

**NATIONAL CITY
LOCAL COASTAL PROGRAM
IMPLEMENTATION**

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IMPLEMENTATION

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I. INTRODUCTION

A. Coastal Act Requirements

The Coastal Act states that a Local Coastal Program (LCP) shall consist of a local government's land use plans, zoning ordinances, zoning district maps, and implementing actions which implement the provisions of the Coastal Act at the local level. Further, the Coastal Act provides that the implementation phase shall be developed in a manner consistent with the Land Use Plan. Section 30513 of the Coastal Act reads that the Coastal Commission "may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the Certified Land Use Plan." The LCP Implementation document is a compilation and description of the various implementation actions necessary to carry out the policies of the Land Use Plan.

B. National City's implementation

Implementation of the LCP, and therefore the policies of the Coastal Act, will be accomplished by supplementing the existing zoning ordinance (Land Use Code) of National City. Chapter 18.39 of the Land Use Code applies the provisions of the LCP to properties within the coastal zone. It is described in Section X of the Implementation document.

Implementation of the LCP includes only those sections or portions of the Land Use Code which specifically carry out the LCP. It also includes exceptions or additions necessary to achieve consistency with the Land Use Plan. The proposed implementing regulations are described in the document in the same order as the current Land Use Code of the City of National City.

C. Coastal development permit authority

After certification of the total Local Coastal Program, review authority for coastal development will revert from the State Coastal Commission to the City except for specified areas, i.e. tidelands, submerged lands, and public trust lands, according to Section 30519 of the Coastal Act. The San Diego Unified Port District has authority for coastal development permit approval within its territorial jurisdiction. The City, in issuing coastal development permits after certification, must make the finding that the development is in conformity with the approved LCP. After certification of the LCP, the State Coastal Commission will continue to have legislatively mandated responsibilities (Coastal Act Sec. 30603). These include:

- approval of amendments to the LCP
- retained permit jurisdiction over development in certain areas (i.e., development in state tidelands)
- hearing appeals on development in specified areas including development between the sea and the first public road; development within 100 feet from wetlands, estuaries or streams, or within 300 feet of the top of the seaward face of any coastal bluff; and major public works or energy facilities.
- monitoring locally-issued coastal development permits to assure LCP implementation.

II. DEFINITIONS

The following definitions are in addition to those contained in Chapter 18.04 of the Land Use Code of National City. They apply only to the coastal zone.

Unless specifically defined below, or in Chapter 18.04 of the Land Use Code, or in the Coastal Act, words or phrases used in any implementing regulation of the Local Coastal Program shall be interpreted so as to give them the meaning they have in common usage and to give the implementing regulations of the Local Coastal Program their most reasonable application.

- A. Aggrieved Person - any person who, in person or through a representative, appeared at a public hearing of the City in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his concerns or who for good cause was unable to do either.
- B. Appealable Development - in accordance with Public Resources Code (Coastal Act) Section 30603(a) any of the following:
- (1) Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (2) Developments approved by the City within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.
 - (3) Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" as used in Public Resources Code Section 30603 (a)(5) and the implementing regulations of the Local Coastal Program shall mean any proposed public works project, as defined by Section 13012 of the Coastal Commission Regulations (Title 14, California Administrative Code, Division 5.5), or energy facility, as defined by Public Resources Code Section 30107.
- C. Appellant - any person who may file an appeal, including an applicant, any aggrieved person or any two members of the Coastal Commission.
- D. Applicant - the person, partnership, corporation, state or local government agency applying for a coastal development permit.
- E. Approving Authority - the city officer, planning commission or council approving a coastal development permit.

- F. Categorically Excluded Development - a development which the Coastal Commission has determined pursuant to Section 30610(e) of the Public Resources Code to have no potential for significant adverse effects, either individually or cumulatively, on Coastal resources or on public access to or along the coast and therefore, pursuant to a categorical exclusion order, has issued an exclusion in accordance with the applicable regulations from the required coastal development permit (defined below).
- G. Coastal Commission - California Coastal Commission.
- H. Coastal-Dependent Development or Use - any development or use which requires a site on, or adjacent to, the sea to be able to function at all.
- I. Coastal-Related Development - any use that is dependent on a coastal-dependent development or use.
- J. Coastal Development Permit - a permit for any development within the Coastal Zone that is required pursuant to subdivision (a) of Section 30600 of the Coastal Act.
- K. Development - on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting.
- As used in this subsection, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
- L. Environmentally Sensitive Area - 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.

- M. Feasible - capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- N. Grading - Any excavating or embankment or combination thereof.
- Excavation or cut - any act by which earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and the conditions resulting therefrom.
- Embankment or Fill - any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and the conditions resulting therefrom.
- O. Implementing Actions - the ordinances, regulations, or programs which implement the provisions of the Certified Local Coastal Program and which are submitted pursuant to Section 30513 of the California Coastal Act.
- P. Intensification of Use - A change of intensity of use which requires either more or less parking, based on the requirements of the LCP Implementation Ordinance.
- Q. Land Use Code - the Land Use Code of the City of National City, Title 18 of the National City Municipal Code.
- R. Land Use Plan - the relevant portions of a local government's Local Coastal Program which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.
- S. Local Coastal Program - the City's Land Use Plan, zoning ordinances, zoning maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
- T. Major Energy Facility - any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy which exceeds \$100,000 in its estimated cost of construction.
- U. Major Public Works Project - Any public works project which exceeds \$100,000 in its estimated cost of construction.
- V. Notice to Issue Coastal Development Permit - letter or certificate issued by the City, approving a development subject to fulfillment of conditions prior to issuance of a coastal development permit, and if such conditions are fulfilled,

approving a development as being in conformance with and adequate to carry out the Local Coastal Program.

- W. Sea - the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.
- X. Wetland - lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

III. COMMERCIAL ZONES

A. Purposes

In addition to the general purposes of the commercial zones stated in Section 18.16.010 of the Land Use Code, it shall be the purpose of commercial zones to implement the commercial designations of the Land Use Plan as well as descriptions and policies contained in the Land Use Plan. To comply with the designations of the Land Use Plan, the boundaries of the commercial zones shall be changed in four locations. The changes are described in attached exhibits (see appendix). The Land Use Plan designations and zone boundary changes implement Land Use Plan policies regarding public accessways and tourist commercial and recreational use at the bayfront. Their locations are also described in the text of the Land Use Plan.

National City's Land Use Code contains several commercial zones, of which three apply to areas within the coastal zone. These three commercial zones are the Commercial Tourist (CT) zone, the Commercial Automotive (CA) zone, and the Heavy Commercial (CH) zone. Chapter 18.16 of the Land Use Code provides regulations applicable to the commercial zones. Sections which are necessary to carry out the Land Use Plan are described or listed below. Exceptions and additions to Sections 18.16.020, 18.16.090 and 18.16.350 are described regarding uses to be allowed in the coastal zone, specific to the tourist commercial designations, and regarding height limits. The changes conform to the Land Use Plan policies which provide for specific plans for the CT-zoned area (recreation policies 1 & 3), and to the Land Use Plan description of the tourist commercial designation. Reference should also be made to Section XVII (Site Plan Review) of the LCP implementation document for additional requirements.

1. Purpose of commercial tourist (CT) Zone

Section 18.16.020 of the Land Use Code states that the purpose of the CT zone is to provide areas catering specifically to the needs of automobile oriented trade, such as transient accommodations and services, certain specialized retail outlets, and commercial amusement enterprises. Within the coastal zone, the purpose of the CT zone is to further accommodate tourist commercial, recreational and open space uses, consistent with the description of the tourist commercial designation of the Local Coastal Program, Land Use Plan, and consistent with the policies of the Local Coastal Program, Land Use Plan.

2. Purposes of the heavy commercial (CH) zone

Section 18.16.070 of the Land Use Code states that the purposes of the CH zone are to:

- A. Provide for an area for intensive commercial activities and specialized service establishments requiring a central location;
- B. Permit limited and restricted manufacturing and wholesaling and distribution facilities governed by standards controlling the intensity of use, the external effects upon surrounding areas, and in general limiting the uses to those that can be operated in a clean and quiet manner.

Within the coastal zone, the CH zone is applied to areas generally developed with industrial and commercial uses near National City Boulevard. It conforms to the general policy direction for commercial and industrial use in subarea III of the coastal zone and with the Land Use Plan map.

3. Purpose of commercial automotive (CA) Zone

Section 18.16.080 of the Land Use Code states that the purpose of the CA zone is to provide an area for new and used automobile and truck sales and services, and for sales and services that support and complement such use. The CA zone also conforms to the general policy direction of the Land Use Plan for commercial use in the area along National City Boulevard.

B. Uses Permitted

1. Principal uses and structures permitted

Section 18.16.090 of the Land Use Code provides for the designation of the principal uses permitted in the commercial zones by use group. The use groups are collections of individual uses of similar character and are fully described in Chapter 18.104 of the Land Use Code. The use groups permitted in commercial zones are listed in Table V, within Land Use Code Section 18.16.090. All use groups listed in Table V, except 9 (dwelling, single-family), 10 (dwelling, two-family) and 11 (dwelling, multi-family) apply to one or more of the three commercial zones in the coastal zone. The applicable use groups, reference sections, and detailed listing of uses by use group in Appendix D of the Land Use Plan describe the principal uses and structures permitted, with the following exceptions:

- a. Offices and studios (Use Group 27) shall be permitted only as an accessory use to a recreational or tourist oriented development.
- b. Eating places (drive-through, drive-in, take-out) (Use Group 14) shall require a conditional use permit in the CT zone.
- c. In the CT-zoned area westerly of Paradise Marsh, uses shall be determined by adoption of a specific plan, consistent with the Land Use Plan. Uses may also be permitted in other CT-zoned areas in the coastal zone by adoption of a specific plan, as provided by the Land Use Code, consistent with the policies of the Local Coastal Program, Land Use Plan, and with the description of the tourist commercial designation of the Land Use Plan. The tourist commercial designation of the Local Coastal Program permits a broader range of uses than the CT zone. It permits boat marinas and supportive commercial and recreational businesses; boat storage areas; boat sales, leasing, rentals and service; restaurants with cocktail lounges, nightclubs, dancing and entertainment; tourist-oriented retail stores; museums and aquariums. Off-street parking facilities may also be permitted as a principal use which would serve nearby tourist-oriented uses. Such uses shall be permitted only with adoption of a specific plan.
- d. In the CT-zoned area north of Paradise Marsh Use Groups 1, 2 and 8 shall not be permitted.

2. Accessory uses.

Section 18.16.100 of the Land Use Code provides for accessory uses and buildings customarily incidental to a permitted use in commercial zones.

Although conditions are required by the Land Use Code for all accessory permitted uses, only those listed in the following Sections are required to carry out the Land Use Plan: 18.16.110 (Commercial uses in hotels and motels), 18.16.120 (Storage buildings and garages), 18.16.130 (Recreational facilities), 18.16.160 (Automobile service stations in the CT zone), and 18.16.180 (Off-street parking and loading). The conditions may be modified by an approved specific plan. Conditions required by the Land Use Code for other permitted accessory uses exceed the directives of the Land Use Plan and are not included in the Local Coastal Program.

C. Development Standards

Uses, lot area, required setbacks, signing, parking, building aesthetics and materials, building height, and other design standards would be in conformance with Chapter 18.16 of the Land Use Code of National City for all commercial zones. Specifically, only two portions of Chapter 18.16 are necessary to implement the Land Use Plan (Visual Resources Policy 5): Section 18.16.340 (Building aesthetics and materials) and the portion of Land Use Code Section 18.16.350 regarding building height. Although not specifically addressed by the Land Use Plan, subsection B of Section 18.16.192 (Motels) also carries out the intent of the Land Use Plan. It prohibits kitchen facilities from motel rooms (except the manager's unit), consistent with the tourist, nonresidential use and the related parking requirement for such use. In the coastal area, height limits for the CT zones shall be further established by required specific plans, described in Section X of the Local Coastal Program Implementation document.

Sections XI, XII, and XIII of the LCP Implementation document, regarding parking, signing and landscaping, also implement the Land Use Plan and contain provisions for the commercial zones. Also, regulations listed in Section X of the LCP Implementation document shall apply, based on development site characteristics.

IV. INDUSTRIAL ZONES

A. Purposes

In addition to the general purposes of industrial zones provided in Section 18.18.010 of the Land Use Code, it shall be the purpose of the industrial zones to provide for the continued operation of marine related industrial uses within the coastal zone. Such purpose conforms with the general policy direction of the Land Use Plan that priority shall be given to marine related industrial uses in the event that different industrial land uses are competing for available industrial land. The analysis provided in the chapter of the Land Use Plan regarding industrial development indicates no current need for governmental regulation to restrict industrial uses which are not marine related. It recommends policy to allow the free market to operate with minimum regulatory intervention. Much of the area for marine related industrial uses in National City lies outside of National City's LCP jurisdiction, and is under the jurisdiction of the U.S. Navy and San Diego Unified Port District.

The Land Use Code of National City contains several industrial (manufacturing) zones, of which three apply to areas within the Coastal Zone under its jurisdiction. The three industrial zones are Light Manufacturing (ML) Medium Manufacturing (MM) and Heavy Manufacturing (MH). The different industrial zones reflect the different uses addressed by the Land Use Plan east and west of I-5.

To comply with the Land Use Plan Map, zone boundaries shall be modified, affecting the MM-CZ zone west of Paradise Marsh and the ML-CZ zones east of I-5, south of 30th Street and north of Rt. 54, as well as the ML zoned property on the east side of National City Boulevard, northeast of 33rd Street. See attached maps. The modifications are consistent with the land use plan designations and with policies which encourage tourist commercial and recreational use in the area west of Paradise Marsh and with marshland preservation policies.

Chapter 18.18 of the Land Use Code provides regulations applicable to the industrial (manufacturing) zones. Sections which are necessary to implement the Land Use Plan are listed or described below. Reference should also be made to Section XVI (Site Plan Review) for additional requirements.

1. Purposes of light manufacturing (ML) zone

Section 18.18.020 of the Land Use Code states that the purposes of the ML zone are to:

- A. Establish low intensity industrial uses in areas near residential and commercial zones;

- B. Require all industrial uses to be adequately housed in completely enclosed buildings;
- C. Limit, with the aid of performance standards, the physical effects of industrial activities to levels permitting no objectionable or obnoxious smoke, noise, vibration, fumes, radiation, glare phenomena, and fire and explosive hazards.

2. Purposes of medium manufacturing (MM) zone

Section 18.18.030 of the Land Use Code states that the purposes of the MM zone are to:

- A. Establish intermediate industrial uses in areas in which production and processing activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and fire and explosive hazards;
- B. Limit, with the aid of performance standards, the physical effects of such phenomena beyond the boundaries of the industrial property.

3. Purposes of heavy manufacturing (MH) zone

Section 18.18.040 of the Land Use Code states that the purposes of the MH zone are to:

- A. Establish areas for the heaviest and most intensive industrial uses in areas in which production and processing activities would involve the highest expected amounts of noise, vibration, air pollution, radiation, glare phenomena, and fire and explosive hazards.
- B. Control and suppress any hazards and prevent adverse effects to the community.

B. Uses Permitted

1. Principal Uses and structures permitted

Section 18.18.060 of the Land Use Code designates the principal uses permitted in the manufacturing zones by use groups. The use groups are collections of individual uses of a similar character and are fully described in Chapter 18.104. The use groups permitted in manufacturing zones are listed in Table IX of Section 18.18.060.

2. Accessory uses and structures permitted.

Accessory uses and buildings customarily incidental to a permitted principal use in manufacturing zones are listed in Table X of Land Use Code Section 18.18.070.

All conditions required by the Land Use Code for all accessory permitted uses would apply to the coastal zone. However, they are not specifically required to carry out the Land Use Plan and, therefore, are not listed here.

3. Development standards

Uses, lot area, required setbacks, signing, parking, building aesthetics and materials, building height, and other design standards would be in conformance with Chapter 18.18 of the Land Use Code. Two sections of Chapter 18.18 are necessary to implement visual resources policy 5 of the Land Use Plan: Section 18.18.240 (Building aesthetics and materials) and the portion of Section 18.18.250 regarding building height. Maximum height limits are 35 ft. in the ML, Light Manufacturing, zone and 60 ft. in the MM, Medium Manufacturing, and MH, Heavy Manufacturing, zones.

Sections XI, XII and XIII of the LCP Implementation document regarding parking, signing and landscaping, also implement the Land Use Plan and contain provisions for the industrial zones. Also, regulations listed in Section X of the LCP Implementation document shall apply, based on development site characteristics.

V. OPEN SPACE RESERVE ZONE

A. Purpose

Intent and Purpose

Section 18.21.010 of the Land Use Code states the following: The intent and purpose of the Open Space Reserve (OSR) zone is to provide a use category to include public and private lands, playgrounds, salt marsh and coastal wetlands, water areas, uninhabited agricultural lands, recreational lands, public utility areas, flood control channels, and other scenic and open space areas shown in the Open Space and Conservation Element of the City's General Plan and Local Coastal Program. It is also the intent of this zone to provide for permanent open space use in the City by restricting development in such areas as designated on the zoning map.

To comply with the policy recommendations of the Land Use Plan, the zoning designation for Paradise Marsh shall be Open Space Reserve (OSR). The OSR designation applies to the marsh area required for acquisition by the Army Corps of Engineers for the Sweetwater River Flood Control Improvements, marsh area within Caltrans right-of-way, east of the SDG&E right-of-way, and marsh area east of I-5 and west of Hoover Avenue, south of 30th Street.

The Combined General Plan/Zoning Map shall be modified to reflect the Land Use Plan. Changes add property to the MM and CT designated areas west of Paradise Marsh and add area to the ML designation both north and south of existing marsh area east of I-5. (See attached maps.) The changes are consistent with the boundaries of the OSR designation as described in the Land Use Plan.

Additional wetlands in private ownership are not designated OSR but are addressed by regulations which apply to the coastal zone. Refer to Section X of the LCP Implementation document.

Chapter 18.21 of the Land Use Code applies to the areas of the coastal zone designated OSR. The only section of the chapter necessary for implementation of the Land Use Plan is described below.

B. Uses permitted

Section 18.21.030 of the Land Use Code lists the uses permitted in the open space reserve zone. It designates different use groups with specific uses for water areas and land areas.

Not all uses listed in Section 18.21.030 may be appropriate for the OSR designation within the coastal zone. The following shall also apply to the OSR designation in the coastal zone:

Provisions of the City's Local Coastal Program, classified in Section X of the LCP Implementation document, shall be applied to determine whether the uses listed in Land Use Code Section 18.21.030 may be permitted in the coastal zone. In addition, typical permitted uses in wetland areas shall be limited to those uses listed in use group 38 - Open Space Reserve (water areas). They include incidental public service purposes, restorative measures, and nature study, consistent with Marsh Preservation Policy 1 of the Land Use Plan. Additionally, permitted uses in the wetland buffer areas are limited to open space, landscaping with native species and hiking trails. Any permitted passive recreational improvements for the public shall be limited to the upper half of the wetland buffer. No other uses are permitted by the OSR designation in the coastal zone.

C. Development Standards

In the coastal zone, development shall comply with regulations listed in Section X of the LCP Implementation document. As noted in Section X, a specific plan shall be prepared to address requirements for restoration of Paradise Marsh.

VI. FLOOD PLAIN ZONING

A. Purpose

The purpose of flood plain zoning regulations is to carry out environmental hazards policy 1 of the Land Use Plan and to protect development from flood hazards.

B. Regulations

Chapter 18.24 of the Land Use Code provides regulations for three floodway overlay zones. The floodway fringe overlay zone (-FF-1) is the only floodway overlay zone in the coastal zone. With the exception of any references to manufactured homes, the following sections of Chapter 18.24 are applicable to the Local Coastal Program implementation:

- 18.24.050 (Lands to which this Chapter Applies)
- 18.24.070 (Floodway Fringe Combining Zone (-FF-1) Established)
- 18.24.090 (Standards Applicable to All Areas of Special Flood Hazard)
- 18.24.110 (Standards applicable to designated floodway fringe zone (-FF-1))
- 18.24.130 (Flood hazard area development permit (FHAD) established)
- 18.24.160 (Alteration of watercourse- conditional use permit required)
- 18.24.170 (Determination of special flood hazard zone)
- 18.24.180 (Appeals)
- 18.24.190 (Exceptions).

VII. OPEN SPACE DESIGNATION

A. Intent and purpose

Section 18.42.010 of the Land Use Code states that the intent and purpose of the open space combining zone (-OS) is to provide an open space combining zone to include public school sites, public and private lands, playgrounds, salt marsh lands, water areas, uninhabited agricultural or aquacultural lands, recreational lands, public utility areas, freeway rights-of-way, railroad rights-of-way, flood control channels, and other scenic and open space areas shown on the “Open Space and Conservation Element” of the City’s general plan. It also states that it is the intent of this zone to provide for permanent open space and open space use in the City by limiting development in such areas as designated on the zoning map.

The Land Use Plan and the Combined General Plan/Zoning Map apply the OS (Open Space) designation to the I-5 and Rt. 54 freeway right-of-way, the MTDB San Diego Trolley right-of-way, and the Sweetwater River Flood Control Channel. As noted in the Land Use Plan, no development of the area in the right-of-ways is anticipated, other than landscaping and transportation related improvements. There is one exception, which applies to a triangular-shaped area, approximately one-half acre, underneath I-5 on the north side of Civic Center Drive, west of the trolley right-of-way. It is undeveloped. The ML (light manufacturing) zone applies to the property. Any improvements would require approval by both Caltrans and the City. No change to the ML designation is necessary since it does not affect the intent of the Land Use Plan for the general development of the area. However, the CZ (Coastal Zone) designation shall be added to apply to the area (see attached map).

Other minor changes to the Combined General Plan/Zoning Map are proposed to reflect the Land Use Plan. The boundary of the OS and OSR designations, in the area northeast of I-5 and Rt. 54 shall be relocated to follow the eastern boundaries of freeway and trolley right-of-ways. The OS designation shall also be applied to the Sweetwater River Flood Control Channel west of I-5. A minor boundary change is also needed with regard to the CH zone south of Rt. 54. See attached maps.

B. Regulations

Section 18.42.030 of the Land Use Code states that areas designated -OS shall be limited to the primary uses designated in Chapter 18.42 as established at the date of adoption of the National City Land Use Code and as may be maintained and expanded within the properties now established for such use and secondary uses. However, within the coastal zone, new open space uses may be developed where the OS designation is applied. Such uses shall be limited to the primary and secondary uses listed in Sections 18.42.040 and 18.42.050.

Any development shall comply with regulations listed in Section X of the LCP Implementation document.

Section 18.42.060 of the Land Use Code, which allows for additional, conditional uses, does not apply to the coastal zones. Also, Section 18.42.070 of the Land Use Code, regarding filling or dredging in bay, slough, or salt marsh areas, applies to the OS designation city-wide. However, it is not required to carry out the Local Coastal Program. Regulations regarding filling or dredging in the coastal zone are addressed in Section X of the LCP Implementation document.

VIII. PLANNED DEVELOPMENT DESIGNATION

A. Intent and Purpose

Section 18.32.010 of the Land Use Code describes the intent and purpose of the Planned Development (PD) Overlay Zone. Furthermore, the PD designation provides for discretionary review to determine whether a proposed development is designed appropriately for its intended use. The PD overlay is applied with the light manufacturing (ML) zone to an area under the Caltrans (I-5) right-of-way, on the north side of Civic Center Drive. It is also applied with the tourist commercial (CT) zone to the area north of Paradise Marsh and south of 24th Street. The overlay zone conforms with the objective of visual resources policy 5 of the Land Use Plan to ensure visually appropriate development. A specific plan is also required for the CT-zoned area, as described in Section X of the LCP Implementation document. The Specific Plan may set sufficient direction to avoid the planned development permit procedure.

B. Procedure

The PD overlay requires approval by the Planning Commission or City Council on appeal, for new project design, determined by a planned development permit. A planned development permit may be approved subject to consistency with the Land Use Code, if after public notice and hearing, required findings for approval are determined to be supported by project information or by required conditions of approval.

Chapter 18.126 of the Land Use Code provides that planned development permit applications shall be processed in the same manner as conditional use permits. Conditional use permit regulations are included in Chapter 18.116 of the Land Use Code and referenced in Section XVI of the LCP implementation document. No exceptions to Land Use Code requirements referenced in the LCP implementation document may be granted with approval of a planned development permit without a variance and an amendment to the local coastal program implementation.

IX. REDEVELOPMENT AREA DESIGNATION

A. Intent and Purpose

Section 18.36.010 of the Land Use Code describes the intent and purpose of the redevelopment area (RD) overlay zone.

Although not required, a City redevelopment plan may be considered to carry out the policies of the Land Use Plan. In some areas, existing development does not conform to the Land Use Plan. For example, industrial buildings in the area north of Paradise Marsh do not conform to policies for tourist commercial development.

B. Procedure

The RD overlay is applied after approval of a redevelopment plan by City Council, as referenced by Section 18.36.020 of the Land Use Code. Such application goes beyond the requirements of the Local Coastal Program and does not affect Land Use Plan policies for implementing ordinances and procedures. However, a redevelopment plan or portions of a redevelopment plan may be determined equivalent to a specific plan required by the Local Coastal Program. Redevelopment projects must be in conformance with local coastal program requirements and may require an amendment to the Land Use Plan or implementing ordinances.

X. COASTAL ZONE DESIGNATION

A. Intent and purpose

Section 18.39.010 of the Land Use Code states that the intent and purpose of the coastal zone is to identify and give notice that properties within this zone are affected by the city's Local Coastal Program. The General Plan/Zoning Map shall be modified to add the CZ (Coastal Zone) designation to freeway and trolley rights-of-way within the coastal zone. (See attached maps).

B. Regulations

Section 18.39.030 of the Land Use Code provides that, in addition to meeting the requirements of the underlying zone, any use on a property bearing the symbol -CZ on the zoning map must in addition meet the provisions of the City's Local Coastal Program. When there is a conflict between the provisions and requirements of the underlying zone and the CZ overlay zone, the provisions and requirements of the CZ zone shall prevail.

The following regulations for development in the coastal zone are supplementary to those referenced in other sections of the LCP Implementation document and shall be addressed as conditions for approval of a coastal development permit. They are required to implement the policies of the Land Use Plan. (At the end of each proposed section, the applicable Land Use Plan policy is referenced.)

1. Access requirements

a. New development shall provide public accessways, consistent with Figure No. 4 of the Land Use Plan and, to the maximum degree feasible, with the coastal access standards prepared jointly by the California Coastal Commission and the Coastal Conservancy. The accessways shall be protected through public access easements or other suitable means of conveyance. (public access policies 1, 2, 4)

b. New development shall be reviewed to determine evidence of public use and shall not interfere with any desirable public access established by public use. (public access policy 9)

2. Specific Plan requirements

Specific plans, listed below, shall be adopted by the City and certified by the Coastal Commission before coastal development permit issuing authority is transferred to the City for these areas. Each specific plan may be prepared separately or in combination with any other.

- a. Specific plan for development in the tourist commercial zone west of Paradise Marsh and enhancement of the area's visual identify shall establish standards and requirements for:
 - i. landscape elements,
 - ii. signing,
 - iii. height,
 - iv. architectural elements, including scale, bulk, and color of proposed improvements,
 - v. view protection and enhancement, with provision of vistas from public roadways and open space areas to Paradise Marsh and the Sweetwater River flood control channel,
 - vi. appropriate visual separation or buffering of adjacent industrial uses and I-5,
 - vii. focal points in key activity areas,
 - viii. The type and intensity of tourist commercial uses, consistent with planned roadway capacities.
 (visual resources policy 4 and 9 and recreation policy 3)

- b. Specific plan for the proposed roadway extension from Harrison Avenue southerly from 24th Street, in the upland area west of Paradise Marsh shall define the following:
 - i. The location of traffic circulation and roadway improvements required for development in the tourist commercial zone west of Paradise Marsh, based on the proposed intensity of development and marsh preservation policies of the Land Use Plan; (recreation policy 3)
 - ii. Desirable buffering between the marsh and the proposed roadway, in accordance with marsh preservation regulation no. 4.c. below; (public access policy 8)
 - iii. Landscaped entryway improvements along the roadway extension as well as along 24th Street. (visual resources policy 3)

- c. Specific plan for the restoration of Paradise Marsh.
(recreation policy 5)

3. Recreation

New development shall be reviewed to determine necessary features to maximize recreational potential related to trolley access, the bay route bikeway, and recreational areas and trail systems along the Sweetwater River channel, the Chula Vista bayfront and other waterfront development on San Diego Bay. (recreation policy 6)

4. Marshland Preservation

- a. All wetlands not included in the OSR zone, as shown on the adopted wetlands exhibit, shall be mapped as a condition of coastal development permit approval. Wetland areas affected by the condition are located along the west boundary of Paradise Marsh, west of the SD&AE railroad tracks, and in the Sweetwater River area, south of 35th Street. The City shall provide a wetlands exhibit that details the general location of all wetlands in the City within the coastal zone. (marsh preservation policy 1)
- b. Wetlands in the OSR zone east of I-5, between 30th Street and 33rd Street, west of Hoover Avenue, as shown on the adopted wetlands exhibit, shall be mapped as a condition of development approval. The City shall provide a wetlands exhibit that details the general location of all wetlands in the City within the coastal zone. (marsh preservation policy 1))
- c. Appropriate buffers shall be determined for any new development on property adjacent to wetlands identified in subsection a above as well as to wetlands in the OSR zone, with the concurrence of the State Department of Fish and Game. A 100 ft. distance from the edge of the wetland shall generally provide an acceptable buffer. The required distance may be increased or decreased based on consultation with the Department of Fish and Game. A buffer area less than 100 feet wide may be permitted, depending upon the analysis of the specific site proposed for development. Examples which may demonstrate that a lesser distance would be acceptable include but are not limited to the type and size of development, proposed buffer improvements such as landscaping and fencing, and existing site characteristics such as a grade differential between a marsh area and adjacent upland area, existing development in the area, and parcel size and configuration. Consistency with buffers required as part of the Sweetwater River Channel/Rt. 54 project shall also be considered in order to determine appropriate buffers less than 100 feet wide. (marsh preservation policy 2).
- d. Open space easements shall be executed over any identified wetland resources and their buffers as a condition of coastal development permit approval. (marsh preservation policy 1)
- e. Diking, dredging and filling of wetlands and open waters shall be permitted only as follows:

- i. where there is no feasible less environmentally damaging alternative, and
 - ii. where feasible mitigation measures are provided to minimize adverse environmental effects, and
 - iii. where limited to incidental public service purposes, restoration purposes, and nature study, and
 - iv. where a marsh restoration program has been approved by the California Coastal Commission.
(marsh preservation policy 2)
- f. Dumping of rubbish or commercial waste into wetland areas is prohibited. Property owners shall be responsible for removal of any dumping. (marsh preservation policy 2)
- g. New development, including roadways, adjacent to wetlands, shall provide physical barriers, such as fencing or landscaping with non-invasive species, to discourage intrusion of pedestrians, vehicles or domestic animals into the marsh. (marsh preservation policy 4)
- h. In association with new development or remodeling of existing development contiguous with the wetlands, including roadways, drainage shall be directed off-site toward the Sweetwater River Flood Control Channel, or to existing street drains, whenever possible, or channeled into a settling area before entering the marsh. Potential increase in the rate of stormwater runoff, which may result from new development, including roadways, adjacent to wetlands, shall be controlled by detention basins or other means to avoid impacts of erosion and sedimentation on wetlands. The size, design and placement of such sedimentation control devices shall be developed in consultation with the State Department of Fish and Game prior to or concurrent with the commencement of construction and shall be installed and maintained by the developer, or any successors in interest. (marsh preservation policy 4)
- i. Landscaping on property adjacent to wetlands shall include only plants which are not invasive of wetlands. (marsh preservation policy 6)
- j. Specific erosion control measures shall be approved, incorporated into development, be in place at the initial phase of work, monitored and maintained, pursuant to marshland preservation

regulation k of this Section, in conjunction with grading activities during the period of November 1 to April 1 of each year in the following areas:

- a. All properties between 35th Street and the southerly City limits;
- b. All properties in the area lying between 33rd Street, Hoover Avenue, 30th Street, and the MTDB San Diego Trolley line;
- c. All properties in the City's jurisdiction located westerly of Highway I-5 and south of 24th Street.

(marsh preservation policy 7)

- k. Plans for grading specified in marshland preservation regulation j shall include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the City Engineer to protect adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations. Temporary erosion control measures shall include the use of berms, interceptor ditches, filtered inlets, debris basins, silt fences/traps or similar means of equal or greater effectiveness.

If grading is begun prior to November 1st, all protective measures shall be installed prior to November 1st. If grading is begun on or after November 1st, all protective measures shall be installed before grading is begun. All protective measures shall be maintained in good working order until April 1st of the succeeding year, where grading is done between November 1st and December 31st, or until April 1st of the same year where grading is done between January 1st and April 1st, unless the removal at an earlier date is approved by the City Engineer.

Where a grading permit is issued and the work is commenced after April 1st and before November 1st of any year, and the permit was issued without protective measures as provided for in this regulation, and it appears that the grading and installation of the permanent drainage devices as authorized by the permit will not be completed prior to November 1st, then on or before October 15th, the owner of the site on which the grading is being performed shall file or cause to be filed with the City Engineer details of the required protective measures and shall implement the measures contained in the approved plan by November 1st. A plan check fee for the details of required protective measures

shall be paid at the time of submittal and shall be in the amount as may be determined by the City.

For continuation of grading activities, other than installation, maintenance, or repair of the required protective measures, during the wet season, permittee must provide documentation to the City Engineer on the working condition and effective operation of the erosion control measures and apply for and receive, every seven days, special permission to proceed. This weekly requirement may be waived by the City Engineer if there has been no measurable rainfall during the previous seven days.

The City Engineer shall grant permission under this section on the basis of weather forecasts, site conditions, experience and other pertinent factors which indicate the activity may commence or continue without excessive erosion occurring.

The applicant shall post a cash deposit or other performance security acceptable to the City Attorney for such areas to be graded which shall be sufficient to cover the costs of any remedial grading and replanting of vegetation, including any restoration of wetlands, or other environmentally sensitive habitat areas adversely affected by the failure of the erosion control measures required herein, as determined by the City Engineer. Should the permittee fail to submit the plans, fail to provide the protective measures or fail to obtain permission for wet season activities as required by this regulation by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit security. Thereupon the City Engineer may enter the property for the purpose of installing, by City forces or by other means, the drainage and erosion control devices shown on the approved plans, or if there are not approved plans, as he may deem necessary to protect adjoining property from storm damage, or the City Engineer may cause the owner of the site to be prosecuted as a violator of City ordinances, or he may take both actions.

The City Engineer shall have the authority to require implementation of all erosion control systems and requirements at any time of the year.

(marsh preservation policy 7)

5. Hazards

- a. New development shall be reviewed for potential flood hazards as required by Chapter 18.24. In addition, the following development policies apply to the parcel on both sides of the Sweetwater River, south of 35th Street.

- i. Prior to any development, a flood hazard study for the entire undeveloped area shall be conducted, based upon design criteria anticipating the potential flood hazard remaining after the construction of the Sweetwater River Flood Control Channel or from a 100-year flood, whichever is applicable at the time of development. Only development consistent with the recommendations of the study shall be approved for the area.
- ii. Setbacks shall be provided to minimize the amount of fill necessary for flood protection.
- iii. No armoring or channelization of the existing river for flood protection shall be permitted.

(environmental hazard policies 1, 4)

- b. New development shall be reviewed to determine necessary improvements to minimize risk from seismic and geologic hazards. Geotechnical reports shall be required for new development in areas subject to geologic hazard. Waivers of liability shall be required from applicants for coastal development permits in areas of geologic hazard.

(environmental hazard policies 1, 2, 3)

XI. PARKING

A. Purpose

The purpose of the parking regulations referenced herein is to provide adequate on-site parking to accommodate the parking demand generated by the new development in the coastal zone (public access policy 5 of the Land Use Plan)

B. Requirements

Chapter 18.58 of National City's Land Use Code establishes minimum parking requirements for development. Only the code sections listed below are necessary for implementation of the Land Use Plan. They establish the minimum number of parking spaces, consistent with public access policy 7 of the Land Use Plan. No changes are proposed to the requirements. A specific plan, planned development permit or conditional use permit approval may require more than the minimum numbers of spaces, if conditions related to development warrant a higher number of spaces.

Applicable Sections:

Portion of Section 18.58.240	(Schedule of parking requirements--Residential uses) (requirements for multi-family dwellings, residential condominiums, mobile home parks and planned unit developments are excluded since they do not apply to uses permitted in the coastal zone)
18.58.250	(Schedule of parking requirements -- Health uses)
18.58.260	(Schedule of parking requirements -- Educational and cultural uses)
18.58.270	(Schedule of parking requirements -- Places of assembly and recreational uses)
18.58.280	(Schedule of parking requirements--Office uses)
18.58.290	(Schedule of parking requirements -- Business and commercial uses)
18.58.300	(Schedule of parking requirements-- Manufacturing and related uses)

XII. SIGNS AND OUTDOOR ADVERTISING

A. Purpose

Section 18.62.010 of the Land Use Code states that the purpose and intent of signs and outdoor advertising regulations are to:

- a. Aid identification of properties, land uses, and enterprises;
- b. Improved traffic safety by reducing sign or advertising distractions, obstructions, and hazards;
- c. Enhance the general appearance of the urban environment; and
- d. Protect the natural beauty of the City's open space.

City standards for signing are referenced by visual resources policy 5 of the Land Use Plan.

Code amendments adopted since the City's adoption of the LCP Land Use Plan affect the following sections of the Land Use Code:

18.62.070 G, regarding political signs; and 18.62.190 and 18.62.185 regarding mural-type signs.

The changes regarding political signs provide increased authority to the Director of Public Works to remove political signs in the public right-of-way. The changes regarding mural-type signs involve the deletion of the previous prohibition of mural type signs and the added provision for them not exceeding 110 sq.ft. in area, with no more than 40% of the sign area to be used for copy area (mural or name identification). The changes are consistent with visual resources policy no. 5 which requires that projects be reviewed for conformance to City standards in order to ensure that new development is visually appropriate.

B. Regulations

No changes are proposed to National City's ordinances for signs and outdoor advertising. For complete requirements related to signing, refer to Chapter 18.62 of National City's Land Use Code. The sections of the Land Use Code which are listed below implement the Land Use Plan. Reference to Section X of the LCP Implementation document is also required. Visual resources policies 2 & 4 of the Land Use Plan provide that appropriate signing for development in the area of Paradise Marsh and adjacent recreational and tourist commercial uses be determined by a specific plan.

Implementing Land Use Code sections:

- 18.62.070 (Signs permitted in all zones)
- 18.62.080 (Advertising flags, banners, and bunting)
- 18.62.100 (Permanent on-site advertising signs in commercial and manufacturing zones)
- 18.62.110 (Onsite pole-mounted or freestanding signs in commercial and manufacturing zones)
- 18.62.120 (Onsite roof-mounted signs commercial and manufacturing zones)
- 18.62.130 (Small permanent signs in commercial and manufacturing zones)
- 18.62.140 (Revolving signs in commercial and manufacturing zones)
- 18.62.150 (Small temporary window signs in commercial and manufacturing zones)
- 18.62.160 (Projecting or double-face signs in commercial and manufacturing zones)
- 18.62.170 (Signs for churches)
- 18.62.180 (Changeable copy signs)
- 18.62.185 (Mural-type signs in commercial zones)
- 18.62.190 (Signs prohibited in all zones).

XIII. LANDSCAPING

A. Purpose

Visual resources policy 5 of the Land Use Plan requires that new development be reviewed for conformance to City standards for landscaping. Public access policy 8, marsh preservation policies 4 and 6, and visual resources policies 2, 3 and 4 also address landscaping requirements.

B. Requirements

The sections of the Land Use Code listed below implement the policies of the Land Use Plan:

- 18.54.020 (Definitions)
- 18.54.030 (Design specifications)
- 18.54.040 (Landscaping work included in building permit -- Inspections)
- 18.54.050 (Requirements generally)
(Note: Subsection B of Section 18.54.050 does not apply to the coastal zone)
- 18.54.060 (Maintenance required)
- 18.54.070 (Street trees on private property)
- 18.54.080 (Certain trees a public nuisance)
- 18.54.090 (Violations)
- 18.54.100 (Abatement of nonconforming uses)

The following Sections of Title 13 of the Municipal Code, which address street landscape, also implement the Land Use Plan:

- 13.18.010 (Generally)
- 13.18.020 (Definitions)
- 13.18.030 (Permits required)
- 13.18.050 (Maintenance required)
- 13.18.060 (Prohibitions)
- 13.18.070 (Duties of director)

In addition to requirements of Land Use Code Section 18.54,030, landscaping in the coastal zone shall be determined in accordance with any applicable specific plan, any requirement for barriers between development and wetlands, and vegetation which will not be invasive of adjacent wetlands, in accordance with Section X of the LCP Implementation document.

XIV. AMENDMENTS

Procedures for amendment to the Land Use Code and to zone boundaries are provided in Chapter 18.112 of the Code. The procedures reflect local requirements as well as California Government Code requirements. Requirements necessary for implementation of the LCP are described below.

Section 18.112.030 of the Land Use Code requires that no decision on a zoning amendment shall be rendered by the Planning Commission or City Council until they have, respectively, found that the amendment, if adopted, would be consistent with the General Plan. Amendments to Sections of the Land Use Code which are listed in the LCP Implementation document and indicated to implement the Land Use Plan, as well as amendments to additional requirements described in the LCP implementation document, must be found to be consistent with the Land Use Plan and cannot become effective in the coastal zone until approved by the Coastal Commission. Variances approved by the City regarding any Land Use Code section which is listed in the LCP document to implement the land use plan shall not be effective without approval of an amendment to the LCP implementation by the City and Coastal Commission.

Section 18.112.040 of the Land Use Code references requirements for notice of public hearings. It does not affect the LCP implementation. Notice of hearing shall be given as provided by the California Coastal Act, for amendments which affect the Local Coastal Program, in addition to any other procedures required or modified by the City.

Section 18.112.090 of the Land Use Code addresses general plan map, general plan and specific plan amendments. Amendments to the Local Coastal Program Land Use Plan and adoption or amendments of any Specific Plan required by the LCP would follow the procedures required or modified by the City and as required by the California Coastal Act, but would not become final until approved by the Coastal Commission.

Certain amendments to the LCP implementation document as well as to the Land Use Plan or any required Specific Plan may be determined to be minor amendments by the executive director, with the concurrence of the Coastal Commission, and would not necessarily require hearings and approval by the Coastal Commission. Such amendments would not change the kind, location or density of allowable uses. Also, minor amendments to the Land Use Plan would not change resource protection policies for any area but could add or change policies to further restrict uses which might affect coastal resources, if consistent with other certified Land Use Plan policies.

XV. VARIANCES

A. Purpose

Section 18.114.010 of the Land Use Code is applicable to the coastal zone and describes the need and purposes for variances as follows:

1. Variances are adjustments in the application of this title to avoid practical difficulties and unnecessary hardships with respect to a particular piece of property which is not enjoying the privileges commonly enjoyed by other properties in the same vicinity and zone.
2. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site, or because of the location of existing structures on the site, or from setbacks or building lines, or from geographic, topographic or other physical conditions on the site or in the immediate vicinity.

B. Requirements

Section 18.114.020 of the Land Use Code describes conditions (A, B, and C) which shall be complied with before a variance is granted. The conditions conform with the California Government Code. The following conditions shall be required as an additional requirement for approvals of variances in the Coastal Zone:

3. Any variance granted shall be consistent with and implement the requirements of the certified Local Coastal Program and any applicable specific plan required by the Local Coastal Program.
4. Any variance granted, to Sections of the Land Use Code referenced in the LCP to implement the land use plan shall not be effective without approval of an amendment to the LCP implementation by the City and Coastal Commission.

Sections of Chapter 18.114 which are not listed are not a required part of the Local Coastal Program. However, their provisions for conditions of approval, application requirements, notice and hearing, for example, apply to the coastal zone as they apply City-wide.

XVI. CONDITIONAL USE PERMITS

A. Purpose

Conditional use permit procedures are established to provide criteria for approval of permits in order to ensure that it is compatible with its surrounding area. Chapter 18.116 of the Land Use Code, regarding conditional use permits applies to the coastal zone. Several uses are permitted in the various zoning designations applied to the coastal zone only upon the approval of a conditional use permit.

B. Requirements

Two sections of Chapter 18.116 are necessary to implement the LCP. The first, Section 18.116.010, defines conditional use permits as described in California Government Code Section 65901. The second, Section 18.116.020, lists four conditions, or findings, which must be satisfied before a conditional use permit is granted. In addition to the four findings required by the Land Use Code, it shall be required that in the coastal zone, the granting of a conditional use is consistent with and implements the requirements of the certified LCP. Furthermore, no exceptions to Land Use Code requirements referenced in the LCP implementation may be granted with approval of a conditional use permit without a variance and an amendment to the LCP implementation.

XVII. SITE PLAN REVIEW

A. Purpose

Chapter 18.128 of the Land Use Code regarding Site Plan Review shall apply to the coastal zone. The purpose of applying site plan review requirements city wide is to ensure the following:

1. Compliance with Title 18 of the National City Municipal Code and all other applicable City ordinances;
2. Desirable site layout and design;
3. Utility of open areas;
4. Adequate landscaping
5. Compatibility with neighboring property;
6. Compliance with the general plan;
7. Landscaping of all slopes in excess of a three-to-one gradient to prevent soil erosion;
8. Consistency with adopted guideline standards for architectural quality;
9. Incorporation of all mitigation measures stipulated in a certified environmental impact report for the project.

In the coastal zone, site plan review requirements shall also serve to ensure consistency with the certified LCP. Environmental hazards policy 1 of the Land Use Plan references the site plan review requirement. The coastal development permit procedures, described in Section XIV of the LCP Implementation document also reference the site plan review requirements.

B. Requirements

Section 18.128.040 of the Land Use Code is necessary for implementation of the LCP with the additional requirement to supplement Subsection A (1 through 9).

10. Consistency with the certified LCP.

Other sections of the Land Use Code which are an integral part of the LCP implementation are the following: 18.128.030 Submission of Site Plan, and 18.128.050 Building or occupancy permit.

XVIII. TEMPORARY USE PERMITS

A. Purpose

The purpose of temporary use permit regulations is described in Section 15.60.005 of the Municipal Code. Temporary uses are often found necessary for a limited period of time but may not be consistent with the intent of local codes if permitted on a long-term basis.

B. Uses Permitted/Regulations

Temporary uses and regulations applicable city-wide are listed in Chapter 15.60 of the Municipal Code. Specific portions of the Chapter integral to the LCP Implementation are 15.60.030 Conditions, 15.60.035 Issuance, 15.60.040 Duration, and the lists of Class A, B and C uses and activities.

XIX. COASTAL DEVELOPMENT PERMIT PROCEDURES

In addition to procedures for development approval required by the Land Use Code and California Government Code the following provisions shall apply to the coastal zone.

Sections:

- A. Purpose
- B. General requirements
- C. Conditions of approval
- D. Applicability of permit
- E. Determination of applicable procedures
- F. Exemptions
- G. Application
- H. Appealable developments (Developments appealable to the Coastal Commission)
- I. Non-appealable developments that require a public hearing
- J. Non-appealable developments where no public hearing is required
- K. Final City action
- L. Final City action - notice
- M. Failure to act - notice
- N. City action - effective date
- O. Exhaustion of City appeals
- P. Expiration
- Q. Permit amendment
- R. Time extension
- S. Emergency permits
- T. Prior Coastal Commission approval
- U. Methods of dedicating public access and open space easements
- V. Procedures for dedicating public access and open space easements

A. Purpose

The provisions of this chapter are based on the Local Coastal Program, Implementation Regulations adopted by the California Coastal Commission, and as such constitute the minimum procedural requirements for review and approval of developments in the Coastal Zone as mandated by the Coastal Act.

B. General requirements

1. Any applicant wishing to undertake a development in the Coastal Zone shall obtain a coastal development permit from the City of National City in accordance with the provisions of this chapter, in addition to any other permit required by law, except as provided by Section F of this chapter, which addresses exemptions. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit.

The procedures prescribed herein shall be used in conjunction with other procedural requirements of the City of National City which apply to other permit approvals.

2. Notwithstanding the provisions of subsection 1 above, the requirements of this chapter do not apply to developments in the Coastal Zone which remain in the permit jurisdiction of the Coastal Commission.

The Coastal Commission shall be exclusively responsible for the issuance of coastal development permits in the area of retained coastal commission permit jurisdiction as delineated on the Post LCP Certification Permit and appeal Jurisdiction Map. Where a proposed development lies partially within the area of retained coastal commission permit jurisdiction the Coastal Commission shall be exclusively responsible for the issuance of the Coastal Development Permit.

3. All persons submitting applications for the approval of coastal development permits, or for other approvals as required by this chapter shall pay all fees as may be required by resolution of the City Council.

C. Conditions of approval

Before a Coastal Development Permit is approved, the applicant shall show compliance with the following:

1. That granting said coastal development permit will be consistent with all other plans and ordinances of the City of National City.
2. That the granting of said coastal development permit will be consistent with and implements the Certified Local Coastal Program.

D. Applicability of permit

1. Coastal development permits apply to property for which they are approved.
2. The planning department may determine one of the following prior to or concurrent with receiving an application for coastal development permit:
 - a. Coastal development permit requirements for the proposed development have been previously satisfied; or
 - b. A coastal development permit application shall be filed concurrently with other required applications.

E. Determination of applicable procedures

The determination of whether a development is exempt, categorically excluded, within an area where the Coastal Commission retains coastal development permit jurisdiction, non-appealable to the Coastal Commission or appealable shall be made by the City at the time the application for development within the Coastal Zone is submitted. This determination shall be made with reference to the Certified Local Coastal Program, including any maps, exemptions, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or the City has a question as to the appropriate determination for the development, the following procedures shall apply:

1. The City shall make its determination as to what type of development is being proposed (i.e., categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The City's determination shall be made by the planning department.
2. If the City's determination is challenged by the applicant or an interested person, or if the City wishes to have a Commission determination as to the appropriate designation, the planning department shall notify the Commission by telephone of the dispute/question and shall request an executive director's opinion;
3. The executive director shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit its determination as to whether the development is categorically excluded, non-appealable or appealable;
4. Where, after the executive director's investigation, the executive director's determination is not the same as the City's, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state), following the City's request.

F. Exemptions

No coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

1. Improvements to a single-family residence, and accessory structures (excluding guest houses or second units) and landscaping, not involving the following:

- a. expansion or construction of water wells or septic systems
 - b. Any addition to a single-family residence where the development permit issued for the original structure by the coastal commission or the City indicated that any future additions would require a development permit.
2. Improvements to other existing structures, other than single-family residences or a public works facility, including attached fixtures and landscaping; provided, however, that such improvements do not involve any of the following:
- a. Improvements to any structure located on a wetland or stream;
 - b. Any significant alteration of landform including removal or placement of vegetation on a wetland;
 - c. Improvements to any structure that would result in an increase of ten percent or more of interior floor area or building height where such structure is located between the sea and first public roadway paralleling the sea, or within 300 feet of the inland extent of the mean high tide line, whichever is the greater distance;
 - d. A change in intensity of use which requires either more or less parking than the previous use, based upon the provisions of the Land Use Code;
 - e. Improvements of 10% or less where a previous exemption was already obtained and the total improvements, together with the previous exempted improvement, constitute over 10% of the total floor area or building height of the structure;
 - f. Expansion of water wells or septic systems;
 - g. Improvements where a development permit issued previously indicates that future improvements would require a development permit.
3. The replacement of any structure, other than a public works facility, destroyed by natural disaster, including landscaping and erosion control devices. Such replacement structure shall:
- a. conform to applicable requirements of the Land Use Code;
 - b. Provide for the same use as the destroyed structure;

- c. Not exceed the floor area, height or bulk of the destroyed structure by more than 10 percent; and
- d. Be sited in the same location on the affected property as the destroyed structure.

As used in this subsection, disaster is defined as any situation in which the force or forces which destroyed the structure were beyond the control of its owners. Also, as used in this subsection, bulk is defined as total interior cubic volume as measured from the exterior surface of the structure.

- 4. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone pursuant to a permit from the United States Army Corps of Engineers;
- 5. Other repair, maintenance and replacement activities; provided however, that such activities do not involve any of the following:
 - a. Repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
 - 1. substantial alteration to the foundation of such structure;
 - 2. the placement, whether temporary or permanent, of riprap, artificial berms, or solid materials in coastal waters, streams, wetlands, or on a shoreline protective wall;
 - 3. the replacement of twenty percent or more of the materials of an existing structure with a different material; or;
 - 4. the placement, whether temporary or permanent, of mechanized construction equipment or construction materials on any coastal bluff, or within twenty feet of coastal waters or streams.
 - b. The replacement of 50 percent or more of a sea wall revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster.

- c. Any method of routine maintenance dredging that involves the dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period; or in placement of dredge spoils of any quantity within an environmentally sensitive habitat area, within fifty (50) feet of environmentally sensitive habitat area, or within twenty (20) feet of coastal waters or streams.
- d. Any repair or maintenance to facilities or structures or work located within an environmentally sensitive area, wetland, within 50 feet of an environmental sensitive habitat area, or within 20 feet of any coastal waters or streams, that include
 - 1. the placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other forms of solid materials;
 - 2. the presence, whether temporary or permanent, of mechanical equipment or construction materials except as provided under subsections 6 and 9 of this section.
- 6. Public utility installation of new or increased service to development approved or exempted under this ordinance, and public utility repair or maintenance as exempted under the Coastal Commission's "Interpretive Guidelines on Exclusions from Permit Requirements".
- 7. Any action necessary to abate a nuisance as provided under Public Resources Code Sec. 30005(b).
- 8. Any land division brought about in connection with the purchase of land by a public agency for public recreational use;
- 9. Routine repair and maintenance by public agencies and utilities (such as railroads) involving shoreline works protecting transportation roadways and facilities.
- 10. Development which is categorically excluded from the coastal development permit requirements pursuant to Public Resources Code Section 30610(e) and the approved categorical exclusion order.

G. Application

Application for a Coastal Development Permit shall be made to the planning department in accordance with the following procedures:

- 1. The application shall be made by the record owner or by any other person(s) who can demonstrate a legal right, interest, or other

entitlement to use the property on which the development is to be located.

2. The application shall be made on forms provided by the planning department, and shall include the following information:
 - a. A site plan showing the topography of the subject property (existing and finished elevations); location of existing and proposed buildings and accessways, including abutting streets and alleys; existing and proposed off-street parking; height, type, and location of existing and proposed walls, fences, and other improvements; and tabulations of lot area, proposed gross floor area, and proposed coverage;
 - b. A grading and landscaping plan, including information on building elevations and finished floor levels, where development includes construction;
 - c. Elevational drawings of proposed buildings indicating building height and type and color of building materials;
 - d. Any other required permit applications;
 - e. Envelopes (affixed with sufficient first class postage) and addressed mailing labels for each person or agency required to be provided notice of public hearing or notice of proposed coastal development permit. Additional envelopes and postage shall be required for notice of hearings on potential appeals;
 - f. For development sites containing wetland areas addressed in the Land Use Plan and in Chapter X of the LCP Implementation document, the wetland areas shall be surveyed and shown on plans, and appropriate buffers and improvements to protect wetlands shall be indicated on plans, in conformance with applicable regulations listed in Chapter X of the LCP Implementation document.

The planning department may require additional information or waive any of the above requirements, as appropriate for adequate review of the proposed development.

3. Prior to the filing of the application, the applicant shall pay to the City all fees or deposits required for the application and any concurrent permit applications required by the City, as provided by City Council resolution.

H. Appealable Developments (Developments appealable to the Coastal Commission)

1. Notice - Within ten (10) calendar days of accepting an application for an appealable coastal development permit or at least seven (7) calendar days prior to the first public hearing on such application, the planning department shall provide notice, by first class mail, of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the City, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, and to the Commission. The notice shall contain the following information:
 - a. a statement that the development is within the Coastal Zone;
 - b. the date of filing of the application and the name of the applicant;
 - c. the number assigned to the application;
 - d. a description of the development and its proposed location;
 - e. the date, time and place at which the application will be heard by the local governing body or hearing officer;
 - f. a brief description of the general procedure of the City concerning the conduct of hearing and City actions;
 - g. the system for City and Coastal Commission appeals, including any City fees required.
2. Public hearing - At least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the City of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in subsection 1 of this section. The public hearing may be conducted in accordance with existing City procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.
3. Notice of local government action where hearing continued - If a decision on a development permit is continued by the City to a time which is neither (a) previously stated in the notice provided pursuant to subsection 1 of this section, nor (b) announced at the hearing as being continued to a time certain, the City shall provide notice of the further hearings (or action on the proposed

development) in the same manner, and within the same time limits as established in subsection 1 above.

4. Approving authority - City approval of the appealable development shall be by the Planning Commission, or by the City Council, if appealed according to City procedures applicable to a related, required permit approval, or according to Chapter 18.128 of the Land Use Code (Site Plan Review) if there is no such related permit approval.

5. Additional requirements for appeals to the City

a. A public hearing shall be held in accordance with the same requirements provided for the coastal development permit application, specified in subsection 2 of this section.

b. Public notice shall be provided in accordance with the requirements specified in subsection 1 of this section, with the additional provision of the appellant's name.

I. Non-appealable developments that require a public hearing

1. Notice

Notice of developments within the Coastal Zone that require a public hearing under City ordinance for a concurrent permit application for the development, but which are not appealable to the Coastal Commission (and which are not categorically excluded or exempt) shall be provided in accordance with City notice requirements and with Section H of this chapter.

2. Approving authority

Approval of the coastal development permit shall be by the decision-making body specified by the City ordinance requiring the hearing. If a concurrent permit application for the development is appealed according to City ordinance, the coastal development permit shall also be considered as appealed to the City. Additional requirements for appeals to the City shall be satisfied in accordance with Section H of this chapter.

J. Non-appealable developments where no public hearing is required

1. Notice

Notice of developments within the Coastal Zone which are not appealable to the Coastal Commission and which do not require a public

hearing under City ordinance (and which are not categorically excluded or exempt) shall be provided in accordance with the time and mailing requirements specified in Section H of this chapter. The notice shall contain the information specified in Section H, except as follows: in lieu of subsection l.e, the notice shall provide the date the application will be acted on by the decision-maker; in lieu of subsection l.f, the notice shall provide the general procedure of the City concerning the submission of public comments either in writing or orally; in lieu of subsection l.g the notice shall also contain a statement that a public comment period extending no less than 10 calendar days after the mailing of the notice will be provided prior to the decision.

2. Approving authority

Approval of non-appealable developments which do not require a public hearing shall be by the planning department. The approval by the planning department may be appealed to the City Planning Commission and City Council, according to the provisions of Chapter 18.128 of the Land Use Code (Site Plan Review). If appealed, notice shall be provided to the applicant, property owner, Coastal Commission, and all persons who have submitted comments on the proposed development.

K. Final City action

A City decision on an application for a development shall be deemed final, when (1) the City decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the Certified Local Coastal Program, and that the required conditions of approval adequate to carry out the Certified Local Coastal Program as required in the implementing ordinances have been imposed, and (2) when all rights of appeal have been exhausted as defined in Section 0 of this chapter.

L. Final City actions - notice

1. Within seven (7) calendar days of final decision on an application for any development (except categorically excluded or exempt development), the City shall provide notice of its action by first class mail to the Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the City (or, who paid a reasonable fee to receive such notice). Such notice shall include conditions of approval and written findings and the procedures for appeal to the Coastal Commission.

M. Failure to act - notice

1. Notification by applicant - If the City has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1, shall notify, inviting, the City and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.
2. Notification by City - When the City determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the City shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section L of this chapter that it has taken final action by operation of law pursuant to Government Code Sections 65950-65957.1. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of the City notice in the Commission office. (This section shall apply equally to a City determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.)

N. City action - effective date

A final decision of the City on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless any of the following occur:

1. An appeal is filed in accordance with the Commission's regulations; or
2. The notice of final City action does not meet the requirements of Sections L and M of this chapter; or

Where any of the circumstances in subsections 1 or 2 of this section occur, the Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the City action has been suspended.

O. Exhaustion of City appeals -

1. An appellant shall be deemed to have exhausted City appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where he has pursued his appeal to the City appellate body (bodies) as required by the City appeal procedures;

except that exhaustion of all City appeals shall not be required if any of the following occurs:

- a. The City requires an appellant to appeal to more City appellate bodies than have been certified as appellate bodies for permits in the Coastal Zone, in the implementation regulations of the Local Coastal Program;
 - b. An appellant was denied the right of the initial City appeal by a City ordinance which restricts the class of persons who may appeal a City decision;
 - c. An appellant was denied the right of City appeal because City notice and hearing procedures for the development did not comply with the provisions of this chapter;
 - d. The City charges an appeal fee for the filing or processing of appeals.
2. Where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of City appeals. Provided, however, that notice of Commission appeals shall be transmitted to the City appellate body (which considers appeals from the City body that rendered the final decision), and the appeal to the Commission may be suspended pending a decision on the merits by that City appellate body. If the decision of the City appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision.

P. Expiration

A notice to issue a coastal development permit shall be valid for one (1) year from the date of the final City action upon the application, except as otherwise provided by an approved phasing plan or as specified in the approval of the permit. Each notice to issue or each permit shall contain a statement that any request for an extension of the time of commencement shall be applied for prior to expiration of the permit.

Q. Permit amendment

Upon application by the permittee, a permit may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner as specified by this chapter for initial approval.

R. Time extension

1. The original approving body may grant one or more extensions of time, with no single extension to exceed 3 years, for a coastal development permit. The approving body must find that there has been no change of circumstances which would affect the original granting of the permit. Approval of the time extension shall also require the public notice and hearing procedures which would be required for a new coastal development permit.
2. An application for extension of time shall be submitted in writing by the record owner or other person(s) who can demonstrate a legal right, interest or entitlement to use the property covered by the permit.

S. Emergency permits

1. Application

- a. Applications for an Emergency Coastal Development Permit shall be made by letter to the planning department, or in person; or by telephone if time constraints do not allow either of those two alternatives to be used.
- b. The following information shall be included in the request:
 - i. Nature of emergency
 - ii. Cause of emergency
 - iii. Location of emergency
 - iv. Remedial, protective, or preventative work required to deal with the emergency, and
 - v. Circumstances during the emergency that justify the course of action taken or to be taken, including probably consequences of failing to take emergency action.

2. Verification

The planning department shall verify the facts, including the existence and nature of the emergency, to the extent that time allows.

3. Granting an Emergency Permit

- a. The planning department shall grant the emergency permit with reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, where the planning department finds that:
 - i. An emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit.
 - ii. Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible.
 - iii. The proposed emergency work would be consistent with the certified Local Coastal Program.
- b. The planning department shall provide public notice of the emergency work, with the extent and type of notice determined by the nature and time constraints of the emergency.

T. Prior Coastal Commission approval

No development that has a valid permit approval from the California Coastal Commission or the San Diego Coast Regional Commission, granted prior to the effective date of this ordinance, shall be required to obtain a Coastal Development Permit pursuant to the provisions of this ordinance; provided, however, that no substantial change may be made in any such development without prior approval having been obtained from the California Coastal Commission and, provided further, that if construction has not commenced pursuant to the permit issued by the Coastal Commission within a two-year period from the date of issuance or other period as specified within such permit, the Coastal Development Permit shall be deemed to be void, unless an extension has been approved by the Coastal Commission.

U. Methods of dedicating public access and open space easements

Provisions for public access and open space easements should be made in one of four forms: (1) deed restrictions; (2) grant of a fee interest in the accessway; (3) grant of an easement, or (4) offer to dedicate a grant of an access easement. The proposed use of the accessway or other open space as well as the type of project proposed should be considered in determining the appropriate mechanism for dedication of the accessway for public use. The specific method should be chosen to ensure that required public access or resource protection is provided in perpetuity.

1. Deed restrictions - Deed restrictions may be appropriate in limited situations to assure that public use or preservation of a specific area is not precluded by subsequent actions of the landowner. For example, deed restrictions may be used to assure continued public access in commercial facilities. This is generally appropriate since, for security needs of the facility, maintenance of the accessways are most effectively handled by the owner/operator of the commercial development. Deed restrictions should generally not be used for small parcels or for accessways that will require public maintenance.
2. Grant of fee interest - In some instances, the applicant may be required to grant a portion of the property itself for public access or open space. This is generally limited, however, to situations where the parcel is important in and of itself for the specified use. The size and scope of the proposed project should be considered in determining whether the grant of a fee interest in the accessway is necessary to find the project consistent with the public access provisions of the Coastal Act. As with the grant of an easement, an approved agency or association must accept the grant prior to its being effective. Because of time delays in obtaining an accepting agency and processing the acceptance of a grant of both fee interests and easements, offers to dedicate such interests (as described below) should be required rather than an outright grant.
3. Grant of an easement - An access or open space easement allows the public to use or protect the area in accordance with the terms and conditions set forth in the grant of the easement. This right to use does constitute an enforceable interest in the land vested in the accepting agency/association. The owner of the parcel retains the ownership of the land subject to the public's interest in the area covered by the easement. Since the rights of the public are bound by the terms of the easement, the area covered by the easement and the appropriate uses must be specifically set forth in the documents conveying the interest to the accepting agency/association. Easements must be accepted by an acceptable agency or association. As with the grant of a fee interest because of the time delays in accepting any interest in land, offers of dedication should be used to accomplish the conveyance.
4. Offers of dedication - Rather than requiring an outright dedication of a fee interest or an easement, an offer to dedicate the appropriate interest could be required. This offer, which must be recorded, can then be accepted by the appropriate agency at a later time. This mechanism assures that the appropriate interest is available for acceptance but does not impose the burden on the applicant of holding up construction of an approved project while an accepting agency is found and the dedication is accepted. Offers to dedicate should be irrevocable for a period not in excess of 21 years to maximize the options available to potential

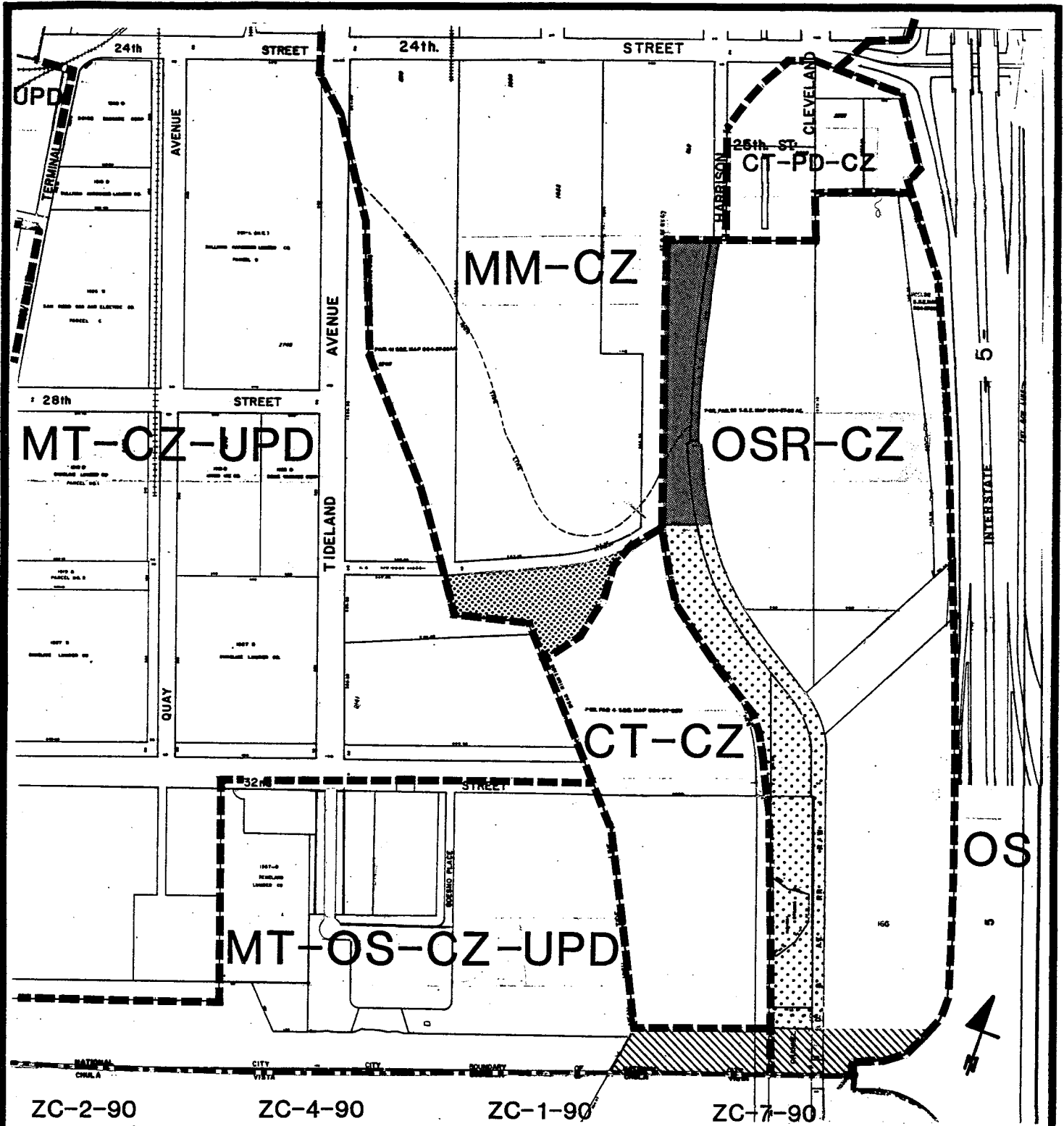
accepting agencies to assess the current and future need for such accessways. Until the offer is accepted, or unless the current landowner consents, the public has no rights to use the proposed accessways unless other public rights exist in the proposed accessway.

V. Procedures for dedicating public access and open space easements.

All coastal development permits subject to conditions of approval pertaining to public access and open space easements shall be subject to the following procedures:

1. The executive director of the Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and open space easements.
 - a. Upon completion of permit review by the local government and prior to the issuance of the permit, the local government shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;
 - b. The executive director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions, if any;
 - c. The local government may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the local government within that time period;
 - d. If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director;
or
2. For a specific project, the coastal commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the City requests the authority and demonstrates the willingness and ability to accept, open, and operate and maintain the easements and grants required as a condition of approval of coastal development permits subject to the following:

Upon completion of the recordation of the documents the local government shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access conditions to the executive director of the Commission.



CHANGE FROM OSR-CZ TO CT-CZ
 CHANGE FROM OSR-CZ TO MM-CZ
 CHANGE FROM MM-CZ TO CT-CZ
 CHANGE FROM MT-OS-CZ-UPD & OSR-CZ TO OS-CZ

EXISTING ZONE BOUNDARY
 CITY BOUNDARY

PROPOSED ZONE CHANGES -
 MAP 1 OF 6
NATIONAL CITY PLANNING

DRN. DATE
AM. 2/15/09
 REVISIONS

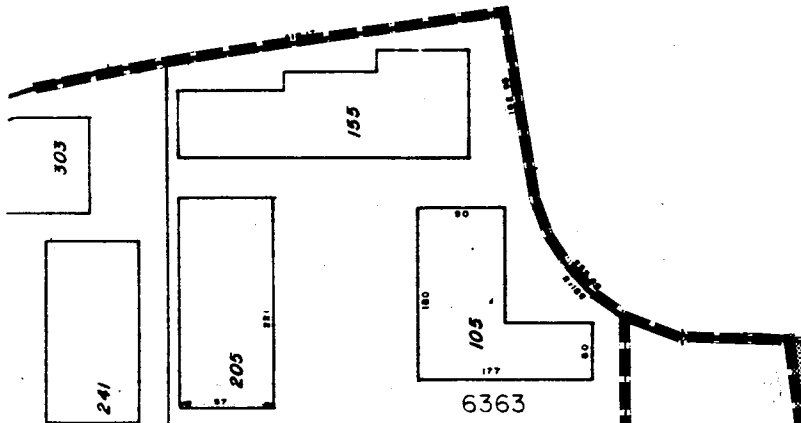
HIGHWAY 54

OS

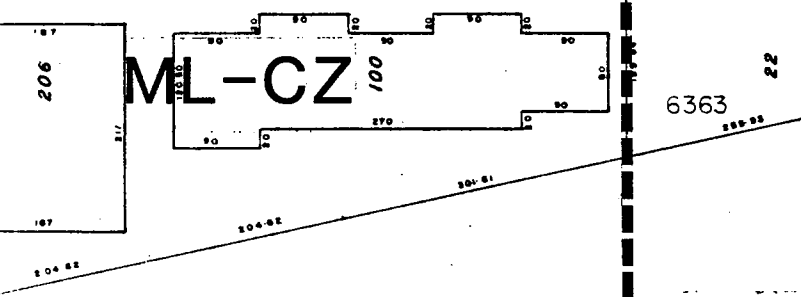
CITY OF NATIONAL CITY BOUNDARY

NATIONAL CITY BOUNDARY

CITY



35th STREET

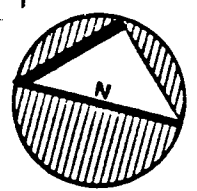


ML-CZ

CH-CZ

SWEETWATER RIVER

CITY OF NATIONAL CITY CHULA VISTA



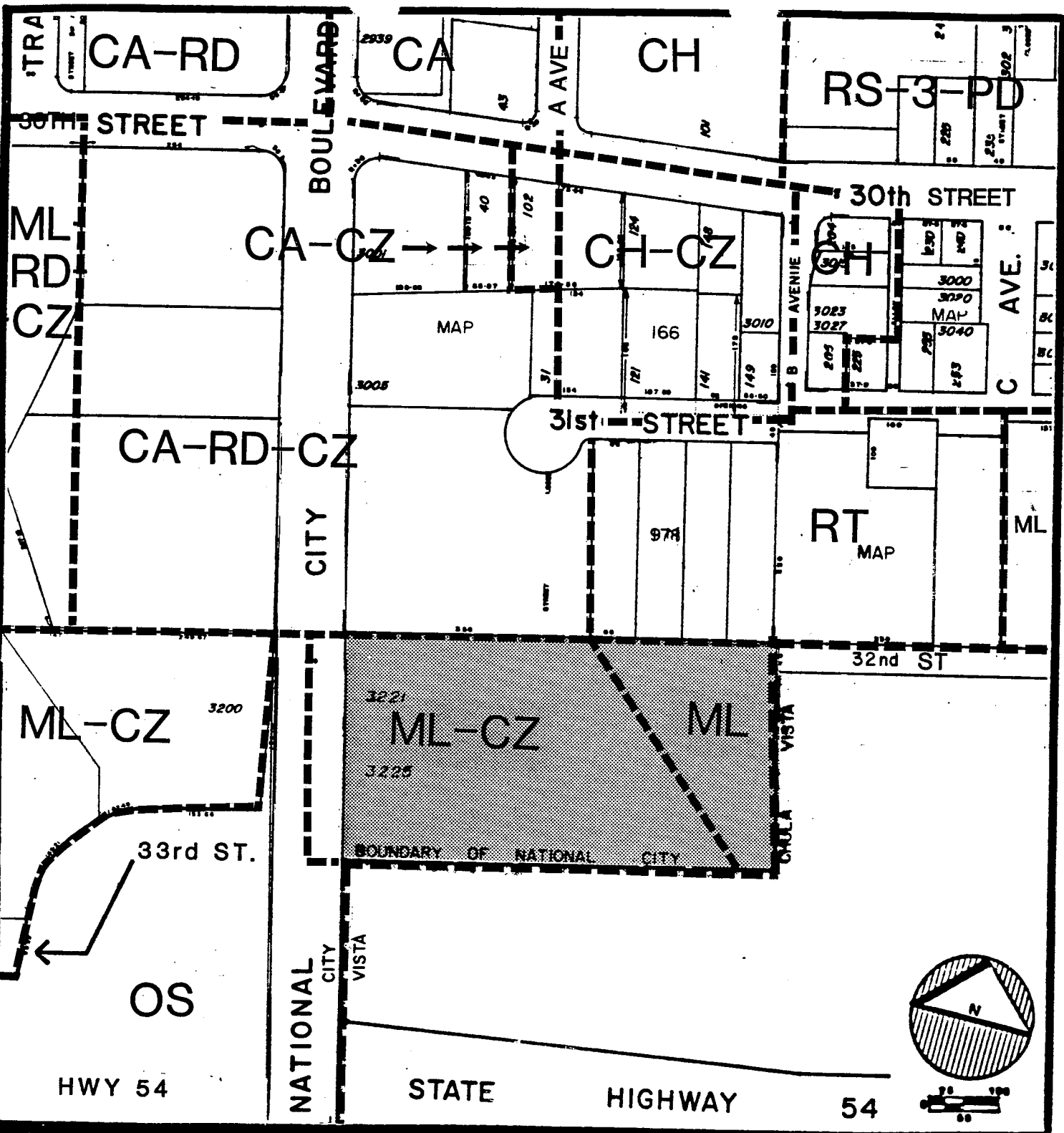
 CHANGE FROM OS TO CH-CZ
  EXISTING ZONE BOUNDARY
  CITY BOUNDARY

SCALE: 1"=200'

PROPOSED ZONE CHANGES
 ZC-3-90 MAP 2 OF 6

DRN. DATE
JM-2/15/89
 REVISIONS

NATIONAL CITY PLANNING



 AREA OF PROPOSED ZONE CHANGE FROM ML-CZ TO CA-CZ
 (SEE ALSO PROPOSED ZONE CHANGE MAP 6 OF 6, ZBD-1990-1)

SCALE:
 1"=200'

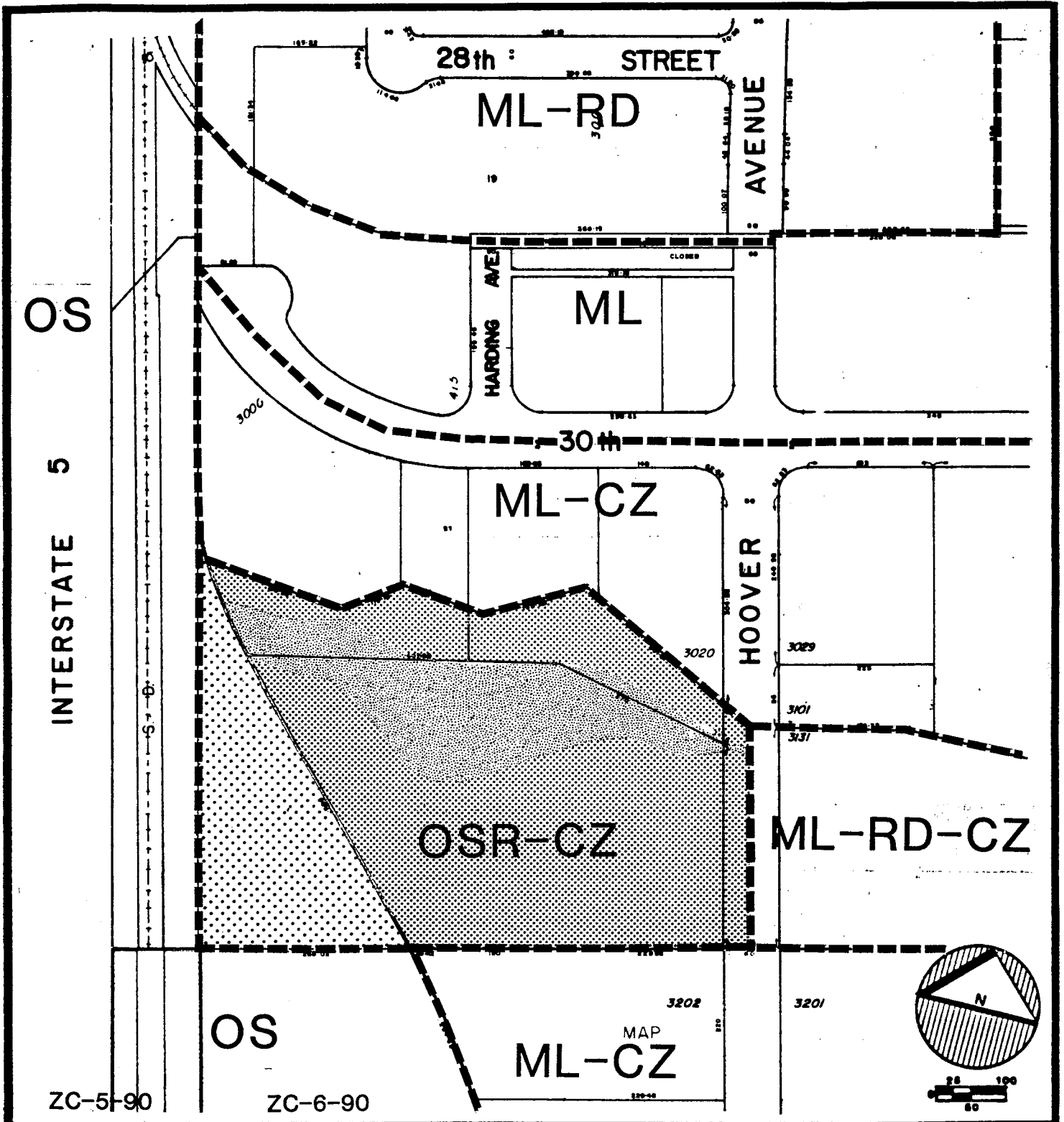
PROPOSED ZONE CHANGES

(CASE FILE NOS. ZC-8-90, LCP-1-90) MAP 3 OF 6

DRN. DATE
 A.B. 4/10/90
 REVISIONS

NATIONAL CITY PLANNING

John
 4-11-90



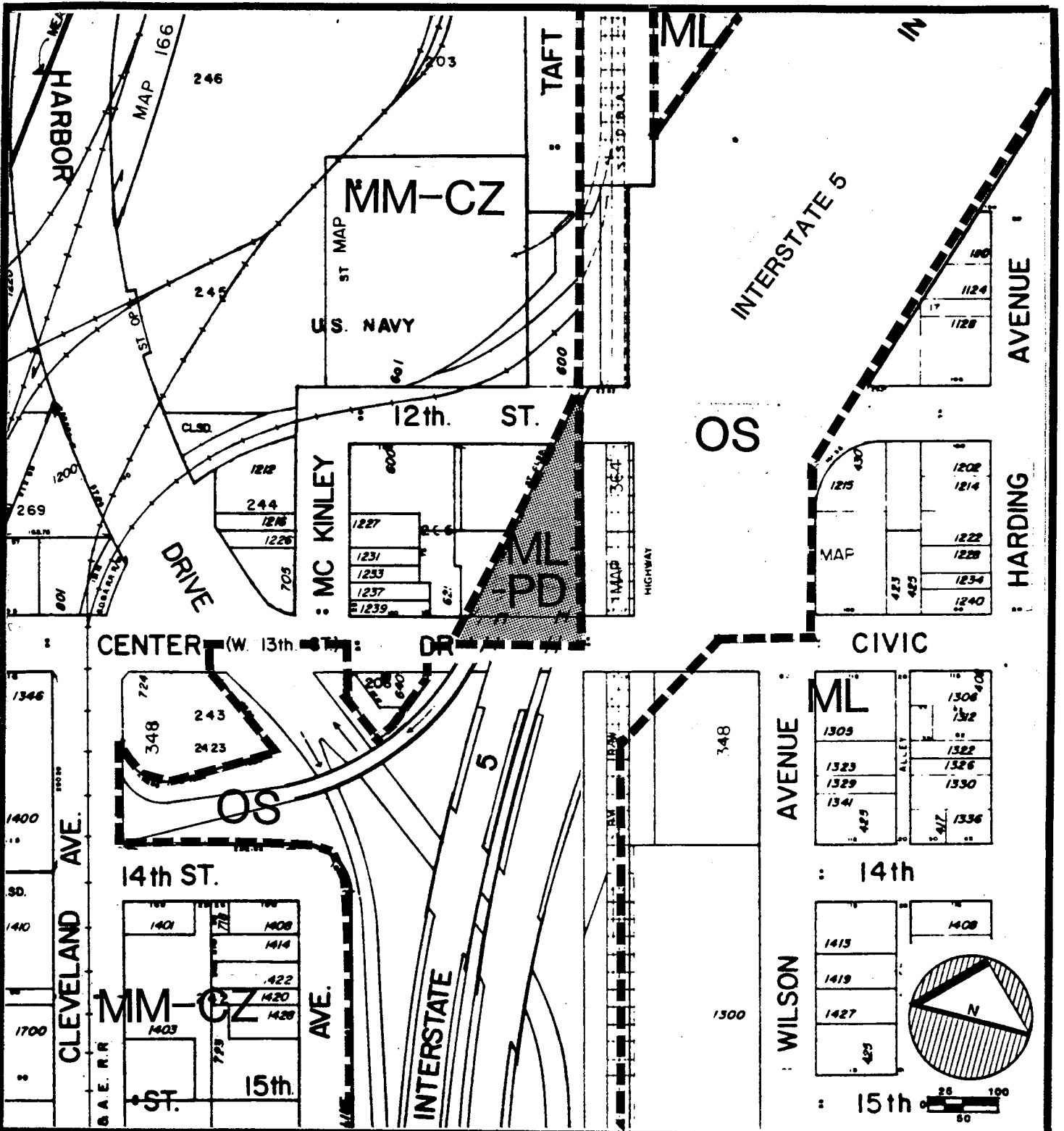
 CHANGE FROM OSR-CZ TO ML-CZ
  CHANGE FROM OSR-CZ TO OS-CZ
  AREA TO REMAIN OSR-CZ
  EXISTING ZONE BOUNDARY

SCALE:
1":200'

PROPOSED ZONE CHANGES

DRN. DATE
M. 1/31/89
MAP 4 OF 6 REVISIONS

NATIONAL CITY PLANNING



ADD CZ OVERLAY TO ML-PD ZONE
WITHIN COASTAL ZONE



EXISTING ZONE
BOUNDARY

ZBD-1990-1

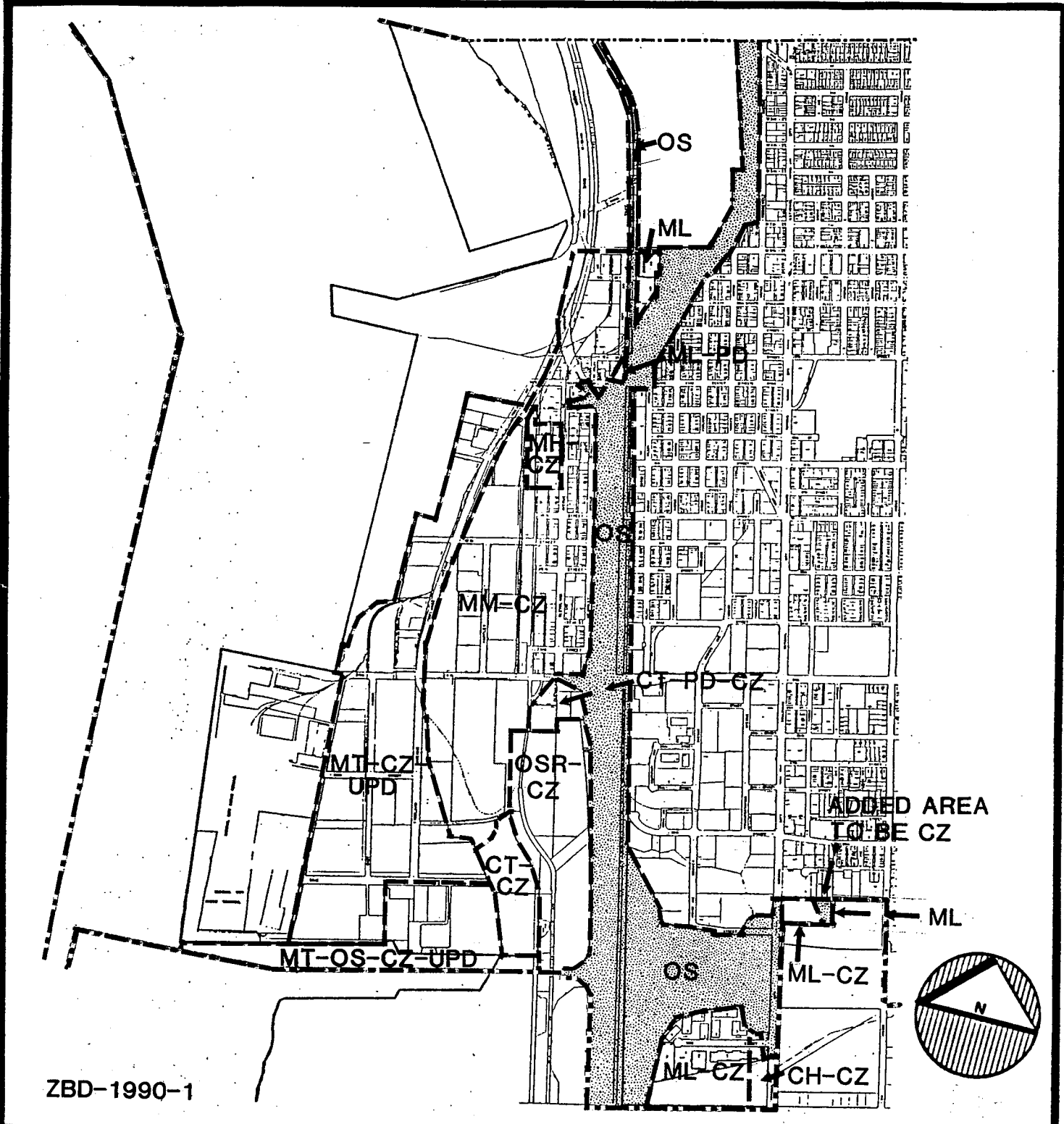
SCALE:
1"=200'

PROPOSED ZONE CHANGES

MAP 5 OF 6

DRN. DATE
Jan. 11, 1989
REVISIONS

NATIONAL CITY PLANNING



ZBD-1990-1



ADD CZ OVERLAY TO OS ZONE
WITHIN THE COASTAL ZONE



EXISTING
ZONE
BOUNDARY



CITY
BOUNDARY

PROPOSED ZONE CHANGES -

(boundary interpretation that CZ overlay applies to all area within State adopted coastal zone)

MAP 6 OF 6

DRN. DATE

M. 2/27/89

REVISIONS

NATIONAL CITY PLANNING

POST LCP CERTIFICATION PERMIT AND APPEAL JURISDICTION

City of National City

 **APPROX. AREA OF RETAINED
COASTAL COMMISSION PERMIT
JURISDICTION**

This area includes only land below the mean high tide line and lands where the public trust may exist

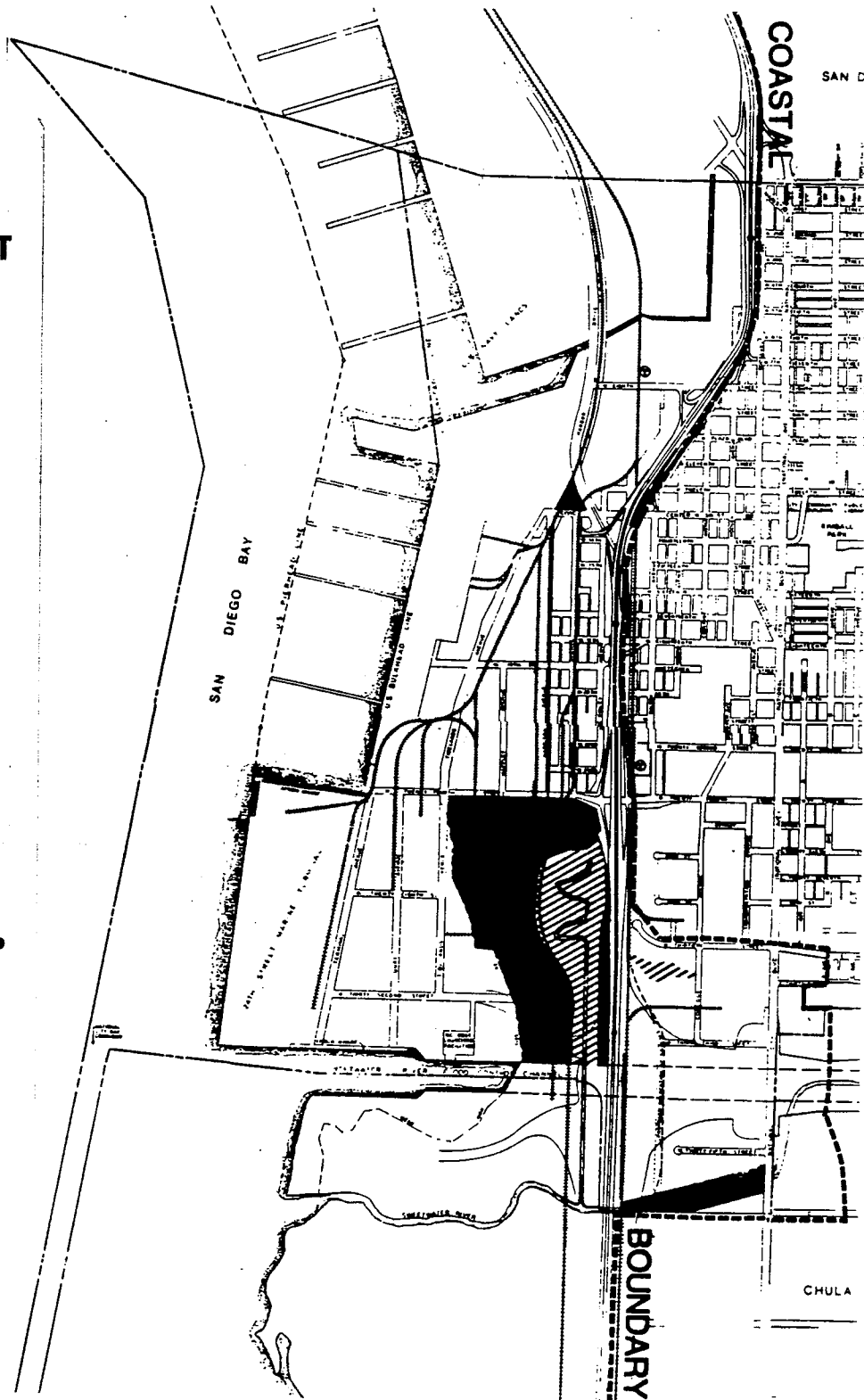
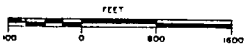
 **AREA OF APPEAL
JURISDICTION**

This area includes lands between the sea and the designated first public road paralleling the sea or 300 ft. from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100 ft. of streams and wetlands and lands within 300 ft. of the top of the seaward face of coastal bluff.

NOTE : NAVY AND SAN DIEGO UNIFIED PORT DISTRICT PROPERTIES ARE NOT UNDER THE CITY'S JURISDICTION FOR THE LOCAL COASTAL PROGRAM AND COASTAL DEVELOPMENT PERMIT APPROVAL

THIS MAP IS FOR INFORMATION ONLY.
THE POST LCP CERTIFICATION PERMIT AND APPEAL JURISDICTION MAP WILL BE PREPARED BY THE COASTAL COMMISSION

NATIONAL
CITY,
CALIFORNIA



AUG 24 1981

INTERPRETIVE GUIDELINE ON EXCLUSIONS FROM PERMIT REQUIREMENTS

NOTE: This guideline applies only to exclusions established in subsections (d) and (f) of Section 30610. For other exceptions to the permit requirements, see Section 13250 of the Commission Regulations (additions to existing single-family houses), Sections 13200 through 13210 (vested rights), Sections 13211-13213 (permits granted under the 1972 Coastal Act), Sections 13215-13235 (urban land), Sections 13240-13249 (categories of development, Sections 13136-13144 (emergency permits) and Sections 13145-13154.5 (administrative permits).

I. General Provisions.

Section 30610 of the Coastal Act states in part:

...no coastal development permit shall be required for... (d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, that if the Commission determines that certain extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained under this chapter.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, that the Commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

This guideline is intended to detail the types of development activities the Commission considers repair, maintenance or utility hook-ups related to the on-going work of various types of public and private agencies. Such lists obviously cannot be exhaustive and the exclusions also apply to activities comparable to those listed. Where a proposed activity is not included in this guideline, the Regional Commission Executive Director, after consultation with the State Commission Executive Director, necessary, will determine whether a permit is required.

The standards for these exclusions are stated in Section 30610 of the Coastal Act: they do not relate to the environmental impact of the proposed activity. The repair and maintenance exclusion is intended to allow continuation of existing developments and activities which began before the effective date of the Coastal Act. The utility hook-up exclusion exempts utilities from obtaining permits for work to serve developments because Commission review of such work is included in the review of the development itself.

II. Description of Activities Excluded.

The following construction activities comparable to those listed do not require a coastal development permit except as specified below:

A. Roads. No permit is required for repair and maintenance of existing public roads including landscaping, signalization, lighting, signing, resurfacing, installation or expansion of retaining walls, safety barriers and railings and other comparable development within the existing right of way as specified below. Maintenance activities are generally those necessary to preserve the highway facility as it was constructed, including: construction of temporary detours, removal of slides and slip cuts, restoration and repair of drainage appurtenances, slope protection devices, installation of minor drainage facilities for preservation of the roadway or adjacent properties, restoration, repair and modifying for public safety bridges and other highway structures, restoring pavement and base to original condition by replacement, resurfacing, or pavement grooving. A permit is required for excavation or disposal of fill outside of the roadway prism. The following maintenance and alteration programs of the State Department of Transportation, or their equivalent conducted by local road departments, which do not result in an addition to or enlargement or expansion of the existing public road facility itself, do not require a permit except as noted: (1) Flexible Roadbed Program; (2) Rigid Roadbed Program; (3) Roadside Maintenance Program; (4) Roadway Litter and Debris Program;

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AUG 24 1981

(5) Vegetation Control Program; (6) Pavement Delineation Program; (7) Sign Program; (8) Electrical Program; (9) Traffic Safety Devices Program; (10) Public Service Facility Program except that a permit is required for construction of new facilities; (11) Landscape Program; (12) Bridge and Pump Maintenance Program; (13) Tubes, Tunnel and Ferry Maintenance Program; (14) Bridge Painting Program; (15) Miscellaneous safety projects, provided there is not expansion in the roadway or number of traffic lanes; (16) Major damage maintenance, repair and restoration; (17) Comparable Minor Alterations.

(NOTE: See Appendix I for more detailed description of activities included in these programs.)

B. Public Utilities.

1. Natural Gas, Chilled Water and Steam Facilities.

a. Service Connections. Install, test and place in service the necessary piping and related components to provide natural gas, chilled water and/or steam service to development either exempted or approved under the Coastal Act, including:

(1) Extend underground gas, chilled water and/or steam mains, except in marshes, streams or rivers, from terminus of existing main piping to proper location in front of customer's property. Break and remove pavement as necessary, open trench or bore, for installation of main piping, install mains and appurtenances, pressure test for leakage, backfill open cuts, purge air from piping and introduce gas, chilled water and/or steam into newly installed piping. Restore pavement as necessary. Provide for cathodic protection as necessary.

(2) Extend underground gas, chilled water and/or steam service piping from the main locations, except in marshes, streams or rivers, to the meter location on the customer's property. Construction activities are similar to those Item (1) above.

(3) Construct and install the meter set assembly, generally above ground, on the customer's property, including installation of associated valves, pressure regulator, meter and necessary piping to connect the gas, chilled water and/or steam service to the customer's piping system.

(4) When necessary, install gas, chilled water and/or steam pressure regulation equipment and related components, to control pressure where the source of the supply is at a higher pressure than the pressure in the district distribution main system. Construction includes necessary excavation, installation of piping, valves, regulators, below ground vaults and related components.

(5) Install necessary cathodic protection facilities for main and service extensions to new and existing customers.

b. Distribution and Transmission Facilities.

(1) Operate, inspect and maintain distribution and transmission mains, services, meter set assemblies and district regulator stations. Conduct leakage surveys, repair leaks, handle emergency or hazardous incidents, maintain supply pressure, inspect and adjust pressure regulators, operate valves, locate and mark facilities to help prevent damage to them and to provide for public safety.

(2) Install, replace, alter, relocate or remove piping and cathodic protection facilities as necessary due to corrosion, interference with other underground or surface construction, franchise requirements, mechanical damage, reinforcement to existing distribution systems to provide for increased usage (provided such usage is to provide service to development either exempted or approved under the Coastal Act). Isolation of piping segments or systems to provide emergency control and the restoration of service to a customer.

c. Production and Storage Facilities. Perform necessary maintenance, replacement, repair, relocation, abandonment and removal work to gas storage facilities, chilled water and/or steam plant facilities, mechanical equipment including prime movers and pumping equipment, chilled water and/or steam production facilities,

gas and oil processing facilities, pollution control facilities, cooling towers, electric equipment, controls, gas injection and withdrawal wells, and other miscellaneous plant and pipeline structures. Installation of any required new safety devices and pollution control facilities within existing structures or equipment or where land coverage, height, or bulk of existing structures will not be increased.

d. Miscellaneous. Perform necessary maintenance, repair, replacement, relocation, abandonment and removal work to pipeline roads, rights-of-way, fences and gates, sprinkler systems, landscaping, odorizing stations, telemetry equipment, lighting facilities, mechanical and electrical equipment, cathodic protection facilities and environmental control equipment.

e. Grading and Clearing. Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation.

2. Electric Utilities.

a. Generation Stations, Substations, Fuel Handling, Transportation and Storage Facilities and Equivalent Facilities. A coastal permit is not required for repairs, maintenance, and minor alterations which do not increase the capacity of the facility or work required to supply increased demand of existing customer's facilities in order to maintain the existing standard of service. A coastal permit is not required for installation of any required new safety devices and pollution control facilities within existing structures of equipment or where land coverage, height or bulk of existing structures will not be increased.

b. Transmission and Distribution and Communication Facilities. A coastal permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A coastal

permit is not required to install, test and place in service power line extension facilities and supply points specifically required to provide service to development permitted or exempted under the Coastal Act, or work required to supply increased demand of existing customers' facilities in order to maintain the existing standard of service.

A coastal permit is not required to install, test, place in service, maintain, replace, modify or relocate underground facilities or to convert existing overhead facilities to underground facilities provided that work is limited to public road or railroad rights-of-way or public utility easements (P.U.E.).

c. Services. Electrical service and metering facilities may be installed and placed in service to any development permitted or exempted under the Coastal Act. A coastal permit is not required to maintain, replace, or relocate service or metering facilities for developments permitted or exempted under the Coastal Act.

d. Grading, Clearing and Removal of Vegetation. Excluded activities shall not extend to the construction of any new road to the site of the work. In cases involving removal of trees exceeding 12 inches dbh, grading of any undisturbed area of greater than 500 sq. ft. or clearing of more than 500 sq. ft. of brush or other vegetation, the utility shall consult with the Executive Director of the Regional Commission to determine whether the project involves removal of major vegetation such that a permit is required. A coastal permit is not required for removal of minor vegetation for maintenance purposes (tree trimming, etc.) for safety clearances.

e. Definitions.

(1) Line Extension. All facilities for permanent service excluding transformers, services and meters, required to extend electric service from the utility's existing permanent facilities to one or more supply points.

(2) Service. A single set of conductors and related facilities required to deliver electric energy from a supply point to the customer's facilities.

(3) Supply Point. Any transformer, pole, manhole, pull box or other such facilities at which the utility connects one or more sets of service conductors to the utility's permanent electric facilities.

3. Telephone. No permit or conditions are required for the activities of a telephone company that come within the following areas:

a. Repair and maintenance of existing damaged or faulty poles, wires, cables, terminals, load cases, guys and conduits, including the necessary related facilities, to restore service or prevent service outages.

b. Placement of existing telephone facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition.

c. Placement of additional aerial facilities on existing poles.

d. Removal of existing poles and facilities thereon, where new, replacing facilities have been placed underground.

e. Performance of work in connection with or placement of facilities to expand service to existing customers or to serve new customers, including placement of underground service connections or aerial service connections from existing poles with any necessary clearance poles.

f. Removal of minor vegetation for maintenance purposes (tree trimming, etc.).

g. Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation.

4. Others, including Water, Sewer, Flood Control, City and County Public Works, Cable T.V. No permit is required for repair or maintenance of existing facilities that do not alter the service capacity, installation of new or increased service to development permitted or exempted under the Coastal Act, placement of additional facilities on existing poles, or placement of existing facilities under-

ground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition. A permit is required for installation of service to vacant parcels or installation of capacity beyond that needed to serve developments permitted or exempted under the Coastal Act.

Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation. No permit is required for removal of minor vegetation (e.g., tree trimming) where it interferes with service pipes or lines.

C. Parks. No permit is required for routine maintenance of existing public parks including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered.

D. Industrial Facilities. No permit is required for routine repair, maintenance and minor alterations to existing facilities, necessary for on-going production that do not expand the area or operation of the existing plant. No permit is required for minor modifications of existing structures required by governmental safety and environmental regulations, where necessary to maintain existing production capacity, where located within existing structures, and where height or bulk of existing structures will not be altered.

E. Other Structures. For routine repair and maintenance of existing structures or facilities not specifically enumerated above, no permit is required provided that the level or type of use or size of the structure is not altered.

(NOTE: See Section 13250 of the Commission Regulations for exclusions or additions to existing single-family houses.)

F. Dredging and Beach Alteration. (NOTE: Maintenance dredging of navigation channels is exempted by Section 30610 (b). Other dredging and sand movement projects, where part of an established program may be exempt from the permit requirements of the Coastal Act by reason of vested rights, where such rights have been reviewed and acknowledged by the Regional Commission. Contact the Regional Commission office for information and application forms.)

APPENDIX I .

Detailed description of activities included in road maintenance programs for which no coastal development permit is required.

1. Flexible Roadbed Program. This program covers the restoration and repair of both surface and base within the previously paved portion of the roadway. This includes previously paved asphalt concrete shoulders two feet or greater in width where the shoulder is designated by traffic marking, pavement delineation or traffic use. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes.

2. Roadbed, Rigid. The Rigid Roadbed Program covers the restoration and repair of both surface and base within that paved portion of the roadway used for the movement of vehicles. This includes asphaltic concrete or oiled shoulders two feet or greater in width. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes. This program does not include roadbed widening projects.

3. Roadside Maintenance Program. This program includes the repair, replacement, and cleaning of ditches, culverts, underdrains, horizontal drains, and miscellaneous headwalls and debris racks. Also included are fence repairs, roadside section restoration (e.g., drift removal, bench cleaning, slide removal, and fill slope replacement). In addition, repairs or replacement of retaining walls, sidewalks and curbs, bins, cattle guards and other such structures where there is no increase in size (or adding to what exists) is included in this program.

Installation of slope protection devices, minor drainage facilities. This program shall not include seawalls or other shoreline protective works, activities subject to review under Section 1601 of the Fish and Game Code, or excavation or disposal of fill outside of the roadway prism.

4. Roadway Litter and Debris Program. This program includes all work concerning roadbed and roadside cleanup operations to insure that the highway presents a neat, clean and attractive appearance.

5. Vegetation Control Program. Vegetation control refers to the maintenance treatment of all vegetative material growing native within the highway rights of way. Included is cutting and trimming by hand and mechanical means.

6. Pavement Delineation Program. The pavement delineation program involves all work necessary to place and maintain distinctive roadway markings on the traveled way. This includes layout, removal of old stripe, painting of new or existing stripe including striping for bike lanes, installation and/or removal of raised pavement markers including cleaning of such markers and the use of thermoplastic, tape or raised bars for pavement markings. Changing of striping for more lanes is not included in this program.

7. Sign Program. The sign program includes all work performed on existing signs for the purpose of warning, regulating or guiding traffic including bicycle traffic using bike lanes. The work consists of manufacture, assembly and installation of new signs to replace existing signs and the repair, cleaning and painting of signs.

8. Electrical Program. This program includes all work performed on in-place highway electrical facilities used to control traffic with signal systems, provide safety and sign lighting, illuminate maintenance building and grounds, generate standby power, operate bridges, pumps and automatic watering systems. Certain navigational lighting installed on bridges and bridge fenders or piling are included in this program.

9. Traffic Safety Devices Program. Work performed under this program includes replacement of guide posts, markers, skid resistant grooves, and also replacement, cleaning and/or painting of guard rails. The repair of median barrier cable chain link fence and portland cement concrete walls; the repair and maintenance of energy

dissipators such as water type bumpers, sand traps or other devices installed for the purpose of absorbing vehicle energy are included in this program.

10. Public Service Facility Program. Public Service Facilities consist of roadside rests, vista points, map stops, historical monuments, roadside fountain areas and vehicle inspection stops. Work to be performed under this program consists of a wide variety of custodial maintenance in connection with existing restrooms, fountains and picnic areas.

11. Landscape Program. This program refers to the treatment maintenance and replacement of all vegetative material planted within the State Highway right of way. Work includes watering, fertilizing, plant replacement, weed control by hand and mechanical means and tree trimming.

12. Bridge and Pump Maintenance Program. The Bridge and Pump Maintenance Program includes work performed on all structures which provide for passage of highway traffic over, through or under obstacles and/or qualify for bridge numbers as assigned by the Division of Structures.

13. Tubes, Tunnel and Ferry Maintenance Program. The Tubes, Tunnel and Ferry Maintenance Program includes maintenance and repair of tunnels, tubes, ferries and docks or slips. Tunnel or tube maintenance includes washing, cleaning, tile repair and the maintenance of electro-mechanical equipment. Tunnel structural repairs will be performed under this program when covered by approved Division of Structures reports of work needed.

14. Bridge Painting Program. This program involves bridge maintenance painting performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction.

15. Miscellaneous Safety Projects. Elimination of hazards within the operating areas or the operating right of way or projects modifying existing features such as curbs, dikes, headwalls, slopes, ditches, drop inlets, signals and lighting, etc., within the right of way to improve roadside safety.

16. Major Damage Maintenance, Repair and Restoration. Provides temporary road openings and related maintenance and returns highway facilities to serviceable states as rapidly as possible following major damage from storms; earthquakes; tidal waves; ship, train or vehicle collisions; gasoline truck fires; aircraft crashes, and all other kinds of physical violence. (NOTE: These items may be developments rather than repair or maintenance activities, but would be subject to the emergency permit provisions of the Coastal Act. Inquiries should be directed to the Regional Commission staff if at all possible, prior to commencement of construction.)

17. Miscellaneous Alterations.

a. Installation, modification or removal of regulatory, warning or informational signs, according to the standards of the State Department of Transportation Uniform Sign Chart.

b. Traffic channelization - improvements to local service and safety by delineation of traffic routes through the use of curbs, dikes, striping, etc., including turn pockets, where construction is performed by State Department of Transportation Maintenance Department or equivalent activities by local road departments.

c. Maintenance of existing bicycle facilities.

d. Modification of traffic control systems and devices including addition of new elements such as signs, signals, controllers, and lighting.

e. Devices such as glare screen, median barrier, fencing, guard rail, safety barriers, energy attenuators, guide posts, markers, safety cable, ladders, lighting, hoists, paving grooving.

f. Alteration or widening of existing grade separation structure where the primary function and utility remains unaltered.

g. Minor operational improvements such as median and side ditch drainage facilities, where not subject to review under Section 1601 of the Fish and Game Code or involving excavation or disposal of fill outside of the roadway prism.

h. Modification, upgrading, alteration, relocation, or removal of railroad grade crossings, railroad grade crossing protection, and the construction of bus and truck stop lanes at railroad grade crossings.

The following Categorical Exclusion Order was adopted separately from the Local Coastal Program Implementation document, but is enclosed for reference.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



PLANNING DEPT
RECEIVED

NATIONAL CITY, CALIF.

May 31, 1991

Roger Post, Planning Director
City of National City
1243 National City Boulevard
National City, CA 92050-4397

RE: Certification of City's Categorical Exclusion Request

Dear Mr. Post,

The California Coastal Commission has reviewed the City's Resolution No. 91-97, together with the Commission's action of May 7, 1991, adopting Categorical Exclusion Order E-91-1. In accordance with Section 13244 of the Commission's Administrative Regulations, the Executive Director has made the determination that the City's actions are legally adequate.

By its action on May 21, 1991, the City has formally acknowledged and accepted the Commission's adoption of the Exclusion Order, as conditioned. The City has also agreed to issue exemptions in conformance with the approved order and with the City's certified LCP. Once the final maps are completed and permit issuing authority has been transferred to the City (on July 15, 1991), the City may begin issuing exemptions under this order.

As always, we remain available to assist you and your staff in any way possible in the implementation of the City's local coastal program and Categorical Exclusion Order E-91-1.

Sincerely,

A handwritten signature in cursive script that reads "Deborah N. Lee".

Deborah N. Lee
Assistant District Director

(6468A)

RESOLUTION NO. 91-97

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
AUTHORIZING EXEMPTIONS FROM COASTAL DEVELOPMENT
PERMIT REQUIREMENTS, PURSUANT TO THE CALIFORNIA
COASTAL ACT OF 1976.

APPLICANT: CITY OF NATIONAL CITY
CASE FILE NO. LCP-1-90

WHEREAS, pursuant to Division 20 Section 30000 et. seq. of the California Public Resources Code, the California Coastal Act, a Local Coastal Program was prepared; and

WHEREAS, the Land Use Plan of the Local Coastal Program was adopted by the City and certified by the California Coastal Commission; and

WHEREAS, regulations, procedures and zone changes consistent with or necessary to carry out the Land Use Plan, described in the document entitled National City Local Coastal Program Implementation, were adopted by the City and certified by the California Coastal Commission; and

WHEREAS, the Planning Commission and City Council had considered written comments from the California Coastal Commission and San Diego Unified Port Authority, and appropriate changes were made to the draft Local Coastal Program Implementation document as well as to proposed categorical exclusions, in response to comments received; and

WHEREAS, the City Council on August 21, 1990 authorized the Director of Planning to submit necessary exhibits and information to the California Coastal Commission for certification of the Local Coastal Program Implementation and for adoption of a categorical exclusion order which would exempt certain categories of development from coastal development permit requirements; and

WHEREAS, the California Coastal Commission held a duly advertised public hearing on said proposed categorical exclusions order on May 7, 1991, and all interested persons were given the opportunity to be heard; and,

WHEREAS, the California Coastal Commission On May 7, 1991, adopted the City of National City Categorical Exclusion Order E-91-1 with conditions set forth in the memorandum from California Coastal Commission, San Diego Coast District, staff to Commissioners and Interested Persons, dated April 25, 1991; and

WHEREAS, the City Council intends that the City of National City assume permit issuing responsibility for coastal development permits 30 days after the action taken by the Executive Director of the California Coastal Commission regarding proposed categorical exclusions.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL acknowledges receipt of the Coastal Commission's resolution of adoption, including special conditions, and accepts and agrees to those conditions; and

CONTINUED ON PAGE 2

BE IT FURTHER RESOLVED THAT the Director of Planning is authorized to submit necessary exhibits and information to the California Coastal Commission to satisfy conditions of the categorical exclusion order; and

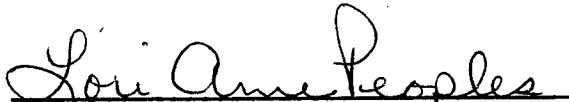
BE IT FURTHER RESOLVED that the City Council agrees to the exemptions and authorizes the Director of Planning to issue exemptions from coastal development permit requirements in conformance with the approved categorical exclusion order and with the certified Local Coastal Program.

PASSED AND ADOPTED this 21st day of May, 1991.




GEORGE H. WATERS, MAYOR

ATTEST:



LORI ANNE PEOPLES, CITY CLERK

APPROVED AS TO FORM:



GEORGE H. EISER, III
CITY ATTORNEY

Passed and adopted by the Council of the City of National City, California,
on May 21, 1991 by the following vote, to-wit:

Ayes: Councilmen Dalla, Inzunza, Van Deventer, Zarate, Waters

Nays: Councilmen None

Absent: Councilmen None

Abstain: Councilmen None

AUTHENTICATED BY: GEORGE H. WATERS
Mayor of the City of National City, California

LORI ANNE PEOPLES
City Clerk of the City of National City, California

(Seal) By: _____
Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 91-97 of the City of National City, Calif., passed and adopted by the Council of said City on May 21, 1991.



Lori Anne Peoples
City Clerk of the City of National City, California

By: _____
Deputy

CITY OF NATIONAL CITY
CATEGORICAL EXCLUSION ORDER E--91-1

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b) which excludes the following categories of development in the designated areas of the coastal zone of the City of National City from the permit requirements of the California Coastal Act of 1976. However, no development located on tidelands or submerged lands, beaches, lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach and all land and water subject or potentially subject to the public trust is excluded by this order. The Commission hereby orders that the following developments within the excludable area shall not require a coastal development permit:

I. CATEGORY OF EXCLUDED DEVELOPMENT

1. The following are categorically excluded developments on parcels which contain no wetlands and which are not adjacent to parcels containing wetlands:
 - a. Temporary uses and structures in conformance with applicable provisions of Chapter 15.60 of the Municipal Code which are approved by the Building Director, or allowed subject to business license regulations, as specified in Exhibit "A", not including musical concerts or temporary car lots involving on-going, regularly scheduled annual events requiring the placement of structures which are left in place and retained over an extended period.
 - b. Grading which does not involve one hundred (100) cubic yards or more of material and brush or vegetation removal of less than one-half acre of land.
 - c. Landscaping in public street right-of-way which would not conflict with adopted plans for street improvements and which would not result in erosion or otherwise damage habitat area, such as by planting which could invade wetland areas and result in loss of wetland vegetation.
 - d. Demolition of any building except visitor serving commercial buildings, or buildings listed as historically significant in the City's General Plan.
 - e. Lot line adjustments resulting in no increase in the number of lots.
2. Permitted uses and structures and accessory structures not involving any variances from the provisions of the Land Use Code in the exclusion areas, described below, shall not require coastal development permits:

a. Area zoned medium manufacturing (MM) and light manufacturing (ML), north of 24th Street, except for properties which have frontage on 24th Street;

b. Areas zoned commercial automotive (CA), light manufacturing (ML), and heavy commercial (CH) located east of Hoover Avenue and north of 33rd Street.

II. RECOMMENDED CONDITIONS

1. Effective Date

This exclusion shall not become effective until the City of National City has a fully-certified local coastal program and permit-issuing authority has been delegated by the Commission pursuant to Section 30519 of the Coastal Act.

2. Mapping

This order of categorical exclusion shall not be implemented until the City submits to the Executive Director of the Coastal Commission and the Executive Director approves, in writing, a map depicting all of the following:

a. The geographic areas excluded by the Commission Order;

b. The zoning designations of the excluded areas;

c. The areas of potential public trust (areas subject to the public trust are seaward of the line of potential public trust and will be adequately depicted);

d. All coastal bodies of water, riparian corridors, and wetlands as may be shown on any Land Use Plan Resources Maps, or background studies;

e. The boundaries of all lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach;

f. A map note which clearly indicates that the written terms of this order should be consulted for a complete listing of non-excludable developments. The note shall, to the maximum extent practicable, indicate the topical areas which are non-excludable. It shall state that no development within one hundred feet from the upland limit of any stream, wetland, marsh, estuary, or lake, is excluded by the terms of this order, regardless of whether such coastal waters are depicted on the exclusion map, or not. The map note shall further state that where the natural resources, environmentally sensitive

habitat, open space or other similar policies of the certified local coastal program specify geographically larger areas of concern for natural resources, then no development shall occur in the area described in the local coastal program unless authorized by a coastal development permit.

4. Determination By Executive Director

The order granting a categorical exclusion for the categories of development in the City of National City, pursuant to Public Resources Section 30610, shall not become effective until the Executive Director of the Coastal Commission has determined, in writing, that the local government has taken the necessary action to carry-out the exclusion order pursuant to Section 13244 of the Coastal Commission Regulations.

5. Exclusion Limited To Coastal Permits

This exclusion order shall apply only to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), and shall not be construed to exempt a person from the permit requirements of any other federal, state or local government agency.

6. Records

The City shall maintain a record of any other permits which may be required for categorically excluded development which shall be made available to the Commission or any interested person upon request, pursuant to Section 13315 of the Coastal Commission Regulations.

7. Notice

Within five (5) working days of the issuance of an exemption in conformity with this order of categorical exclusion, the City shall provide notification of such issuance on a form to the the San Diego District Office, and to any persons who, in writing, requested such notice. Unless the City provides such notification to the District Office, the development will not be exempted under this order. The form shall contain the following information:

- a. Developer's name;
- b. Street address and assessor's parcel number of property on which development is proposed;
- c. Brief description of proposed development;
- d. Date of application for other local permit(s);
- e. All terms and conditions of development imposed by the local government in granting its approval.

8. Conformity With LCP

Development under this exclusion shall conform with the City of National City's Local Coastal Program in effect on the date that this exclusion is adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

9. Amendment Of LCP

In the event an amendment of the local coastal program of the City of National City is certified by the Coastal Commission pursuant to Section 30514 of the Coastal Act, development under this order shall comply with the amended local coastal program, except where the terms and conditions of this order specify more restrictive development criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of this exclusion.

10. Non-exclusion Of Buffer Zone

This order does not exempt any development within one hundred feet, measured horizontally, from the high water mark of any coastal body of water, stream, wetland, estuary, or lake, regardless of whether such coastal waters are depicted on the exclusion map, or not.

11. Limitation

Any development not falling within this exclusion remains subject to the coastal development permit requirements of the Coastal Act of 1976.

III. RECISION AND REVOCATION

Pursuant to Title 14 of the California Administrative Code Section 13243(e), the Commission hereby declares that the order granting this exclusion may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership, after public hearing, that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this order may be revoked at any time that the terms and conditions are violated.

IV. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares for the following reasons, that these exclusions, as conditioned, present no potential for significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast:

1. Public Access.

Section 30212 of the Coastal Act requires that public access to the shoreline be provided in conjunction with new development, except where inconsistent with the public safety, military security needs, or where adequate access exists nearby. The proposed exclusions will not have significant adverse impacts on existing or potential new public access.

At present, the only public access to the shoreline located within the City limits of National City is the Port District's park, boat launch ramp and fishing pier located at the end of Goesno Place. The remainder of the bayfront is occupied by a Navy base, closed to public access, various uses included in the Port's 24th Street marine terminal facilities, or currently undeveloped land.

As stated previously, the proposed categorical exclusions will not adversely affect public access opportunities in National City as the proposed excluded developments do not apply in areas where public access opportunities exist or would be desirable (ie. around Paradise Marsh, 24th Street and the Sweetwater River Channel). In addition, any new development proposed in the City's coastal zone must comply with the City's certified LCP which requires adequate off-street parking be provided in conjunction with new development to avoid the potential for the displacement of bayfront visitors by patrons of proposed commercial and industrial uses in National City's bayfront. Therefore, the Commission finds that the exclusion order presents no potential for any significant adverse impacts either individually or cumulatively on public access to or along the coast, consistent with Section 30212 of the Coastal Act.

2. Environmentally Sensitive Habitats.

Section 30240 of the Coastal Act is applicable, and states:

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

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

The proposed exclusions involve developments that have the potential to adversely impact sensitive habitat areas. However, the exclusions have been written so as not to apply to areas designated as sensitive habitat areas in the certified LCP. In addition, the statutorily non-excludable areas include most of the sensitive habitat areas within the City's coastal zone.

The proposed exclusions for temporary uses, grading and land clearing, landscaping in public street right-of-way, demolition of buildings and lot line adjustments do not apply to parcels containing wetlands or on lots adjacent to parcels containing wetlands. Additionally, in the areas north of 24th Street and east of Hoover and north of 33rd Street, where the proposed exclusions for permitted uses and structures apply, no environmentally sensitive habitat areas exist in these areas. The Commission, therefore finds the exclusions in this order are consistent with Section 30240 of the Coastal Act and will have not have any significant adverse impacts on sensitive habitats.

3. Hazards

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The categories of development proposed for exclusion will not result in risks to life or property as the City's floodplain zoning regulations would still apply and would adequately mitigate any adverse environmental effects associated with such developments. In addition, in wetland areas and the Sweetwater River area, the proposed exclusions do not apply and development in these areas will be subject to coastal permit requirements. Therefore, the Commission finds that the proposed exclusions are consistent with Section 30253 of the Coastal Act as development that could result in hazards will be subject to coastal permit requirements.

4. Visual Resources.

Section 30251 of the Act protects the scenic and visual qualities of coastal areas, including views to and along the coast. The category of development proposed for exclusion that concerns visual resources is the one for permitted uses and structures in specified zones in the coastal zone. The Commission has historically denied or conditioned developments where public views are of concern. However, the proposed exclusions do not apply to the scenic areas and corridors identified in the LUP. In addition, the LCP contains specific landscaping, height and signage standards which would have to be adhered to by any new development.

The Commission therefore finds that adequate protection of scenic resources, as required by Coastal Act Section 30251, will continue in the granting of this exclusion order in the City of National City's coastal zone.

5. New Development.

Section 30250(a) of the Act, states:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas

able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed exclusions for permitted uses and structures and lot line adjustments are most directly related to this section. The Commission has found that the National City LCP adequately plans for new development that can be handled by existing service capacities. The areas where these developments are proposed to be excluded are, for the most part, built-out and urbanized. Adequate public services exist within the coastal zone to service the developments. In addition, the uses and structures proposed for exclusion are permitted outright and must still adhere to all the standards and requirements of the certified LCP and Land Use Code.

Lot line adjustments, as ordered, are also consistent with Section 30250, as they are excluded from coastal permit requirements only if they do not result in an increase in the number of lots or density of permitted development. Therefore, the Commission finds that the proposed exclusions are consistent with Section 30250 of the Coastal Act.

6. Local Coastal Planning.

Since the City of National City already has a certified local coastal program, approval of the proposed exclusions will not impair its ability to prepare one.

V. PROPOSED NEGATIVE DECLARATION

The Commission hereby adopts a Negative Declaration for Categorical Exclusion E-91-1 as follows. The Commission has prepared an Initial Study for this project (attached) and has circulated this proposed Negative Declaration pursuant to the California Environmental Quality Act of 1970.

1. Project Description.

The proposed project would exclude certain developments from the coastal permit requirements of the California Coastal Act of 1976. The categorical exclusion order by the California Coastal Commission, pursuant to Public Resources Code Section 30610 (e) and 30610.5 (b), from the permit requirements of the Coastal Act of 1976, would affect the following categories of development in designated areas within the coastal zone of the City of National City:

1. The following are categorically excluded developments on parcels which contain no wetlands and which are not adjacent to parcels containing wetlands:

a. Temporary uses and structures in conformance with applicable provisions of Chapter 15.60 of the Municipal Code which are approved

by the Building Director, or allowed subject to business license regulations, as specified in Exhibit "A", not including musical concerts or temporary car lots involving on-going, regularly scheduled annual events requiring the placement of structures which are left in place and retained over an extended period.

b. Grading which does not involve one hundred (100) cubic yards or more of material and brush or vegetation removal of less than one-half acre of land.

c. Landscaping in public street right-of-way which would not conflict with adopted plans for street improvements and which would not result in erosion or otherwise damage habitat area, such as by planting which could invade wetland areas and result in loss of wetland vegetation.

d. Demolition of any building except visitor serving commercial buildings, or buildings listed as historically significant in the City's General Plan.

e. Lot line adjustments resulting in no increase in the number of lots.

2. Permitted uses and structures and accessory structures not involving any variances from the provisions of the Land Use Code in the exclusion areas, described below, shall not require coastal development permits:

a. Area zoned medium manufacturing (MM) and light manufacturing (ML), north of 24th Street, except for properties which have frontage on 24th Street;

b. Areas zoned commercial automotive (CA), light manufacturing (ML), and heavy commercial (CH) located east of Hoover Avenue and north of 33rd Street.

These exclusions do not apply to developments upon any lands and waters subject to or potentially subject to the public trust, such as tidelands or submerged lands, beaches, lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach.

Only developments which meet all applicable policies and criteria of the certified National City Local Coastal Program are proposed for exclusion. Applications which are not consistent with the certified local coastal program remain subject to the requirements of said plan.

2. Findings.

Section 30610(e) of the Coastal Act states that no development shall be required for:

Any category of development, or any category of development within a specifically defined geographical area, that the Commission, after public hearing, and by two thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where such exclusion precedes certification of the applicable local coastal program, that such exclusion will not impair the ability of the local government to prepare a local coastal program.

Additionally, Section 30610.5(b) requires that the following findings and provisions must be made:

Every exclusion granted.....shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610....may be revoked at any time by the Commission, if the conditions of exclusion are violated.

The project proposes the exclusion of certain developments (contained in the project description above) from the coastal permit requirements of the California Coastal Act of 1976. The Commission has already certified the City of National City's Local Coastal Program (LCP) for the coastal zone of the City. The LCP's land use policies and implementing ordinances govern development within the areas proposed for categorical exclusion. The categories of development proposed for exclusion are permitted uses in those areas and only developments which fully comply with the policies and ordinances of the certified LCP may be excluded under this categorical exclusion.

The local coastal program has identified the geographic locations of the area's significant coastal resources. It contains policies and implementing ordinances which provide mitigation techniques to avoid adverse impacts on the coastal environment. The proposed exclusions have been carefully limited so as not to be applicable in those areas or situations where a potentially adverse impact may occur.

Therefore, the Commission finds that the proposed excluded developments will have no potential for significant adverse affects, either individually or cumulatively, on coastal resources or on public access to or along the coast. For the same reasons, the Commission also finds that the proposed exclusions will have no significant effect on the environment for the purposes of the California Environmental Quality Act of 1970.

3. Mitigation

In certifying the LCP, the Commission found that, "t[T]here are no further feasible mitigation measures or feasible alternatives which could

substantially lessen significant adverse impacts on the environment." All development excluded pursuant to this exclusion, must conform to the policies, standards, ordinances and other regulations of the City in effect on the effective date of the Commission's Order of Exclusion. Thus, no mitigation measures are necessary, other than compliance with the certified LCP, to ensure that the proposed exclusions have no impact, either individually or cumulatively, on coastal resources.

(6344A)

EXHIBIT "A"

LIST OF TEMPORARY USES
NOT REQUIRING COASTAL DEVELOPMENT PERMITS

1. Mobile homes/trailers used for construction office on active construction sites (duration of construction)
2. Mobile homes/trailers used for temporary office or classrooms after building permit is issued for permanent building on site (duration one (1) year)
3. Off-site storage yards for contractors' materials and equipment used on public works projects (duration of construction) on land located outside of any flood hazard zone or watercourse
4. Garage sales (maximum duration allowed is four (4) consecutive days and not more than two (2) per calendar year)
5. Outdoor fire sales (fifteen (15) days at site where fire occurred)
6. Rummage sales (conducted by local charitable or philanthropic organizations)
7. Special promotions - outdoor sales/displays (duration three (3) days and not more than two (2) per calendar year with minimum of thirty (30) days between activities)
8. Temporary relocation of business to a private/public owned non-residential property when displaced by public works project