

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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Th13d



**Prepared March 20, 2008 (for April 10, 2008 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Mike Watson, Coastal Planner

**Subject:** **City of Marina LCP Major Amendment Number 1-07 (Locke Paddon Park Land Use Redesignations).** Proposed major amendment to the City of Marina certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's April 10, 2008 meeting to take place at the Santa Barbara County Board of Supervisors Chambers at 105 E. Anapamu Street in Santa Barbara.

### Summary of Staff Recommendation

The City of Marina proposes to amend its Local Coastal Program (LCP) Land Use Plan (LUP) map to re-designate two parcels totaling approximately 12.2 acres located within Locke Paddon Park at Seaside Avenue and Reservation Road (adjacent to Vernal Pond Number 2) from Single Family Residential to Park and Open Space to eliminate the potential for future residential development of this area and to expand and protect sensitive dune and wetland parklands consistent with resource protection standards of the Coastal Act and certified LCP. The City also proposes to amend the LUP map to re-designate another three parcels totaling 4.5 acres located at 188 Seaside Avenue (immediately adjacent to Locke Paddon Park) from Single Family Residential to Public Service Facilities to similarly eliminate the potential for future residential development, and also to re-designate the site consistent with the existing use on the property (i.e., public library and public parking). Finally, the proposed LCP amendment also involves rezoning the parcels in the LCP Implementation Plan (IP) consistent with the new land use designations. Specifically, the 12.2-acre property will be rezoned from single family residential to open space in the IP, and the 4.5 acre property will be rezoned from single family residential to public service facilities in the IP.

Staff notes that the proposed LCP land use and zoning changes are appropriate for property in public ownership (e.g., all parcels are owned by either the Monterey Peninsula Regional Park District or the City of Marina), are consistent with how the sites are currently used (i.e., as a public park, public library, and public parking), and are appropriate land uses for these areas extending into the future. The proposed amendments are also consistent with Coastal Act resource protection policies and the Land Use Plan policy guidance which indicates that the subject pond, wetland, and dune area should be managed as an open space habitat part of the public park, as is being proposed. The important planning consideration at this site with respect to ongoing and future use of the park, including the portions re-designated as part of this amendment, is to ensure that the existing dune and wetland habitat is protected, enhanced, and preserved in that equation. Staff believes that existing LCP resource protection criteria are sufficient to ensure that that is the case, and that the proposed LCP designations provide better protection than do the current designations in that respect, and does not believe that additional site specific standards need to be applied to this site otherwise to adequately protect such resources in the



California Coastal Commission

April 10, 2008 Meeting in Santa Barbara

Staff: M. Watson Approved by:

Th13d-4-2008

future.

**Staff recommends that the Commission find that the proposed land use designation changes are consistent with and adequate to carry out the policies of the Coastal Act and certified LUP, and that the Commission approve the LCP amendments as submitted.**

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## I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. The Commission needs to take two actions, one on the LUP component and one on the IP component, to effect this recommendation, and the required motions and resolutions follow.

### A. Approval of Land Use Plan Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**Motion.** I move that the Commission **certify** Major Amendment Number 1-07 Part 1 to the City of Marina Local Coastal Program Land Use Plan as submitted by the City of Marina.

**Resolution to Certify LUP Amendment.** The Commission hereby certifies Major Amendment Number 1-07 Part 1 to the City of Marina Local Coastal Program Land Use Plan as submitted by the City of Marina and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.



## B. Approval of Implementation Plan Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the rezoning and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion.** I move that the Commission **reject** Major Amendment Number 1-07 Part 1 to the City of Marina Local Coastal Program Implementation Plan as submitted by the City of Marina.

**Resolution to Certify IP Amendment.** The Commission hereby certifies Major Amendment Number 1-07 Part 1 to the City of Marina Local Coastal Program Implementation Plan as submitted and adopts the findings set forth below on grounds that Major Amendment Number 1-07 Part 1 as submitted is consistent with and adequate to carry out the certified Land Use Plan, and certification of the Implementation Plan amendment will meet the requirements of 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 Plan amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment.

## II. Findings and Declarations

The Commission finds and declares as follows:

### A. Proposed LCP Amendment

The City of Marina proposes to amend its Local Coastal Program (LCP) Land Use Plan (LUP) map to re-designate two parcels totaling approximately 12.2 acres that are located within Locke Paddon Park at Seaside Avenue and Reservation Road, adjacent to Vernal Pond Number 2 (APNs 033-121-002 and 033-121-006) from Single Family Residential to Park and Open Space. The City also proposes to amend the LUP map to re-designate another three parcels located at 188 Seaside Avenue (immediately adjacent to Locke Paddon Park) totaling 4.5 acres (APNs 033-121-009, 033-121-010, and 033-121-011) from Single Family Residential to Public Service Facilities. Finally, the proposed LCP amendment also involves amending the City's Implementation Plan (IP) zoning map to rezone said parcels consistent with the new land use designations; more specifically the 12.2-acre area would change from single family residential to open space, and the 4.5 acre area would change from single family residential to public service facilities. The purpose of the proposed land use and zoning changes is to eliminate the potential for future residential development of the sites, to provide enhanced resource protection, and to bring the land use and zoning designations into conformance with the existing and contemplated future use of the properties. The parcels are all owned by either the Monterey Peninsula Regional Park District or the City of Marina, and are located within and adjacent to Locke Paddon Park which is bound by



Seaside Avenue, Reservation Road, and Del Monte Boulevard in the City of Marina. Please see Exhibit A for a location map, Exhibit B for the proposed modified LUP and IP maps, and Exhibit C for the City's resolutions adopting the proposed changes.

## B. Consistency Analysis

### 1. Land Use Plan Amendments

The standard of review for Land Use Plan amendments is that they must be consistent with the Chapter 3 policies of the Coastal Act.

#### **Single Family Residential to Parks and Open Space (Two Parcels)**

The 12.2 acre site in question is located in the coastal zone east of Highway 1 within a County-owned and managed public park called Locke Paddon Park. Locke Paddon Park is primarily a wetland and dune open space habitat protection area that includes some trails and limited passive and interpretive recreational facilities. In other words, the Park provides a low-key recreational access experience within a habitat protection framework. The boundaries of the park are defined by Seaside Avenue to the north, Del Monte Boulevard to the east, and Reservation Road to the south and west. The Park is about 20 acres in total. The majority of the 12.2 acre site proposed for re-designation consists of remnant inland dunes and dune scrub surrounding a fairly large fresh water vernal pond at the southwest corner. As noted, the park is surrounded by roadways, and beyond that, residential and commercial development constructed at urban densities. Although a component of the park currently, the land use designation for the area in question does not match in that respect. The existing land use designation for the site is single family residential and this designation can accommodate up to 8 dwelling units per acre. Accordingly, under the existing land use designation, the roughly 12.2 acre land area could theoretically be developed with as many as 97 residences, not taking into account constraints to development (such as habitat considerations, public park issues, setbacks, etc.).

Chapter 3 of the Coastal Act requires that terrestrial and marine habitats be protected, and where feasible, enhanced. More specifically, Coastal Act Section 30240 requires that environmentally sensitive habitat be protected against any significant disruption of the habitat values and that only uses dependent upon those resources be allowed. The proposed amendment is consistent with Section 30240 as the proposed land use change from single family residential to parks and open space would eliminate potential future residential development of the site and would further facilitate protection, preservation, and enhancement of the underlying parklands including the remnant dune habitat that surrounds the vernal pond wetlands of the Park. The re-designation further affirms the value of this area, and the associated dune habitat will thus be protected from urban development, and the entire area formally designated for passive public park use in perpetuity. The dune habitat will continue to be preserved and enhanced via ongoing Park restoration efforts, and managed public access in and about the park will continue to be provided. The Park currently includes a series of pathways, symbolic fencing, and interpretive signing informing the public of the fragility and uniqueness of the dune ecology, as well as the presence of on-going restoration in the area. Several acres have been and/or are in the process of being restored to a native condition as mitigation for past development in the area, and it is the goal of



the Monterey Peninsula Regional Park District (property owner) to ultimately restore the on-site dunes and wetlands to their native condition.

Section 30231 of the Act requires that the biological productivity of coastal waters be maintained and restored, through among other means by minimizing storm water runoff and maintaining buffers around wetland habitats. In this instance, re-designating the site from single family residential to open space will eliminate the potential for future development of the area with residences, roads, driveways, patios, etc., all which would contribute significantly to urban runoff and pollutant loading of coastal waterways. Re-designating the 12.2 acre site to open space will also serve to act as a buffer for the existing vernal pond and wetlands that exist on the southwest corner of the site, and further ensure that coastal water quality is maintained.

Accordingly, the Commission finds that this portion of the proposed LUP amendment is consistent with the Chapter 3 policies of the Coastal Act.

#### **Single Family Residential to Public Service Facilities (Three Parcels)**

As noted in the finding above, Locke Paddon Park is bounded by Seaside Avenue to the north, Del Monte Boulevard to the east, and Reservation Road to the south and west. The three parcels that are the subject of this portion of the LUP amendment are located south of Seaside Avenue (i.e., 188 Seaside Avenue), and are also a part of Locke Paddon Park (see Exhibit A). These parcels are approximately 4.5 acres in total. Although the lots adjoin the roughly 20-acre open space parkland portion of the park, they have been more intensely developed, including with the City of Marina public library and associated parking lot, and the parking lot separately provided for visitors to the Park. The remaining area of the three parcels is in a natural ruderal state.

Under the current single-family residential land use designation that applies to the three parcels, the roughly 4.5 acre site could theoretically support upwards of 36 single-family residences and related development, bracketing potential development constraints and issues with redevelopment of existing public facilities there. The uses on the site, though not resource dependent, are already established and the proposed amendment is requested to bring the existing land use designation in line with the established use and to ensure that it not revert in the future to some other more intensified use (i.e., residential development). The proposed public service facilities designation will better reflect the existing development and uses, and will better protect resources for this area as compared to the residential designation that currently applies. Should any new development and/or redevelopment be proposed in this area, the public service facilities designation will not take precedence over the LCP's resource protection policies that still apply, and any remnant habitat in this area would be required to be protected consistent with the Coastal Act and the LCP in any such process. The proposed amendment will ensure that the existing level of development intensity is not inappropriately expanded, and help ensure that any development/redevelopment in the future does not adversely impact the adjacent sensitive dune and wetland areas.

Accordingly, the Commission finds that this portion of the proposed LUP amendment is consistent with the Chapter 3 policies of the Coastal Act.



## 2. Implementation Plan Amendments

The standard of review for Implementation Plan amendments is that they must be consistent with and adequate to carry out the certified LUP.

### **Single Family Residential to Parks and Open Space (Two Parcels) and to Public Service Facilities (Three Parcels)**

The proposed open space (OS) and public services facilities (PS) zoning is consistent with and a logical choice to carry out the new LUP designations discussed above. In addition, there aren't any additional site considerations or resource constraints that would argue for a different designation to be applied. The proposed OS zoning would prohibit any further development of the area, except that associated with habitat restoration and resource-dependent passive recreational uses over approximately 12.2 acres of parkland area. The proposed public services facilities zoning would likewise limit any further development of roughly 4.5 acres and ensure that this area is always used as a public facility. As indicated above, it also would not allow for resource considerations to somehow be put aside in favor of public facility considerations should facility redevelopment/expansion be pursued in the future. The important planning consideration at this site with respect to future development is to ensure that this adjacent habitat is protected, preserved, and enhanced. In that respect, the parkland, including its dune habitat and vernal pond wetland habitat, is already protected by existing LCP resource protection criteria, and additional site specific IP standards need not be applied to this site to ensure that this occurs in the future.

Thus, the zoning districts proposed are consistent with and adequate to carry out the LUP's open space and public services facilities designations in this case.

## 3. LCP Amendment Conclusion

The proposed LCP land use and zoning changes are appropriate for property in public ownership, are consistent with how the sites are currently used, and are appropriate land uses for these areas extending into the future. The proposed changes are also consistent with Coastal Act and LCP resource protection policies that protect Locke Paddon Park resources and habitats. The proposed LCP designations provide better protection than do the current designations, and should serve to better protect coastal resources in the future.

**In conclusion, the Commission finds that the proposed LUP and IP land use designation changes proposed are consistent Chapter 3 of the Coastal Act, and consistent with and adequate to carry out the policies of the LUP. The Commission approves the LCP amendment as submitted.**

## C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments 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 of proposed LCP amendments, although the Commission can and does use any environmental

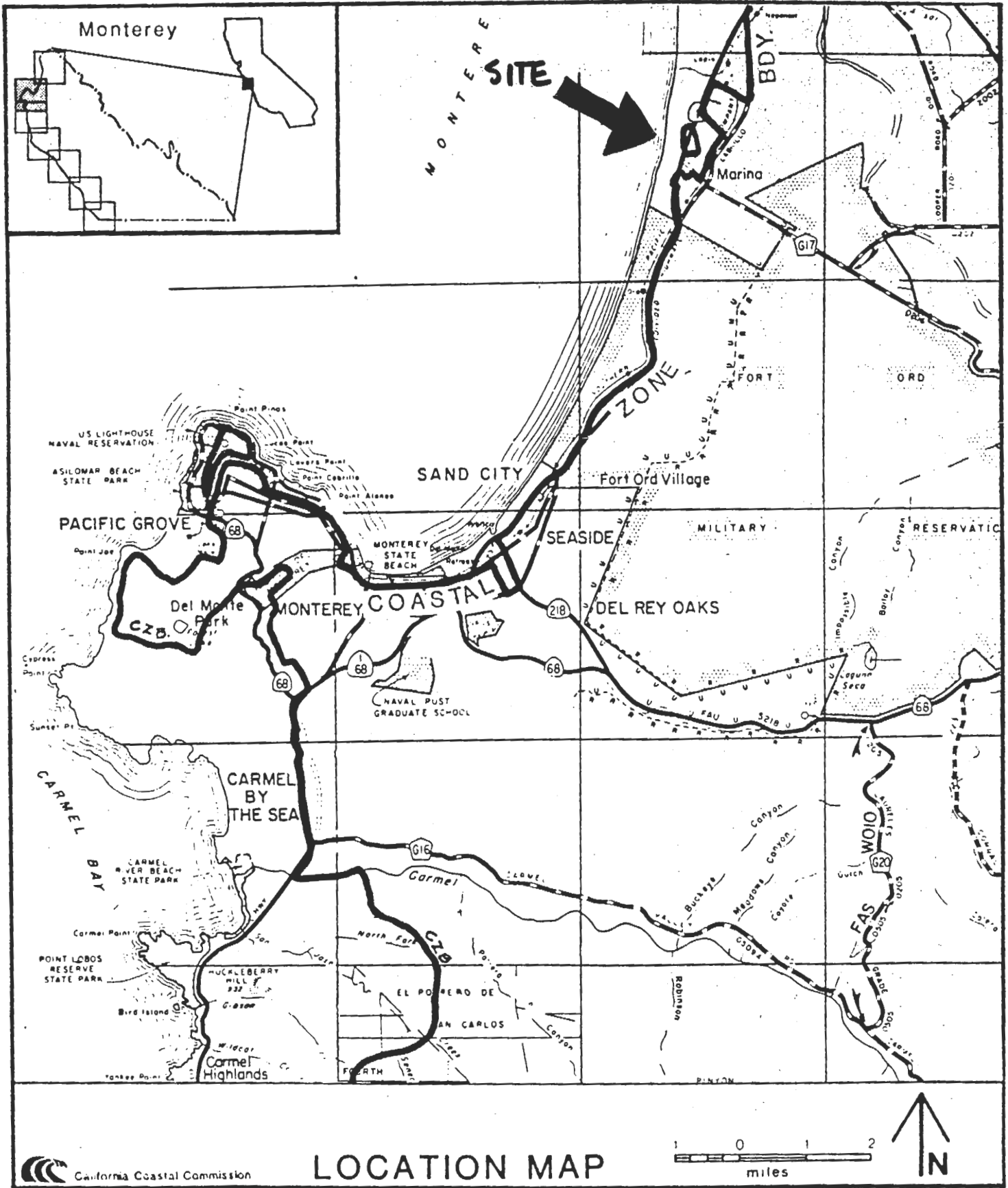


information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City, acting as the lead CEQA agency in this case, exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





LOCATION MAP

California Coastal Commission

County of Monterey

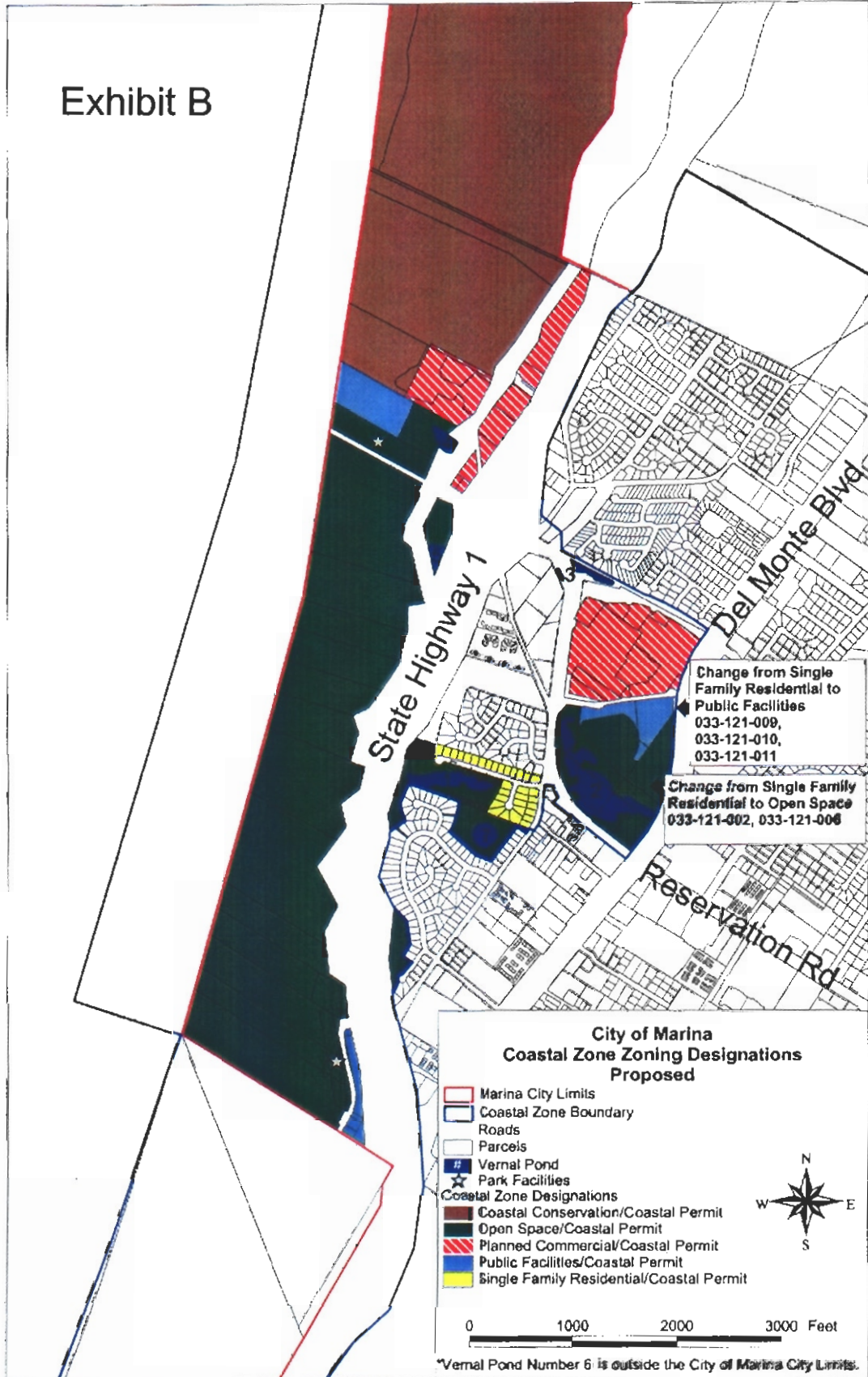
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**CCC Exhibit**   5    
 (page   1   of   1   pages)  
 MAR-MAJ-1-07 PART 1



# Exhibit A



Exhibit B



RESOLUTION NO. 2007-268

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AMENDING RESOLUTION NO 2007-190, AMENDING LOCAL COASTAL PROGRAM TO CHANGE THE LOCAL COASTAL PLAN LAND USE DESIGNATION OF A TWELVE (12) ACRE SITE LOCATED SOUTH OF SEASIDE CIRCLE AND NORTH OF LOCKE PADDON PARK (APN# 033-121-006 AND APN# 033-121-002) FROM SINGLE FAMILY RESIDENTIAL TO PARKS AND OPEN SPACE AND A FOUR AND A HALF (4.5) ACRE SITE LOCATED AT 190 SEASIDE CIRCLE, (APN# 033-121-009, APN# 033-121-010 AND APN# 033-121-011), FROM SINGLE FAMILY RESIDENTIAL TO PUBLIC SERVICES FACILITIES TO ACHIEVE CONSISTENCY WITH THE GENERAL PLAN LAND USE MAP TO PROVIDE ADDITIONAL OPPORTUNITY FOR PUBLIC PARTICIPATION PURSUANT TO COASTAL ACT SECTION 13515 AND TO IDENTIFY THAT THE LCP AMENDMENT SHALL TAKE EFFECT IMMEDIATELY UPON COASTAL COMMISSION CERTIFICATION, CONSISTENT WITH PUBLIC RESOURCES CODE SECTIONS 30512, 30513, AND 30519

WHEREAS, at the regular meeting on August 7, 2007, the Marina City Council adopted Resolution No 2007-190, amending Local Coastal Program (LCP) to change the Local Coastal Plan Land Use designation of a 12-acre site located south of Seaside Circle and north of Locke Paddon Park (APN# 033-121-006 and APN# 033-121-002) from Single Family Residential to Parks and Open Space and a four and a half (4.5) acre site located at 190 Seaside Circle, (APN# 033-121-009, APN# 033-121-010 and APN# 033-121-011), from Single Family Residential to Public Services Facilities to achieve consistency with the General Plan Land Use Map, and;

WHEREAS, it was subsequently determined that while notice of the LCP amendment had been published in the Monterey County Herald, Coastal Act Section 13515 requires additional notice, and;

WHEREAS, the City Council of the City of Marina conducted a duly noticed public hearing, in compliance with Coastal Act Section 13515 to amend Resolution No. 2007-190, considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the November 20, 2007, meeting related to the proposed amendment, and;

WHEREAS, the proposed LCP amendment shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513. 30519.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby:

1. Amend Resolution No. 2007-190, amending Local Coastal Program to change the Local Coastal Plan Land Use designation of a twelve (12) acre site located South of Seaside Circle and North of Locke Paddon Park (APN# 033-121-006 and APN# 033-121-002) from Single Family Residential to Parks and Open Space and a four and a half (4.5) acre site located at 190 Seaside Circle, (APN# 033-121-009, APN# 033-121-010 and APN# 033-121-011), from Single Family Residential to Public Services Facilities to achieve consistency with the General Plan Land Use Map to provide additional opportunity for public participation pursuant to Coastal Act Section 13515 and to identify that the LCP amendment shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513, and 30519, and;

CCC Exhibit C  
(page 1 of 4 pages)  
MAR - MAY - (-07 PART 1

2. Certify that the amendment to the LCP is intended to be carried out in a manner fully in compliance with Division 20 of the Public Resources Code, otherwise known as the Coastal Act.

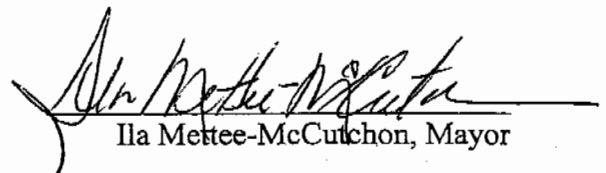
PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 20th day of November 2007, by the following vote:

AYES: Council Members: Ford, Gray, McCall, Wilmot and Mettee-McCutchon

NOES: Council Members: None

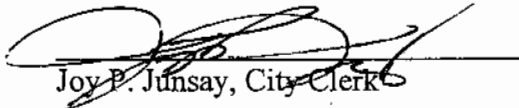
ABSENT: Council Members: None

ABSTAIN: Council Members: None



Ila Mettee-McCutchon, Mayor

ATTEST:



Joy P. Junsay, City Clerk

RESOLUTION NO. 2007-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARINA RECOMMENDING CITY COUNCIL CONSIDERATION OF AN AMENDMENT TO THE MARINA MUNICIPAL CODE AND LOCAL COASTAL PROGRAM THAT WILL CHANGE THE LOCAL COASTAL PLAN LAND USE DESIGNATION AND ZONING OF A 12-ACRE SITE LOCATED SOUTH OF SEASIDE CIRCLE AND NORTH OF LOCKE PADDON PARK (APN#S 033-121-006 AND 002) FROM SINGLE FAMILY RESIDENTIAL TO OPEN SPACE AND A 4.5 ACRE SITE LOCATED AT 190 SEASIDE CIRCLE, (APN#S 033-121-009, 010, AND 011), FROM SINGLE FAMILY RESIDENTIAL TO PUBLIC FACILITIES TO ACHIEVE CONSISTENCY WITH THE GENERAL PLAN LAND USE MAP

WHEREAS, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider its recommendation to City Council on the proposed amendment to the Marina Zoning Ordinance and Local Coastal Program ("EXHIBITS A and B"), considered all public testimony, written and oral, presented at the public hearing, received and considered the written information and recommendation of the staff report for the June 28, 2007 meeting related to the proposed amendment to the Marina Zoning Ordinance and the Local Coastal Program; and

WHEREAS, the Planning Commission finds that the proposed amendment to the Marina Zoning Ordinance and Local Coastal Program is consistent with the goals, policies and programs of the Marina General Plan and Local Coastal Program, in that the amendment implements General Plan and Local Coastal Program policies related to land use, community character and coastal protection and access; and

WHEREAS, the Marina General Plan EIR, certified in November 2000, analyzed and mitigated potential environmental impacts of the General Plan and because the proposed changes in land use designations are consistent with the General Plan Land Use Plan, no additional environmental analysis is required.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Marina does hereby:

1. Recommend City Council consideration of an amendment to the Marina Municipal Code and Local Coastal Program that will change the Local Coastal Plan Land Use designation and zoning of a 12-acre site located south of Seaside Circle and north of Locke Paddon Park (APN#s 033-121-006 and 002) from Single Family Residential to Open Space and a 4.5 acre site located at 190 Seaside Circle, (APN#s 033-121-009, 010, and 011), from Single Family Residential to Public Facilities to achieve consistency with the General Plan Land Use Map, as shown on the maps attached hereto as Exhibits A and B.

**CCC Exhibit** C  
**(page** 3 **of** 4 **pages)**

MAR-MA)-(07 PART 1

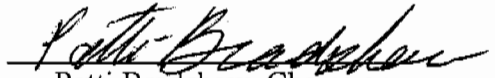
PASSED AND ADOPTED by the Planning Commission of the City of Marina  
at a regular meeting duly held on the 28<sup>th</sup> day of June, 2007 by the following vote:

AYES, COMMISSIONERS: Amadeo, Bradshaw, Myong, O'Connell, Post, Turgen

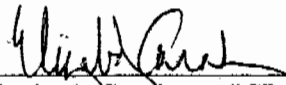
NOES, COMMISSIONERS: None

ABSENT, COMMISSIONERS: Daniels

ABSTAIN, COMMISSIONERS:

  
Patti Bradshaw, Chairman

ATTEST:

  
Elizabeth Caraker AICP  
Planning Services Manager

**CCC Exhibit**   C    
**(page**   4   **of**   4   **pages)**

MAR-MAJ-1-D7 PART 1