

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863



W23a

October 31, 2001

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Tami Grove, District Director
Charles Lester, District Manager
Mike Watson, Coastal Program Analyst

RECORD PACKET COPY

SUBJECT: City of Marina Local Coastal Program Amendment #1-01

Concurrence with the Executive Director's determination that the action by the City of Marina accepting certification of Amendment #1-01, with modifications, to the City's Local Coastal Program is legally adequate.

**EXECUTIVE DIRECTOR'S DETERMINATION AND REPORT FOR COMMISSION
REVIEW AT THE MEETING OF NOVEMBER 14, 2001**

Background

Local Coastal Program Amendment # 1-01 was certified by the Commission on October 10, 2001, with modifications. On October 16, 2001, within the six month time limit for acting on and responding to the Commission's certification of an LCP amendment, the City Council considered the Commission's action, acknowledged receipt of the resolution of certification, and accepted the Commission's suggested modifications.

Recommendation

Pursuant to Section 13544 of the California Code of Regulations, the Executive Director must determine that the action of the City of Marina is legally adequate and report that determination to the Commission. It is recommended that the Commission concur with the determination of the Executive Director that the action of the City Council of the City of Marina accepting the certification of LCP Amendment #1-01 is legally adequate.

Attachments

- o Draft letter to Mayor James Perrine
- o Copy of Resolutions 2001-118

D R A F T

November xx, 1999

James Perrine, Mayor
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Re: City of Marina Local Coastal Program Major Amendment #1-01

Dear Mayor Perrine:

This office has reviewed Marina Resolution 2001-118 adopted by the City Council on October 16, 2001. By that action the City acknowledged the receipt of the Commission's certification and has incorporated the certified amendment into the City's Local Coastal Program. I have determined, and the Commission has concurred, that the City's action with respect to Local Coastal Program Amendment #1-01 is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Commission at the November 14, 2001 meeting in Los Angeles.

Very truly yours,

PETER M. DOUGLAS
Executive Director

D R A F T

CHARLES LESTER
District Manager

cc: Jim Felton, Senior Planner

RESOLUTION NO. 2001-118

RESOLUTION OF THE MARINA CITY COUNCIL TO ACCEPT MODIFICATIONS OF AMENDMENTS TO MARINA'S LOCAL COASTAL PROGRAM (LAND USE PLAN AND IMPLEMENTATION PLAN) ADOPTED BY COUNCIL RESOLUTION NO. 2001-06 ASSOCIATED WITH THE DEVELOPMENT OF THE HOLIDAY INN EXPRESS HOTEL 189 SEASIDE CIRCLE (BRUNO) AS APPROVED BY THE CALIFORNIA COASTAL COMMISSION OCTOBER 10, 2001

WHEREAS, on March 6, 2001, the City Council adopted Resolution No. 2001-06 amending Marina's Local Coastal Program (LCP) (1) to incorporate amendments to the Marina General Plan into the (LCP) Land Use Plan to change the designation of the 1.56 acre site proposed for hotel development at the northeast corner of Reservation Road and Seaside Circle from General Commercial to Visitor/Serving Commercial and (2) to incorporate amendments to the Marina Zoning Ordinance into the (LCP) Implementation Plan to change the Open Space District and the R-1 or Single Family Residential District designations of portions of the proposed 1.56 acre site located in the former street right of way of Seaside Circle to PC or Planned Commercial District; and

WHEREAS, on October 10, 2001, the California Coastal Commission denied said amendments as proposed by the City and instead approved said amendments if they are modified as suggested by the Coastal Commission in Attachment "A" to this resolution, and

WHEREAS, in compliance with Section 13551.b.2. of the California Coastal Commission Administrative regulations, if the Coastal Commission suggests any modifications to amendments requested by local jurisdictions said amendments become effective only upon the local jurisdiction's acceptance of said modifications by resolution.


NOW, THEREFORE, BE IT RESOLVED, that the Marina City Council hereby accepts the modifications to Marina's Local Coastal Program amendment adopted by Council Resolution 2001-06 as described in the Attachment A to this resolution and transmits this action to the Coastal Commission to confirm the City's acceptance of these modifications.

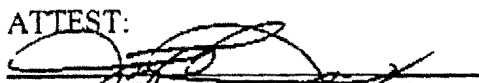
PASSED, APPROVED AND ADOPTED by the Marina City Council at their regular meeting held on October 16, 2001, by the following vote, with such action to take effect immediately after the California Coastal Commission's acknowledgement of the City's acceptance of said modifications:

AYES: COUNCIL MEMBERS: H. GUSTAFSON, M. MORRISON, I. METTER, McCUTCHON, J. PERRINE

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: B. DELGADO


James Perrine, Mayor

ATTEST:

Joy Jungay, City Clerk

ATTACHMENT A

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

1. Amend sections 1 and 4 of 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 against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within those areas. 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 long term 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 long term mitigation and maintenance of habitat through the use of appropriate acreage replacement/restoration ratios for any direct impacts to habitat areas.

....

Revise the City's 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 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 a part of every 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 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.