i> 'Julia Phelps' **	Julia Phelps' ceanothus cultivar
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower
<i>Conicosia pugioniformis</i> *	conicosia
<i>Conyza canadensis</i> *	horseweed
<i>Cortaderia jubata</i> *	Pampas grass

EXHIBIT NO. 4
APPLICATION NO. 14HR-MR-1-01
pg 7 of 34
California Coastal Commission

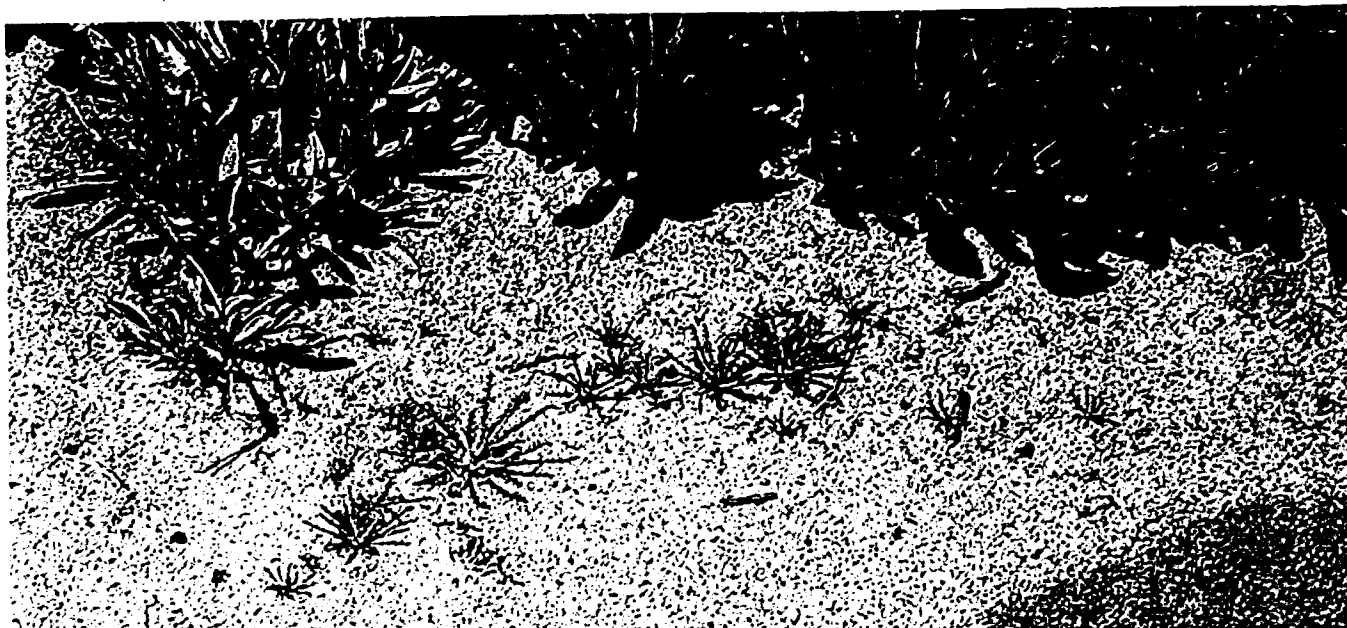
Croton californicus
*Cupressus macrocarpa***
Eriogonum giganteum var. *giganteum**
*Erodium cicutarium**
Eschscholzia californica
*Eucalyptus globulus**
Fremontodendron californicum X**
Gilia tenuiflora ssp. *arenaria*
*Hirschfeldia incana**
Hordeum murinum ssp. *leporinum**
Lessingia filaginifolia
*Limonium bonduellii**
Lotus scoparius var. *scoparius*
Lupinus chamissonis
*Pennisetum clandestinum**
*Pinus radiata***
*Plantago cornopus**
*Rumex acetosella**
*Sonchus asper**
*Vulpia bromoides**
*Vulpia microstachys**
 * Introduced Non-native Species
 ** Introduced Native California Species

croton
 Monterey cypress
 Santa Catalina Island buckwheat
 red-stemmed filaree
 California poppy
 blue gum
 flannelbush cultivar
 Sand gilia
 summer mustard (*Brassica geniculata**)
 barnyard foxtail
 common beach aster
 statice
 deer weed
 silver beach lupine
 Kikuyu grass
 Monterey pine
 cut-leaved plantain
 sheep sorrel
 spiny sowthistle
 six-week fescue
 Nuttall's fescue

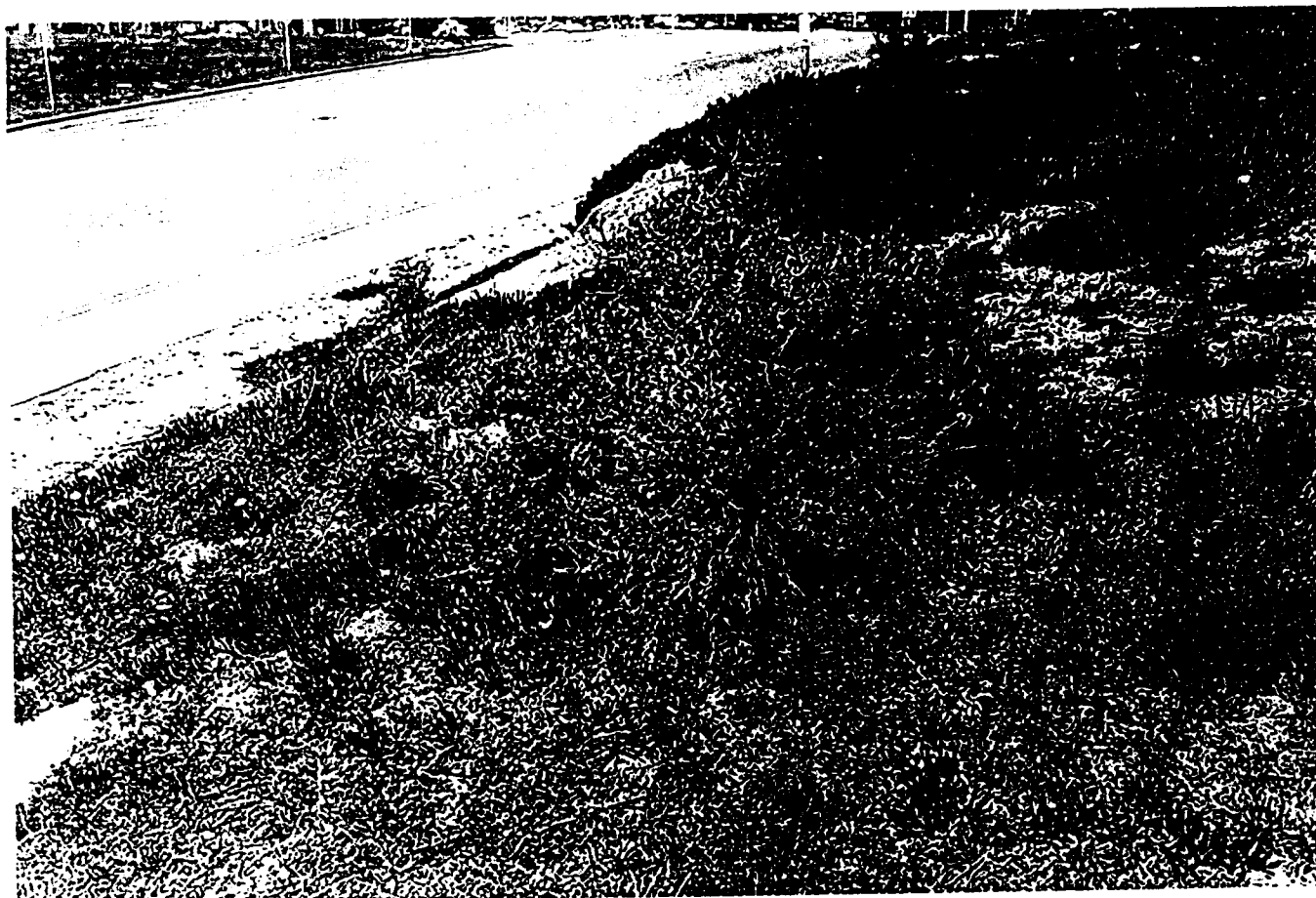


The property to be developed, dominated by Hottentot fig (iceplant) and sheep sorrel

EXHIBIT NO. 4
APPLICATION NO. MAR-MAY-1-01
pg. 8 of 34
California Coastal Commission



Sand gilia amongst invasive Hottentot fig and native beach aster.



A single silver beach lupine amongst the Hottentot fig.



The restoration site in Locke-Paddon Park.

B. Rare, Threatened, or Endangered Species

State Listing is pursuant Section §2074.2 and §2075.5 (California Endangered Species Act of 1984) of the Fish and Game Code, relating to listing of endangered, threatened and rare species of plants and animals. Two listed species, Monterey spineflower (*Chorizanthe pungens var. pungens*) and sand gilia (*Gilia tenuiflora ssp. arenaria*), exist on the site to be developed.

Detailed survey for the California black legless lizard (*Anniella pulchra nigra*), a California Species of Concern, were conducted on the property by Linda Kuhn of ABA Consultants. Ms. Kuhn is one of the local experts on California legless lizards and is permitted to handle them by the California Department of Fish and Game. No lizards were found in the surveys. The lizard survey report is appended.

The City of Marina City Council has approved the following protocol regarding legless lizards:

Option 3

Prior to grading and site preparation, a survey for potentially occurring legless lizards shall be conducted. The survey method will entail a team of qualified individuals lightly dragging a plastic rake through the duff under shrubs. Method of transport includes the following protocol.

1. Place each captured lizard in a small (e.g., 12" x 6" x 5" plastic container (with a lid; e.g., Tupperware) that has been filled with sand collected from the site. Place one lizard per container. The lid of the container shall be punctured with small air holes.
2. Do not place the container in direct sunlight.
3. Release all lizards in an adjacent receiver site at the base of mature shrubs such as lupine and/or mock heather.
4. Release lizards onto receiver sites no more than three hours after capture.

EXHIBIT NO. 4
APPLICATION NO. HRR-MRJ-1-01
pg 10 of 34
California Coastal Commission

Through consultation with Linda Kuhn and herpetologist Dr. Steven Ruth of the Ventana chapter of the Sierra Club, BT Development has agreed to the following additional actions regarding legless lizards.

The protocol to capture and relocate any potentially occurring black legless lizards from the site to be developed prior to construction will be:

A team of eight (8) experienced people will clear and extensively search lightly raking with potato rakes and hand searching areas of woody shrubs including silver bush lupines (*Lupinus chamissonis*), California sagebrush (*Artemisia californica*), mock heather (*Ericameria ericoides*), and non-native Santa Catalina buckwheat (*Eriogonum giganteum*). The team will also search selected areas of iceplant. An experienced lizard monitor will also be present during initial grading to recover any potentially occurring legless lizards in areas not search by the eight member team.

If no lizards are found, we recommend proceeding with the construction of the Holiday Inn Express project.


If 1-25 legless lizards are recovered, they will be held by a qualified and experienced personnel in temporarily housing legless lizards, until a suitable release site is approved. The site will be selected based on factors contributing to viable habitat including sand type, organic content of sand, insect fauna, proximity to the project site, and the ability to obtain permission of the property owner. A survey will not be done to determine the population of lizards at the relocation site. A relocation plan will be prepared and approved by California Department of Fish and Game, and the City of Marina.

If 25- 50 lizards are found a survey will be done in the proposed relocation site to determine if there is potential for exceeding the carrying capacity of legless lizards at the site prior to preparing a relocation plan.

If 50 or more lizards are found, the same protocol as 25-50 will be followed with the addition of a pit tagging program to track the lizards in their new environment.

If any lizards are found, the method of transport include the following protocol:

1. Place each captured lizard in a small (e.g., 12" x 6" x 5" plastic container (with a lid;) that has been filled with sand collected from the site. Place one lizard per container. The lid of the container shall be punctured with small air holes.
2. Do not place the container in direct sunlight.
3. Release all lizards in the approved receiver site at the base of mature dune plants such as lupine and/or mock heather. Lizards are to be released in locations that provide sufficient cover of duff and insect fauna. Lizards are not to be released in groups. Individual lizards are to be released spaced throughout the release site. The reason for this is to avoid over crowding and also the concentration of a single sex of lizard in one site can result in potential breeding problems as they have a small home range.

EXHIBIT NO. 4
APPLICATION NO. MAR-MAY-1-01
pg 11 of 34
 California Coastal Commission

C. Level of Existing Disturbance

The extant native habitats of The City of Marina have historically been impacted by the construction and grading of houses and roads, and exotic species invasions. Habitat on site to be developed is constrained by roads and residential development.

D. Enhancement/Restoration Potential

Restoration will occur on an area of Locke-Paddon Park (MPRPD) that is currently dominated by European annual grasses and forbs. MPRPD staff has approved the location of the restoration area. The topsoil sand of the area to be developed is to be salvaged and applied in a thin layer over the restoration area in order to preserve the existing seed bank of the rare species. After the restoration implementation, the resulting dune scrub area will have a much higher habitat value than the BT Development property that is being mitigated for. The primary benefit of the restoration will be gene pool preservation of the two Listed species, which have declined in recent years. The secondary benefit will be the creation of upland dune scrub habitat as mitigation for the area to be developed in an area of a public park that is currently dominated by exotics.

III. GOALS

A. Revegetation/Restoration Goals

1. Collection and propagation of site-specific seed: Collection, propagation, and increase of local plant material will maintain the local genetic stock of selected native plant materials.
2. Plant the dominant species represented in the plant community found in the Marina Dunes Area. The plants will be established throughout the mitigation site.
3. Establish a self-sustaining population of Monterey spine flower (*Chorizanthe pungens* var. *pungens*) and Sand gilia (*Gilia tenuiflora* ssp. *arenaria*) which fully mitigates the loss of these species as a result of the proposed hotel development.
4. Monitor and report on the performance standards referenced herein.
5. Provide environmental education through signage and brochures to enhance the public awareness and sensitivity to the values of preserving dune environments and rare species.

IV. IMPLEMENTATION PLAN AND SPECIFICATIONS

A. Responsible Parties

Party responsible for implementation, monitoring and maintenance:
B.T. Development Company L.L.C.
P.O. Box 2317
Monterey, CA 93942
(831) 384-4081

Restoration and Mitigation Plan for BT Development Company L.L.C. Holiday Inn Express
August 30, 2001

EXHIBIT NO. 4
APPLICATION NO. MAR-MAY-1-01
pg 12 of 34
California Coastal Commission

B. Project Constraints

The primary constraints pertaining to native species revegetation are; collection of limited quantities of site-specific listed plant materials, establishment of slow growing, long-lived native species, and large populations of exotic pest plants. Given the understanding of these constraints, the Restoration Contractor will conduct appropriate site preparation, and revegetation activities to mitigate for potential constraints.

C. Schedule

The seed collection of listed species and restoration program shall be conducted starting with the issuance of CDFG §2081 permit, Coastal Development Permits, and approval of the Restoration Plan from the City of Marina. Exotic species control will occur throughout the restoration implementation process, with restoration implementation scheduled for the fall of 2001/winter 2002. Additional planting will be done the following fall if needed to reach success criteria.

D. Salvaging, Stockpiling,

1. Plants - Non-listed native plants occurring on-site with a high feasibility of successful transplanting will be harvested and propagated at a qualified native plant nursery, and/or on-site under the care of a qualified horticulturist and reintroduced to the mitigation site.
2. Soils / Sand - There is the opportunity to relocate some of the sand from the construction site to the mitigation site. The top soil (approximately 6 inches to 1 foot) of sand of the property to be developed is to be removed, stockpiled, and retained. Additional sub-soil sand that is to be removed to provide for the proper grade for the proposed hotel will then be moved to the mitigation site, and placed within the restoration area to increase the mounding typical of natural dunes. The topsoil from the construction site can then be spread over the top of the relocated sub-soil in the restoration area. It is hoped that this will help with the anticipated weed problem. This will also preserve the existing seed bank of Monterey spineflower and sand gilia of the area to be developed and relocated it to the restoration area. As specified in this plan, a qualified biologist will be present during the initial grading and sand removal to recover any potentially occurring black legless lizards.

E. Fencing and Limiting Pedestrian Access to the Restoration Area

Fencing shall be installed around the perimeter of the restoration area and along both sides of the existing paved trails, which go through the restoration area. The fencing shall be approximately 3 feet tall and consist of a single rope or plastic coated cable suspended between 4x4 wood posts at 8 foot centers similar to the fencing used at the dune restoration sites at Marina State Beach and Spanish Bay. Signage indicating to pedestrians to keep out of the sensitive restoration area and that dune scrub restoration is in progress shall be installed at highly visible location on the perimeter of the restoration area and along the trails within the restoration area. Educational signage informing the public about rare species being preserved and the dune scrub habitat will also be installed. A mockup and/or draft design of the signage and fencing shall be approved by The Monterey Peninsula Regional Parks District prior to installation. The existing picnic tables within the restoration area shall be moved to the

area just north of the restoration area near Seaside Circle per consultation with MPRPD. There shall be no pedestrian traffic within the restoration area except on existing paved trails.

F. Weed Eradication

Weed control is the most important process for successful establishment of native plants, and will often result in natural regeneration of native plant populations. There are several introduced exotic pest plants that occur in the mitigation site and threaten native plant recruitment. They include slender wild oats (*Avena fatua*), ripgut brome (*Bromus rigidus*), ice plant (*Carpobrotus edulis*), and sheep sorrel (*Rumex acetosella*).

The specified spray mix is as follows:

Herbicide: active ingredient *glyphosate* (Round-up®, or equal)

Water: clean and free of particulate matter (*glyphosate* absorbs on clay particles)

Surfactant: Triton Ag 98 or equal

Dye: Blazon agricultural dye

Ingredient rates as specified by manufacturer.

Personnel providing spray services shall be fully trained in such operations, and shall wear all required protective clothing. The spray contractor shall carry all licenses and insurance required by the State of California and all other governmental agencies having jurisdiction. The spray contractor shall also be responsible for notification of all parties regarding application of chemical herbicide, as is required by law.

G. Species Protection of Native Plant Species within the Restoration Area

1. Protection during herbicide application activities

Prior to the application of herbicide, the spray contractor shall become thoroughly familiar with native plant species that are growing in exotic weed colonies within the restoration area, which are to be protected. The areas of particular concern are the native dune swale areas near the paved trail in the southeastern corner of the restoration area and the area containing Monterey spineflower along the eastern edge of the restoration area. (See appended map) The monitoring biologist is required to provide familiarity training using photographs, on-site identification, marking with pin flags or flagging tape, and any other techniques necessary to convey specific identification. The contractor shall thereafter provide any and all appropriate measures necessary to protect identified native plants, such as shielding of plants with rolled plastic sheeting, while adhering to all applicable health and safety codes for worker protection. The biological monitor shall be on-site during spray operations.

2. Protection during heavy equipment operation

Prior to the application of sub-soil sand and topsoil from the property to be developed to the restoration area as referenced in section IV. B on page 11, the construction contractor shall become thoroughly familiar with native plant species that are growing in exotic weed colonies within the restoration area, which are to be protected. The areas of particular concern are the native dune swale areas near the

EXHIBIT NO.	4
APPLICATION NO.	MR-MAI-1-01
pg 14 of 34	

paved trail in the southeastern corner of the restoration area and the area containing Monterey spineflower along the eastern edge of the restoration area. (See appended map) No sand shall be deposited on these areas. These areas are to be fenced with 4 foot green plastic temporary construction fencing prior to heavy equipment operation within the restoration area. The fencing may be removed prior to planting after all the sand is placed and there is no more need for the use of heavy machinery within the restoration area.

H. Plant Materials

All plant material requirements are provided in the following tables. Plant species, application rates, and estimated quantities are provided. Plants shall be propagated from site-specific collection and local ecotypes. The majority of the planting will be done from seed with a hydroseeder. This is for economic reasons, as the plants will not have to be grown in a nursery, and also based on recent success at the nearby Marina Dunes Resort using similar seeding methods with dune species in sandy soil. The seed quantities will result in native plant cover and density of a reference area containing quality habitat. Areas of the rear dunes of the Marina dunes, both restored and native stands, containing good dune scrub habitat attributes including high species richness (of at least 10), low non-native plant cover (lower than 10%), and high native cover (at least 40%) will be used as a reference.

Plant Materials

Scientific Name	Common Name	Size	Plant Spacing	Quantity required for density standard	Quantity plus 10% to allow for mortality
<i>Armeria maritima</i>	Sea thrift	6" cone	14" spacing in colonies	200	220
<i>Leymus mollis</i>	American dunegrass	6" cone	14" spacing in colonies	500	550
<i>Poa douglasii</i>	Dune bluegrass	6" cone	14" spacing in colonies	500	550

Seed

Scientific Name	Common Name	Application Rate (lbs. per acre)	Quantity required for density standards (lbs.)	Quantity plus 10% to allow for mortality (lbs.)
<i>Achillea millefolium</i>	Common yarrow	1.2	4.3	4.7
<i>Artemisia californica</i>	California sagebrush	4.0	14.2	15.6
<i>Artemisia pycnocephala</i>	Beach sagewort	4.0	14.2	15.6
<i>Cammissonia cheiranthifolia</i>	Beach primrose	3.5	12.4	13.7
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	0.5	1.8	2.0
<i>Croton californicus</i>	Croton	1.5	5.3	5.9

<i>Ericameria ericoides</i>	Mock heather	5.0	17.8	19.5
<i>Erigeron glaucus</i>	Seaside daisy	5.0	17.8	19.5
<i>Eriogonum parvifolium</i>	Dune buckwheat	6.0	21.3	23.4
<i>Eschscholzia californica</i> var. <i>maritima</i>	Beach poppy	2.0	7.1	7.8
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	Sand gilia	2.0	7.1	7.8
<i>Lessingia filaginifolia</i>	Beach aster	1.5	5.3	5.9
<i>Lotus scoparius</i> var. <i>scoparius</i>	Coast deer weed	1.5	5.3	5.9
<i>Lupinus chamissonis</i>	Silver bush lupine	2.0	7.1	7.8

I. Plant Handling

Plants salvaged from the project site shall be excavated with the entire root structure intact. Plants shall be placed in nursery containers and propagated until transplanted to the revegetation receiver sites.

J. Planting Rates, Densities, Spacing

Planting rates and densities shall target successful installation of the species provided in the Species List and Rate Tables. Recommended planting rates exceed the final numbers of plants required for density and cover standards by 10% in order to compensate for natural mortality.

K. Direct Planting

Nursery grown plants and transplants shall be planted into areas where weed control has been implemented. The plants shall be placed in excavated basins and backfilled. The soils shall be firmly compressed at the base of the plant to preserve moisture. Each plant shall be watered after planting to a soil moisture depth of 14 inches.

Hydroseeding. Seeding shall be performed by a mechanical hydroseeder. Seed shall be uniformly mixed placing seed, mulch, fertilizer, and binder into mix tank in this order. Seed shall be applied in a slurry of seed, mulch, fertilizer and a plantago based tackifier.

The hydro mulch is prepared by mixing fiber, soil stabilizer, seed and water in proportions specified in the plans or herein. Mixing time shall not exceed 45 minutes from the time the seed contacts the water until the entire batch is discharged onto the prepared soil. Mix specified seed with 150 pounds per acre "Gro-Power" 12-8-8 slow release fertilizer, 1500 lbs./acre wood fiber mulch and 80 lbs./acre "M" binder tackifier.

V. SITE MAINTENANCE

A. Irrigation

No irrigation shall be used for the establishment and management of vegetation.

EXHIBIT NO. 4
APPLICATION NO. MAR-MRJ-1-01
pg 16 of 34
California Coastal Commission

B. Inspection During Implementation, Frequency

Inspection shall occur during all phases of the revegetation program. The inspections shall 1) ensure protection of extant habitat, 2) verify total sq. footage revegetated. 3) determine and report on plant salvage operations, and 4) evaluate the effectiveness of revegetation plan implementation.

C. Adaptive Management

The objective of the restoration and enhancement is to provide information regarding best practice vegetation establishment and management. Monitoring the results will help determine alternative vegetation establishment and management based on the relative success or failure of planting and care. Adaptive management will focus on implementation costs, efficacy of exotic plant control, and levels of success or failure of the prescribed management. If prescribed planting or weed control programs fail to achieve anticipated trends or thresholds of success, alternative management will be prescribed.

D. Evaluation and Reporting of Maintenance Activities

Maintenance activities shall be monitored and a report prepared describing the results of the restoration program. These observations will be incorporated into the required monitoring reports.

VI. MONITORING

A. Performance Criteria

All restoration measures shall be implemented within one (1) year of the Coastal Commission's action on the application request or by such other date as is specified.

The monitoring procedures and performance criteria are based on the goal of fully mitigating the loss of threatened and endangered species as a result of the proposed development. The monitoring procedures have been adapted from *The Dune Habitat Restoration Plan for the Marina Dunes Resort Hotel* (firma 2000) because it is a previously CDFG approved project that is nearby, and also contain planted sand gilia and dune habitat.

The performance standards for sand gilia herein are based on the number plants referred to in the *Sand Gilia Mitigation Plan* (Zander Associates 1999). The Zander Associates plan describes mitigation for removal of 805 plants of federally Endangered and State threatened sand gilia (*Gilia tenuiflora ssp. arenaria*). In 1998, Harvey & Stanley Associates found 448 sand gilia plants. In 2001 Dale Hameister of Rana Creek Habitat Restoration found only 42 sand gilia plants in an area of 226 ft². This fluctuation of populations may be due to a combination of factors including the variability of the species, impacts from herbivores especially the feral ducks and geese of the pond across the street, and an increase in cover of non-native Hottentot fig on the property.

Zander reported that there was 0.45 acres of Monterey spineflower habitat with a density of 10-20 plants per ft². This could be more than 18,000 plants. As the spineflower on the site tends to grow only in the open sandy patched between the Hottentot fig, it is unlikely there were that many individuals. During the 2001 surveys, the Monterey spineflower on the property to be developed was

EXHIBIT NO. 4
APPLICATION NO. MAR-MAY-1-01
pg 17 of 34

surveyed using GPS equipment. Within the 1.52 acre (66,211 ft²) sensitive plant area, only approximately 2,500 ft² contained Monterey spineflower. In 1999, Paul Kephart of Rana Creek Habitat Restoration found 900 spineflower (*Chorizanthe pungens* var. *pungens*) plants. As it is the highest number of counted species, the 900 individuals found in 1999 will be used as a reference to calculate the performance standards.

The restoration areas shall be monitored by a qualified biologist and reports submitted on an annual basis for at least five years from the date the Executive Director of the Coastal Commission concurs in writing that the full restoration plan has been installed. Such reports shall include both quantitative and qualitative evaluation. At the least, qualitative measurements shall record plant density and relative composition, native plant cover percentages, and the general amount of exotic vegetation remaining. At the least, qualitative assessment shall describe the general health and vitality of the restored vegetation. If the report should identify a failure to meet the performance standards, the report shall include appropriate recommendations for achieving these standards.

Restoration monitoring and reporting shall continue on an annual basis until the minimum standards have been achieved. These standards may be modified after (2) years, subject to prior approval from the Executive Director of the Coastal Commission, CDFG and the City of Marina, if the coastal biologist determines that the preceding standards cannot be feasibly maintained due to adverse natural conditions on the site. All reports shall be signed and dated.

B. Performance Standards

Intermediate performance standards and long-term performance standards have been provided in order to achieve a density of listed and non-listed species on site that would allow for the continuance of the habitat.

Sand gilia

The long-term performance standards for the sand gilia are based on the density of plants that would result in calculating the highest numbers recorded by Zander (805) divided into the potential sensitive habitat area (1.52 acres or 66,211 ft²) which gives a target plant density of one plant per 82 ft². A plant density of one plant per 82 ft² would result in 1,885 plants for the total restoration area (3.55 acres or 154,638 ft²). Intermediate performance standards are one third of the long-term total, or a density of one plant per 246 ft² or a total population of 628. This will result in more than doubling the highest recorded sand gilia population of the property to be developed thus fully mitigating that loss.

Monterey Spineflower

The long-term performance standards for the Monterey spineflower are based on the density of plants that would result in calculating number of plants recorded by Paul Kephart (900) divided into the potential sensitive habitat area (1.52 acres or 66,211 ft²) which gives a target plant density of one plant per 74 ft². A plant density of one plant per 74 ft² would result in 2,089 plants for the total restoration area (3.55 acres or 154,638 ft²). Intermediate performance standards are one third of the long-term total, or a density of one plant per 246 ft² or a total population of 628.

EXHIBIT NO. 4
APPLICATION NO. MAR-MRJ-1601
pg 18 of 34
California Coastal Commission

C. Intermediate Performance Standards

During the first year the seeded and planted native plants will compete with a large seedbank of exotic species. Therefore, performance standards target survivorship of total numbers of plants planted and effective maintenance; in addition, these standards also act as thresholds that trigger remedial measures.

1. During the first and second years of restoration, the planting shall result in an average plant density of one (1) Sand gilia per 222 ft² averaged over the entire planting area, which equals approximately 3.55 acres. This is one third of the target density. Calculating this target density for the whole 3.55 acre restoration area, intermediate success shall be determined when the population equals 628 in size.
2. During the first and second years of restoration, the planting shall result in an average plant density of one (1) Monterey spineflower per 246 ft² averaged over the entire planting area, which equals approximately 3.55 acres. This is one third of the highest density of the site to be developed. Calculating this target density for the whole 3.55 acre restoration area, intermediate success shall be determined when the population equals 696 plants in size. The plants currently in the restoration area will be included in this calculation.
3. During the first year of restoration the percent cover of non-listed native plants will be no lower than 10%.
4. During the second year of restoration the percent cover of non-listed native plants will be no lower than 20%.
4. During the first and second years of restoration, exotic weed control shall show less than 20% cover.

D. Long-term- Performance Standards

Vegetation is not constant. Over time, climatic conditions and variable plant reproductively will affect the ecological outcome. Our goal is to establish self-sustaining vegetation and reproductive populations of the listed species. Given natural populations are highly variable, long-term performance standards will target minimum population size and minimum vegetation cover; these standards also act as thresholds that trigger remedial measures.

1. Beginning the third of year of restoration and continuing until success criteria have been met in three consecutive years without the need for replanting, a minimum sustainable population size of 1,885 Sand gilia will be established and self perpetuate the population. Evidence of naturally reproductive Sand gilia will be maintained. Evidence of natural recruitment shall be present.
2. Beginning the third year of restoration, and continuing until success criteria have been met in three consecutive years without the need for replanting, a minimum sustainable population size of 2,089 Monterey spineflower will be maintained. Evidence of natural recruitment shall be present. The plants currently in the restoration area will be included in this calculation.

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
pg 19 of 34

3. Overall native cover shall be at least 40% after 3 years; this standard must be met for three consecutive years, commencing at least one year after plants have been seeded on the site.

4. Beginning in the third year of restoration cover of non-native plants shall not exceed 10% of restoration area; this standard must be met for three consecutive years.

5. Individuals of Sand gilia shall be permanently protected from herbivores until such time as the populations is sustained without protecting individual plants from effects of grazing by rabbits and/or geese from the nearby pond.

6. Erosion and trampling are not apparent.

7. Fences and signs are in good condition.

E. Monitoring and Analysis of Data

The goal of monitoring the dune vegetation is to determine if success criteria regarding both density and cover are being met.

Monitoring Procedures

1. To measure vegetation cover, line transect data shall be collected from a total of 10 transects of 25 meters each, placed in a stratified random pattern. Percent cover will be calculated by measuring the distance covered (basal measurement) along the transect line by any native or non-native species. Percent cover of litter and bare sand will also be calculated.

2. The goal of the random transects is to estimate the mean percent cover for native and non-native species, to determine the if corrective action is needed for intermediate and long-term performance standards 3 and 4.

3. Density shall be measured by selecting one 5x5 meter (25m²) quadrant a random distance left or right from each stratified random transect. Thus 10 quadrants will be evaluated. The number of individuals of each native species will be counted that occur at least 50% inside each quadrant. Both the sampling methods shall be randomly spread thought the restoration area.

4. Damage from natural causes (i.e. erosion or herbivores) and humans (i.e. trampling) shall be described and appropriate remedies suggested.

5. Photo points shall be established and photo shall be taken at each monitoring visit.

6. The conditions of the fences and signs shall be noted.

EXHIBIT NO.	4
APPLICATION NO.	MAR-MAY-1-01
pg 20 of 34	
California Coastal Commission	

F. Listed Species

The goal of monitoring the listed species is to determine if success criteria regarding numbers of individuals of the listed species are being met. Counting the individuals of the listed species will take place annually beginning one year after the planting; all individuals within the restoration area will be counted. Visual inspection of protective cages will occur quarterly. As both of these species are annuals, the numbers are expected to fluctuate from year to year.

G. Site Integrity


The site will be inspected quarterly to determine that impacts to the restoration area are not occurring, and protective measures are intact.

H. Remedial Measures as they relate to Intermediate Success Criteria

1. During the first and second years of restoration, if the planting does not result in an average plant density of one (1) Sand gilia per 222 ft² averaged over the entire planting area and if the population drops below 628 in size, then remedial seed collection, propagation, and planting shall take place in order to achieve the success criteria objective.
2. During the first and second years of restoration, if the planting does not result in an average plant density of one (1) Monterey spine flower per 246 ft² averaged over the entire planting area and the population drops below 696 in size, then remedial seed collection, propagation, and planting shall take place in order to achieve the success criteria objective.
3. During the first second year of restoration, if the planting does not result in 10% cover of non-listed native plants, or 20% during the second year, then remedial seed collection, propagation, and planting shall take place in order to achieve the success criteria objective.
4. If during the first and second years of restoration, exotic weed control shows more than 20% cover, then immediate weed control activities shall take place.
5. If at any time during construction and restoration the restoration site is impacted by construction, unauthorized access, trespass, or other unauthorized activities, the applicant shall take all steps necessary to remedy the impacts including but not limited to; installation of permanent fencing, notification to MPRPD, and CDFG if trespass or impacts occur, and increasing the monitoring of the site.

I. Remedial Measures as they relate to Long-term Success Criteria

1. If by the beginning the third of year, a minimum sustainable population of 1,885 Sand gilia are not established and reproducing and there is no evidence of Sand gilia seedlings from planted seeds, then collection, propagation, and planting shall be repeated until this success criteria is met. If by the beginning of the fifth year, the success criteria cannot be achieved, the applicant shall consult with CDFG.

EXHIBIT NO. 4
APPLICATION NO. 11A2-MA1-1-01
pg 21 of 34
 California Coastal Commission

2. If by the beginning the third of year, a minimum sustainable population of 2,089 Monterey spine flower are not established and reproducing and there is no evidence of spine flower seedlings from planted plants, then collection, propagation, and planting shall be repeated until this success criteria is met. If by the beginning of the fifth year, the success criteria cannot be achieved, the applicant shall consult with CDFG.

3. If after 3 years, overall native cover does not equal at least 40% for three consecutive years, then remedial collection, propagation, and planting shall occur.

4. If after the third year of restoration, if cover of non-native plants exceed 10% of restoration area, then the non-native plants shall be completely removed. Non-native plants identified shall not be allowed to flower and produce seed.

5. If the restoration site is impacted by construction, unauthorized access, trespass, or other unauthorized activities, the applicant shall take all steps necessary to remedy the impacts including but not limited to; installation of permanent fencing, notification to CDFG if trespass or impacts occurred, and increasing the monitoring of the site.

6. If protective cages fail to protect individuals of Sand gilia from grazing, additional protection or repair of cages shall be conducted.

J. Funding Source

This project, including propagation, monitoring, and maintenance program will be bonded to the estimated costs for all restoration activities until such time as the activities are completed to the satisfaction of The City of Marina, Monterey Regional Parks District, CDFG, and The Coastal Commission. Typically the owner will submit a Certificate of Deposit or other type of surety in a form subject to approval of the City of Marina at least three weeks prior to final inspection. The amount of deposit will be equal to the estimated cost of maintenance and monitoring of the mitigation project over the five-year term of the project. If the owner does not meet the obligation in a timely fashion, the City shall have the Authority to use the surety to implement this mitigation plan.

K. Long-term Measures and Responsibility

The party responsible for protection measures and for the 5 years of monitoring is B.T. Development Company L.L.C. After the performance standards are met, Monterey Peninsula Regional Parks District will be responsible for the maintenance of the restoration area.

VII. REPORTING RESULTS

A. General Guidelines

1. The restoration areas will be monitored by a qualified biologist.
2. The biologist will monitor on a quarterly basis the site conditions, and exotic weed coverage.

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
Pg 22 of 34

3. The biologist will monitor the presence and numbers of the listed species in the spring annually.
4. The biologist will monitor the coverage and density of the planted non-listed species annually in the spring.
5. Reports submitted annually by September 15 will include both quantitative evaluation and photo-documentation.
6. If the report should identify a failure to meet any of the stated performance criteria, or failure to meet any other standards consistent with current professional dune restoration standards, the report shall include appropriate recommendations for initiating the remedial measures to achieve the standards.

Restoration shall be determined successful if the performance criteria have been achieved within the five-year monitoring and reporting period. Project monitoring and reporting shall continue until all performance standards are met. These standards may be modified after (2) years, subject to prior approval from the Coastal Commission, CDFG, and the City of Marina, if the biologist determines that the preceding standards cannot be feasibly maintained due to adverse natural conditions on the site. All reports shall be signed and dated.

B. Agencies to Receive Reports

All reports specified in this Order shall be submitted for the review and approval of the City of Marina, California Department of Fish and Game, United States Fish and Wildlife Service, and the Coastal Commission.

VIII. MAINTENANCE AND PROTECTION

A. Maintenance Measures

Maintenance measures will consist of annual reduction of all exotic plants by hand weed control. Trash and litter will be removed from the site. Maintenance activities shall occur over the five-year §2081 permit period.

B. During Term of §2081 Permit, Restoration Implementation, and Required Monitoring

A restoration and maintenance agreement shall be developed between the person and organization implementing the restoration and monitoring program and the owner/agent. The agreement shall contain the terms and conditions as set forth in the specifications herein, and an annual budget. A copy of the agreement shall be submitted to City of Marina, California Department of Fish and Game, and the Coastal Commission.

C. Financial Surety


This project, including propagation, restoration, and the 5 year monitoring and maintenance program, will be bonded to the estimated costs for all restoration activities until such time as the activities are

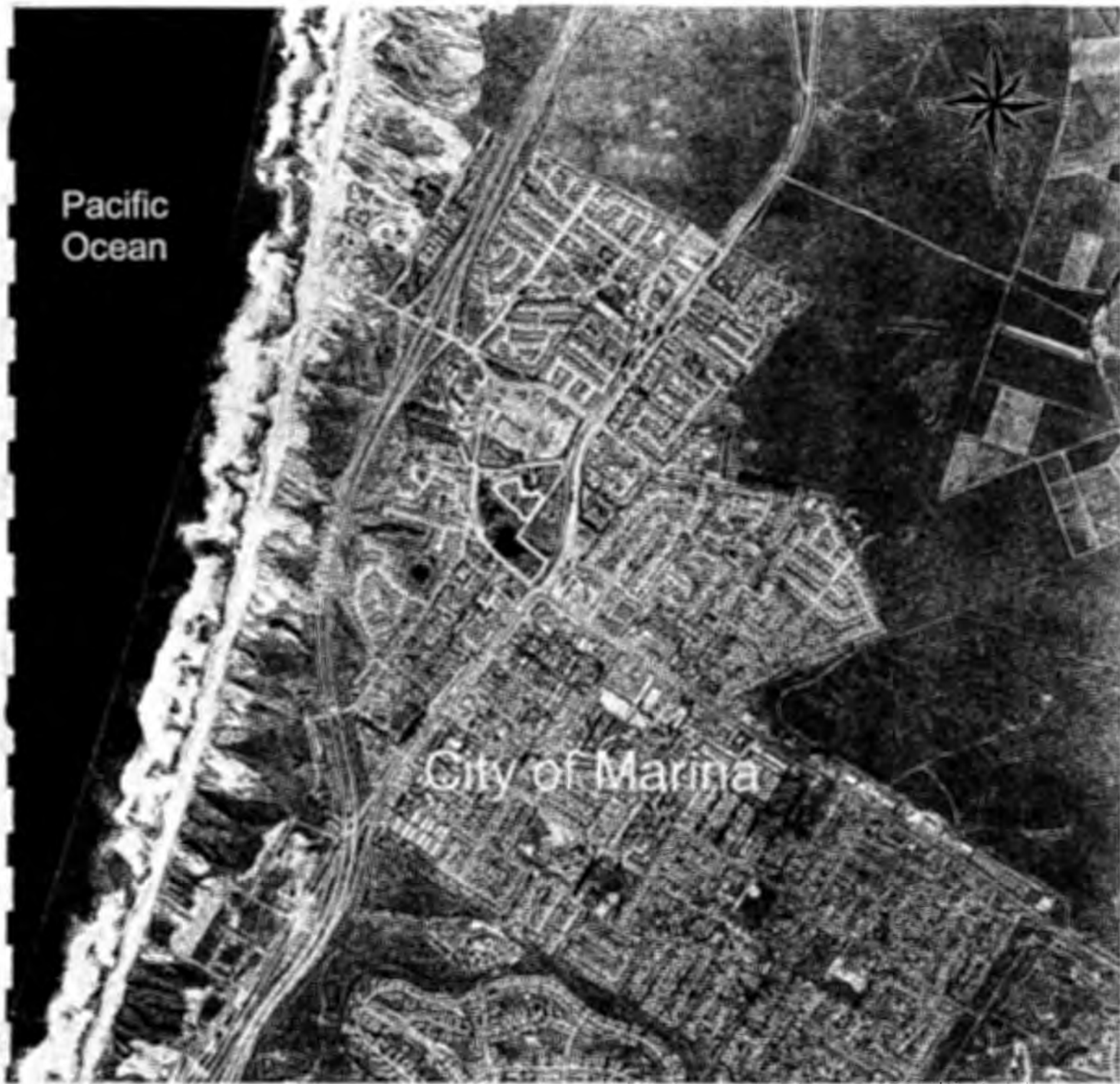
EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
pg 23 of 34

completed to the satisfaction of City of Marina, California Department of Fish and Game, and the Coastal Commission's Executive Director. The owner will submit a Certificate of Deposit or other type of surety in a form subject to approval of the City of Marina. The amount of deposit will be equal to the estimated cost of maintenance and monitoring of the mitigation project over the five-year term of the project. If the owner does not meet the obligation in a timely fashion, the City shall have the Authority to use the surety to implement this mitigation plan.




D. Protection Measures

Protection measures shall consist of 1) fencing to keep out pedestrians, 2) protective caging 3) signage, and 4) maintaining weed free conditions.

EXHIBIT NO.	4
APPLICATION NO.	MAR-21A1-1-01
	pg 24 of 34
 California Coastal Commission	



Legend

-  BT Development Company L.L.C. Property with Slope and Road Easements Approximately 2 acres
-  Dune Scrub Restoration Area (3.55 acres)
-  Locke-Paddon Park

Vicinity Map

2000 0



RANA CREEK
HABITAT RESTORATION

Holiday Inn Exp

EXHIBIT NO. 4

APPLICATION NO.
MAR-MAJ-1-01

PG 25434

 California Coastal Commission



Aerial Photograph - June 2000

600 0 600 1200 Feet

Legend

- City of Marina Parcel Lines
- BT Development Company L.L.C. Property with Slope and Road Easements Approximately 2 acres
- Dune Scrub Restoration Area (3.55 acres)
- Locke-Paddon Park
- Possible Future City of Marina Library



Property Map

Holiday Inn Ex

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
pg 26 of 34
California Coastal Commission



RANA CREEK
HABITAT RESTORATION







Locke-Paddon
Monterey Peninsula Re



200 0 200 400 600 800 1000 Feet

Aerial Photograph - June 2000

Legend

-  Sensitive Habitat on the BT Development Company L.L.C. Property and Easements - 1.52 acres
-  BT Development Company L.L.C. Property with Slope and Road Easements Approximately 2 acres
- Total Restoration Area (3.55 acres)
-  Locke-Paddon Park
-  Monterey Spineflower (*Chorizanthe pungens* var. *pungens*) within restoration area to be protected from heavy equipment
-  Carex dominated native swale to be protected from heavy equipment
-  Possible Future City of Marina Library

Dune Scrub Restoration Plan

Holiday Inn Exp



RANA CREEK
HABITAT RESTORATION

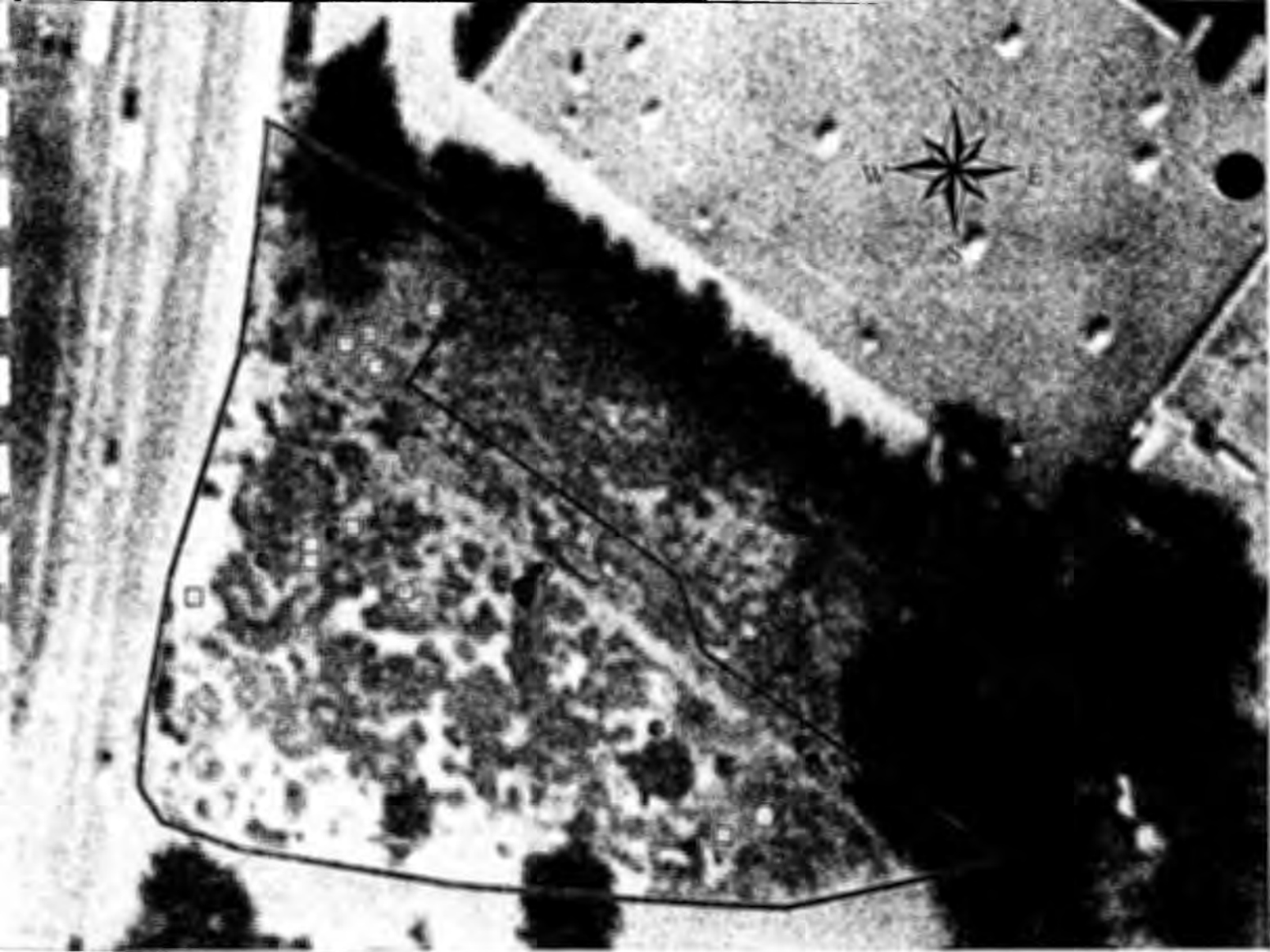
Locke-Paddon
Monterey Peninsula Re

EXHIBIT NO. 4

APPLICATION NO.
MAR-MAY-1-01









pg 27 of 34

California Coastal Commission



100 0 100 200 Feet

Legend

-  BT Development Company L.L.C. Property with Slope and Road Easements Approximately 2 acres
-  Sand gilia (*Gilia tenuiflora* ssp. *arenaria*)
-  Monterey Spineflower (*Chorizanthe pungens* var. *pungens*)
-  Monterey Spineflower (*Chorizanthe pungens* var. *pungens*)
-  Lizard Survey 1
-  Lizard Survey 2
-  Lizard Survey 3
-  Lizard Rake Locations

No Legless Lizards
Were Found.

Rare Species and
Legless Lizard Survey Map

Holiday Inn Ex



RANA CREEK
HABITAT RESTORATION

Locke-Padd
Monterey Peninsula Reg

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
pg 28 of 34
California Coastal Commission

ABA Consultants

P.O. Box 1151, Capitola CA 95010

Environmental Research, Assessment & Planning
VOX: (831) 479-0277 FAX: (831) 465-0123 aba1@ix.netcom.com

March 26, 2001

Prepared for:

Rana Creek Habitat Restoration
Paul Kephart
35351 E. Carmel Valley Road
Carmel Valley, CA 93924

Holiday Inn Express Project
189 Seaside Circle
Marina, CA

The following is a report of our findings regarding the California legless lizard (*Anniella pulchra*) surveys conducted in March 20 and 22, 2001 on this parcel.

Survey One: March 20, 2001 11:00
Sunny, 71° F

The site contains homogeneous yellow sand with a low to moderate amount of organic material. It was uniformly cool and moist at 0.5 cm depth. The surface contour was even with obvious swales (areas of moisture accumulation) present.

Task 1: Because Monterey spineflower (*Chorizanthe p. pungens*) and sand gilia (*Gilia tenuiflora arenaria*) (threatened and endangered species) are present on the site and must not be disturbed, we first surveyed the entire site to establish where they occurred. We wanted to determine if our sampling protocols would allow for sufficient data collection without disturbing these sensitive species. Our restoration biologist, Peter Slattery, who has more than five years of experience with these two plant species, was present to make this determination and assist with mapping the current distribution of them. A plant species list for the entire site was compiled.

The two sensitive plant species incompletely covered the site. *Chorizanthe* was very patchily distributed in four areas. *Gilia* was confined to an approximately 13x23 foot area with about a dozen small colonies (1-12 rosettes each). These areas were flagged, mapped by Rana Creek personnel using a GPS, and were easily avoided during lizard searches. Photographs were obtained.

Task 2: We searched for legless lizards in three 2.5 m diameter plots and by haphazardly spot raking. Searchers were extensively trained and experienced in the collection and handling of legless lizards. All searchers have permits issued by the California Department of Fish and Game that allows the handling of this protected species. Linda Kuhn was the senior biologist present. Search locations were stratified to sample

EXHIBIT NO. 4
APPLICATION NO. MAR-MAR-1-01
pg 29 of 34

representative microhabitats within the site, and based on the likelihood of finding lizards. Prior to searching plots, we made a list of the individual plant species present within them and took multiple photographs to document the absence of sensitive species. After searches, we restored any disturbed materials and duff layers, as close as possible to pre-sampling conditions. Photographs were taken of the post-surveyed plots.

Plot 1

The first plot was located on the eastern side of the parcel, 18 feet away from the nearest sensitive plant, and contained a small silver bush lupine (*Lupinus chamissonis*). About 50% of the plot was covered by the lupine bush, with ~25% ripgut brome (*Bromus diandrus*), ~25 % sheep sorrel (*Rumex acetosella*), plus small percentages of deer weed (*Lotus scoparius* var. *scoparius*) and California cucumber (*Marah fabaceus*).

Three searchers looked for lizards within the plot boundary, both on the surface, under dried vegetation or objects that might provide cover, and then quickly dug to a depth of 15-25 cm below the surface. This moderate-impact, fixed-area survey involved removing patches of annual vegetation and pushing aside but not uprooting larger perennial plants. No tools (rakes, shovels, trowels, etc.) were used during this survey.

Plot 2

This plot was located on the western edge of the parcel, 32 feet away from the nearest sensitive plant, and contained a small silver bush lupine. About 40% of the plot was covered by the lupine bush, with ~20% iceplant, ~5% ripgut brome, plus small percentages of fillaree (*Erodium cicutarium*), sheep sorrel (*Rumex acetosella*), fescue (*Vulpia* sp.), and deer weed (*Lotus scoparius* var. *scoparius*).

Two searchers looked for lizards in the manner described above.

Plot 3

This plot was located to the south east, 38 feet away from the nearest sensitive plant and contained grasses and forbs (sheep sorrel, ripgut, iceplant, dead iceplant, California poppy (*Eschscholzia californica*), and croton (*Croton californicus*).

Two searchers looked for lizards in the manner described for plot 1.

No legless lizards were located. Four people walked the site to establish the location of sensitive plant species prior to the searches. Due to this footfall disturbance, we decided to continue the survey on a subsequent day.

EXHIBIT NO.	7
APPLICATION NO.	MAR-MAJ-1-01
	p9 30 of 34
California Coastal Commission	

Survey Two: March 22, 2001 12:00**High clouds, 62° F**

No foot-fall disturbance occurred prior to the survey, and only the two searchers approached un-searched areas. Numbers and types of insect fauna were noted.

Plot 3 was searched again with the moderate impact survey method.

Next, starting from the south west, searchers systematically walked the site, carefully searching under every wooden object and spot raking. Spot raking involved low-impact searching in twelve 0.5 m diameter areas to a depth of ~10 cm. Again, sensitive plants were avoided.

Plots 1 and 2 were searched again with the moderate impact survey method.

No legless lizards were located. Nearly every piece of wood had a large number of argentine ants underneath it. Some workers report that these ants serve as food items for immature legless lizards, while others believe that these aggressive ants may discourage adult lizards from inhabiting an area. During our searches, we found few legless lizard prey items (several insect larvae, three beetles, two spiders and a large cricket). Six manhours were spent exclusively on directed lizard searching during the two surveys. Approximately 59 m² was searched with the moderate-impact methods, and ~10-11 m² was searched using low-impact methods.

Other Findings and Conclusions

In previous surveys, we used these methods to search fixed-area plots prior to recovering discrete, enclosed populations of legless lizards by removing all vegetation and raking the plot to depletion. At very low densities (~1 animal/100 m²) no legless lizards were detected with these fixed-area sampling methods. In past studies at slightly higher densities (8 to 12 animals/100 m²), we found 5 to 9 animals with moderate-impact area searches and 3 to 7 animals with the low-impact method. In plots supporting the highest estimated population densities (40 to 58 individuals/100 m²), we found 7 to 13 animals with moderate-impact sampling while 3 to 8 were found with the low-impact method.

Important microhabitats to consider when designing a sampling protocol for legless lizards include the type and organic content of the soil, the amount of moisture and temperature of soil, and vegetation. Vegetation plays a large role in mediating moisture and temperature changes, and most importantly influences the type and amount of insect prey available to lizards. The sand on this parcel is similar to the yellow sand (in grainsize and texture) on Moss Landing Hill, which supports a large population of legless lizards. Due to the uniform sand, moisture, and temperature conditions, only vegetation microhabitats were considered for this site.

The dominant plant species on the parcel was iceplant (*Carpobrotus edulis*; ≥ 50%).

There were five small silver lupine bushes capable of producing leaf-litter, and thus were

EXHIBIT NO. 4
APPLICATION NO. MAR-MTV-1-01
pg 31 of 34

considered possible habitat. Ripgut is prevalent in the north west section of the site and present throughout. None of the California sagebrush (*Artemisia californica*) produced enough leaf litter to be considered good habitat (we spot raked under several of them).


Other studies have shown that bush lupines may provide habitat for large numbers of lizards (up to 17/bush). Average-quality habitats usually contain grass and forbs, while iceplant generally provides poor habitat. Legless lizards are known to feed on a variety of insects and insect larvae, which appear to be in very low abundance at this site.

Given the low quality vegetation and depauperate insect fauna, a legless lizard population, if present, would be very limited. However, because these animals are cryptic, living underground nearly exclusively, they quite possibly could have been present but avoided detection by searchers. High impact and extended searches were not feasible due to the presence of threatened and endangered plant species. There was one legless lizard sighting reported here recently and despite the fact that the habitat is not very good, it could support a small yet viable population.

Recommendations

It is the policy of the Department of Fish and Game to error on the side of safety when the presence of protected species is possible, thus some mitigation measures are advisable. We suggest that prior to any construction and with the approval of the California Department of Fish and Game (CDF&G),

- Each lupine bush, and the surrounding 2 m around it, should be systematically searched using high impact methods (removal of all vegetation, including the lupine bush) by a biologist permitted to collect *Anniella pulchra*.
- A biological monitor (permitted to collect *Anniella pulchra*) should be present during the first full day of grading on this site. A grading method that first removes the top 4-6 inches of soil should be used. The monitor should actively search this soil as it is moved and collect any lizards uncovered by these activities. If legless lizards are found, the monitor should continue searching until the whole parcel is graded in this manner.
- If legless lizards are recovered, they should be held in captivity pending an approved (CDF&G) relocation plan.

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
P. 32 of 34
 California Coastal Commission

RANA CREEK HABITAT RESTORATION



May 17, 2001

To: Tim Jensen
Special Projects & Planning Manager
Monterey Peninsula Regional Park District
60 Garden Court, Suite 325
Monterey, CA 93940-5341

CC: Bart Bruno
BT Development Group
P.O. Box 2317
Monterey, CA 93942

City of Marina Planning Department
211 Hillcrest Avenue
Marina, CA 93933

Rob Floreke
California Department of Fish and Game
P.O. Box 47
Yountville, CA 94599

Dear Mr. Jensen,

On behalf of our client, BT Development Group and to satisfy requirements of California Department of Fish and Game, and U.S. Fish and Wildlife, we respectfully request a written agreement for the use of 2.79 acres of the Monterey Peninsula Regional Park District's Locke Paddon Park for use as a mitigation and restoration site. The proposed restoration project mitigates for the development of a Holiday Inn Express, parking area, and driveway as approved by the Marina City Council and certified by the City of Marina Project Approval Certificate dated April 16, 2001. Mitigation will entail exotic species control, planting of sand gilia, Monterey spineflower and associated upland dune scrub species at Locke Paddon Park, five (5) years of monitoring and maintenance, and public education in the form of signage in the planting areas. BT Development Group will be financially responsible for the implementation, monitoring and maintenance of the restoration plan.

Sincerely,

Dale Hameister
Biological Consultant

35351 East Carmel Valley Road, Carmel Valley, California 93924 Tele.(831) 659 - 3811 F:
Contractor License Number 755964 consulting@ranacreek.com

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
p 33 of 34
California Coastal Commission



monterey peninsula regional park district

60 Garden Court, Suite 325 • Monterey, California 93940-5341

May 18, 2001

Mr. Dale Hameister
Rana Creek Habitat Restoration
35351 East Carmel Valley Road
Carmel Valley, California, 93924

Jennifer Lagier - Ward 1
jcmcc@igcc.org
Marina, northern Ft. Ord
Ben Post - Ward 2
ben@post-tech.net
Seaside, Sand City
Judi Lehman - Ward 3
jlehman@redshift.com
Monterey, Del Rey Oaks,
southern
Mary Dainton - Ward 4
marydainton@juno.com
Pacific Grove, New Monterey
northern Pebble Beach
Zad Leavy - Ward 5
zadleavy@compuserve.com
Carmel, Carmel Valley, Big
Sur, southern Pebble Beach

General Manager
Joseph D. Donofrio
donofrio@mprpd.org

Re: Mitigation Request for Holiday Inn Express, Marina

Dear Mr. Hameister:

In response to your correspondence dated May 17, 2001, the District is willing to offer lands owned by the District at Locke-Paddon Wetlands as a receiver site for your proposed mitigation of gilia (*Gilia tenuiflora*) and spineflower (*Chorizanthe pungens* var. *pungens*) impacts associated with the Holiday Inn Express project in Marina.

Locke-Paddon Wetlands is one of the District's earlier (1982) open space acquisition projects and, as a condition of Coastal Conservancy grant-funding approval, a Wetlands Enhancement Plan was required and completed that year. The plan recommended coastal habitat restoration among other environmental improvements. In 1994, in fulfillment of a Coastal Commission requirement, and with Coastal Conservancy grant funds, a Marina Coastal Vernal Ponds Management Plan was completed. This plan's recommendations reiterated the earlier 1982 plan recommendations.

The proposal forwarded by Rana Creek Habitat Restoration and Mr. Bruno, the project proponent, appears to support and implement a long overdue habitat enhancement program at Locke-Paddon - a program fully supported by the District and the two aforementioned plans. Pending the state Department of Fish and Game's response to Locke-Paddon as an appropriate site for the proposed mitigation, the District continues to extend the offer of its lands at Locke-Paddon as a potential receiver site for spineflower, gilia, and coastal scrub habitat restoration.

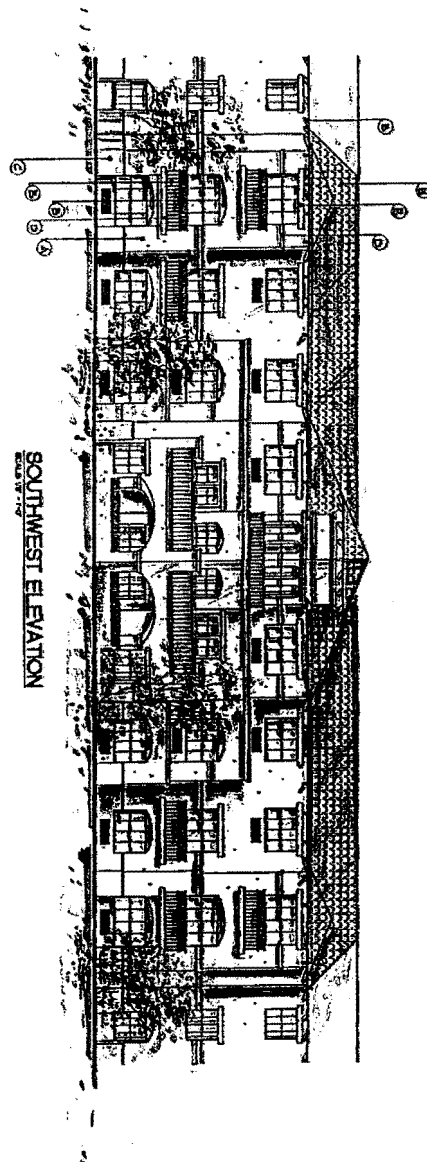
Sincerely,

JOSEPH DONOFRIO
General Manager

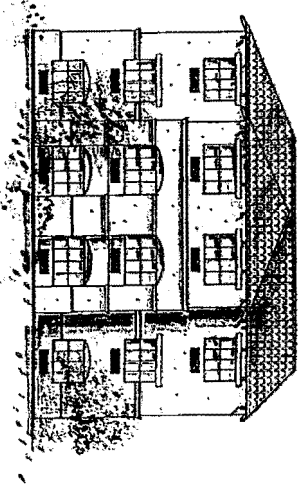
C:\Tjensen\PLANNING\North Coast\HIE - Mitigation Site.doc3:50 PM5/18/01

Admin. Office (831) 372-3196 • E-mail: mprpd@mprpd.org • <http://www.mprpd.org> • Fax

EXHIBIT NO. 4
APPLICATION NO. MAR-MAJ-1-01
p 34 of 34
California Coastal Commission



SOUTHWEST ELEVATION
Scale 1/8" = 1'-0"



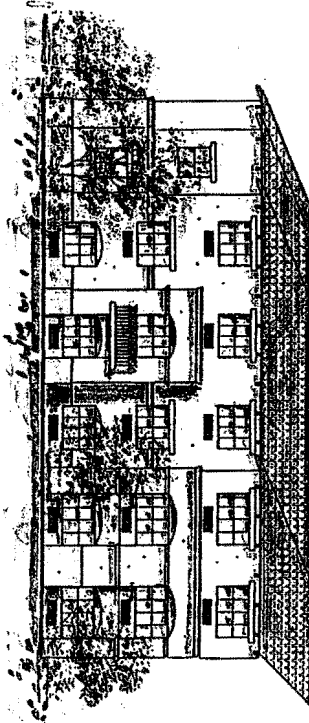
WEST ELEVATION
Scale 1/8" = 1'-0"



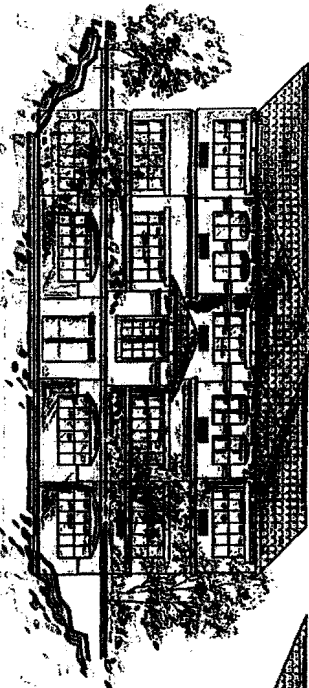
SOUTH ELEVATION
Scale 1/8" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO. MAR-MAJ-1-C1
p 1 of 2
California Coastal Commission

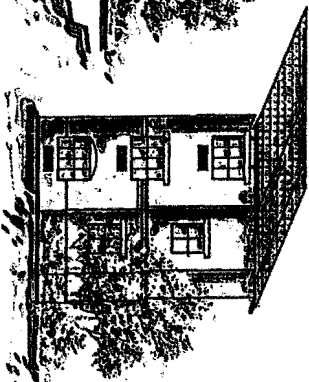




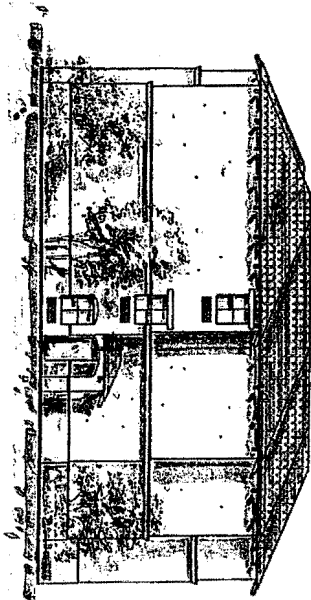
NORTH ELEVATION



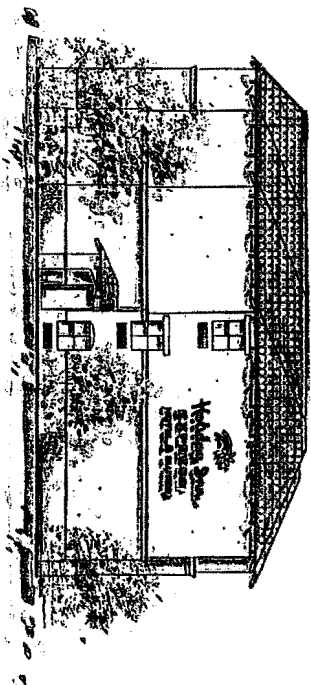
NORTH EAST ELEVATION



EAST ELEVATION



EAST ELEVATION



NORTH ELEVATION

EXHIBIT NO. 5
APPLICATION NO. MAR-MAJ-1-01
P. 2 of 2
California Coastal Commission

