



AGENDA

Thursday, April 10, 2014

6:30 P.M.

REGULAR MEETING PLANNING COMMISSION

Council Chambers
211 Hillcrest Avenue
Marina, California

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

1. CALL TO ORDER



2. SWEARING-IN OF NEWLY APPOINTED COMMISSIONER

Director di Iorio to administer the Oath of Office to Tim Ledesma.

3. ROLL CALL & ESTABLISHMENT OF QUORUM (Planning Commission Members)

David Burnett, Margaret Davis, Eugene Doherty, Greg Furey, Tim Ledesma, Virgil Piper, Ken Turgen

4. ACTION ITEMS:

a. ELECTION OF OFFICERS AND COMMITTEE APPOINTMENTS

1. Planning Commission to consider holding officer elections for Chairperson and Vice Chairperson;
 2. Planning Commission to consider commissioner appointments for the Design Review Board and Tree Committee;
 3. Planning Commission to consider alternate members for the Design Review Board and Tree Committee. (Alternates may be called to sit-in for any absent Board or Committee member to establish a quorum).
3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Announcements of special events or meeting of interest as information to Board and Public. At this time any person may comment on any item, which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Planning Commission members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of Four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Planning Commission.*
5. CONSENT AGENDA: *Background information has been provided to the Planning Commission on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. If discussion is requested by anyone on any item, that item will be removed from the Consent Agenda and placed at the end of Other Action Items if separate action is requested.*
- a. Minutes for the February 6, 2014 Special Planning Commission meeting.
6. PUBLIC HEARINGS: *Time will be set aside during the Public Hearing to receive oral comments on all items listed as Public Hearings. Staff will present the project brought forth for Planning Commission consideration and possible action and answer questions from the Planning Commissioners. The applicant will then have the opportunity to raise any issues. The public will then be invited to approach the podium to provide up to four (4) minutes of public testimony.*
- a. None
7. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is brought forth for Planning Commission consideration and possible action. The*

Planning Commission may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.

- a. It is requested that the Planning Commission:
 - 1. Receive reformatted Local Coastal Program Volume I (Land Use Plan) and Volume II (Implementation Plan).

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

- a. City Council, Design Review Board, Tree Committee and other meetings of note.
- b. Upcoming items scheduled for future meetings.
- c. Ad Hoc Committee

9. CORRESPONDENCE:

- a. None

10. ADJOURNMENT

CERTIFICATION

I, Judy Paterson, Administrative Assistant for the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at Marina City Council Chambers bulletin board, 211 Hillcrest Avenue; City Kiosk at the corner of Del Monte Boulevard and Reservation Road; and Monterey County Free Library Marina Branch at 190 Seaside Circle on or before 6:30 p.m. Monday, April 7, 2014.

Judy Paterson, Administrative Assistant II
Community Development Department

PLANNING COMMISSION NOTES:

- 1. The Marina Planning Commission regularly meets at 6:30 P.M. on the second and fourth Thursdays of each month.
- 2. The Planning Commission follows procedures intended to allow for project applicants and members of the public the fullest possible opportunity to be heard, while enabling the Commission to complete its meetings within a reasonable time.
- 3. Copies of staff reports are available to the public on the Friday afternoon, prior to the Thursday meetings at the Community Development Department office located at 209 Cypress Avenue.
- 4. Planning Commission meetings may be viewed on Marina's Comcast Cable Channel 25.
- 5. Planning Commission subcommittees include the Marina Design Review Board (DRB) and Tree Committee. The DRB regularly meets at 6:30 P.M. on the third Wednesday of each month and the Tree Committee meets quarterly on the 2nd Wednesday of January, April, July and October... All meetings take place in the Council Chambers unless otherwise noticed... Public notices and agendas are posted at the following locations: Monterey County Library Marina Branch, Kiosk at the corner of Del Monte Blvd. and Reservation Rd., and Marina City Council Chambers Bulletin Board.
- 6. The public is invited and encouraged to participate in all meetings of the Planning Commission and its subcommittees.



**DRAFT
MINUTES**

Thursday, February 6, 2014

6:30 P.M.

**SPECIAL MEETING
PLANNING COMMISSION**

**Council Chambers
211 Hillcrest Avenue
Marina, California**

1. CALL TO ORDER

Chair Burnett called the meeting to order at 6:30 p.m.

2. ROLL CALL & ESTABLISHMENT OF QUORUM

Planning Commission Members:

Margaret Davis, Eugene Doherty, Greg Furey, Virgil Piper, Vice-Chair Ken Turgen, Chair David Burnett

Members Absent: Debra Daniels (excused)

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: None.

5. CONSENT AGENDA:

- a. Minutes for the January 23, 2014 Planning Commission meeting.

Vice-Chair Turgen moved for approval. The motion was seconded by Commissioner Piper and passed by a 5-0-1(Daniels)-1 (Doherty) vote.

Chair Burnett called for a fifteen minute recess to allow the Commissioners time to review a large volume of correspondence received for their action item tonight.

6. PUBLIC HEARINGS:

- a. None

7. OTHER ACTION ITEMS:

a. It is requested that the Planning Commission:

Provide an interpretation of Marina Municipal Code (MMC) Section 17.41.260, Surface Mining and Reclamation Standards, pursuant to a request by City Staff in accordance with MMC Section 17.56.020. Specifically, the Commission is asked whether or not the exploratory extraction of water for the purpose of determining its mineral content is a “surface mining operation” under MMC Section 17.41.260.B.

Katherine M. Jenson, City of Marina CEQA/Land Use Counsel gave a staff report.

Ms. Jenson provided background for the request that The City of Marina had received two separate requests by representatives of California American Water and the California Public Utilities to drill a total of five exploratory boreholes at the CEMEX mining site for the purpose of gathering information for the preparation of the Environmental Impact Report for the Monterey Peninsula Water Supply Project. The first three boreholes were for soil exploration only, and were treated by City Staff as an activity that is part of on-going “surface mining operations” of the CEMEX site. These boreholes have been drilled and refilled. The final two proposed boreholes would involve not only soil boring, but also the extraction of water to determine its mineral content.

She further advised that the Planning Commission’s interpretation would guide the City’s process for examining the final two proposed exploratory boreholes. If the Planning Commission agrees with the proposed interpretation of “surface mining operation,” then no permit or approval from the City would be needed for the two final boreholes

Following questions and clarification by the Commission, Chair Burnett opened the floor for public comments.

Public Comments:

- Don Freeman, Counsel for the Monterey Peninsula Regional Water Authority, addressed economic impacts on the hospitality industry and workers
- Eric Lawson, Monterey Bay Central Labor Council, supported moving forward with the request
- Frank Emerson, Carmel River Steelhead Association, spoke in support of staff’s recommendation
- George Riley, Citizens for Public Water
- Bill Hood, Retired Environmental Attorney, disagreed with staff’s interpretation and cautioned to be careful with the language
- Brian LaNeve, Carmel River Steelhead Association addressed impacts on the Carmel River
- Paul Bruno, Marina Business Owner, urged moving forward with the item to allow the sampling
- Norm Groot, Executive Director, Monterey County Farm Bureau, supported collection of water quality information

- Nelson Vega, Monterey Commercial Property Owners Association, spoke to impact on residents and jobs
- Nancy Isackson, Salinas Valley Water Coalition urged the Commission to move forward with their interpretation
- Tom Raley, Monterey Peninsula Tax Payers Association supports the development of a regional water supply project as being vital for the economy
- John Narigi, Co-Chair Coalition of Peninsula Businesses and VP/ /GM Monterey Plaza Hotel and spa encouraged accepting staff's recommendation to allow the water sampling
- Kevin Stone, Monterey County Association of Realtors expressed support and urged approval of the water sampling
- Brian Lee, General Manager, Marina Coast Water District, made a request that data be shared with the public and the aquifers be protected
- Jan Shriner, MCWD Board member addressed issues of money spent on the regional desalination project and suggested declining the interpretation
- Sam Teel, Chairman, Monterey County Hospitality Association, addressed the economic impacts of a reduced water supply and supported moving forward with the request
- Ron Cheshire, Monterey County Trades and Construction Council, supported the resolution before the Commission urged them to move forward
- Eric Zigas, CPUC Energy Division, described the process of determining the content of the water samples for the EIR, and read a letter of support
- Anna Shimko, Sedgewick Law, clarified issues of water rights and impacts and supported the Commission's interpretation of the City's Zoning Code
- Jim Cullem, Executive Director Monterey Peninsula Regional Water Authority, read definitions of mining and exploration from the City's code and urged the Commission to make that their focus
- Ron Weitzman, President, Water Plus, urged the Commission to follow the letter of the law but supported any decision
- Paula Pelot, Preston/Abrams Park Tenants Association, addressed water rates and the resolving the monetary dispute between Cal-Am and Marina Coast Water District
- Rich Svindland, VP of engineering, Cal Am, spoke as to the choice of location of the proposed boreholes at the CEMEX site

The floor was closed for public comment and discussion returned to the dais.

Commissioner Davis made a motion to deny the interpretation. The motion was seconded by Commissioner Piper and passed by a 4-2(Burnett, Turgen)-1(Daniels)-0 vote.

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

- a. City Council, Design Review Board, Tree Committee and other meetings of note.
- b. Upcoming items scheduled for future meetings.
- c. Ad Hoc Committee

9. CORRESPONDENCE:

a. None

10. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

ATTEST:

David Burnett, Chair

Judy Paterson, Administrative Assistant II

DATE

April 3, 2014

Item No.

Honorable Members
of the Marina Planning Commission

Planning Commission Meeting of
April 10, 2014

**PLANNING COMMISSION RECEIVE REFORMATTED
LOCAL COASTAL PROGRAM VOLUME 1 (LAND USE
PLAN) AND VOLUME II (IMPLEMENTATION PLAN)**

REQUEST:

It is requested that the Planning Commission:

1. Receive reformatted Local Coastal Program Volume I (Land Use Plan) and Volume II (Implementation Plan)

BACKGROUND:

The California Coastal Commission (CCC) was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976.

The California Coastal Act allows the CCC, in partnership with coastal cities and counties, to plan and regulate the use of land and water in the coastal zone.

In March 1977, the Marina Coastal Zone Map was adopted by the CCC. This map establishes areas of CCC permit jurisdiction (lands below mean high tide); City permit jurisdiction; CCC appeal jurisdiction (areas where the City would have permitting authority appealable to the CCC); and the inland extent of the coastal zone boundary.

Before assuming permit jurisdiction, the City was required to prepare a Local Coastal Program (LCP), to be certified by the CCC, to implement the Coastal Act within the established coastal zone boundaries.

The City of Marina Local Coastal Program was prepared in two volumes: Volume I is the Local Coastal Land Use Plan (LCLUP) and Volume II is the Local Coastal Program Implementation Plan (LCPIP) (“**EXHIBIT A**”).

The Marina LCLUP sets out the policy commitments of the City to implement the mandates of the Coastal Commission. The critical coastal planning issues identified in the LCLUP include: (1) the future of the dunes, including the role of sand mining; (2) the future of vernal ponds; and (3) the establishment of uses that will be compatible with the existing environmental sensitive habitat constraints present in the City’s coastal zone as well as compatible with the California Coastal Act.

The LCPIP contains the implementation measures necessary to carry out the policies of the LCLUP. The policies and measures contained within the LCLUP and the LCPIP are codified in Marina Municipal Code (MMC) Chapter 17.41, Coastal Zoning and are implemented through compliance with applicable permit requirements and development standards designed to address and resolve the identified issues.

On February 17, 1981 and June 2, 1981, the Marina City Council adopted Resolutions 81-8 and 81-31 respectively, approving in concept the LCPIP and the LCLUP of the City’s LCP. Amendments to

the LCLUP were made on January 19, 1982 and March 16, 1982. Final certification by the CCC occurred after a public hearing on April 20, 1982.

ANALYSIS

Since certification of the LCP in 1982, many amendments have been made to the LCLUP and LCPIP. The original documents were typewritten and amendments were not easily integrated into the text. Maintenance of the documents to incorporate the amendments fell behind.

In 2010, the original adopted plans were digitized using temporary agency staffing. In 2010 through 2012, files were organized to identify all adopted and certified amendments to incorporate the changes within the documents.

The process to amend the LCP requires not only approval of City Council, but also of the CCC, which reviews the amendments for consistency with California Coastal Act requirements. Frequently the CCC would request further changes, and the amendments went back and forth through several iterations of conditional approvals between City Council and the CCC before final certification and adoption of all or a portion of an amendment.

In 2013, a consultant was hired to track each amendment through the City Council and CCC public hearing process, and to ascertain which amendments were ultimately both adopted and certified. The attached LCP Timeline (“**EXHIBIT B**”) summarizes this movement of the amendments through the approvals and certification public hearing processes from 1981 to date. The exhibit shows City Council final actions in grey and CCC final actions in blue. Back up documentation is organized in voluminous files available within the Planning Services Division.

Only adopted and certified changes to the documents since 1982 have been added to the LCLUP and LCPIP in a ~~striketrough~~/underline format. Citations have been added to the text to allow for tracking of the reference documents.

Finally, several changes to the General Plan Land Use Map designations and Zoning Districts within the Coastal Zone were also approved during the last 32 years and are included.

As a last step in the process of reformatting, the documents will be type set and posted on-line to be made available for public reference.

CONCLUSION:

This request is submitted for Planning Commission consideration and possible action.

Respectfully submitted,

Theresa Szymanis, AICP
Planning Services Manager
City of Marina

REVIEWED/CONCUR:

Christine di Iorio, AICP
Director, Community Development Department
City of Marina

RESOLUTION NO. 2014-

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MARINA RECEIVING REFORMATTED
LOCAL COASTAL PROGRAM VOLUME I (LAND USE
PLAN) AND VOLUME II (IMPLEMENTATION PLAN)

WHEREAS, the California Coastal Commission (CCC) was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976, and;

WHEREAS, in March 1977, the Marina Coastal Zone Map was adopted by the CCC, and;

WHEREAS, the City of Marina Local Coastal Program (LCP) was prepared in two volumes: Volume I is the Local Coastal Land Use Plan (LCLUP) and Volume II is the Local Coastal Program Implementation Plan (LCPIP), and;

WHEREAS, on February 17, 1981 and June 2, 1981, the Marina City Council adopted Resolutions 81-8 and 81-31 respectively, approving in concept the LCPIP and the LCLUP of the City's LCP and further amendments to the LCLUP were made on January 19, 1982 and March 16, 1982, and;

WHEREAS, final certification by the CCC occurred after a public hearing on April 20, 1982, and;

WHEREAS, since certification of the LCP in 1982, many amendments have been made to the LCLUP, the LCPIP and Marina Municipal Code Chapter 17.41, and;

WHEREAS, in 2013, a consultant was hired to track each amendment since 1982 through the City Council and Coastal Commission processes to ascertain which amendments were both adopted and certified, and add these changes to the LCLUP and LCPUP in ~~striketrough~~/underline format with citation.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Marina does hereby receive reformatted Local Coastal Program Volume I (Land Use Plan) and Volume II (Implementation Plan).

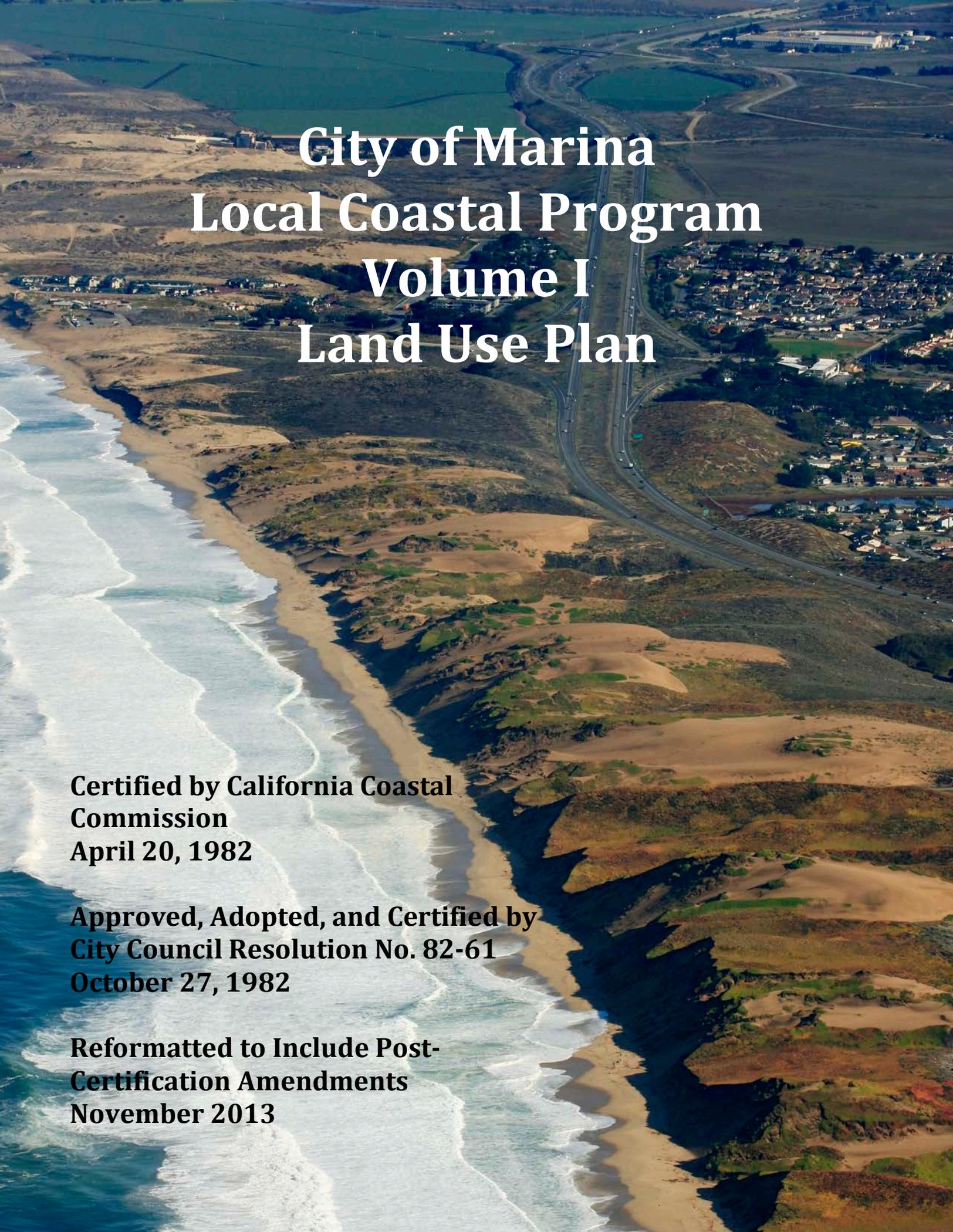
PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of Marina, duly held on the 10th day of April 2014, by the following vote:

- AYES: COMMISSION MEMBERS:
- NOES: COMMISSION MEMBERS:
- ABSENT: COMMISSION MEMBERS:
- ABSTAIN: COMMISSION MEMBERS:

David Burnett, Chairperson

ATTEST:

Christine di Iorio, AICP
Director, Community Development Department
City of Marina

An aerial photograph of a coastal region. In the foreground, there's a sandy beach with waves breaking. A multi-lane highway runs parallel to the coast. To the right of the highway, there's a residential neighborhood with houses and trees. In the background, there's a large body of water, possibly a reservoir or a bay, with some industrial or agricultural structures nearby.

City of Marina Local Coastal Program Volume I Land Use Plan

**Certified by California Coastal
Commission
April 20, 1982**

**Approved, Adopted, and Certified by
City Council Resolution No. 82-61
October 27, 1982**

**Reformatted to Include Post-
Certification Amendments
November 2013**

City of Marina Local Coastal Program Volume I Land Use Plan

Certified by the California Coastal Commission
April 20, 1982

Approved, Adopted, and Certified by City Council Resolution No. 82-61
October 27, 1982

Amended by Resolution No. 88-71 (October 11, 1988), 89-22 (June 20, 1989),
and 89-52 (September 5, 1989)
Approved by Coastal Commission via LCP No. 1-88 (Major) (October 10, 1989)

Amended by Resolution No. 2001-118 (October 16, 2001)
Approved by Coastal Commission via LCP No. 1-01 (Major) (November 14, 2001)

Amended by Resolution No. 2007-268 (November 20, 2007)
Approved by Coastal Commission via LCP No. MAR-MAJ-1-07-Part 1 (April 10, 2008)

BACKGROUND

On February 17, 1981 and June 2, 1981, the City Council of the City of Marina, California, adopted Resolution 81-8 and 81-31 approving in concept the land use and implementation plans of the City's Local Coastal Program. Amendments to the land use plan were made on January 19, 1982 and March 16, 1982. Final certification by the California Coastal Commission occurred after a public hearing on April 20, 1982.

Section 00071 of the California Coastal Commission Local Coastal Program Regulations adopted May 17, 1977, as revised November 18, 1980, lists the items which a local government must include when submitting its Local Coastal Program to the Coastal Commission for action. The list of items is: (1) summary of public participation including a list of people and agencies contacted; (2) reproducible copy of plan being submitted; (3) analysis of plan's conformity to the Common Methodology of the Commission as set out in the Regulations (Section 00040); (4) indication of zoning measures; and (5) environmental review.

At the request of the City, Central Coastal Commission staff was responsible for preparing the Marina Local Coastal Land Use and Implementation Plans. The planning tasks were accomplished under contract: but the Commission retained the administrative and supervisory responsibilities during plan preparation. The City as well as the Commission staffs reviewed all documents before their release for public review.

Summary of Public Participation

Focus of citizen input in developing the Marina Local Coastal Program was on a sequence of Workshops and conclusion meetings held at key points in the six month plan development process. These meetings were widely publicized by the Central Coastal Commission staff. One hundred-twenty-three interested persons, agencies and organizations were notified for the first workshop held July 19, 1980. The meeting itself was attended by 4 of the 5 City Council members, all of the Planning Commissioners as well as a large number of City staff members, who served as resource people, and interested residents. A summary report of the conclusions of the policy workshop was mailed to all participants and those on the mailing list.

A second workshop focusing on land use alternatives was held September 6, 1980. One hundred-thirty received notice of this meeting. The workshop was well attended by City officials and staff as well as by interested residents, organizations, and agencies. A conclusions report was prepared and distributed at a joint study session of the Council and Planning Commission December 19, 1980. All persons on the mailing list were notified. At the joint study session the Draft Local Coastal Land Use Plan was also presented and discussed.

On January 19, 1981, the Planning Commission held a duly noticed public hearing on the Marina Local Coastal Land Use Plan. Again those on the mailing list

received notice. Representatives of three sand companies with operations in Marina and the Sierra Club commented on the draft plan.

On February 3, 1981, the City Council held a duly noticed public hearing on the Marina Local Coastal Land Use Plan. Representatives of three sand mining companies, the Sierra Club and the California Native Plant Society as well as three interested citizens commented. The hearing was closed. The City Council approved in concept the Marina Local Coastal Land Use Plan on February 17, 1981.

On March 16, 1981 the Planning Commission held its duly noticed public hearing on the Marina Local Coastal Implementation Plan. All persons on the mailing list received notice of this meeting and of the availability of the draft document. The representatives of the three sand companies, the Sierra Club and the California Native Plant Society commented on the plan.

On June 2, 1981, the City Council held its duly noticed public hearing on the Marina Local Coastal Implementation Plan. All persons on the mailing list were notified directly of the meeting. The representatives of the three sand mining companies commented on the draft. The hearing was closed and after review the City Council adopted the revisions to the zoning ordinance (pages 20 through 35) and approved in concept for submission to the State Coastal Commission the remainder of the Implementation Plan on June 2, 1981.

The attachments to this submittal include a copy of the mailing list and correspondence received by the Planning Commission and City Council on the Land Use Plan. Responses to these written comments are also included.

Marina Local Coastal Land Use and Implementation Plans

Attached to this submittal are copies of the Marina Local Coastal Program Land Use Plan and Local Coastal Implementation Plan and the addenda which include the revisions made by the Planning Commission and City Council. The documents approved in concept for California Coastal Commission review consist of the Draft Plan documents and their addenda.

Commission Common Methodology RE Marina Local Coastal Land Use Plan

The City of Marina is a community of 14,500 located at the northern boundary of Fort Ord on Monterey Bay. The City has about 3 miles of coastline generally divided north and south by Reservation Road. The predominant coastal use in the area to the south of Reservation Road is State beach. To the north the ownership is private and the primary current use is sand mining, chiefly from the tidal zone but also from the dunes.

At one time the coastal zone in Marina extended inland to Del Monte Blvd., but in 1978 the boundary was redrawn retaining only the open areas and vernal ponds between

Del Monte and Highway 1 within the City's coastal zone. Today only two of the vernal ponds in this area have not been protected. The plan provides for protection of these two ponds.

The critical coastal planning issues in Marina focused on the future of the dunes, including the role of sand mining; the future of the vernal ponds; and on establishing uses which would be compatible with the existing environmental sensitive habitat constraints present in the City's coastal zone as well as with the 1976 Coastal Act. The policies of the plan as well as the land use designations address these concerns and resolve them in terms of the mandates of the California Coastal Act.

The plan includes clearly identifiable sections addressing local coastal program policy, public access to and along the beach (in an Access Component) and land use designations, both graphic and verbal, which are consistent with the policies of the local plan and Coastal Act.

Public facilities were not a critical issue in preparation of the Marina Local Coastal Land Use Plan. The State Coastal Commission had already reviewed and issue permits for improvements to the two major public facilities located in the City's coastal zone: Highway 1 and the Marina County Water District's sewer treatment plant. These improvements provided adequate capacity to meet the regional access and local sewage treatment needs anticipated by the land uses as proposed in the Local Coastal Land Use Plan. Impacts from the regional plans available at the time of preparation were also considered.

The Central Coastal Commission recently approved a permit for the location of a new City corporation yard in the Coastal Zone. This facility is the only other development in the public works facilities category anticipated in the Marina Coastal Zone.

Regional recreation facilities are an important aspect of coastal planning in Marina. Recently the State purchased about 160 acres of the Marina sand dunes for a State Beach (area between Reservation Road and the south City Boundary). The State Department of Parks and Recreation has proposed new recreational development in this area since acquisition. But in its LCP land use plan the City is anticipating the kind and character of recreation facilities which would be suitable. The emphasis in the City's planning is maximum public access consistent with the environmental sensitivity of the dune habitat and resident rare and endangered species (plants and animals). Coordination with the State Department of Parks and Recreation was initiated. Park access would be focused at two points where present access is available but in need of improvement and possibly expansion. Developed visitor serving facilities, including an interpretive center, improved rest stop facilities and a visitor center are also proposed. However, direct access to the dune vegetation is recommended to be limited to the level of use that the vegetation can withstand.

A national wildlife preserve is located north of the City of Marina at the mouth of the Salinas River. Some dune area is included in this preserve. Monterey County proposes that the dune adjacent to the preserve be protected; and the City of Marina proposes, in its plan protection of the northern most of these dunes, adjacent to those in Monterey County. Within Marina, these northern most dunes are the best preserved of the dune habitat. The plan proposed continued preservation by public and/or private means and continued restriction of access which is so destructive to this particular area. Wide ranging public access opportunities are available at the State Beach one mile to the south of the protected dunes, further south on the Monterey Peninsula, and two or so miles to the north at the wildlife preserve. Lateral access along the sandy beach in front of the dunes will not be restricted and as a result, limited access to these dunes for the ambitious, on foot, will be possible.

The land use designations and maps and land use description and access component of the LCP Land Use Plan provide greater detail on these aspects of the Local Coastal Program in Marina as well as on the scope of the land use plan.

Zoning Indications

The specific zoning measures to implement the proposed land use designations and are presented in the Marina LCP Implementation Plan. The Implementation Plan also addresses specific planning issues of beach access implementation, standards for coastal protection measures, habitat protection, housing and administrative procedures for issuing coastal permits. In addition to implement the intent of the land use designations it was necessary to revise the subdivision and grading ordinances, as well as to prepare a new city ordinance providing for surface mining reclamation.

In the zoning ordinance to implement the policies of the Marina plan a CP Coastal permit overlay district was created. To achieve balance among continuation of the coastally dependent sand mining, public access and future use, a Coastal Dependent zoning district was created to be applied in the area designated Coastal Dependent Development to the LCP Land Use Plan, and a Sand Mining Reclamation Ordinance was developed. Protection of the vernal ponds is achieved through the revisions to the open space zoning district, revisions to the grading ordinance and through the Coastal Permit district. The Coastal Access component is implemented by the adopted land use description and maps, the detailed access component in the LCP Land Use Plan, the section on beach access in the LCP Implementation Plan, and Open Space Zoning district the revision to the Subdivision Ordinance and by the Coastal Permit overlay district.

The role of public facilities is clarified in the Implementation Plan by the creation of a Public Facilities zoning designation. These areas will be rezoned to be consistent with the Coastal Land Use map.

The long term function of local recreation resources is clarified by the amendments made to the City's Open Space Zoning district; and the subsequent rezoning of the established recreation areas to Open Space. The addition of a reclassification

section to the Open Space district will allow future areas designated as open space as a dedication as a part of development to be subsequently rezoned to Open Space and clearly held for the future. In part the preservation of the vernal ponds will be achieved by use of this procedure.

Revisions to the ordinances also tie the ordinance standards clearly to the LCP Land Use Plan. This linkage will be an additional mechanism to protecting the more “pristine” coastal dune area adjacent to Monterey County.

Environmental Review

No environmental review is required. Summaries of data, conclusions of analysis and maps of habitats, hazards and other factors affecting coastal planning in Marina are included in the approved LCP land use plan report. Measures to effectuate the land use plan are included in LCP Implementation Plan.

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INTRODUCTION

In September 1978, three years after incorporation, the Marina City Council adopted the City's first General Plan. Aware of the State requirement for a Coastal Land Use and Implementation Plan, the General Plan stated that a specific plan for the Marina Coastal Zone would be prepared. The General Plan went on to say that "the Local Coastal Program will further define the (Land Use) classifications (of the General Plan) by providing development guidelines and criteria, with special attention to those areas of environmental significance."¹

The Coastal Land Use Plan as a specific or special area plan becomes, after approval, a part of the City's General Plan. Like the General Plan, it establishes appropriate land uses by type and density, as well as establishing a policy framework for plan implementation. The policy framework of the Local Land Use Plan includes the policy statements, the plan guidelines, the land use map, verbal description of the land use map and the access component. In case of conflicts between policy statements, the policy most protective of the coastal resource shall prevail. The Local Coastal Program also requires the development of an Implementation Plan. This second phase includes review and, where necessary to achieve the ends of the plan, amendment of existing ordinances zoning and other City standards.

Marina's Local Coastal Land Use Plan is organized into six basic sections: policies, planning guidelines, land use plan (map and narrative description by planning area), access component, background data, and amendment and appeals procedure. The Implementation Plan has been prepared separately. In the final draft, the two plans will be combined in a single document.

Coastal Zone Definition

The City of Marina's Coastal Zone includes Highway 1 and all lands west of Highway 1 within the incorporated limits. In addition the Zone includes two other areas: those vacant lands west of Del Monte Boulevard, between Reservation Road and the City's southern boundary, including coastal dunes, cultivated acreage, and some substantial vernal ponds with associated wetlands; and a narrow strip about two miles long west of Highway 1 within the Ford Ord boundary, including the coastal bikeway and the Southern Pacific Railroad tracks.

Plan Approval Process and Certification

The objective of the coastal planning process is "certification". This means that the local jurisdiction receives authority to issue Coastal Development Permits as per the requirements of the California Coastal Act of 1976. All development, including subdivision of land, in Marina's Coastal Zone must receive a Coastal Development Permit before the activity can legally commence.

¹ City of Marina, *Marina 2000: A General Plan*, September 5, 1978, p. 28.

In order to receive coastal permit-issuing authority, the City of Marina must have certified Local Coastal Land Use and Implementation Plans. Steps in this certification process include: review and approval of the draft plans by the Marina City Planning Commission and City Council, and review and certification by the State Coastal Commission. It is the policy of this Land Use Plan to insure that concurrent with the approval of the Coastal Development Permit, zoning for the project site shall be in conformance with the Marina Local Coastal Program.

Background Data

Marina's Local Coastal Planning program is based on substantial data. Technical reports are available for public review at the City Planning Department and the Coastal Commission offices in Santa Cruz. In addition, a synthesis of this background information was made widely available to the public at large in the Policy and Alternative Workshop workbooks: limited copies of these are available at Marina City Hall and at the Coastal Commission offices. Aspects of the background data most applicable to planning decisions have been included under land use constraints in the Planning Guidelines section of this plan.

The City of Marina's Housing Element (1980), also a part of the City's General Plan, includes an exhaustive review of demographic and other data, including population projections. A synopsis of the pertinent data from this housing report appears in the Background Data section. For a detailed analysis, readers may refer to the Housing Element.

Because of environmental constraints, currently assigned land use intensities in the City's General Plan and the character of the City's Coastal Zone, future use of the Coastal Zone land is not likely to have a substantial impact on Marina's population projects or holding capacity. For these reasons, except in the case of housing by value, the Coastal Plan is less concerned with demographic trends and is able to rely on previously completed and approved studies.

Existing Land Use

When originally designated, the Coastal Zone in Marina included the entire area west of Del Monte Boulevard. In 1979, the State Legislature passed a bill redrawing Marina's Coastal Zone boundary. The new boundary line excluded most of the area west of Del Monte Boulevard which was developed with housing. This left the vernal ponds, their associated wetlands, the coastal dune areas and some vacant and cultivated parcels with the Coastal Zone.

A review of the Existing Land Use Map shows about 12 dwelling units in the Coastal Zone. In addition, there are Marina County Water District offices and sewage treatment plant; three sand mining operations with on-site improvements, one without on-site improvements; a 33-space recreation vehicle park; and an unused animal shelter. About 165 acres of the Coastal Zone is owned and operated by the California Department of

Parks and Recreation as Marina State Beach. There is an on-site Park Ranger but no part improvements have been made beyond what was present on the site at the time of acquisition. The City of Marina owns acreage on the east side of Lake Court and part of Vernal Pond No. 4 west of Highway 1, adjacent to the Marina County Water District plant. The Department of Fish and Game owns about seven acres at Vernal Pond Number 1. The remainder of the area, except for CalTrans' right-of-way, is in private ownership, including the Brown Bulb Ranch, a hang glider service facility, and commercial broadcast radio towers (KIDD) in Vernal Pond Number 2.

POLICIES

These policies are statements of intent. They express the purpose and concerns of Marina in planning for its coastal zone in a broad range of areas including sand mining, protection of rare and endangered species and their habitats, providing public access and protecting views. Implementation of these policies will sometimes mean achieving a balance among the policies which best effectuates the City's Local Coastal Land Use Plan.

The policy of the City of Marina shall be:

1. To insure access to and along the beach, consistent with the recreational needs and environmental sensitivity of Marina's Coastal area.
2. To provide beach access and recreational opportunities consistent with public safety and with the protection of the rights of the general public and of private property owners.
3. To provide beach access in conjunction with the new development where it is compatible with public safety, military security and natural resources protection; and does not duplicate similar access nearby.
4. To provide adequate parking at designated beach access points to allow public access at a level consistent with the protection of the natural resource.
5. To encourage and place priority on passive recreational opportunities on the beach and dune areas.
6. To provide for a level of recreation use which is consistent with the ability to operate, maintain, police and protect the beach and dune environment.
7. To prohibit the use of off-road vehicles on the beach and dunes.
8. To prohibit further degradation of the beach environment and conserve its unique qualities.

9. To provide adequate public-serving beach facilities, concentrated in one area, to reduce the impact on the overall coastal area.
10. To promote housing development which is consistent with the City's Housing Element and the Coastal Act.
11. To encourage water-oriented recreational activities unique to Marina's Coast and to the ocean.
12. To provide suitable and sufficient area for recreation use and supportive public and private development.
13. To give priority to visitor-serving commercial and recreational uses in order to fully develop the unique Coastal-oriented recreational activities of Marina and still protect the natural resource.
14. To reinforce and support Coastal recreational and visitor-serving activities in the inland area, where appropriate, to the extent the support activities would complement, not destroy, the Coastal resource.
15. To consider the feasibility of a boat harbor in light of environmental and fiscal effects.
16. To insure the protection of marine resources for long-term commercial, recreational, scientific and educational purposes.
17. To insure protection and restoration of the ocean's water quality and biological productivity.
18. To encourage and support wastewater reclamation, where consistent with public health objectives.
19. To promote reclamation and protection of native dune habitat and vegetation except in areas presently being mined.
20. To seek assistance and direction in protecting Marina's beach resources from destruction by oil spills and other hazardous substances.
21. To develop effective standards for cleaning up oil and other hazardous material which will affect Marina's beaches.
22. To discourage new development except for a boat harbor along the Coast which would require seawall, rip rap or other protective structure or regular dredging for maintenance.

23. To support continuation of the Coastal-dependent sand mining operations as long as they are economically feasible and their operations are managed with sensitivity to the adjacent dune environment.
24. To protect and encourage the restoration of the vernal ponds to their original state and allow only those uses adjacent which will reinforce and conserve the unique habitat qualities of these ponds.
25. To protect the habitat of recognized rare and endangered species found in the Coastal dune area.
26. To regulate development in areas adjacent to recognized rare and endangered species or their habitats so that they will not threaten continuation of the species or its habitat.
27. To encourage all future development within the Coastal Zone to be served with public water.
28. To support agricultural use in the Coastal Zone.
29. To provide incentives to retain agricultural activities within the Coastal Zone.
30. To allow conversion from agricultural use to more intensive land uses in an orderly way, progressing sequentially within and from already urbanized areas of the City.
31. To preserve and encourage those aspects of Marina's Coastal area which are cornerstones of community pride and identity.
32. To minimize adverse environmental affects, by concentrating new development within or adjacent to areas of existing development in the Coastal Zone.
33. To protect scenic and visual qualities of the Coastal area including protection of natural landforms, views to and along the ocean, and restoration and enhancement of visually-degraded areas except in areas presently being mined.
34. To provide for local and community recreational needs within the Coastal Area.
35. To encourage continued and improved service by mass transit within the Coastal Zone.
36. To provide and promote the role of Marina as the physical and visual gateway to the Monterey Peninsula.

37. To promote bicycle, horse and other alternative modes of access, except off-road vehicles, within the Coastal Zone.
38. To regulate development in order to minimize the risks to life and property in the Coastal Zone.
39. To encourage development which keeps energy consumption to the lowest level possible.
40. To accommodate public works facilities which are consistent with the environmental capability of the Coastal area.
41. To give priority to Coastal-dependent development on or near the shoreline and ensure that environmental effects are mitigated to the greatest extent possible.
42. To allow oil, gas and other energy developments and/or support facilities only when they meet the requirements of public safety and adequate environmental protection, and can be shown to be economically feasible and necessary for the national good.

PLANNING GUIDELINES

Planning is a continuing process that should be responsive to community needs and circumstances which change over time. Since coastal plans will be required over the years to adapt to these changes it is important to set forth the basic principles and primary objectives which the Coastal Plan seeks to protect. If the fundamental objectives of the plan are clearly understood, then future changes can be made without undermining the foundation of the plan.

Some coastal plans deal with vast acreages requiring a rather gross analysis in the land use map and text. This is not the case in Marina. The City's incorporated limits include only three miles of coastline. As a result, the Coastal Land Use Plan text includes a high degree of specificity about use, objectives and policies for each site. However, where Marina's Coastal Zone is unique, planning objectives and some additional detail on protection or conservation is needed to guide site planning. The Planning Guidelines section provides this detail.

Rare and Endangered Species: Habitat Protection

In Marina's Coastal Zone, the foredune, dune and grassy inland areas all contain potential habitat for rare and endangered plants and animals. The precise range for each plant and animal is not known because intensive site-specific study throughout the area was not financially possible. However, the potential for various rare and endangered habitats has been identified and mapped (see Environmental Capability section) to provide a guide to

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

- Before any use or change in use, areas identified as potential habitat for rare and endangered plant or animal species shall be investigated by a qualified biologist to determine the physical extent of the primary habitat areas for the specific rare and endangered plants and animals on that site.
- Primary habitat areas shall be protected and preserved against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within those areas. All development must be sited and designed so as not to interfere with the natural functions of such habitat areas. Management and enhancement opportunities should be incorporated into use or development proposals; potential impacts shall be fully mitigated, including the assurance of long term mitigation and maintenance of habitat through the use of appropriate acreage replacement/restoration ratios for any unavoidable direct impacts to habitat areas. [Resolution No. 2001-118 (October 16, 2001); approved by CCC November 14, 2001]
- Potential secondary or support habitat areas to the primary habitats identified on the site should also be defined. Secondary habitat investigation should include identification of the role and importance of the secondary area to the primary habitat area and should stress the impact of use or development in the secondary area on the primary habitat. All development in this area must be designed to prevent significant adverse impacts on the primary habitat areas. In concert with State law, City ordinances shall require environmental review and appropriate mitigation of identified impacts for all development in the Coastal Zone, including the assurance of long term mitigation and maintenance of habitat through the use of appropriate acreage replacement/restoration ratios for any unavoidable direct impacts to habitat areas. [Resolution No. 2001-118 (October 16, 2001); approved by CCC November 14, 2001]
- Development in wetlands shall be prohibited. Access for nature observation shall be the only exception; and this access should not be permitted unless a qualified biologist determines that the impacts of construction and human observation can be sufficiently mitigated to insure continuation of the rare and endangered species and/or its habitat.
- Available evidence indicates that dune vegetation is more resilient than previously thought, and areas damaged by illegal use or negligence shall be considered restorable and eligible for restoration.

- Where habitats of rare and endangered species are located on any parcel, owners and/or operators shall, at such time that development is proposed, develop and execute a Management Plan which will protect identified rare and endangered plant and animal communities. Each plan shall be drawn up by a qualified biologist in co-operation with the property owner/developer.

Wetlands Protection

Despite their seasonal nature the Vernal Ponds are considered to be coastal wetlands. There are several Vernal Ponds remaining in Marina's Coastal Zone; all but one supports a marsh. Most of the ponds are brackish and, except in the very wettest years, most are dry for some part of the year. The following shall be applied when planning in or near the Vernal Ponds:

- Because of their fragile geology, no new structures shall be allowed within the Vernal Pond itself. The only new structure allowed in the wetland area should be those designed for public access for nature observation. No access structure should be allowed without thorough investigation by a qualified biologist and geologist. Design should include mitigation for all impacts identified by these specialists.
- New development within the drainage areas of the natural Vernal Ponds should be approved without investigation by a qualified biologist. No development within the drainage areas of a Vernal Pond shall be approved without investigation by a qualified biologist as well as other necessary specialists. Grading setbacks, reduction of impervious surface coverage, siltation basins, and other appropriate measures shall be employed to protect the ponds and their wetlands.
- A 100 foot riparian setback shall be established from the edge of all wetlands.
- The City should encourage State participation in the preservation and restoration of the historic Vernal Ponds and their wetlands.

Management Plan for Marina Ponds

A comprehensive Management Plan shall be prepared for the coastal and vernal ponds within the City of Marina. The plan will identify guidelines for the preservation, management, and enhancement of the region's wetland resources and will present various techniques that can be used to achieve these objectives. The plan will incorporate the existing management plan for the KIDD pond (Pond #2) and the plan currently being prepared for the ponds at Beach Road and Reservation Road as part of the Marina Landing project. The plan will include both public and privately-owned ponds, including those owned and/or managed by the City of Marina, the California Department of Parks and Recreation, and the Marina County Water District.

To this objective an advisory Task Force of all resource agencies will be established by the City during the preparation of the Management Plan to give input and direction to the formation of the plan. Representatives from the California Department of Fish and Game, California Department of Parks and Recreation, California Coastal Conservancy, California Coastal Commission, City of Marina Planning Department, City of Marina Parks and Recreation Department, City of Marina Public Works Department, the Marina County Water District, Monterey County, and the Marina Dune Task Force shall be invited to participate. The Coastal/Vernal Pond Task Force shall meet periodically to review the results and recommendation of the Management Plan.

The Management Plan shall be reviewed by all management agencies with an interest or responsibility in the management of coastal/vernal pond resources. These agencies shall include (but are not limited to) the Coastal Commission, U.S. Fish and Wildlife Service, U.S. Corps of Engineers, California Department of Fish and Game, California Department of Parks and Recreation, California Coastal Conservancy, the Environmental Protection Agency (pursuant to Section 404, B1), and the Monterey Peninsula Regional Parks District. Other interested parties will be invited to review and comment on the Management Plan. The City shall consider all information from the reviewing agencies before approval of a recommended Management Plan. Prior to the approval of the plan by the City, it shall be approved by the Department of Fish and Game.

The City of Marina Pond Management Plan will be used as guidance to City and State agency staff and other interested parties in reviewing development plans adjacent to the ponds or within their watershed and providing the baseline information for future enhancement and management programs and regulations.

Components of City of Marina Management Plan

Seven vernal and/or coastal ponds are identified within the City of Marina’s Local Coastal Plan (LCP, 1982) and will be the focus of the regional plan:

<u>Number</u>	<u>Location</u>	<u>Current Ownership/Management</u>
<u>1</u>	<u>West of Lake Drive</u>	<u>City of Marina</u>
<u>2</u>	<u>Reservation Road and Seaside Avenue</u>	<u>City of Marina</u>
<u>3</u>	<u>Reservation Road and Beach Road</u>	<u>Private/City</u>
<u>4</u>	<u>North of Reservation Road, west of Hwy 1</u>	<u>Marina Water District</u>
<u>5</u>	<u>South of Reservation Road, west of Hwy 1</u>	<u>Calif. Department of Parks and Recreation</u>
<u>6</u>	<u>West of Hwy 1</u>	<u>Private (unincorporated land outside of City of Marina jurisdiction)</u>
<u>7</u>	<u>West of Lake Drive</u>	<u>City of Marina</u>

Inventory of Resources

Existing Biotic Resources

The plan shall identify the existing biological resources of each of the ponds, utilizing information from existing documents, other local informational sources, and field observations. Information shall include:

- a) A list of existing plant and wildlife species observed and or predicted to occur within each pond area. Previous lists prepared for other projects shall be incorporated and their sources identified, as available.
- b) A description of each of the habitat types within the pond system(s) including their distribution, acreage, plant composition and wildlife use.

A series of maps showing the location of each pond. The maps will include topographic relief of 1 foot contour interval or better. The maps will be at a sufficient graphic scale to accurately portray the distribution of wetland and upland habitat. Habitats such as cat-tail marsh, riparian, brackish-water marsh, herbaceous wetland, and upland grassland will be portrayed.

- c) A review of the ponds from a historical perspective. Utilizing historic aerial photos, mapped data, and other historical accounts, as available, the historical extent of perennial wetland and/or seasonal wetland resources will be presented.

Identification of Known or Potential Occurrences of Plant or Wildlife Species of Concern

Each pond site and its environs shall be assessed for the potential occurrence of plant or animal species of concern, including locally unique, rare, threatened, or endangered species. Information on potential or known presence will be determined through consultation with the California Natural Diversity Data Base, City records, other local informational sources, and field observations. Seasonal field surveys shall be conducted at least through a one year cycle.

Hydrologic Conditions

The plan shall include hydrological studies identifying the existing hydrologic regime of each pond. This shall include a record of seasonal inundation levels, water sources, water quality (incl. salinity) and drainage patterns. Existing water supply, including a map of each pond watershed shall be prepared for each pond. Annual fluctuations and duration in water depths shall be investigated and graphically plotted for each pond.

Enhancement and Restoration of Biotic Resources

Opportunities for the enhancement and restoration of vegetation and wildlife habitat, including habitat for species of concern, will be identified for the ponds and shown on appropriate exhibits, as applicable. Measures to be considered shall include, but shall not be limited to, the restoration and/or revegetation of degraded areas, increased diversity of habitat types, or the restoration of area to a preferred habitat type.

The enhancement measures designed and approved for the KIDD and Marina Landing ponds shall be incorporated into the management plan.

Guidelines and implementation techniques for the recommended enhancement measures will be prepared.

Water Supply, Drainage, and Sedimentation

The plan shall develop management recommendations as to appropriate amounts of water to continue to support the wetlands, identify the appropriate salinity and other water quality standards for the water supply, and other water resources concerns. The plan shall describe the following items and provide drawings as needed:

- a) Recommended water supply structures such that the wetlands will receive a dependable, sufficient supply of water, based on the type of habitat present and/or desired. Annual fluctuations and duration in water depths shall be recommended if desirable.
- b) Recommended on-site drainage structures to regulate water levels in the wetlands as per the objectives established for each pond. If the pond is vernal, drainage criteria will be such that ponded water will not be present too long for the support of seasonal wetland vegetation. Likewise, if the objective of the pond is for permanent water, drainage criteria will be established for that regime.
- c) Recommended off-site drainage structures from adjacent developed areas such that they are designed to deliver appropriate amounts of water to the ponds (if needed) and to avoid an over-supply of water.
- d) Existing and recommended measures to minimize the impacts on wetlands due to potential sedimentation and pollutants from urban run-off shall be discussed. Recommendations for additional necessary development standards (setbacks, drainage improvements, grading controls, etc.) to the Land Use Plan and additions or revisions to the implementing ordinances shall be made where necessary to support the results of the background studies.

Protection from Disturbances by People and Domestic Animals

The plan shall include the following components:

- a) Existing and recommended measures to minimize access and disturbances to wetland areas by people and domestic animals, such as fences, other barriers, vegetative screening, signs, and educational programs.
- b) Existing and recommended measures to insure habitat values of the wetland area and adjacent buffer zones, i.e. periodic patrolling of pond area, enforcement of seasonal closures or hours open to the public.
- c) Guidelines and locations, where possible, for the construction of trails and/or bicycle pathways, observation platforms, or other related facilities such that there is minimal disturbance to wildlife and wetland habitat, including recommended setback distances of trail facilities from wetlands and/or buffer zone, seasonal closures, etc.

Buffer Areas

The plan shall specify guidelines for the establishment of buffer areas between developed areas and the pond habitat (including any habitat area known to be occupied by a plant or animal species of concern), using setback guidelines specified in the Local Coastal Plan as minimum standards.

Ponds that currently have designated buffer areas will be observed as to their effectiveness in preserving habitat values.

Implementation and Management

Operations and Maintenance

The plan shall provide specifications for the following:

- a) Measures to control and/or remove concentrations of invasive non-native species of plants and animals that have the potential of degrading the wetland habitat (i.e. pampas grass, acacia, feral ducks, feral cats).
- b) Maintenance of fences, interpretive structures, trails, protective structures, etc.
- c) Maintenance and adjustment of water supply and drainage facilities.
- d) Any other measures necessary to maintain the enhanced and newly created habitats in good condition, such as monitoring programs.

Management Organization

The plan shall also identify the interim and/or long-term management organization to which the pond areas should be assigned. Recommendations for management options will be discussed for each pond.

Compliance with the Objectives of the City of Marina Local Coastal Plan

The detailed wetlands management plan shall comply with the objectives and standards of the City's Local Coastal Plan and the LCP shall be amended as necessary by the recommendations in the approved management plan. [Resolution No. 89-22 (June 20, 1989), approved by CCC on October 10, 1989].

Geotechnical

Marina's shoreline is subject to a number of hazards: wave erosion, wind erosion, tsunami inundation, and shaking from earthquakes.

Currently there is virtually no development along Marina's shoreline or within the tsunami run-up zone. Therefore, the presence of the potential hazards has little effect. However new development, if allowed on the ocean-side of the dunes, could be subject to these hazards. In addition, wind erosion is a serious problem not only where it occurs on the dunes but in inland areas where the sand settles. For these reasons some objectives are outlined:

- Structural development shall not be allowed on the ocean-side of the dunes, in the area subject to wave erosion in the next 50 years, or in the tsunami run-up zone. The only exception to this would be essential support facilities to a coastally-dependent industry, and in these areas the city will not undertake any liability for property damage due to hazards.
- Because of the fragile character of the dune vegetation, new development in this area shall be restricted to already-disturbed areas. Development in areas where the natural dune remains shall not alter the basic configuration of the natural dune landform, and shall provide for site reclamation.
- To reduce wind erosion, disturbed areas not being actively used by coastal-dependent industries should be revegetated with native plants. Revegetation will be required of all new development on the dunes.
- Before development is permitted in the Coastal Zone, a geotechnical report appropriate to the specific proposal shall be prepared for that development in the dunes or in the vicinity of any vernal pond. The report shall include at least geologic and seismic stability, liquefaction potential, identification of an appropriate hazard setback to protect the economic life of structures, and specific recommendations on drainage, irrigation and mitigation of identified problems.

Report contents shall comply with guidelines of the California Division of Mines and Geology.

Preservation and Enhancement of Coastal Views

Marina's coastal view has been called the "Gateway to the Monterey Peninsula". The coastal dunes rise high on the west side of Highway 1 virtually eliminating the view of the ocean. Inland from Highway 1 is gently rolling terrain dotted with vernal ponds, single family homes and isolated groves of trees. View protection is an important aspect of coastal planning in Marina. The primary view is from Highway 1 which is elevated through much of the City. Views from the beach are important as well. From the inland areas of the Coastal Zone east of highway, coastal views are primarily of vegetated dune ridge-lines and vernal ponds and their marshes.

- Views of the dunes from Highway 1 and the beach shall be protected by keeping development off of the primary ridgeline. Development below the ridgelines shall be limited in height and mass to blend into the face of the dunes: generally structures should be hidden from public view where physical and habitat constraints allow. Where this is not possible, structures shall be clustered and sited to be as inconspicuous as possible.
- Trails and public access across the dunes shall be designed to protect fragile vegetation and reduce effects of wind erosion.
- Revegetation of disturbed areas, particularly those which are highly visible, shall be a priority.
- In areas where mining activity or blowouts have removed sand dune landforms, new development shall not extend above the height of the nearest adjacent sand dunes and shall be clustered so as to preserve access views across its site from Highway One.
- All off-road vehicles, except those necessary for rescue, shall be prohibited on the dunes.
- Similar measures are appropriate to protect public views centered on vernal ponds which are highly visible from Highway 1 and local coastal access roadways. These include Pond Number 1 as seen from Highway 1; Pond Number 2 as seen from Reservation Road; Pond Number 3 as seen from Beach and Reservation Roads; and Pond Number 4 as seen from Dunes Drive.

Shoreline Protection Structures

There are no shoreline protection structures along the Marina coastline.

- No new development shall be permitted which will require the construction of shoreline protection structures unless such development is in accordance with the provisions of the “Small Boat Harbor” section of this Land Use Plan, or when such structures are necessary to serve coastal dependent uses (as defined in the Coastal Act) or to protect publicly owned beaches from erosion.

Coastal Conservation and Development Uses

Existing coastal-dependent industrial and public works facilities include the surf zone mining operations and the Marina County Water District outfall. Proposed new coastal-dependent uses include a commercial kelp-growing facility west of Dunes Drive. While the surf zone and dredge pond sand mining operations may be coastal-dependent, recent excavations of the Flandrian dunes at Lapis and west of Dunes Drive may not be coastally dependent.

Reclamation should be considered as a part of the coastal dependent use in areas where sand mining occurs in the future. Reclamation should address the combined process of land treatment which minimizes adverse effects of mining operations so that the mined areas are reclaimed to a useable condition which is readily adaptable for alternative land uses consistent with the policies and recommendation of the coastal land use and implementation plans and which create no danger to public health and safety.

Recreational beach use in Marina is extensive with activity focused on beachcombing, fishing, hang-gliding and horseback riding. Swimming is not suitable because of treacherous currents. The weather in Marina is also less conducive to beach activities than elsewhere in the Monterey Bay. Strong on-shore winds and fog are typical of the weather patterns.

- Coastal Conservation and Development uses shall be allowed on the west side of Dunes Drive. These activities shall include, but not be limited to, marine agriculture (Mariculture); off-shore and surf-zone sand mining, and other commercial activities dependent for economic survival on proximity to the ocean, salt water or other elements only available in this particular environment. Coastal dependent development in this area will be allowed in already disturbed areas (see Sensitive Habitat section).
- Coastal Conservation and Development uses shall not be allowed without thorough environmental analysis of the site by qualified professionals. Recommended mitigations from this analysis shall be included in any permitted project.
- Existing Coastal Conservation and Development uses shall comply with all State regulations governing operation and use of the site. Revegetation of areas disturbed by development, including sand mining, is a City priority for these uses (see Hazards section).

- Existing surf zone sand mining operations, as established coastal-dependent uses, shall be permitted to continue at their existing locations in substantially the same manner as they are currently being conducted, and have been conducted in the past. All provisions of the Marina Local Coastal Program (including the Implementation Plan) relating to mining shall be construed and applied in a manner that supports such continuation of existing surf zone sand mining operations so long as such existing surf zone sand mining operations are in accordance with this Local Coastal Program.

Visitor Oriented Commercial

The Marina Coastal Plan anticipates future development oriented toward less intensive, lower cost visitor facilities than those available in the more intensively developed coastal areas to the north and south. Two kinds of commercial uses are anticipated: one visitor-oriented and one exclusively dependent on ocean proximity. (See North of Reservation Road Planning Area). The objective of these designations is to provide as many opportunities to visitors as possible, while encouraging those visitor activities not requiring location on the coast itself to be located in nearby inland areas. While many tourists pass through Marina on their way to Monterey/Carmel or Santa Cruz, generally they are too close to their destination to stop. As a result, Marina's coastal activities must have a strong local attraction as well as a regional one. Over time a strong visitor base will be developed; but local coastal activities will still be economically dependent upon City residents and residents and employees of adjacent Fort Ord.

- Visitor-oriented commercial activities shall have precedence on the east side of Dunes Drive. Priority shall be given to support facilities for the following activities which are dependent on the unique coastal recreation opportunities available in Marina because of its isolated beaches and not available elsewhere in coastal locations in the Monterey Bay area: horseback riding, overnight camping, hang-gliding, surf-fishing and individualized beach activities.
- Since it is really only accessible from Dunes Drive, any development in the meadowland area in the Monterey County Coastal Zone adjacent to the end of Dunes Drive should be compatible with uses allowed on the east side of Dunes Drive in Marina (visitor-oriented commercial). At the northern edge of this area are Vernal Ponds. Visual and habitat preservation objectives must be emphasized here; not only is this the scenic first impression of Marina, but also the best remaining example of Pre-Flandrian dune habitat in the California Coastal Zone, and an agricultural use area (grazing). Development in the dunes west of the meadowland shall be strictly regulated in accordance with these Habitat and Visual objectives as well (see North of Reservation Road and Sphere of Influence Planning Areas).
- Visitor-serving commercial uses should be located and designed so that they reinforce one another and meet a range of visitor needs.

- For economic success, visitor-oriented commercial uses should be designed and priced to be attractive and meet the needs of local and nearby residents as well as the needs of regional visitors.

Housing

As a result of a change in the Coastal Zone boundary in Marina, there are very few residential units in the City's Coastal Zone. Those which are left are scattered and most are substandard. The Local Coastal Plan applies the residential land use designation only in the area east of Highway 1 known as the Vernal Pond-Brown Bulb Ranch Planning Area. Residential land uses are appropriate as long as visual resource objectives are met and proper setbacks and protection are provided to the vernal ponds and their adjacent wetlands. (See section on Wetlands, Hazards, and Sensitive Habitats).

In 1980 over 40 percent of Marina's housing is affordable to low and moderate income households. Because of Marina's historic role in providing a significant share of affordable housing to the region, it is important that the City not become further impacted relative to its housing market area. Thus, the focus on providing affordable housing in the local Coastal Plan is on the implementation of the City's Housing Element. Targets established and adopted in this element are determined on the basis of regional need and the jurisdiction's regional obligation.

- The City of Marina's Housing Element housing programs shall be applied in the areas designated for residential use in the Coastal Zone. These include emphasis on conservation, rehabilitation, code enforcement, encouragement of higher-cost housing, and support of public and private development of housing in the 1980-85 period.
- The City shall work with agencies which subsidize affordable housing to seek out funding for qualified locations and projects in the Coastal Zone. The City is committed to meeting its regional fair share of new lower-income housing by 1985 and will assist developers to locate appropriate sites.
- Relocation of occupants of substandard housing now in the Coastal Zone to affordable housing elsewhere in the City will be encouraged when the site of the existing dwelling units are reused.
- New housing units in the Coastal Zone shall be designed on the site to protect existing sensitive habitat areas, reduce the cost of the unit and conserve energy. Clustering and other techniques of minimizing visual impacts and enhancing the feasibility of desirable forms of housing may be required.

Community Service Requirements

Water and sewer service are provided to most of the City's Coastal Zone by the Marina County Water District. The current systems have the capability of serving all

development proposed in the Local Coastal Land Use Plan. However, the dune area generally north of the end of Dunes Drive is not within the District's service area.

- All future development in Marina's Coastal Zone shall be required to have public water connections.

Small Boat Harbor

Over the years there has been discussion in Marina about a small boat harbor. Such a harbor would be primarily for recreational boaters. Difficult currents and meager knowledge about sand movement have previously deterred serious exploration of a harbor opportunity in Marina.

However, completion of necessary studies and a change in economic priorities in the future may make a harbor feasible. If a harbor is ever seriously determined to be feasible as a coastal-dependent commercial use, several factors should be considered:

- Harbor development should include adequate public parking, continuous public access to and along the waterfront, area for ocean viewing and commercial fishermen as well as recreational boating facilities, all designed to be compatible.
- Harbor-support uses and visitor-oriented commercial uses should be compatible with the harbor so that they can reinforce one another, creating a coastally-oriented visitor center.
- The extent of dredging of channels determined to be necessary for the on-going use of a harbor should be studied and clearly understood prior to development. An EIR should be prepared outlining possible impacts of off-shore protection structures on existing coastal-dependent activities and the necessary mitigations, initially and on-going, to dredging activities.
- Harbor development should be designed to enhance public access to and along the coast and adjacent sandy beach, subject only to habitat protection constraints.

Agriculture

Agriculture is not a dominant land use in Marina's Coastal Zone. Currently there is one ± 25 acre area under cultivation. The primary crop is begonias. The soil type is not prime. Local residents enjoy the colorful view of the fields of flowers in bloom and regard the bulb ranch as a point of community identity. Nearby, the visually important fields adjacent to Pond No. 2 are used for grazing sheep. In addition, the extreme westerly edges of the extensive grazing and cultivated croplands on the north side of the City fall within the Marina Coastal Zone. The following should be considered in allowing conversion of agricultural lands to other uses in Marina's Coastal Zone.

- New development shall be concentrated in urban areas adjacent to existing development and roads within the Coastal Zone, to protect the economic viability of agricultural lands in the non-urban areas.
- Prime agricultural lands and cultivatable lands which are uniquely suited to one or more crops which cannot be economically grown elsewhere in the region should be protected for such use.
- On site clustering of new development is necessary for maintaining existing urban open space now in agricultural use at the Bulb Ranch and Pond No. 2.
- Conversion of agricultural land to other uses shall be permitted only when agriculture is no longer economically feasible.

LAND USE DESCRIPTION BY PLANNING AREA

The Land Use section consists of a list of land use designation definitions, area maps which illustrate the proposed land uses, and a written description which carefully outlines the intended use of each area designated on the map. The map and the description are intended to be used together. In the case of Coastal planning, the land use description includes more than the detail of land use, it also addresses Coastal access and the policy parameters of the Coastal Act being met by each assigned use.

Land Use Designations

General Commercial – indicates land designated for a broad range of commercial uses in suitable areas for service to coastal visitors and others. These uses include retail stores and shops of light commercial character conducted within a building, such as appliance stores, banks, barber shops, beauty parlors, bookstores, food stores, furniture shops, millinery shops, offices radio sales, restaurants, shoe shops, studios, tailor shops, hotels, clubs, lodges, churches, and public and quasi-public uses and buildings, public utility uses and buildings, service stations, drive-in banks, dancing academies, retail plant nurseries, drive-in restaurants, and other uses with similar characteristics and which will not be detrimental or obnoxious to the neighborhood in which they are to be located. [Resolution No. 88-71 (October 11, 1988); approved by CCC October 10, 1989]

Low-Density Residential – indicates an average density of development five to eight dwelling units to the acre. The specific density within the range and the type of units will be determined by site conditions.

Visitor-Oriented Commercial – indicates a variety of commercial uses serving the coastal visitor, but also attractive to nearby and local residents. Among these uses would be hang-gliding equipment sales, commercial overnight campgrounds, riding stables, inns and commercial uses dependent upon existing resources and recreational opportunities available in the area.

Coastal Conservation and Development – uses, including coastal research and education uses; developed public access and other coastally dependent recreation uses; coastal dependent industrial uses including but not limited to marine aquaculture (mariculture), dredge ponds, surf zone and offshore sand extraction; in severely disturbed areas and those portions of parcels currently subject to dune mining activity, dune mining; and on parcels where other coastal conservation and development uses are not feasible, visitor serving uses, such as visitor accommodations.

Agriculture – land in grazing use or under cultivation and/or suitable for cultivation where the priority planning use is agriculture.

Public Service Facilities - indicates lands suitable for location of necessary public service improvements. Among these uses would be the wastewater treatment plant and pump station(s); corporation yard; city, state, or district offices; and State Highway One.

Park and Open Space – lands both in public and private ownership on which development either will not occur or will be minimal because of habitat or scenic values or hazards present. Includes all sandy beach, dedicated portions of subdivisions, and portions of the Marina and Salinas River dunes. Public recreation facilities are permitted which enhance use of the open space areas, such as parking, access improvements, restrooms, interpretive center and visitor contact stations.

Marina State Beach Planning Area

The Marina State Beach planning area includes State Highway Route 1 and the area west of Highway 1 from Reservation Road south to the City limit within Fort Ord. The State has purchased ± 165 acres of coastal dunes in this area to create a State beach operated by the California Department of Parks and Recreation. Outside of the park in this planning area is a strip of City-owned land between Lake Court and the freeway right-of-way, generally 160' wide including the street and adjacent vacant land. South of this City property on Lake Court are several vacant parcels and four single-family houses in private ownership. A two mile strip of Marina's Coastal Zone extends to the south of this area on the west side of Highway 1 on to Fort Ord property. Contained within this strip, assigned to Marina's Coastal Zone, Highway 1, a bicycle pathway and the Southern Pacific railroad tracks.

The Coastal dune vegetation and animal life within the State beach area have been disturbed in the past by off-road vehicles. Recent fencing and a resident park ranger have reduced this illegal activity. Despite past abuse, the dunes still provide habitat for rare and endangered plant and animal species. Soil is thin and ground cover is sensitive to trampling. When the sand is exposed, wind erosion accelerates causing further decline in habitat potential. The landward side of the Coastal dune in this area is highly visible from Highway 1, particularly to south-bound traffic. The area on the east side of Lake Court is much less visible because the Highway is elevated adjacent to this area. On the west side of Lake Court, in the State park below the dune ridge line is a gently sloping

area and a grove of trees. Generally only the tops of these trees are visible from the Highway.

Marina State Beach

The ± 165 acres now in the State Beach should be designated park and open space. A park ranger should continue to be present on the site. In addition, the State Department of Parks and Recreation should develop facilities to accommodate the public recreation activities which now occur at the beach: walking, picnicking, hang-gliding, ocean viewing, and fishing. Other beaches nearby provide ample opportunity for the more intensive, commercialized public beach experience.

At the south end of the State park ownership adjacent to Lake Court, is a less steep, sheltered area on the lee side of the dunes. Because it is the only sheltered area easily accessible by car, this area should be developed as a part of the State Beach as a picnic-play area. Because both the dune and meadow areas are potential habitats for rare and endangered species, the intensity and type of recreation development in this area must be limited, and should be justified by a site specific plan based on biological and geotechnical study as well as access roadway capacity from Reservation Road. Among the facilities which should be considered are: parking, picnic tables, braziers, restrooms, nature interpretive facility, formal/developed dune access with viewing platform at the highest point, and a play area. A ranger residence or visitor contact station might also be appropriate on this site and/or where Lake Drive passes under the freeway bridge. Since this is a day use area, when private uses are no longer present on Lake Court, a gate could be placed across Lake Drive at the eastern edge of the freeway for management purposes.

At Reservation Road, State Beach facilities should include parking; modern restrooms; ranger residence/visitor contact station; and an interpretive center to educate beach visitors about the unique geology, vegetation and animals of the Marina Dunes Complex. New facilities should encourage beach viewing and promote more individualized and small group recreation activities including suitable developed beach access and an appropriate level of hang-gliding activity. (See also Public Access Component).

All environmentally sensitive habitat areas within Marina State Beach shall be evaluated for sensitivity to visitor use and managed accordingly; where warranted such habitat areas should receive “natural preserve” designation. Throughout the planning area, care must be given to avoid introduction of aggressive, non-native plant species which could threaten the survival of endangered native dune flora within the State Beach.

Given the land use designation and criteria outlines, the proposed use is consistent with the following Coastal Act policies: 30210 (Maximum Public Access); 30213 (Low Cost Visitor Opportunities); 30220 (Water Oriented Recreation Opportunities); 30221 (Recreation Use of Ocean Front Land); 30230 (Marine Resources); 30240 (Protect Sensitive Habitat Areas); and 30251 (Scenic and Visual Qualities).

City-Owned Land East of Lake Court

At the south end of this planning area, east of Lake Court, is an area in mixed public/private ownership. The northern portion of this area is owned by the City of Marina and is proposed for a City corporation yard which is intended to ultimately expand to the entire area on the east side of Lake Court including the street right-of-way. This use would be suitable, and compatible with a developed recreation area on the sheltered State Beach area landward of the dunes, provided the corporation yard is screened and landscaped, daytime noise levels are reasonable, and truck traffic does not compete with recreational traffic. Major beach recreation activities take place in Marina on the weekends. Equipment housed in the corporation yard would not usually be employed on these days. The corporation yard at this location also would enable shared policing of the adjacent recreation area by the City and State.

Moreover, the location of this site is minimally visible from Highway 1 and does not disturb coastal views in any way. The corporation yard should not, however, be allowed to expand on to the dune-influenced land on the west side of the existing Lake Court paving. If the city determines that the corporation yard will ultimately require space occupied either by Lake Court or private lands, commitment to acquisition of all private lands must precede initial installation of the yard. If a corporation yard is not developed, a non-vehicular (tent) campground is the preferred use.

Private Land East of Lake Court

South of the proposed corporation yard site is a subdivided area in private ownership and partial residential use. The priority use for this area is for expansion of the City's corporation yard. This will enable protection of all the adjacent dune areas which are potential habitat for several rare and endangered species and on which development is inappropriate. Public ownership of all the lands requiring Lake Court access will, additionally, enhance possible management measures for this sensitive area, such as nighttime closure of the road. In the absence of public acquisition, this area should be permitted to build out with one residence per existing parcel provided that water requirements can be met. Low-intensity non-vehicular recreation uses should also be permitted (such as a tent campground). If the residential uses are removed, comparably priced housing elsewhere in the western portion of the City is currently available. The public service facilities designation in this area is consistent with the following Coastal Act policies: 30211 (Not Interfere with Access); 30231 (Protect Water Quality); 30240 (Protect Sensitive Habitat Areas); 30250 (Location of New Development); 30251 (Scenic and Visual Qualities); and 30253 (Public Health, Safety and Welfare).

Access

There are two Coastal access points in this planning area, both on State beach property. An undeveloped access is located at Lake Court. Currently there is a pedestrian gate in the fence. This fence is frequently cut by people illegally driving off-road vehicles to the dunes. From the gate an unimproved trail can be seen up the steep face of the dune. This

trail continues across the dune to the sandy beach frontage. Just south of this access is Fort Ord. For the public's safety, the dune and beach on Fort Ord's side are posted no trespassing. The rifle range is adjacent to this Fort Ord shoreline. Because it is little known to outsiders and is unimproved and steep, the Lake Court access is infrequently used. However, the area on the landward side of the dunes in this area is one of the few sheltered areas on the State beach property; and would make an attractive picnic and play area. Parking would be required for any improvement on the lee side of the dunes (see Access Component). If recreation facilities are improved at this location, several factors should be considered: an improved trail should be designed which would encourage visitors to use it; the park area should be designed to discourage random dune scrambling and to prevent off-road vehicle use, as well as to facilitate easy policing; sufficient parking should be provided to allow no more than twenty cars unless a site-specific environmental assessment determines that a greater number will not result in degradation of the fragile dunes.

The second beach access in this planning area is at Reservation Road, about one mile north of Lake Court. Reservation Road is the main entrance to the State Beach. This access is closed from 10 p.m. to 7 a.m. daily. A ± 55 car parking lot, restrooms and Ranger's residence are currently located here. Handicapped access is now possible because the parking lot extends to the sandy beach frontage. The existing improvements predate State beach acquisition and need improvement and/or replacement. Among the problems are inadequate number and quality of restrooms; the access road to the sewer treatment plant goes through the beach parking lot (See Reservation Road North Planning Area); parking spaces are not marked; on heavy beach use days there are not enough parking spaces; and there is no signing on approach roadways. An unused County animal shelter and the adjacent City-owned Vernal Pond No. 4 could effectively enhance beach access through renovation of the shelter as an interpretive center and observation area for the pond.

- **Bicycle Access**

Bicycle access to Marina's oceanfront should be developed along Reservation Road. Bicycle racks should be provided at the beach parking lot. A separated bicycle pathway should be extended along Reservation Road from Del Monte Boulevard to the beach parking lot. This pathway would connect at Del Monte to the City's proposed north-south route along Del Monte Boulevard and its eastern route which parallels Reservation Road east of Del Monte.

- **Vehicular Access**

Automobile access to this planning area is via Highway 1 and the Reservation Road interchange. No improvement to the newly-built four-lane freeway is foreseen in the City's regional access requirements. Much of Reservation Road in the Coastal Zone was also rebuilt as a part of Highway 1 construction; so, other than pedestrian/bicycle improvements, no other improvements are necessary at this time. Local roadway access

to Lake Court is adequate to accommodate limited use. Beach access signing is needed for both the Reservation Road and Lake Court access routes.

Vernal Pond-Brown Bulb Ranch Planning Area

The Vernal Pond-Brown Bulb Ranch Planning Area includes the vacant and cultivated area east of Reservation Road, several Vernal Ponds and existing undeveloped area around the ponds and west of Lake Drive. Also in the planning area is the freeway right-of-way and dunes along the east side of Highway 1. The residentially developed sections of this neighborhood, along with the Sand Hill Nursery site and Marina Del Mar School, are excluded from the Coastal Zone.

Vernal Ponds 1, 2, 3, and 7 are within this planning area. All but Pond 3 support wetlands. Pond Number 1, the Pond closest to Highway 1 at the southern end of the planning area, has been dedicated to the State, fenced and declared an environmental preserve. KIDD, a local radio station, has built transmission towers in Vernal Pond Number 2 adjacent to Reservation Road at Lake Drive. In previous plans the Pond Number 2 area was designated for a community park. There are five single-family homes in the planning area, all but one on Seaside Avenue. Three of these houses are associated with existing agricultural uses. The ± 25 acre Brown Bulb Ranch, a recognized local landmark, is the major cultivated acreage. The primary crop is begonia bulbs. All the existing land uses adjacent to the Coastal Zone properties are residential or residential related (church and school), except on the Sand Hill Nursery acreage where neighborhood and visitor-oriented commercial uses have been approved.

The primary area of biological and geological sensitivity in this planning area are the Vernal Ponds. These are seasonal ponds which expand during the wet season and support marshy wetlands much of the year. The fresh and brackish ponds are unique along California's Coast and occur usually when a combination of circumstances such as a depression within the fast-draining sandy soils, a lens of less pervious soil and high water table occur simultaneously. These ponds and their wetlands can be highly sensitive to human use which can break up less pervious soils or cause drainage of poor quality, oil laden water into the pond creating a different kind of seal on the pond's bottom during the dry season. The wetlands and ponds provide habitat and cover for migratory waterfowl and a number of animals, one of which is the rare and endangered Black Legless Lizard. The grasslands of this planning area and the Coastal Zone are also potential habitat of the rare and endangered Salinas Kangaroo Rat.

Highway 1 is elevated along much of the western boundary of this neighborhood. The area is more visible to northbound traffic which gets a panoramic view of the Vernal Ponds, rooftops of existing houses and flashes of color through the grove of trees on the Bulb Ranch. To the west and going south on Highway 1, the principal view is of the dunes along both sides of the highway. The remnant dunes within this planning area are generally protected as dedicated open space, and should be managed in accordance with the same standards as the open space areas in the Marina State Beach Planning Area.

Three areas within the Vernal Pond-Brown Bulb Ranch planning area are in public ownership: the Highway 1 right-of-way, Vernal Pond Number One and its marsh, and Vernal Pond Number Seven and its marsh. These areas should be given an open space land use designation to protect them. This designation is consistent with Coastal Act policies: 30212.5 (Distribute Public Facilities); 30223 (Protection of Supportive Upland Areas); 30231 (Protect Water Quality); 30240 (Protect Sensitive Habitat Areas); and 30251 (Protect Scenic and Visual Qualities).

- **Vernal Pond Number One Area**

The privately-owned area adjacent to Vernal Pond Number One should be developed in low density residential uses compatible with those nearby. This site should be developed as a unit with allowed residential uses set back from the vernal pond. The vernal pond and its support area have been conveyed to the California Department of Fish and Game and placed in an ecological reserve. Habitat protection and restoration of both the pond and adjacent dune area shall be the primary resource management objective at this location. Adjacent development shall be designed to provide adequate setbacks for habitat protection, preclude unauthorized access to the ecological reserve, and provide for interception of street drainage and other measures required for maintenance of water quality in the pond.

The low density residential designation of this site is consistent with Coastal Act policies: 30211 (Development Not to Interfere With Public Access); 30213 (Housing Consistent With Local Housing Element); 30231 (Biological Productivity of Wetlands); 30233 (Dredging of Wetlands); 30240 (Sensitive Habitat Protection); 30251 (Scenic and Visual Qualities); 30253 (Public Health, Safety and Welfare); and 30254 (Public Facilities).

- **Vernal Pond Number Two Area**

Between Reservation Road and Seaside Avenue is a large sloping area dominated by Vernal Pond Number 2 and two radio transmission towers. The preferred use for the Pond, wetland and slope of this hillside is for a City community park. However, funding is not now available. Therefore, if development is proposed before public funds are available for acquisition, residential uses should be permitted, clustered along the Seaside Avenue/Marina Drive frontage. If such use is permitted, the entire area should be designated and developed as a unit. Vehicular access should be limited to Seaside Ave. & Marina Dr. The overall residential density of this area should be limited to low density (5-8 dwelling units to the acre). This site is suitable for moderately priced housing, which should be encouraged as a part of a clustered development. The remainder of the site, vernal pond, wetland and, as much as possible of the hillside slope, shall be left open and undeveloped as common area. There shall be at least a 100 foot wetland setback. A public access walkway compatible with the resource should be provided along the pond frontage at Reservation Road, to create an opportunity to observe the wildlife of the City's most extensive Coastal Vernal Pond. An environmental impact report shall precede site development and should address such factors as wetland setback, habitat

protection, presence of rare and endangered plants and animals, scenic views from Reservation Road, drainage, water quality and appropriate level of public access.

If public purchase of the pond and the slope above is possible, an environmental assessment should be undertaken to evaluate the level of public access which the pond-wetland area can support. The remaining Seaside frontage should be allowed to develop in low-density residential uses. The low density land use proposed is consistent with the following Coastal Act policies: 30211 (Development Not Interfere With Public Access); 30213 (Encourage and Provide New Opportunities Where Feasible, Housing Consistent With Local Housing Element); 30231 (Biological Productivity of Wetlands); 30233 (Dredging of Wetlands); 30240 (Sensitive Habitat Protection); 30251 (Scenic and Visual Qualities); 30252 (Local Recreation Facilities); 30253 (Hazards) and 30254 (Public Facilities).

Brown Bulb Ranch Area

The Brown Bulb Ranch dominates the area between Seaside Avenue and Beach Road. The preferred use for the Bulb Ranch is agriculture, specifically flower bulb farming. ~~If any other use is to be considered, it would be optimum to have the entire area general commercial and it should be~~ designed and developed as a unit. Access to Reservation Road in this area is poor and the Reservation Road slope is highly visible; development should therefore be oriented to the Beach Blvd. Road, Marina Drive, and Seaside Avenue frontages. More intensive use of this property ~~will~~ and to accommodate future traffic projected by the City's Transportation Plan may require realignment of the Beach Road and Marina Drive intersection in order to improve visibility for traffic, safety and egress and may require reconfiguration of the Beach Road and Reservation Road Intersection. [Resolution No. 88-71 (October 11, 1988) and No. 89-52 (September 5, 1989); approved by CCC October 10, 1989].

Vernal Pond Number 3, in the northwest corner of the area shall be protected from encroachment. ~~and the visually prominent grove stands of Monterey Cypress trees on the Bulb Ranch shall be preserved whenever possible. In the absence of a continuation of farming, the appropriate land use for this entire area is low density residential, carefully designed to fit the site. Clustering is desirable to afford maximum protection to the site's resources and to maintain open space. Should farming continue, the Reservation Road and Seaside frontage areas of the non farm parcels should be developed with clustered low density residential uses. No direct access to Reservation Road should be allowed.~~ No development should be allowed without an environmental assessment and appropriate protection and enhancement provided to Vernal Pond Number Three. ~~Visitor-commercial activities will be provided opposite the Reservation Road frontage in an area adjacent to the Coastal zone, and along Dunes Drive (see North Reservation Road Planning Area).~~ Both sections of Vernal Pond Number Three, the southern portion on the northwest corner of the Brown Bulb Ranch and the northern portion across Beach Road, shall be protected from encroachment by any road improvement including protection of 100 foot buffer setbacks in which no development may take place where such undeveloped areas now exist.

~~However, the area of the ponds now on opposite sides of Beach Road may be combined if this would provide improved wildlife habitat and it would be consistent with a new alignment of Beach Road approved by the City.~~

Notwithstanding the above, an increase in site coverage from 25% to 30% shall be allowed and a new alignment for Beach Road providing an improved Beach Road/Reservation Road intersection shall be allowed to encroach upon the southerly portion of Pond #3 pursuant to the following provisions:

1. As part of a larger management and restoration program for the City of Marina coastal/vernal ponds as described in the Management Plan for Marina Ponds on page 11 of this Land Use Plan document (as amended August 1989) and agreed to by the City of Marina, the developer, and the Coastal Commission in a Memo of Understanding for Development of a Management Plan for Marina Ponds.
2. Pond #3 Area. Beach Road may be relocated to the south of Vernal Pond #3 provided that the area of the pond now on opposite sides of the current alignment of Beach Road be combined consistent with the Schematic Plan and Guidelines for the Marina Landing Pond Enhancement (Habitat Restoration Group, John Stanley and Associates, April 24, 1989, July 11, 1989, on file at Commission office) and that the pond across Reservation Road which currently receives overflow from the Beach Road right-of-way pond will be included as a non-contiguous but integral element of a restoration and enhancement plan for the combined ponds. Encroachment on Pond #3 will be allowed provided it is the minimal necessary (no sidewalks on the north side of Beach Road, minimal lane widths, dividers, etc.) to allow safe traffic visibility and flow.

That the City enter into an agreement, such as a Memo of Understanding, with the Department of Fish and Game for oversight of the approval, implementation and monitoring of a final, detailed pond enhancement plan for Pond #3. [Resolution No. 88-71 (October 11, 1988) and No. 89-52 (September 5, 1989); approved by CCC October 10, 1989].

The visually prominent stands of Monterey Cypress trees on the Bulb Ranch shall be preserved whenever possible. Visitor-commercial activities will be provided opposite the Reservation Road frontage in an area adjacent to the Coastal Zone, and along Dunes Drive (see North Reservation Road Planning Area).

~~The agriculture and low density residential park and open space and commercial designations of this area are consistent with Coastal Act policies: 30213 (Housing Consistent with the Local Housing Element); 30231 (Biological Productivity of Waters Restore Quality of Coastal Wetlands); 30240 (Sensitive Habitat Protection); 30242 (Protection of Agricultural Lands); 30250 (Contiguous Development); 30251 (Scenic and~~

Visual Quality); 30252 (Provide Adequate Resident Recreation); 30253 (Public Health, Safety and Welfare); and 30254 (Public Facilities) [Resolution No. 88-71 (October 11, 1988); approved by CCC October 10, 1989].

Access

Because this planning area is separated from the ocean by Highway One shoreline access is not an issue. However, the vernal ponds and wetlands present in this planning area are unique along the California Coast. For this reason public access, at levels which protect these environments, is an important Coastal issue. In the plan description of the State Beach Planning Area it is recommended that the State convert an existing animal shelter to an interpretive center and that the City and Water District allow the adjacent Vernal Pond No. 4 to be included in this facility. The center could include descriptions and directions to the other Vernal Ponds within the Coastal Zone. On their own initiative, Coastal visitors could walk, bicycle or drive to view the other ponds and wetlands. Scenic Vernal Pond Number 2 is the most extensive and most easily accessible. Because of the pond's location on Reservation Road, this would be the frontage most appropriate for observation.

Bicycle Access

A separated pedestrian/bicycle pathway is proposed along the edge of Reservation Road. This pathway would connect at its eastern end at Del Monte Boulevard with the City's north-south and eastern bicycle routes.

Vehicular Access

Reservation Road, which traverses this planning area provides direct access to Highway 1. All portions of the planning area have good access to Reservation Road. Highway 1 is recently developed in this area and needs no improvements other than beach access signing. Only the northern edge of Reservation Road right-of-way is within the Coastal Zone. This roadway shall not be expanded within the Coastal Zone in such a manner as to encroach onto or significantly impact any vernal pond.

Access to the large parcels within this planning area should be oriented to the existing collector streets, Beach, Seaside and Lake, as much as possible. Because of its curving alignment and the speed of traffic, unrestricted access to Reservation Road should be avoided. If access from development directly to Reservation Road is necessary, access for several properties should be combined as much as possible. Roadway alignments must be designed not to disrupt vernal ponds or their wetlands, and shall be designed so that storm water drains away from the vernal ponds or is first intercepted and filtered.

North of Reservation Road Planning Area

The planning area North of Reservation Road includes a large strip of land west of Highway 1, within the City limits, to the north of Reservation Road. Currently within

this area are three sand mining operations, an inactive sand mine, the Marina County Water District sewage treatment plant, Vernal Pond Number 4, a park ranger's residence and a County-owned, unused animal shelter. East of Dunes Drive is a privately-owned and operated 33-space recreational vehicle park. This planning area contains about two miles of the Marina Dune Complex. The portion of these dunes north of the Lone Star Lapis Sand Plant is the best preserved.

Undisturbed portions of these dunes support a number of rare and endangered, as well as threatened plants and animals. The vegetation in the area is sensitive to trampling and damage from off-road vehicle use. Such disturbance results in increased wind erosion and blowing sand.

The height of the dunes protects the inland area from tsunami danger. In addition, the lack of structural development on the seaward side of the foredunes has eliminated wave erosion as a public safety concern. The Marina County Water District office and wastewater treatment plant is set back far enough that wave erosion is not a concern.

These massive Coastal dunes are highly visible, particularly to southbound traffic on Highway 1. This area is thought of as the scenic gateway to the Monterey Peninsula. Going north, the views are oriented more inland, and the Coastal dunes play a less dominant visual role.

Within the high Flandrian dune area, appropriate uses include salt water aquaculture commercial hang gliding facilities, horseback riding facilities, and other activities specifically dependent upon proximity to the ocean. In approval of appropriate activities, a number of factors must be considered, such as: retaining uninterrupted lateral access along the sandy beach frontage; restricting new uses to areas already disturbed by sand mining operations; retaining parcel sizes adequate in size, location and accessibility for uses defined in the Coastal Conservation and Development designation or where none of these uses are feasible, viable visitor-oriented uses; all parcels must contain adequate shoreline frontage; identification and protection of rare and endangered plants and animals and their habitats found on the site at the time of reuse; visibility of new uses from Highway 1 and from the water's edge; public safety and vulnerability to wave erosion; tsunami and other Coastal hazards; and protection and continued provision of public access from the nearest public roadway to the ocean. Structures necessary for the functioning of any Coastal Conservation and Development use (e.g. dredgelines, sewer outfall lines) may cross the sandy beach designated Park and Open Space provided lateral beach access is not significantly blocked. At the same time development is proposed, site-specific Coastal planning factors as described above shall be identified and mitigated if necessary, as required in any environmental review.

North of the Water District's treatment plant, the shoreline is owned by several different sand mining interests. However, only informal, undeveloped beach access is currently available, through a pedestrian gate across the Standard Resources Inc. property at the north end of Dunes Drive. The preferred location for a developed accessway in this area would be at the existing informal Standard Resources access site: development of beach

access at this location would eliminate the need for separate accessways on each beachfront property. Optimally, adjacent landowners would cooperate to secure dedication of the Standard Resources location for this purpose. (see Section on Access). Otherwise, those properties not providing accessways will be required to meet their Coastal Act access obligations through provision of beach-oriented parking as approved by the City or by paying a fee in-lieu instead of dedicating land and developing a formal beach access way.

The Coastal Conservation and Development designation for this area is consistent with Coastal Act policies: 30210 (Public Access); 30211 (Development Not Interfere with Access); 30212 (Access From Nearest Public Roadway); 30212.5 (Distribute Public Facilities); 30221 (Oceanfront Land for Recreation Activities); 30222 (Use of Private Lands); 30233 (Diking, Dredging and Filling); 30240 (Sensitive Habitats); 30250 (New Development Contiguous); 30251 (Scenic and Visual Qualities); 30252 (Enhance Public Access); 30253 (Public Health, Safety and Welfare); 30255 (Coastal-Dependent Priority); and 30260 (Coastal-Dependent Industries).

The Marina County Water District offices and wastewater treatment (primary and secondary) facilities are located at the south end of this planning area. Recently expanded, the capacity of this plant is calculated to be adequate to handle all proposed new development within the existing district. Moreover, because of public purchase of land which was anticipated to be developed at the same time of plant construction, the District's service area could be expanded in most cases to serve the City's entire Coastal Zone without exceeding current plant capabilities. The only limitation would be a new use which would generate wastes of unusual composition.

Current access to the District's office and wastewater treatment facility is through the State Beach parking lot. Because of the increased potential conflicts between beach users and District vehicles in the future, another access road is recommended. One new alignment could take traffic north or the vernal pond and bring it into the north side of the treatment facility. Access to this roadway would be from Dune Drive rather than from Reservation Road. Such an alignment would entail the cooperation of the Monterey Sand Company or future users of this site located on the north side of the District's facility.

The Water District's facilities should have a land use designation of public service facility which is consistent with Coastal Act policies: 30211 (Interference With Access); 30212.5 (Distribute Public Facilities); 30231 (Protect Water Quality); 30233 (Diking, Dredging and Filling); 30253 (Public Health, Safety and Welfare); and 30254 (Public Facilities).

Adjacent to the Marina County Water District facilities is a building previously used as a County animal shelter. An adjacent single-family house serves as a park-ranger's residence. Behind this area is Vernal Pond Number 4. All of these parcels should be combined and conveyed to the State as a part of the State Beach facilities. The animal shelter structure could be renovated to serve as a visitor interpretive center. The Vernal Pond, its associated wetland and the adjacent dune area should be designated as a natural

preserve; easily observable habitat for several rare and endangered plant and animal species, as well as an excellent example of coastal vernal ponds, would thereby be protected through appropriate management. (See State Beach Planning Area). These three areas should be given a park and open space land use designation which would be consistent with Coastal Act policies: 30210 (Public Access); 30213 (Low Cost Visitor Facilities); 30221 (Recreation Use of Oceanfront Land); 30241 (Sensitive Habitat Protection); and 30251 (Scenic and Visual Qualities).

Between Dunes Drive and Highway 1 is a long strip of privately owned land. A recreation vehicle park is located in the northern half of this area. The remainder of the area is vacant. Because of its proximity to Highway 1 and the Reservation Road access ramp, this area should be developed with visitor-oriented commercial uses. Following the trend already established by the existing recreation vehicle park, these uses shall include those dependent on the kind of coastal resources and recreation activities available in Marina, such as overnight camping and other accommodations for visitors. The portion of this area north of Dunes Court is visible from Highway 1; the area south of Dunes Court is generally less visible. Development in this area shall be sited and designed to protect the view of the dunes from Highway 1, particularly to southbound traffic, and to promote the individualized beach experience opportunities available in this portion of Marina's coastal zone.

The visitor-oriented commercial use designated for this area is compatible with Coastal Act policies: 30211 (No Interference With Public Access); 30222 (Priority For Commercial Recreation); 30250 (Location of New Development); 30251 (Scenic and Visual Qualities); 30252 (Reduce Traffic); and 30253 (Public Health, Safety and Welfare).

West of Dunes Drive are three large parcels which are, or have been, mined for sand. As an existing use in this location, surf zone and beach sand mining have priority, however, if such sand mining ceases, as is the case with Standard Resources, Inc. operation, guidance for alternative uses is necessary. In the event of termination of sand mining and infeasibility of other coastal dependent uses, visitor-oriented commercial uses should be allowed on the properties with frontage on the west side of Dunes Drive. Within this area visitor oriented uses shall be confined to those vegetation is disturbed or natural topography substantially altered. Change of use from coastally dependent development will be subject to proper zoning, environmental analysis, submission of a site plan consistent with environmental protection, the LCP land use and implementation plans, provision of appropriate levels of public access and issuance of a Coastal Development Permit.

It is the intent of the City of Marina to require that the initial burden of proof lie with a project proponent to demonstrate by substantial evidence, that coastal dependent land use is infeasible. If the decision making body finds, upon considering the applicant's and any other evidence available to it, that a coastal dependent land use is infeasible, the burden of proof shall shift to and lie with any project opponent or other interested person to demonstrate, by submitting substantial evidence in a timely and diligent manner, that a

coastal dependent land use is feasible. In the event of such a conflict, the decision making body shall consider all evidence submitted and make a final decision regarding feasibility based upon the evidence.

Coastal Conservation and Development shall include such uses as are dependent upon salt water, the unique coastal-marine environment found in Marina, and/or on resources present only in this portion of Marina's Coastal Zone. Development shall be sited in already disturbed areas. Access roadways shall be kept to the minimum necessary to serve the proposed sensitive habitats and views of the coastal dunes. No development shall be allowed in this area without proper environmental assessment by qualified professionals. The findings and recommendations of the environmental assessment shall be incorporated into project plans.

Most of the dune area north of Dunes Drive to the City limits is undeveloped. The Lone Star Lapis Sand Plant is operating near the center of this area. A dwelling, several large structures and dredge ponds are associated with the sand mining operation. Lapis Road provides access to the Sand Plant. Between the north side of the area disturbed by the sand mining operation and the City boundary is a large area of virtually undisturbed dunes. This dune area is the best preserved of the Marina Dune native habitat. Its preservation is due, in part, to its inaccessibility. Between the Lone Star Lapis Sand Plant and the properties fronting on Dunes Drive is another undeveloped stretch of dune. The native environment of this area has been more disturbed by unauthorized use than the northernmost dunes, but still retains much of its original character. The future use of this entire area has environmental significance because of the dwindling amount of the unique, undisturbed Marina Dune plant and animal habitat. In addition there are, at the south end of this property adjacent to the Standard Resource parcel several smaller areas which are virtually undisturbed (see Exhibit "B"). These areas shown on Exhibit "B" shall be surveyed and protected.

Since the current sand mining operation is dependent on access to Coastal sands, it will continue to operate on this site. However, it is important to recognize the relationship of the sand mining operation to its surroundings. In terms of land use, the highest priority is placed on preserving the vegetated dunes to the north of the Lapis Sand Plant by public acquisition. Future development should be focused on this property on the more disturbed area south of the Sand Plant. If use of the southern area is necessary to preserve the area to the north of the sand plant, it should be carefully sited and designed to be as protective as possible of the fragile plant and animal habitats and visual amenities from Highway 1. Designated land use should be Coastal Conservation and Development. Any extension of Dunes Drive to provide access to the area should be limited to local access needs, so that it does not become a frontage road to Highway 1.

A recent coastal permit allowed an outfall line from the regional sewer treatment plant to be extended through the existing disturbed area at the sand plant. This pipe will carry treated effluent for the entire Monterey Bay Area a mile or more off shore. The line will be buried through the sand plant site.

Sand mining in this location is extensive. Permits for future mining activity shall incorporate appropriate dune stabilization measures as operations need to move to a new location. In order to comply with the spirit and intent of the California Coastal Act, Coastal Permits shall be required for all new mining activities. In order to limit the amount of exposed sand at any one time, mining activities should be planned and phased to provide for revegetation in a logical progression. Sand mining operations should be directed to the surf zone and already-disturbed areas (generally south of the Lapis Sand Plant) for future sand supply.

New surf zone or beach sand mining (which includes but is not limited to dragline and dredge pond mining) shall be allowed only pursuant to City approval of a Reclamation Plan and a Mining Permit. New surf zone or beach sand mining shall also be required to obtain a Coastal Permit.

The City shall also establish in its Implementation Plan a method of monitoring shoreline erosion along the Marina coast for the purpose of establishing a continuing project impact analysis. This analysis shall consist of the submission by sand mining operations, on an annual basis, of meaningful information on shoreline retreat by way of a benchmark program or other equally effective measurement.

The City shall not approve or renew a Mining Permit and or Coastal Permit for new surf zone or beach sand mining if it finds that such new sand mining, either individually or cumulatively, will have significant adverse impacts on shoreline erosion. Such determination shall be made upon consideration of the results of the continuing project impact analysis, available evidence on the impact of beach and surf zone sand mining on coastal erosion and other relevant social, economic, environmental and technological factors.

Any Mining Permit and/or Coastal Permit shall be issue subject to a condition that will permit the City to require that new sand mining activity be reduced to previous levels (prior to the issuance of a Mining Permit and/or Coastal Permit) or terminated in the event of a new sand mining operation if the continuing project impact analysis or other available evidence on the impact of beach and surf zone sand mining on shoreline erosion shows that such operations have a significant adverse impact on shoreline erosion.

Should mining be discontinued in this area, the future use should be other coastal conservation and development although visitor serving commercial way may be appropriate as a secondary use. To the extent possible, structures shall be placed in the areas already disturbed. Vertical public access to the dunes area north of the Lapis Sand Plant should not be provided in Marina. Vertical access is available to this area now through the Wildlife Refuge at the mouth of the Salinas River (See Access Component). Regulating human use is an important factor in preserving this dune habitat. Lateral access for the entire length of the shoreline of this site will insure Coastal visitors continued access to the area at the same level now available but will encourage increased use.

Priority for public acquisition along with the continuation of the existing land use and future Coastal Conservation and Development land use designation are consistent with Coastal Act policies: 30210 (Public Access); 30211 (Development Not Interfere with Access); 30212 (Access from Nearest Public Roadway); 30212.5 (Distribute Public Facilities); 30221 (Ocean Front Land for Recreation Activities); 30222 (Use of Private Lands); 30233 (Diking, Dredging and Filling); 30240 (Sensitive Habitats); 30250 (New Development Contiguous); 30251 (Scenic and Visual Qualities); 30252 (Enhance Public Access); 30253 (Public Health, Safety and Welfare); 30255 (Coastal-Dependent Priority) and 30260 (Coastal-Dependent Industries).

Access

There is one undeveloped vertical access in this planning area. It crosses privately-owned, but unused land. This access extends from Dunes Drive about one-quarter of a mile to the sea. Because of sensitivity to human use of the dune vegetation, no beach access is proposed north of Dunes Drive. Since a primary use at this access is for horseback riders, it is important in locating the vertical access in this area that it be north of the Monterey Sand Company drag line. While access across any of the properties is appropriate, development of a formal accessway at the Standard Resources site would make further accessway development unnecessary in this area. Those property owners who do not provide access shall pay to the City a fee-in-lieu of accessway development and/or shall be required to provide public beach parking.

Bicycle Access

Bicycle Access to this area is from Reservation Road. Because of heavy truck traffic associated with the sand mining operations, a separated pedestrian/bicycle pathway should be placed along the east side of Dunes Drive at least as far as Dunes Court.

Vehicular Access

There is a good highway access to this planning area from Highway 1. The Reservation Road exit is one block to the east. The individual pockets of development within this area are independently served by local roadways. No connected network exists. Any future development in this area between the Lone Star Lapis Sand Plant and the north end of Dunes Drive would require roadway access. The objective in providing this access should be two-fold: provide the most direct access possible and discourage creating a frontage road through the Dunes parallel to the west side of Highway 1. The location of future development will determine whether these objectives are best achieved by a realignment of Lapis Road or an extension of Dunes Drive. Because of the circuitous route of Lapis Road and its length, an extension of Dunes Drive is preferred. Dunes Drive should not be extended through the Dunes to connect to Lapis Road.

Coastal Sphere of Influence

There is a substantial area parallel to the Marina City boundary, between the landward edge of the Dunes and Highway 1, which is located in Monterey County's Coastal Zone. Currently this area is in agricultural use and the City has no authority over it. However, the future use of this area can have a substantial impact on the objectives of Marina's Local Coastal Plan. In addition, it is very likely that the City of Marina may be asked to consider annexation of this area.

In terms of coastal planning, the critical factors in the future use of this area are that the adjacent environmentally sensitive dune habitat and agricultural resource be protected. This means that development of coastal access through the Salinas Dunes not be promoted. A frontage road traversing the dunes would be inappropriate and agricultural use, particularly of the area north of Lapis Road, should be encouraged to continue.

Highway 1 is a limited access roadway through this entire area. Appropriate future development may require access from Dunes Drive on the landward side of the dunes; this would enable development on the landward side of the dunes to be directly connected to the City of Marina. Impacts of future development can be minimized through clustering at the end of Dunes Drive. For protection of the City's investment in the visitor-oriented commercial uses along Dunes Drive, it is important that future uses of this adjacent agricultural area be designed to protect existing scenic views which are afforded from Highway 1; that the Flandrian and pre-Flandrian dune habitats and vernal ponds north of Dunes Drive be protected; and that no development be allowed unless it can be shown to progress in a timely and logical fashion.

ACCESS COMPONENT

The California Coastal Act requirement of Section 30500 is for a public access component in each local coastal program. The identification and protection of public access therefore becomes an important part of local coastal planning. The access issue will be addressed in this section in terms of movement to and along the shoreline. In Marina three east-west accessways (from the closest public roadway to the shore) have been identified. In addition, almost uninterrupted north-south access is available laterally, along the length of the Marina coastline. The kind and availability of shoreline access points elsewhere in the Monterey Bay Area also influence access choices in the City of Marina.

Within its City limits, Marina has developed specific policies to safeguard coastal access. These reflect the City's desired posture and platform for planning recommendations. The policies are:

1. To insure access to and along the beach, consistent with the recreational needs and environmental sensitivity of Marina's coastal area.
2. To provide beach access and recreational opportunities consistent with public safety and with the protection of the rights of the general public and of private

property owners.

3. To provide beach access in conjunction with new development where it is compatible with public safety, military security and natural resource protection; and does not duplicate similar access nearby.
4. To provide adequate parking at designated beach access points to allow public access at a level consistent with the protection of the natural resource.

The City of Marina has approximately three miles of coastal frontage. The southern third is State-owned beach property on which two accessways now exist: one developed and one undeveloped. Remaining ownership of beachfront property is in various private holdings. The mid-section area (immediately north of Reservation Road to the Lapis Lone Star Sand Plant) is currently zoned for industrial uses. Several land mining plants operate here. One informal access on private property exists in the area. The northernmost portion of the City's coast north of the Lone Star Sand Plant is part of the Salinas Dunes and has the best preserved Flandrian dune environment. A priority for public acquisition has been placed on this property with the intent of leaving the area undeveloped.

In studying the existing conditions, the needs and character of Marina have emerged. First, the coastal area is dominated by fragile, Flandrian dunes, many of which have been severely disturbed. The need to preserve these dunes and to protect the fragile habitats is a major consideration in the City's access program. The three existing accessways provide adequate access for the City of Marina's coastline given the sensitivity of the area and visitor needs. Each accessway will be designed to accommodate and encourage specific beach uses appropriate to each location.

Regional Access

Outside of Marina's Coastal Zone there is beach access both north and south. The Salinas River Wildlife Refuge is located immediately north of the City boundary. This is a publicly owned (U.S. Fish and Wildlife) preserve operated by the California Department of Fish and Game. Picnicking and parking facilities are available, although available parking is limited to 15 spaces to regulate use. Visitors may view the habitat; gain access to the shore; and generally enjoy passive recreational experiences. Pier fishing is available further north at Moss Landing, 12 miles from Marina. On the Fort Ord property, which abuts the City's southern boundary, the Stilwell Hall access is available to the public. This spot is frequented by licensed fishermen. Traveling further south, several information view points are evident. A highly visible and convenient strip of sandy beach is located off of the intersection of Highways 1 and 218 in Seaside, approximately six miles south of Marina. This is a rolling, sandy beach where swimming is possible. In the past, the beach has been abused by dune buggies.

City Access

Three identified accesses are proposed: Lake Court and Reservation Road (on State Beach lands) and Dunes Drive (in private ownership). The City will encourage specific beach uses appropriate to each of the three locations. This will allow each accessway to be developed according to its own natural character and constraints while offering beach users several different choices for beach experiences in close proximity.

Lake Court

Location: Just north of Ford Ord at the City's southern boundary. Lake Court is a cul-de-sac off Lake Drive which is approximately one mile south of Reservation Road.

Ownership: State of California; designated State Beach. CalTrans owns the right-of-way on an adjacent small strip and constructed the fence. Area between CalTrans and State Beach ownerships belong to the City south to the single-family homes. At the south end of the area are two acres of subdivided land, some lots with homes on them.

Existing Beach Use: Fishing, viewing, walking. Overall use of this access is light.

Preferred Beach Use: Walking, viewing, exploration, isolated beach experience, fishing.

Topography and Natural Environment: Steep Coastal dunes which rise to 150 feet at high points. Rugged terrain increases in steepness. The existing vegetation has been abused but the area is still habitat for rare, endangered and threatened vegetation and wildlife.

Public Safety: Hazardous. The hike is rugged, lengthy and slow. Emergency access is neither available nor feasible. Area is proximate to Fort Ord's rifle range to the south.

Existing Access: CalTrans has fenced this entire area; pedestrian access is accommodated through a special gate. The informal trail starts on flat ground, rising quickly. The one-half mile distance to the beach is long and arduous. It is evident that in order to ease the walk, users have trampled the vegetation.

Existing Parking: There is no designated parking, although there is limited parking available on the street.

Land Use: Southeast of the park of Lake Court is a subdivided area with several small single-family dwellings. Within the park area are the remains of a former stable and dwellings. The adjacent area is being considered as a possible site for a new City corporation yard. Nearby on Fort Ord property will be a regional wastewater pumping station.

Local Roadway Access: Via Lake Drive which intersects Reservation Road.

Mass Transit: Nearest bus stop is one-sixth mile away near Marina del Mar School on Lake Drive; about 5-10 minute walk.

Recommendation

1. Focus on specific uses of picnicking, viewing, walking, exploration, isolated beach experience and fishing.
2. Encourage the State to develop a sheltered picnic/play area and public parking lot in the least sensitive portion of the site. If possible, the picnic/play area would be designed to accommodate informal recreational use (such as touch football, Frisbee, etc.) with limited facilities provided, i.e., parking, restrooms, tables and fire rings. Hedgerow plantings of Monterey cypress would shelter the site from both wind and highway views. The perimeter of the picnic area should be fenced in such a way to focus access onto the developed trail and away from the dunes in general. Access to the dune trail would be gained through a pedestrian gate. The size and intensity of recreational use and parking will be determined by site-specific geotechnical and biological studies and approved park site plan. The area might include a ranger's residence if a suitable site can be identified.
3. The State should develop a formal beach access trail which includes a viewing platform at its highest point for those interested in observing whale migration and other natural events.
4. Non-vehicular commercial overnight camping (tenting) could be encouraged on the private land adjacent to the State Beach Park on Lake Court.
5. Designate rare and endangered species habitat areas within the park as Natural Preserves.
6. Develop an access roadway and site signing program.
7. Provide a connection from the Lake Court accessway to the bicycle path parallel to Highway 1. Since lateral access is not safe along Fort Ord's coastline, regional recreationists will have to traverse Fort Ord along this pathway.

Reservation Road

Location: At the western end of Reservation Road at the north end of the Marina State Beach. The access is about mid-way along the City's Coastal Zone, one mile from Lake Court and one-half mile from Dunes Drive.

Ownership: State of California; designated State Beach.

Existing Beach Use: Ocean viewing, hang-gliding, fishing, walking, picnicking, sunbathing. Overall usage is high; estimated one-half million in 1979-80.

Topography and Natural Environment: Rolling, sandy dunes. Flatter, more compacted sand available immediately along the shore; the remaining beach area is steeply banked.

Public Safety: No special access hazard since the parking lot goes right up to the sandy beach. Dangerous surf and rip currents make the area unsuitable for swimming. Beach users are susceptible to any tsunami or high wave action that could occur.

Existing Access: Reservation Road, a signed exit from Highway 1, terminates in a beachfront parking lot. Good pedestrian, equestrian or bicyclist's access is not available along Reservation Road.

Existing Parking: Existing lot has estimated capacity for 55 automobiles. However, the lot is not striped and actual counts have been as high as 75 cars.

Land Use: Beach oriented activities; no development. The sewer treatment plant is north, adjacent to the parking lot and uses the parking lot for access.

Local Roadway Access: Reservation Road.

Mass Transit: Bus stop at corner of Beach and Cardoza which leaves a 5-10 minute walk to the beach. There are, however, no sidewalks.

Trail Access: Informal, in Reservation Road right-of-way.

Recommendations:

1. Maintain informal, non-commercial beach uses now prevalent in the area; provide additional facilities for the handicapped where possible.
2. Continue hang-gliding opportunities now available if they are proven to be compatible with the existing dune environment. State Parks is currently evaluating the effects of this sport on the Marina due environment. If determined to be a favorable activity, provide appropriate facilities for hang-gliders.
3. Construct an adequate pathway for pedestrians and bicyclists from the intersection of Del Monte and Reservation Road to the State Beach. A bicycle parking area should be provided within the State Beach area.

4. Redesign existing restrooms to accommodate more users and the handicapped; maintain a clean and inviting appearance.
5. Redesign existing parking facility to maximize auto capacity at 100 cars. Stripe the lot. Develop an alternate access to the Marina County Water District offices and wastewater treatment plant.
6. Maintain ranger station.
7. Convert unused animal shelter to nature interpretive center; transfer management responsibility for adjacent Vernal Pond Number 4 to the State Beach; realign existing fence in Pond to location away from wetland; designate wetland, Coast wallflower, and Smith's Blue butterfly habitat as natural preserve.
8. Develop a roadway and site signing program.

Dunes Drive

Location: Northern end of Dunes Drive; one-half mile north of Reservation Road.

Ownership: Private. Land owned by Standard Resources, Inc.

Existing Beach Use: Sand mining operations' drag lines cross the beach between this point and Reservation Road. Beach use includes walking, viewing, horseback riding, picnicking, fishing.

Preferred Beach Use: Fishing, horseback riding, walking.

Topography and Natural Environment: Pre-flandrian and Flandrian Dunes. Compacted roadway exists for the first 50 yards; beyond the first dunes, trail across shifting sands makes foot travel slow and difficult.

Public Safety: Potential hazard from derelict buildings.

Existing Access: Although the area is fenced, an opening exists for walkers. The quarter-mile walk over the dunes to the beach is not steep, although the absence of compacted sand on half the trail makes walking difficult.

Existing Parking: No formal parking lot exists. On-street parking and parking at the end of the street is available.

Land Use: Derelict buildings from closed-down sand mining plant remain. The rest of the area is not in use.

Local Roadway Access: Dunes Drive via Reservation Road.

Mass Transit: Bus stop at corner of Cardoza and Beach. Approximately 20 minute walk.

Trail Access: Existing informal access through the opening in the fence.

Recommendations:

1. Insure that existing access opportunity is preserved upon future development in the area.
2. Focus access point development on use by equestrians, fishing and beachcombing.
3. Designate this access area for equestrian use and restrict horses from other City accessways.
4. Pay specific attention in trail design to compatible use by pedestrians and equestrians.
5. Provide at least 15 public parking spaces. Additional spaces may be required as new beach oriented development occurs in the Dunes Drive area.

Since only one new vertical access is required and there is more than one property involved, those who are not required to provide an access easement and improvements will be required to pay an in-lieu fee. These fees will be deposited into a restricted fund established by the City Council to be used for access improvement, maintenance, beach parking and access identification.

The primary access objective in the Dunes Drive area is for the one improved access. This access may be provided by cooperation among property owners potentially required to provide access. If no cooperation occurs, at the time of development each property owner must grant an access easement to the City. The City may in turn determine at the time it issues the Coastal Development Permit, which easement or easements should be developed and which retained for future access needs. If a developed access already exists at the time a development proposal is filed, the property owner may pay a fee in lieu of providing an access easement providing the fee is determined by the City to be appropriate. These fees will be deposited into a restricted fund established by the City Council to be used for access improvement, maintenance and beach parking.

Access Guidelines

The three existing accessways that have been identified will require varying degrees of improvement. The level of development will be determined by several factors, the most significant being the native environment. The existing unofficial use of the identified accessways has already disturbed the dune area to a large degree. In an effort to preserve the area and protect it from future damage, as well as to offer various types of use, the

City of Marina has set several standards for guiding new development. The following are guidelines of a general nature which should apply to all three access points:

1. A site specific environmental study must be prepared prior to any improvements to a dune area; appropriate mitigations must be included in the project.
2. Any imposed structure must meet not only the geologic criteria developed, but must maintain an aesthetic standard complementary to the dune environment. Any design developed for the dune environment must take utmost care to accommodate natural conditions, such as shifting sand, wave erosion, tsunami hazard, etc.
3. Keen development compatible with the limitations of the environment including protection of views.

These next guidelines are relevant to specific access points:

Lake Court

1. Any structural modifications to the access should be kept to an absolute minimum (e.g., boardwalk, stairway, observation deck).
2. The design should be intended to guide and maintain walking patterns towards the trail thus discouraging the easier route of trampling over adjacent vegetation.

Reservation Road

1. Any improvements made here will need to maintain the existing low profile of current beach-related facilities. Design must be made compatible with the parking lot and nearby structures.
2. Handicapped access must be provided, since this is the only City access where it's feasible.
3. Hang-gliding staging area should be designed according to the observations and studies now being pursued by State Department of Parks and Recreation.

Dunes Drive

1. Any access improvements shall be designed to the minimum standard necessary to serve the development and the public.
2. Improvements must focus on the equestrian/pedestrian use. Horses are affected by walking in soft sand, much like people. Easy walking is not

hazardous, but cantering could injure the horse. Trail surfacing should not be too compact. Natural surfaces are favored; and given the use of the accessway, an access similar to the existing one could be most efficient.

Lateral Access

Lateral access easements or dedications should extend inland from the water line to include the inland edge of the sandy beach frontage. The depth and extent of this area may vary along the beach but it can be easily identified by a qualified professional. Therefore, the depth of the easements should be determined by the City at the time alternative use or development is proposed for a particular site. Sand mining companies are currently extracting sand from or across this area. They should allow pedestrians through by filing a letter of permissive access with the City, but they should not be required to dedicated a defined easement in areas they are actively mining until their property is proposed for some alternative use.

It shall be the City's intent to require that continuous public lateral access shall be maintained along the shoreline. All beachfront parcels, including all parcels north of Dunes Drive, that are presently used for sand extraction, a coastal dependent industrial development, shall be required to provide lateral access from the mean high tide line to be required to provide lateral access from the mean high tide line to the inland edge of the sandy beach as a condition of any mining permit and/or coastal permit issued for new beachfront development. New development includes, but is not limited to any significant increase in the rate of extraction or a relocation of mining activity by an existing sand mining operation.

So long as these beach front parcels are used for sand mining the requirement for lateral access shall be met by a deed restriction on the property. The deed restriction shall consist of a covenant executed by the property owner which shall be recorded on the title to the property and shall bind all successors-in-interest and shall run with the land until such time as a use other than sand mining is approved.

The deed restrictions shall contain provisions limiting public access to protect the safety of the public and to ensure that the use of the property for sand mining is not inhibited, but only to the extent that such limitations are reasonable and necessary for the safe conduct of the sand mining operations. At such time as a use other than sand mining is approved the property owner shall execute and record in an irrevocable offer to dedicate a lateral access easement from the mean high tide line to the inland extent of the sandy beach frontage. The depth and extent of this area may vary along the beach but it can be easily identified by a qualified professional.

Areas Where No Developed Accessways Are Proposed

The City anticipates no development in that portion of the Salinas Dunes area north of the Lone Star Lapis Sand Plant. The City's first priority choice for this area is public ownership. Any developed access provided to this environmentally sensitive area should

move through the Wildlife Refuge to the north; and be carefully monitored. To protect the area no developed access is being proposed.

The State Map Act provides that the public must not be restricted in its access to the beach. However, accessways may not be required nor desired over certain property. In this event, the property owner/developer will be required to pay a fee-in-lieu of access to the City which will be applied to provide or maintain access elsewhere. These funds will be managed by the City by deposit in a restricted account and allocated only for improvement, operation and/or maintenance of Coastal accessways or directly-related support facilities.

Timing

Any improvements made at the Lake Court and Reservation Road accessways will be dependent on budget allocations of the State Parks Department. It is anticipated that the current levels of access will be maintained until the State completes its beach facility plans for Marina State Beach. The Dunes Drive access as it now exists crosses private property. However, the three owners with property fronting on Dunes Drive all share in the responsibility for the accessway from the area. Although the accessway now in use actually crosses Standard Resources, Inc. property, the developed accessway may not. Section 66477.2 of the State Map Act mandates public access to the beach. Under this provision all three landowners (Standard Resources, Inc., Monterey Sand and Granite Rock Co.) would be obliged to provide access. However, local need and desire is for only one accessway in the area. Therefore, to be equitable, the other property owners shall be required to provide support facilities such as parking or a fee-in-lieu to the City.

Any developed improvements will be timed according to any new development that takes place on any of the three properties. The accessway improvements, then, would be designed into the new development and would be a binding condition of development.

Maintenance

Two access points are within the State-owned beach property and their maintenance will be the responsibility of the State.

There are three maintenance options for the accessway over private property: 1) application of fees-in-lieu; 2) private owner maintenance; or 3) convey to City or State after construction and City or State provides maintenance. The recommended option is the first one.

Signing

Proper identification is an important aspect of public beach access, even where intensive beach use is not intended. In Marina there is a need for directional signs from regional access routes to local access trails. There is also a need for informational signing to point out features such as the head of a trail, parking and no-swimming areas. Signs should be

distinctive and uniform in design, color and material to make the access signs easy for the uninitiated to follow. The following guidelines are suggested to assist the City in effective signing.

Sign Guidelines

1. Signs should be placed to allow safe pedestrian clearance and should avoid conflict with door opening or vehicular operation. Signs should be located to be easily read, and placed to provide safe stopping or turning distance. Height should normally be 40 inches from the ground to the bottom of a single sign and 36 inches from the ground to the bottom of a double sign. Signs along walkways should be set back a minimum of 18 inches.
2. Signing should be consolidated wherever possible: it is preferable to have one sign with three messages than three signs on three separate posts with separate messages. Signs can be combined with other fixtures such as lights to reduce unnecessary posts and cluttering of the landscape or view. However, types of signs should not be mixed; warning or regulatory signs especially should not be mixed with other types.
3. The abstract “person in the wheelchair” symbol is used internationally to indicate special provisions of access for handicapped people.
4. Wooden signs are most compatible with the natural environment and are economical to manufacture. Metal signs might be used where vandalism is a problem or at interfaces with public roadways. Wooden signs are normally brown with white lettering. There should be enough contrast between the background and the letters for the message to be legible.
5. The style for lettering should be standardized throughout the signing system.
6. The use of international, pictorial symbols can also be an integral part of a standardized signing program for accessways. The use of symbols rather than phrases or sentences has a number of advantages: symbols are more explicit than words; sign size can be reduced; and symbols are more explicit than words; sign size can be reduced; and symbols are universally understood. When located correctly, signs using symbols are universally understood. When located correctly, signs using symbols can stand alone, with little or no additional explanation. When used consistently throughout the accessway signing system, the symbols can be used in conjunction with additional written information to provide a quick index to the types of activity, the regulations for use and the location of accessways which are part of the system. Symbol signs have been standardized and are readily available from most sign companies.

Types of Signs

There are four basic types of sign. The kind of information which a sign is conveying determines its placement, design and use.

Directional Signs: These signs should be used intersections with roads or trails and at trailheads. Use of too many directional signs should be avoided. However, where it is necessary to use a number of directional signs, they can be effectively clustered. To indicate a change in route or confirmation of a correct direction, an arrow should be included in a directional sign.

Informational Signs: Informational signs are used for organizing a series of elements, i.e., location of water, telephone, rest area. Informational signs should be placed at a natural gathering spots and included in the design of the accessway.

Regulatory Signs: A regulatory sign should differ in shape from other signs and give operational requirements, restrictions or warnings. Graphic symbols are useful in transmitting messages quickly. Textured paving may be used to warn of imminent hazards such as abrupt changes of grade, stairs, ramps, etc.

Identification Signs: Identification signs give specific location information, i.e. Reservation Road.

Implementation of Access Signing

The California Coastal Commission has developed a program of accessway signing. Every Coastal jurisdiction in the State is eligible to participate in this program. To extend their funds, the State Coastal Commission is cooperating with CalTrans and with the California Conservation Corps for the preparation and placement of signs.

A Coastal access signing program request must be initiated by the local jurisdiction. The program may include signing on freeways (generally at the access ramp), signing on local roadways used to reach beach access points, and signing at and on the access trails themselves. An access signing program request can include use (equestrian trail) and hazard warning (no swimming).

When participating in the State program, the local jurisdiction determines what is to be displayed on all the signs placed on local roadways and at access trails. The signs are made of redwood with contrasting yellow writing. Installation is provided, at no charge, by the California Conservation Corps. CalTrans provides and installs the signing on State Highways. These are standard reflective green and white highway signs.

Local jurisdictions are encouraged, but not required, to participate in the State-sponsored program. Each jurisdiction may develop its own signing program on local roadways. However, the cost of obtaining installing, maintaining and replacing signs is then borne by the local community.

Jurisdiction need not wait until their Local Coastal Plan is certified to participate in the State signing program for existing accessways. The Coastal Commission program will provide signing up to the property line of another State agency facility (such as the California Department of Parks and Recreation) but the responsibility of on-site signing in these cases rests with the other responsible State agency.

Sign Maintenance

For local jurisdictions participating in the State accessway signing program, replacement signs will be provided at no cost. However, the local jurisdiction, in most cases, will be responsible for installing the replacement sign. Jurisdictions will also have to keep track of the condition and replacement needs of their signs and initiate the request for replacement.

When the signing is wholly local, the cost of making the sign as well as the installation is the jurisdiction's responsibility.

BACKGROUND DATA FOR COASTAL PLANNING

Population Characteristics

Since incorporation of 1975, Marina's population has grown by an estimated 19 percent to 14,427 outside the boundaries of Fort Ord. Population projections prepared for the City in 1980² indicate that the City's population is expected to increase by another 72 percent to 24,850, outside of Fort Ord, by the year 2000. These projections indicate that not only will the City's size increase but the proportion of Monterey County's population living in Marina will also increase. In 1976, 9.45 percent of the County's population lived in Marina, outside of Fort Ord; by 2000 it is estimated that 13.27 percent of the County's total population will live in the City.

Between 1970 and 1980 the average household size in Marina declined substantially from 3.63 to an estimated 3.14 persons. There was, however, considerable variation among planning areas in located west of Del Monte Boulevard, there is considerable difference. The average household size was 3.49 in the area north of Reservation Road, west of Del Monte Boulevard (northwest Planning Area) in 1976. To the southwest of Del Monte Boulevard the household size was 3.13. The average for the City in 1976 was 3.19.³

Generally Marina's population is young with an average age of 24 years. Almost 40 percent are 19 years or younger; only 5 percent are over 60. In 1976 less than three percent of the City's population was handicapped.

Based on 1976 County data, more than one-third (37.7 percent) of the City's households could be termed low and moderate income. Of these 1,419 households, 60 percent, or

² City of Marina, *Draft Housing Element*, June 1980.

³ City of Marina, *Draft Housing Element*, June 1980, page 2-9.

865, fell into the low and very low income category. About one-third of the City's residents rent their residences; and over 40 percent of the City's dwelling units were affordable⁴ to households with low to moderate⁵ incomes in 1976.

Employers of City residents are generally located outside of the City: Fort Ord, Salinas and Monterey. As Fort Ord shifted from a training facility to a Division Headquarters, the City's population has become less transient.

Fort Ord

The City of Marina is located on the north side of Fort Ord. The military reservation surrounds the City on the south and east sides. One of the major housing areas for military personnel stationed at the base is located adjacent to the City of Marina. When the City was incorporated in 1975, this residential area was included in the City's limits; however, because of its Federal ownership, the City has no municipal authority over this area.

Generally, population projections and other City data, such as income, exclude this area. However, the presence of Fort Ord is important to Marina. The Fort is a major employer of City residents both civilian and military. On-base facilities compete with private commercial and entertainment opportunities in Marina. Many retired military personnel live in Marina in order to take advantage of the proximity to the base. The shift in the Fort's activities from training to a Division Headquarters has had a substantial settling effect on the age composition and length of time residents live in Marina.

Service Capabilities

- **Water**

Except for the area north of Dunes Drive, the Marina Coastal Zone is served by the Marina County Water District. New development in this area is required to be served by water lines (i.e., no new private wells).

Salt water intrusion into the underground fresh water supply is a problem in Marina. The intrusion problem has not reached major proportions and the Water District has not had to abandon any of its wells, but the District's new wells are being drilled to deeper depths. All existing Water District wells are located east of Highway 1, outside of the Coastal Zone.

In discussing salt water intrusion it is important to note that this is a regional problem which most directly affects the communities adjacent to the sea. The Marina County Water District's pumping may aggravate the local problem, but it does not create a substantial problem itself. In Marina's case it is the intensive pumping of water for

⁴ Households paying 25 percent or less of gross annual income for housing.

⁵ Low income is a gross annual income of 80-120 percent of County median income.

agricultural uses in the Salinas Valley which is thought to be the major cause in upsetting the balance of fresh and salt water along the edge where they meet underground.

Marina cannot solve this regional problem with only local action. Cooperative action must be taken. The City can assist in the management of the problem by requiring that new development be served by piped water from District wells. The effect of this would be two-fold. First, development closest to the ocean would not risk losing its water source in the near term because of salt water intrusion. Second, a larger entity has more capacity and resources to plan and take action to find alternative well locations or sources of water should this become necessary in the future.

- **Sewage Treatment**

The Marina County Water District owns and operates a 2.0 million gallon per day (MGD) sewage treatment plant. This plant serves all of the City's Coastal Zone except the area north of the Monterey Sand Company plant. Development in this northern area is now served by septic tanks. Currently there is a 0.8 MGD excess capacity in the sewer treatment plant. This is more than enough capacity to serve the buildout of the Water District's service area as planned in the 1978 Marina General Plan.

Salinas, Castroville and the communities of the Monterey Peninsula have been actively discussing the sewage treatment and disposal issue. These communities supported the Monterey Regional Water Pollution Control Authority's application to build a regional treatment plant as a cooperative effort. The site being considered for the regional plant is in the Sanitary District's landfill. This site is located on the south side of the Salinas River in the area the City of Marina defines as potential for annexation.

Recently (1980) the California Coastal Commission approved a permit for the regional wastewater outfall line to be built through the Lone Star Lapis Sand Plant. The outfall would extend off-shore a mile or more into Monterey Bay.

It has not been determined whether the Marina County Water District would participate as a member of this regional effort. A pumping station for the sewage transmission line would be located just south of the City on Fort Ord property probably in the area of Lake Court.

- **Police and Fire**

The City of Marina has a Public Safety Department which provides both fire and police protection. Since development in the Coastal Zone is limited, there has been little demand for regular fire protection services. However, last year the City's rescue squad was called out about once a month. Because the treacherous waters are well known, drownings are infrequent along Marina's Coast. However, hang gliding accidents occur with increased frequency as this sport becomes more popular in the area.

In past years the greatest policing problem in Marina's Coastal Zone was controlling off-road vehicles. Since the State Park area was purchased and a full-time ranger assigned, coupled with a crackdown by local police, off-road vehicle violations have been substantially reduced. In the past year, the Marina police have been called about ten (10) times a month to back up the State Park Ranger. About 60 percent of these calls are alcohol-related, 35 percent are vehicle code violations. Vehicle theft and vandalism at beach access points, frequently cited as a problem in other north Monterey County beach areas, are not problems in Marina. More development, including public and private recreation, commercial and recreational uses in the Coastal Zone, is not anticipated by the Public Safety Department to create unusual policing problems. Some additional staffing may be necessary, but no more than would be required by additional population and development elsewhere in the City.

Environmental Capabilities

There are three areas of particular environmental concern in Coastal planning: the visual environment; the plant and animal habitat; and geological conditions, particularly existing and potential hazards. Each of these factors can present limits for development.

- **Visual**

Marina's Coastal visual qualities are important both as a local resource and as the gateway to the unique scenic character of the Monterey Peninsula. The undisturbed and visually extensive Coastal dune areas provide a distinct contrast to the pattern of urban development visible inland. This contrast, if managed properly, will contribute greatly to the overall image of the City in the future. The primary views had in Marina is from Highway 1. There are two striking features of the view from this roadway. First, the view going south differs substantially from that going north. Second, the view of the inland area, particularly around the Vernal Ponds, will become increasingly important as infill occurs within the area excluded from the Coastal Zone. The height of the Coastal dunes also offers important view of the distant edges of inland mountains and expanses of valley.

View protection involves a number of aspects. It involves protecting natural visual barriers such as edges of dunes and protecting natural ground cover and texture. In those locations where development is appropriate, it must fit in scale, mass and height with existing terrain. View protection does not preclude the symmetry of extensive urban development, but it would require that new development blend into the existing pattern and not conflict in bulk or height. Views of the water and sandy beach from inland, within Marina's Coastal Zone, are limited to a considerable extent by the height and depth of the dunes. The fundamental questions in future planning are: How should development relate to views from the beach; views of Vernal Ponds from Highway 1 and Reservation Road; views of the dunes and water from Highway 1; views from the top of Coastal dunes?

- **Biological**

In Marina the biological data relates closely to the visual data because the groundcover is so important to the character of the dunes and Vernal Ponds. To simplify the presentation of the biological planning constraints, the information will be reviewed by area. The focus in this data collection is on habitat potential. In most cases, detailed site investigation will be necessary to determine if rare and endangered plants and animals are currently resident in these areas.

Marina State Beach. The State Beach has experienced extensive damage from uncontrolled use of recreation vehicles (RV's). Presence of a park ranger and conscientious enforcement by Marina police since incorporation has reduced RV abuse of the area.

At the water's edge in this area, there is no vegetation. At the back of the exposed sandy beach are bare sandy "blowouts" (pockets of wind erosion) alternated with what is termed "Coastal Flandrian Foredune". Behind this area and extending virtually to Highway 1 is Coastal Flandrian lee dune and scrub vegetation. This lee dune and scrub vegetation is visually prominent from Highway 1.

At Lake Court there are two groves of introduced trees (Monterey cypress, blue gums) within the State Park property; and two smaller groves on the east side of the road near the existing houses.

Introduced annual grasslands form a fringe along the Reservation Road-Highway 1 access. The center of this grassland area is dominated by a small Vernal Pond (Number 5), which supports a small brackish marsh.

Virtually the entire State Beach dune area is potential or known locale for rare and endangered plant and animal species. The back or lee dune area is potential habitat for the Smith's Blue Butterfly and the Black Legless Lizard, both endangered species. The grassland area is a potential habitat for the Salinas Kangaroo Rat. Finally, the front edge of the dunes, adjacent to the exposed sandy beach is a potential habitat for the Globose Dune Beetle. Threats to the State Beach habitat area include recreational overuse, encroachment by aggressive non-native plant species (e.g., Hottentot fig, statice), and possible shoreline erosion.

Vernal Pond-Brown Bulb Ranch. South of the KIDD Vernal Pond (Number 2) the area remaining in the Coastal Zone is generally undeveloped. North of the KIDD Vernal Pond the hillside is intensively grazed. This area has been proposed as the site for a housing project for the elderly. North of the pasture is the Brown Bulb Ranch used for a rotation of flower crops.

There are four Vernal Ponds located in this area. Three of these ponds have substantial brackish marsh areas around them. The large pond (Number 1) located westerly of Lake Drive, will be designated a State Ecological Reserve. The northernmost pond (Number

3), split by Beach Road, does not have a surrounding marsh. Outside of the pond marshes and the cultivated Bulb Ranch, the predominant vegetation is introduced annual grassland. Groves of Cypress/Blue Gum are interspersed throughout the Bulb Ranch and KIDD Pond areas. In addition, portions of the Flandrian lee dune habitat area, cut off during construction of the freeway, border the inland side of Highway 1.

Potential habitat for rare and endangered animals is more pervasive than plant locales in this area. Along the freeway there is potential habitat for Smith's Blue Butterfly and the Black Legless Lizard; and at the north end of the area, the Salina Kangaroo Rat. In the vicinity of the southernmost two Vernal Ponds and adjacent to the east side of Reservation Road there is potential for the Black Legless Lizard and the Salinas Kangaroo Rat. Confirmed habitat for rare and endangered flora appears limited to the Flandrian dunes bordering Highway 1. Threats to this overall habitat area include filling, dumping, sedimentation and pollution of ponds; harassment of wildlife by pets and humans; and, on the dunes, encroachment of non-native vegetation and trampling.

North of Reservation Road. About half of the dune area in Marina is located north of Reservation Road. Adjacent to Reservation Road the vegetation and habitat has been disturbed by development. However, tucked within this developed area is a very symmetrical Vernal Pond (Number 4). The dunes seaward of Dunes Drive have been disturbed both by sand mining and off-road vehicles. The principal cause of dune disturbance north of the abandoned Standard Resources sand plant to the Lone Star Lapis sand mining operation is off-road vehicle abuse. This abuse has been substantially reduced in recent years. The least disturbed dunes of the Marina Dune Complex exist north of the Lone Star Lapis Sand Mining operation.

At the south end of this planning area in the vicinity of the sewage treatment plant the vegetation is highly varied including Coastal Flandrian lee dune scrub, Coast wallflower habitat, brackish marsh around Pond Number 4, and two small clusters of introduced Monterey Cypress.

On the east side of Dunes Drive vegetation are introduced grasses and scattered plantings of mature Monterey Cypress trees. On the west side of Dunes Drive north to the Lone Star Sand Plant the vegetation is similar to that in the State Beach area. Exposed sandy beach is packed by Coastal Flandrian foredune. Behind this is extensive Coastal Flandrian lee dune scrub intermixed, particularly at the north end, with expanses of bare sand. Introduced grasslands form the eastern edge of the area. A small Cypress Grove has been planted on the south side of Lapis Road; and dredge ponds are located at the back of the exposed sandy beach seaward of Lapis Road. North of Dunes Drive this pre-Flandrian grassland is mostly undisturbed and represents potential Salinas Kangaroo Rat habitat; however, only a small portion lies within Marina's Coastal Zone.

The Salinas Dunes area north of the area now being mined by Lone Star Lapis is one of the largest unaltered coastal dune habitat areas remaining in California. The pristine condition of these dunes is best indicated by the fact that there are fewer areas of bare

sand. The vegetation character progresses logically and naturally; exposed sandy beach, Coastal Flandrian foredune, Coastal Flandrian lee dune scrub, Pre-Flandrian introduced annual grassland, rotational cropland.

The undeveloped areas within these dunes are all potential locales for rare and endangered plant species. However, the area with the greatest potential within the planning area, is the Salinas Dunes area. Habitat potential for rare and endangered animals is slightly more localized. At the south end of the planning area in the vicinity of the sewage treatment plant and Vernal Pond there is potential habitat for the Smith's Blue Butterfly and Black Legless Lizard, as well as the Salina Kangaroo Rat in the grassland area. The undisturbed dune areas within and between the sand plants and the Salinas Dunes may support the Smith's Blue Butterfly and Black Legless Lizard. The undisturbed front edge of all the dunes in this area could support the Globose Dune Beetle. In most cases, specific site investigation will be needed to determine the location, extent and quality of the habitat and location of species on any specific site.

Geotechnical and Physical Hazards

There are a number of potential geotechnical concerns in the Marina area: wave erosion, wind erosion, tsunamis, ground shaking and liquefaction, vernal pond degradation and sand mining. Each of these areas of concern has its own impacts on the Coastal user and on future land use choices. To assist in planning decision-making, each area of concern and its impact is briefly reviewed.

- **Wave Erosion**

The area most susceptible to wave erosion is the Flandrian dune sand; less susceptible is the Pre-Flandrian dune sand. Although a recent storm episode destroyed important components of the Monterey Sand Company operation, the overall risk to development of wave erosion on this terrain is moderate. Due to the absence of shoreline structures, there is no serious current threat to the coastal users from wave erosion. Any development approval should be preceded by geotechnical investigation. Risk can be mitigated through requiring development to be set back far enough from the shoreline that no erosion loss will occur within the economic lifetime of the project.

- **Wind Erosion**

Marina's dunes are stabilized by their native (or sometimes introduced) plant cover. When this protective mat is lost, the strong onshore winds drive the denuded dunes inland to threaten endangered species' habitats, public facilities (including Highway 1), homes, and agricultural lands adjacent to Marina's Coastal Zone.

The sands most susceptible to wind erosion are the active dune and Flandrian dune sands. Vehicle traffic, and to a lesser extent, foot traffic increases wind erosion in these areas. The most effective method of reducing aggravation of the erosion by Coastal users is to concentrate access on planned and established routes. The impact of development on

areas already subject to wind erosion problems is low to moderate and can be mitigated through the permit process (e.g., geotechnical investigation prior to permitting development, revegetation with appropriate groundcovers, provision of “boardwalk” accessways, sand fences, etc.)

- **Tsunami Hazard**

Tsunamis are seismic sea waves, often erroneously called “tidal waves”. Because of the height and depth of the Coastal dunes in Marina, inland areas are not within the tsunami hazard zone. The areas most subject to tsunami in Marina are the sandy beaches and dunes. With an adequate tsunami warning system, there is no significant tsunami threat to beach users. Since there is little development within the tsunami run-up zone, there is little present threat. Future development should not occur in the tsunami run-up zone (on the sandy beaches and foredune area).

- **Ground shaking and Liquefaction Hazard**

All land in the Marina Coastal Zone is subject to potential ground shaking from earthquakes. The risk to structures is moderate and can be effectively reduced by application of the standards in the Uniform Building Code (required of all new construction). Risks to Coastal users from ground shaking are low and no special protection is needed.

Liquefaction is a condition which accompanies ground shaking when sandy soils become saturated with water. The effect is that the soil loses some of its strength to support structures. The potential for liquefaction occurring in various areas of the Coastal Zone is uncertain. Since water is an important factor in causing liquefaction, areas where there is standing water or the water table is close to the surface are more susceptible. Key among these areas are the Vernal Ponds, particularly during the wet season. However, the potential for liquefaction is highly site specific and should be determined by geotechnical investigation prior to permitting development. If development is permitted, it should be designed to account for possible ground failure.

- **Vernal Pond Degradation**

The Vernal Ponds and their surrounding wetlands are unique environments. Use of these areas either by construction or pedestrians can be very detrimental to the geologic conditions. For this reason, it is important to establish trails and restrict users to these trails. These areas are very sensitive to structural development. In addition, storm water run-off from developed areas and roadways can affect both the percolation character⁶ of the pond and the water quality. For this reason, drainage from developed areas should not be allowed to directly enter natural Vernal Ponds; installation and regular

⁶ Storm water from developed areas and roadways frequently carries oil and decomposing vegetation which collects on the bottom of the pond as the water evaporates and causes over time an impervious seal on the pond bottom. This seal affects the ponds’ natural percolation in subsequent years.

maintenance of catch basins to intercept such non-point source pollutants would provide partial mitigation of drainage impacts.

- **Sand Mining**

Sand mining occurs on the beach and Flandrian dune sands along Marina's Coast. As long as movement along the beach is not obstructed and operations are safely run, the mining of sand presents no special hazard to beach users. However, the mining of sand has a significant impact on the land itself. It is interesting to note from aerial photographs that, except for the Granite Rock operation, the area disturbed by sand mining operations in Marina has not changed substantially over the past 25 years. Because of the potential impact of mining, some limits should be established for existing mining operations. In addition, the regulations of the Surface Mining and Reclamation Act should be applied to insure minimum impact, both present and future, on adjacent lands.

A related issue is the relationship between sand mining and shoreline erosion along the margin of Monterey Bay. A variety of causes have been hypothesized for beach erosion in the area, among them the loss of normal annual flood cycles on the Salinas River; prior to the construction of major dams of the river, millions of cubic yards of sediments were flushed downstream to replenish the beaches. The degree to which surf zone sand mining aggravates this shoreline erosion problem has not been firmly established and therefore, remains an unsolved issue.

- **Geotechnical Risk Factor**

Each area of geotechnical concern has its own probability or level of risk. The amount of potential damage in many cases is dependent upon the intensity of existing development or the occurrence of development in the future. The Geotechnical Concerns Evaluation Table indicates, for each type of hazard, the potential impacts and the kinds of actions necessary to reduce future risk from each type of hazard (See Geotechnical Concerns Evaluation Table).

TABLE 1: MARINA GEOTECHNICAL CONCERNS EVALUATION

Geotechnical Concern	Geologic Terrain Affected (See Map)	Level of Concern for Terrain	<u>Coastal User</u>		<u>Land Use</u>	
			Risk Level (Effect by User)	Mitigation	Risk Level	Mitigation
Wave Erosion	Sandy Beach Flandrian Dune Sand Pre-Flandrian Dune	Intermediate High Low	None	None needed	Moderate	Land planning, geotechnical investigations, adequate shoreline setbacks
Wind Erosion	Sandy Beach Active Dune Sand Flandrian Dune Sand Pre-Flandrian Dune	Low High High Low	None (Vehicular Traffic: high Foot traffic: Moderate)	None needed (Limit access to established and planned routes)	Low to Moderate on-site; High off-site	Land planning, geotechnical investigations, revegetation, boardwalks, sand fences
Tsunami Hazard	Sandy Beach Flandrian Dune Sand Pre-Flandrian Dune	High Intermediate Low	Low to Moderate	Establish effective warning system	Low to Moderate	Land planning, geotechnical investigations minimum elevation requirement
Ground Shaking Hazard	All Terrain Units	Intermediate	Low	None Needed	Moderate	Apply latest Uniform Bldg. Code based on a geotechnical investigation

TABLE 1: MARINA GEOTECHNICAL CONCERNS EVALUATION

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			Risk Level (Effect by User)	Mitigation	Risk Level	Mitigation
Liquefaction Hazard	Flandrian Dune Sand Pre-Flandrian Dune	Unknown	Low	None needed	Uncertain; High near ponds	Geotechnical investigation, setbacks from ponds
Vernal Pond Degradation	Pre-Flandrian Dune	High	Low (Moderate to high) Signs and patrol (Control use to established trails)		High	Intercept and filter runoff water from developed areas
Salt Water Intrusion	--	--	Uncertain	Monitor water quality	Uncertain	Relocate water wells and/or offset overdraft
Groundwater Contamination	--	--	Uncertain	Monitor water quality	Uncertain	Control sources and means of contamination
Sand Mining	Sandy Beach Flandrian Dune	Uncertain High	None	None needed	High	Limit to existing quarries and presently disturbed land; apply Surface Mining and Reclamation Act

Access

The concept of access is complex and includes Highway access; local road access; recreation access, vertical (perpendicular from closest public roadway to the ocean) and lateral (parallel to the ocean's side); and modal access—bicycle, equestrian, mass transit. In all types of access, the underlying theme is to provide unrestricted public access at a level which protects the Coastal environment and at an intensity which suits the Coastal resources. There are two (2) issues in access: the adequacy of the existing level of each of these accesses; and the future public access needs for each type. Access is reviewed here by type. Current status is reviewed and needs identified. Vertical access is detailed in the Public Access element.

- **Highway Access**

Highway access is provided to Marina's Coastal Zone by State Highway 1. The portion of this highway in Marina is new, with limited access and two lanes in each direction. The highway provides good visual access for through traffic. An off-ramp is provided on Reservation Road, the main access to Marina State Beach. Currently there are no signs on Highway 1 or Reservation Road indicating the access to Marina State Beach. Generally, views of the Coastal dunes are attractive, but erosion has caused areas of exposed sand which are less attractive and result in blowing sand.

Highway 1 is the major accessway to the Monterey Peninsula. As such, the views from the Highway in Marina are important as the gateway to this important visitor destination.

- **Local Roadway Access**

Three local roads now provide access to beach trails: Lake Court, Reservation Road and Dunes Drive. Of these three local streets, Lake Court is the most difficult to find. None of these streets, or the collectors or arterials they connect to, are signed to indicate that they provide access to the beach.

- **Modal Access: Bicycle, Equestrian, Mass Transit**

Each of these modes of access are or can be a substantial means of getting to Marina beaches in the future. The public will choose its alternative. However, consideration needs to be given to each alternative in order to ensure that the option remains for the future.

Bicycle. In addition to the formal bikeway within Fort Ord, the Marina City Council has designated two bikeways (both outside of the Coastal Zone). One bikeway extends from Highway 1 at the southerly City limit northward along Del Monte Boulevard. The second extends from Del Monte Boulevard along Reservation Road to the easterly City limit.

Currently in the Coastal Zone, bicyclists ride on the shoulder of Reservation Road from Del Monte Boulevard to the beach. Although there have been few accidents reported to the Marina Police, the winding character and fast travel speed on Reservation Road makes this a dangerous place to walk or ride.

Since a frequently used separated bicycle pathway parallels Highway 1 within the Fort Ord portion of Marina's Coastal Zone and the City's proposed bikeway will connect both to Highway 1 and Reservation Road, the City's major east-west arterial, a separated bikeway paralleling Reservation Road west to the beach would complete a core bikeway system. In addition, this western link would encourage local and inter-community bicyclists to use the coastal area. Local roadways used to reach Lake Court are not so heavily traveled that a separated bicycle path is needed. Dunes Drive intersects Reservation Road. Because Dunes Drive provides the access for truck traffic to the sand mining operations, it would be appropriate to provide a separated bicycle pathway. This could be built as a part of the future development on the east side of the Dunes Drive, connecting to the bikeway on Reservation Road. In the Coastal Zone, the bikeways could also be used by pedestrians.

Equestrian Access. Horseback riding is a frequent activity on the Marina Beach. There is little conflict with other beach uses because of the low intensity of use and the character of the beach area.

Although not strictly enforced, horseback riding is not permitted on State beaches. In addition, the dragline for Monterey Sand Plant is more difficult for horses to cross than pedestrians. For these reasons, it seems appropriate to discourage equestrian access at Lake Court and Reservation Road and to encourage it at Dunes Drive, which is located north of the Monterey Sand Plant. To accomplish this focus of activity, the accessway at Dunes Drive would have to be improved to allow safe equestrian use. Riders would be able to ride north along the beach several miles to the mouth of the Salinas River if they desire. The dragline will discourage riding south of the Dunes Drive accessway on the State Beach property.

Mass Transit. Monterey Salinas Transit (MST) provides bus service to Marina. Lines 7 and 12 specifically serve Marina's Coastal Zone. Line 7 covers Reservation Road east of Del Monte and Seacrest. This line connects Marina with Fort Ord and Peninsula cities. Line 12 serves Marina and Fort Ord and includes west of Del Monte; DeForest, Beach, Marina, Healy, Abdy, Cardoza, Reservation Road, Lake Drive and Palm. Both lines operate hourly headways six days a week. Only Line 12 operates on Sundays; and then just on local Marina streets. Line 12 has the closest stops to the beach: Reservation Road at Cardoza and Reservation Road at Beach. These stops would place a rider one-quarter to one-half a mile from the beach. Line 12, which offers the best beach access, is also primarily a local service route. Peninsula residents outside of Marina would have a more difficult time reaching Marina's Coast by bus.

The MST anticipates expanding Line 12 to downtown Monterey and reducing headways to one-half hour on Line 7, when they receive delivery of ten new buses in 1982. These

route changes will increase recreational access. Currently MST finds demand for recreational travel by transit to Marina's beaches to be extremely low. Transit supervisors report requests for access to Marina beaches to be rare. According to MST, until the need is evidenced to be considerably greater, a high level of transit service cannot be justified. In the interim, service will continue to be oriented around local service, particularly connecting Fort Ord and Peninsula cities with Marina.

- **Recreation Access – Lateral**

Marina's entire shoreline comprises sandy beach on the shore of Monterey Bay. Except for the inconvenience of crossing the Monterey Sand Company dragline, there is no physical impediment to pedestrian access along the shoreline within City limits. Because the dragline operator will slack the lines for pedestrians to cross, the sand mining operation does not presently present a barrier to pedestrian use northward from the Reservation Road vertical access. However, military security and public safety concerns preclude shoreline access south of Marina State Beach; coastal hikers must use the Fort Ord bikeway to continue southward. A satisfactory connection between the Lake Court access and the north end of the Fort Ord bikeway is needed.

PLAN APPEALS

After certification, Coastal development permit-issuing authority passes from the State to the City of Marina. However, there will be an area within the City's current Coastal Zone over which the State will retain permit appeal jurisdiction. This area is called the Coastal Appeals Zone. The State Coastal Commission will map this area for the City and provide a method of determining the exact boundary on a property-by-property basis. State law establishes rules for determining this appeals area.

Any locally-issued Coastal permit within this appeals area may be appealed to the State Coastal Commission on the basis of violating one or more of six conditions established in Section 30603(b) and (c) of the Public Resources Code:

- The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
- Development fails to protect public views from any public road or from a recreation area to, and along, the Coast.
- The development is not compatible with the established physical scale of the area.
- The development may significantly alter existing natural land forms.
- The development does not comply with shoreline erosion and geologic setback requirements.

- Development is not in conformity with the certified Local Coastal Program.

If only a portion of a parcel is located within the Coastal Appeals Zone, then only the use proposed on that portion of the parcel can be appealed.

Categorical Exclusion

There is a provision in the State law which allows certain areas within the local coastal permit-issuing zone to be exempted from required coastal permits with the Coastal Commission's approval. Categorical exclusion is granted by the State Commission as a part of Implementation Plan certification. Generally, categorical exclusion is allowed in areas already fully developed at the time of LUP certification or in which the plan does not anticipate any substantial change in land use.

Categorically excluded areas located within the Appeals Zone are also exempt from appeal. However, should an owner or the City wish to change the permitted use of any property from that designated in the Local Coastal Plan, a LCP Land Use Plan amendment would be required and the categorical exclusion would lapse.

Application for categorical exclusion areas is generally initiated by the local jurisdiction during the implementation phase of the Local Coastal Program.

PLAN AMENDMENTS

Once Marina's LCP is certified, any change to the Coastal Zone Special Area Plan (Local Coastal Land Use Plan) or change to any City ordinances included in the LCP Implementation Plan will be considered an LCP amendment. All amendments will require action by the State Coastal Commission. Some will be determined to be less significant changes and will be classified as minor modifications.⁷ Minor modifications can be approved by the Executive Director of the State Commission. All other modifications, including any change in allowable land use, will be considered major and will have to be approved by action of the State Coastal Commission.

All amendments (Local Coastal Plan or related ordinances) will require action by the local jurisdiction. Public notice will be made and appropriate public hearings held. After City Council action, the amendment will be forwarded to the State Coastal Commission for action. If determined to be a minor amendment, and agreed to by the State Coastal Commission Executive Director, it will go into effect ten working days after its approval. Major changes, including any change in use, will require public hearings before the State Coastal Commission and certification according to the process used when the original LCP was certified.⁸

⁷ Specific determination of which changes will be minor and which major has not yet been decided by the State Coastal Commission

⁸ Approval of the amendment by the City Council; transmission of the approval resolution to the Coastal Commission; hearings by the Central (if still in existence) and State Coastal Commissions; and action recommending certification pending City Council action; and final action by the City Council

There are two other types of amendments to the LCP which are more unique. One is amendment to accommodate public works and energy facilities; the other is five-year evaluation of the Local Coastal Program. The State Coastal Act allows the Coastal Commission to overrule a local jurisdiction's denial of a region-serving public works or energy facility if the project was not considered and rejected during the original LCP preparation or if the Commission rules that to deny the project would adversely affect the public welfare, or that the need for the project is greater than the area served by the Local Coastal Plan, and there is no feasible, less environmentally-damaging way to meet the need.

The Coastal Act (Section 30519.5) requires that the Coastal Commission evaluate the implementation of each Local Coastal Program at least every five (5) years after certification. If the Coastal Commission determines that the Local Coastal Program is not being carried out in conformance with any Coastal Act policy, it will make recommendations to the City for action. These recommendations can include amendments to the Local Coastal Land Use Plan, zoning or other portions of the Local Coastal Program. If the amendments are not made within one year, the local jurisdiction must report its reason to the Commission. The Commission will review the response. If the reasons are not satisfactory, the Coastal Commission can request further legislative action by the State Legislature to clarify the policy and required local action. The Legislature may not amend the Local LCP directly, but could consider changes to the Coastal Act which would require local jurisdictions to comply.

State law limits the number of times a year a City's General Plan can be amended to three. A similar regulation has been adopted for Local Coastal Plan amendments. Initial adoption of the Local Coastal Program by the City of Marina however, will not limit the number of General Plan Amendments that may be adopted in 1981.

Figure 1 Existing Land Use and Ownership Map

Figure 2 - Marina State Beach Planning Area Map

Figure 3 - Vernal Pond-Brown Bulb Ranch Planning Area Map

Figure 4 - North of Reservation Road Planning Area Map

Figure 5 - Disturbed Vegetation Map

Figure 6 - Natural Habitats Map

Figure 7 - Potential Wildlife Habitat Map

Figure 8 - Geology Map

EXHIBIT A

HABITAT DEFINITIONS

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

1. Habitat for all identified plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as “rare and endangered.”
2. Vernal ponds and their associated wetland vegetation. The Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas (California Coastal Commission, February 14, 1981) contains technical criteria for establishing the inland boundary of wetland vegetation.
3. All native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina’s natural sand dune formations.
4. Areas otherwise defined as secondary habitat that have an especially valuable role in an ecosystem for sensitive plant or animal life., as determined by a qualified biologist approved by the City. [Resolution No. 2001-118 (October 16, 2001); approved by CCC November 14, 2001]

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

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

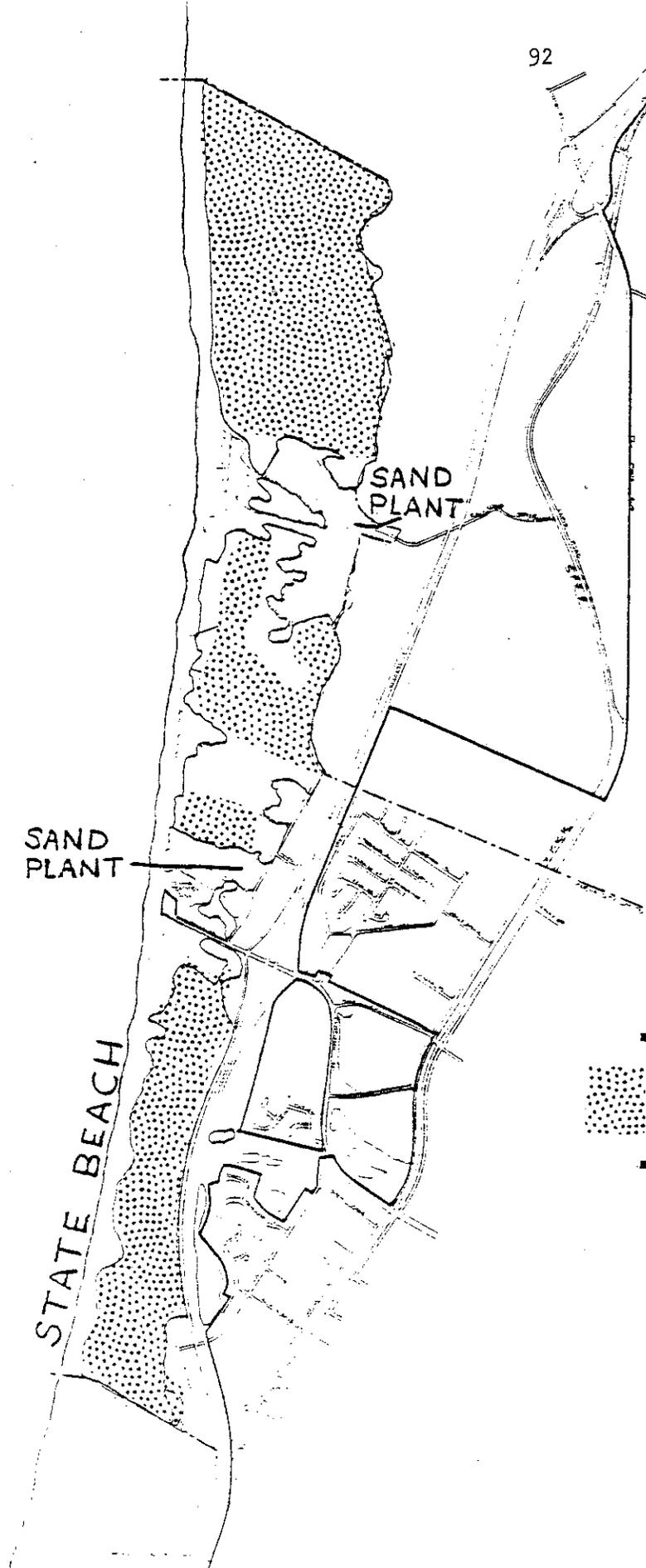
Rare and endangered species. This term will apply to those plant and animal species which are rare, endangered, threatened or are necessary for the survival of such species. The Environmental Analysis Report prepared for the Marina Local Coastal Program identified such species in the dune habitat areas. While future scientific studies may result in addition or deletion of species, the list presently includes:

1. Smith's Blue Butterfly (*Shijimiaeooides enoptes smithi*)
2. Globose Dune Beetle (*Coelus globosus*)
3. Black Legless Lizard (*Anniella pulchra nigra*)
4. Salinas Kangaroo Rat (*Dipodomys Heermanni Goldmani*)
5. Seaside Painted Cup (*Castilleja latifolia ssp. Latifolia*)
6. Monterey Spine Flower (*Chorizanthe pungens var. pungens*)
7. Eastwood's Ericameria (*Ericameria fasciculata*)
8. Coast Wallflower (*Erysimum ammophilum*)
9. Menzies' Wallflower (*Erysimum menziesii*)
10. Coastal Dunes Milk Vetch (*Astragalus tener var. titi*)
11. Dune Gilia (*Gilia tenuiflora var. arenaria*)
12. Wild Buckwheat (*Eriogonum latifolium*)*
13. Wild Buckwheat (*Eriogonum parvifolium*)*
14. Bush Lupine (*Lupinus ssp.*)+

* only within the range of Smith's Blue Butterfly.

+ only within the range of the Black Legless Lizard.

Exhibit B
Figure 9 Least Disturbed Habitat Areas Map

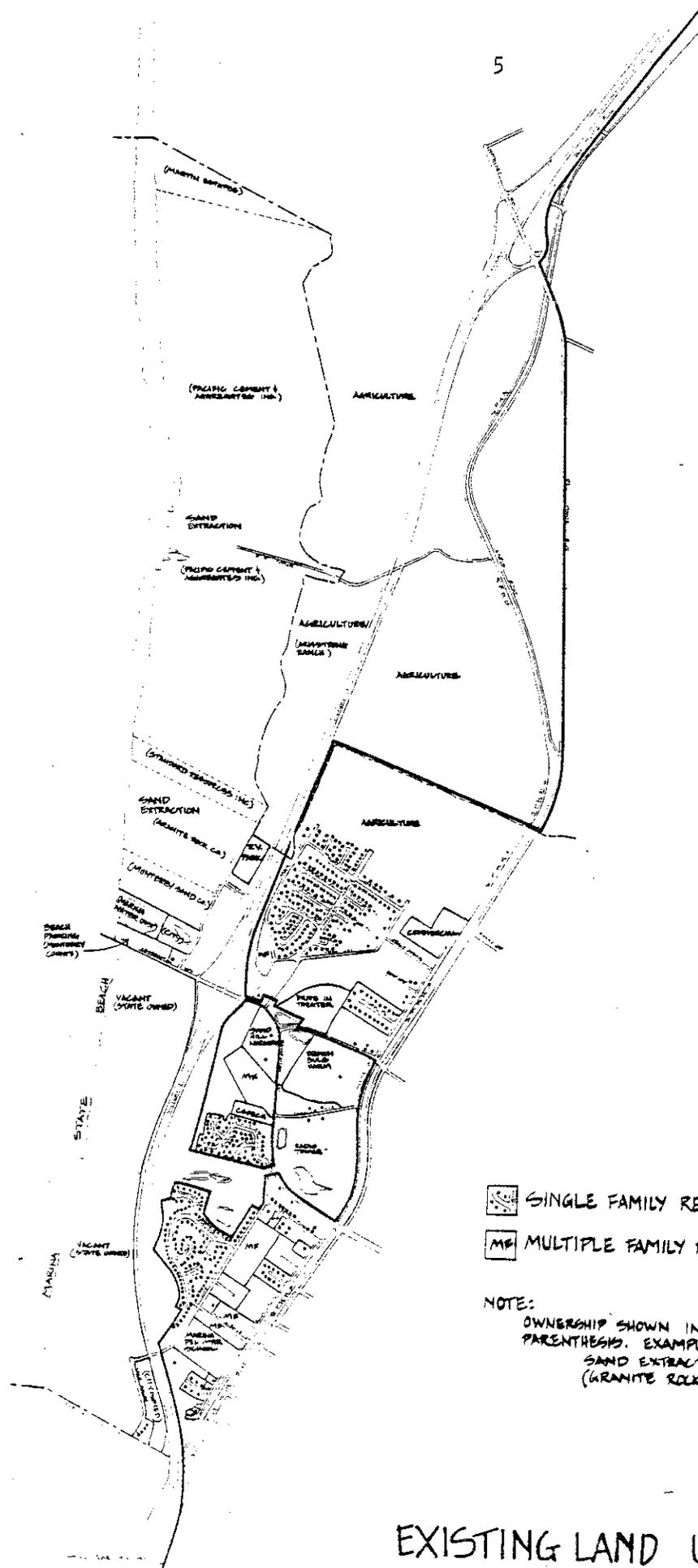



 LEAST-DISTURBED DUNE HABITAT AREAS
 (Air Photo Interpretation By Coastal
 Commission Staff, October, 1981)



The Precise location and edges of
 these Least Disturbed Dune Habitat
 Areas shall be determined by ground
 investigation by a qualified biolo-
 gist and mapped at the time use is
 proposed.

LEAST - DISTURBED DUNE HABITAT AREAS
 MARINA LOCAL COASTAL PROGRAM



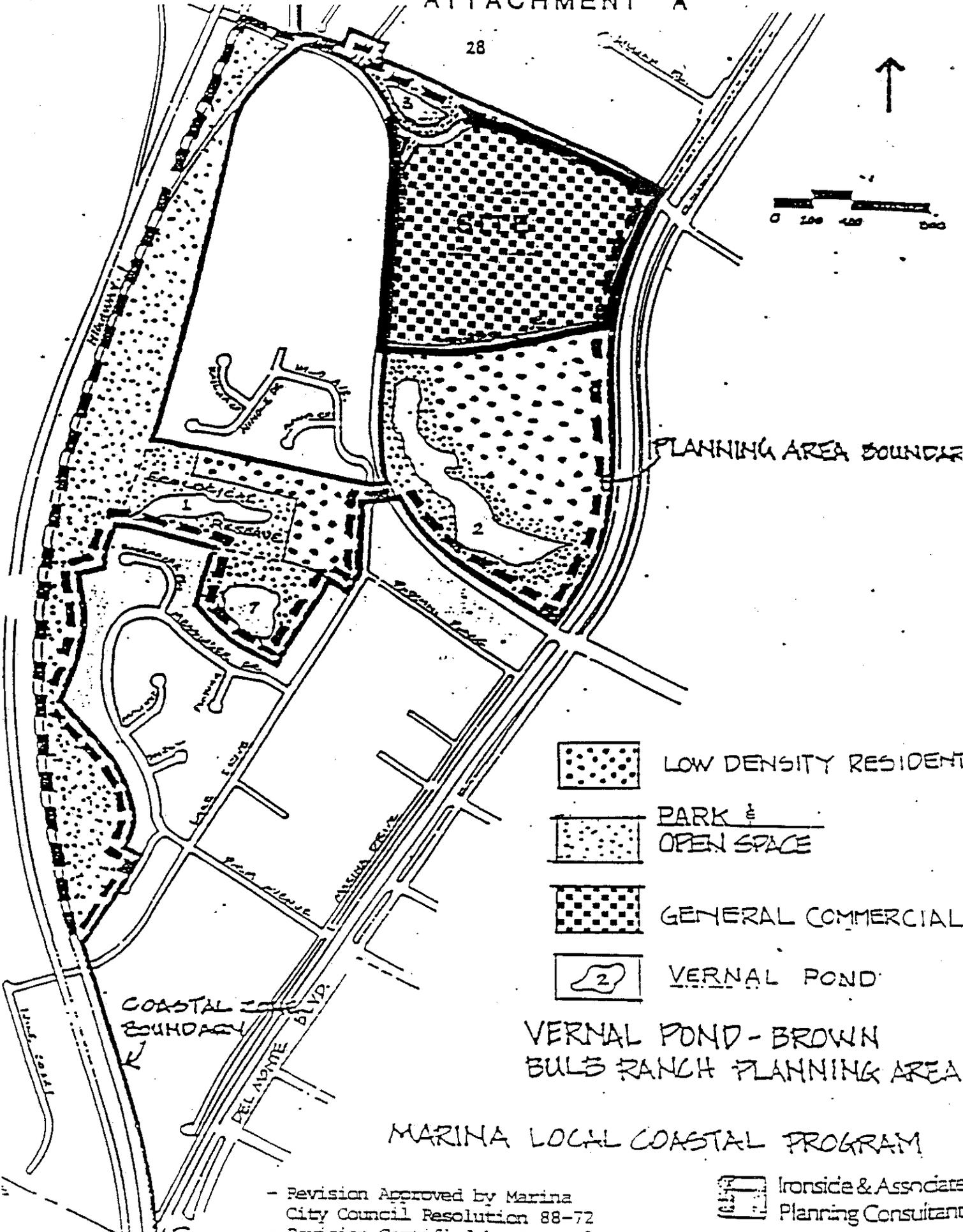
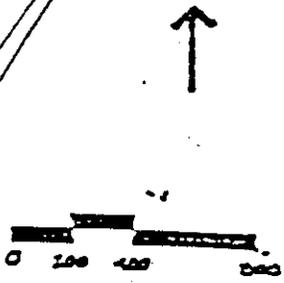
-  SINGLE FAMILY RESIDENTIAL
-  MULTIPLE FAMILY RESIDENTIAL

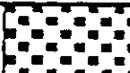
NOTE:
 OWNERSHIP SHOWN IN
 PARENTHESES. EXAMPLE:
 SAND EXTRACTION
 (GRANITE ROCK CO.)

EXISTING LAND USE AND OWNERSHIP

ATTACHMENT A

28



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

VERNAL POND - BROWN BULLS RANCH PLANNING AREA

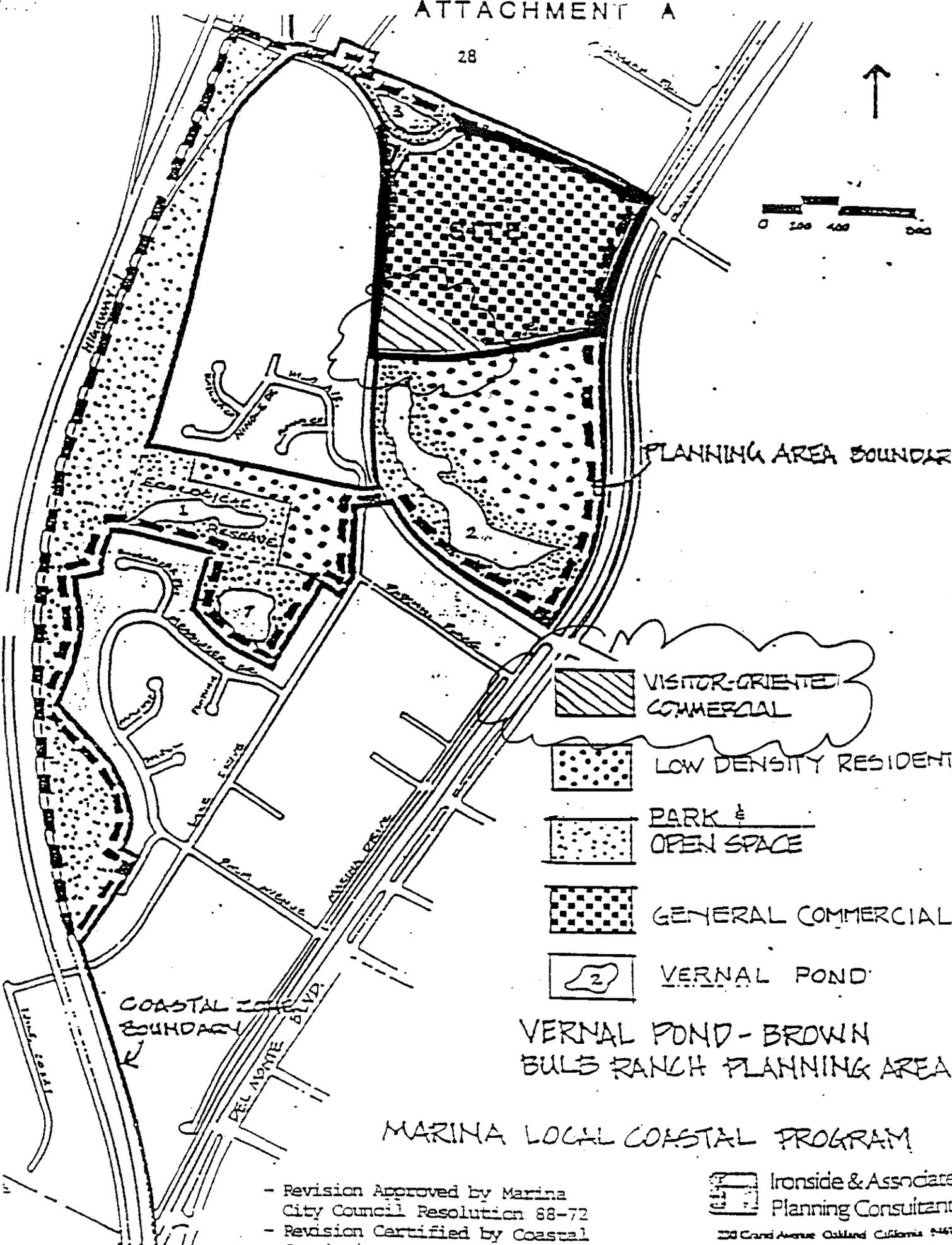
MARINA LOCAL COASTAL PROGRAM

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 - Revision Certified by Coastal

 Ironsida & Associates
 Planning Consultant

ATTACHMENT A

28

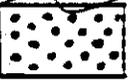
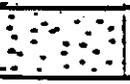
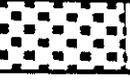


PLANNING AREA BOUNDARY

COASTAL ZONE BOUNDARY

VERNAL POND - BROWN BULLS RANCH PLANNING AREA

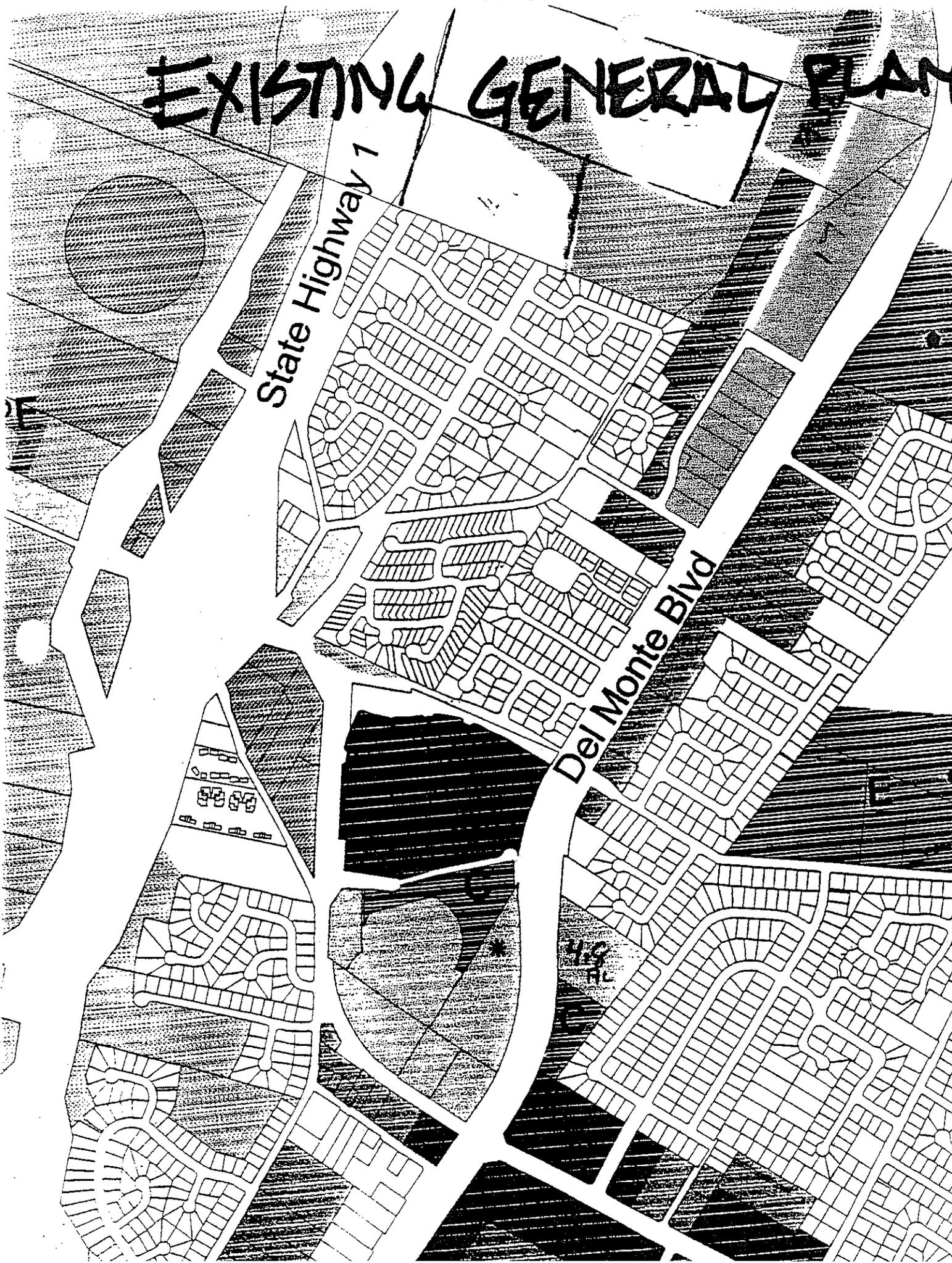
MARINA LOCAL COASTAL PROGRAM

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

- Revision Approved by Marina City Council Resolution 88-72
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 Ironsides & Associates
 Planning Consultant
 230 Grand Avenue Oakland California 94612

EXISTING GENERAL PLAN



GENERAL PLAN AMENDMENT

State Highway 1

Del Monte Blvd

AREA PROPOSED FOR
"VISITOR-SEEKING COMMERCIAL"

*

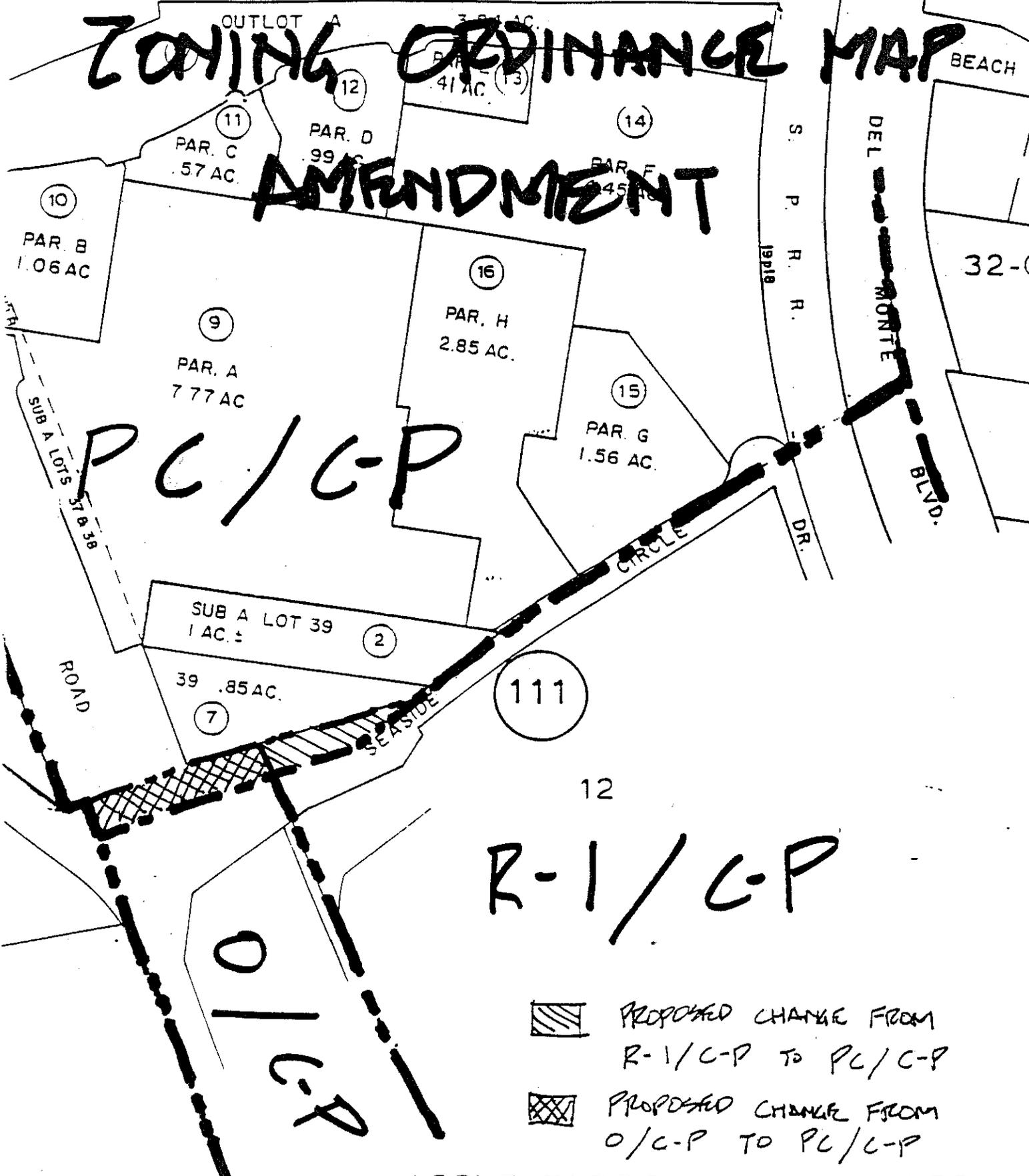
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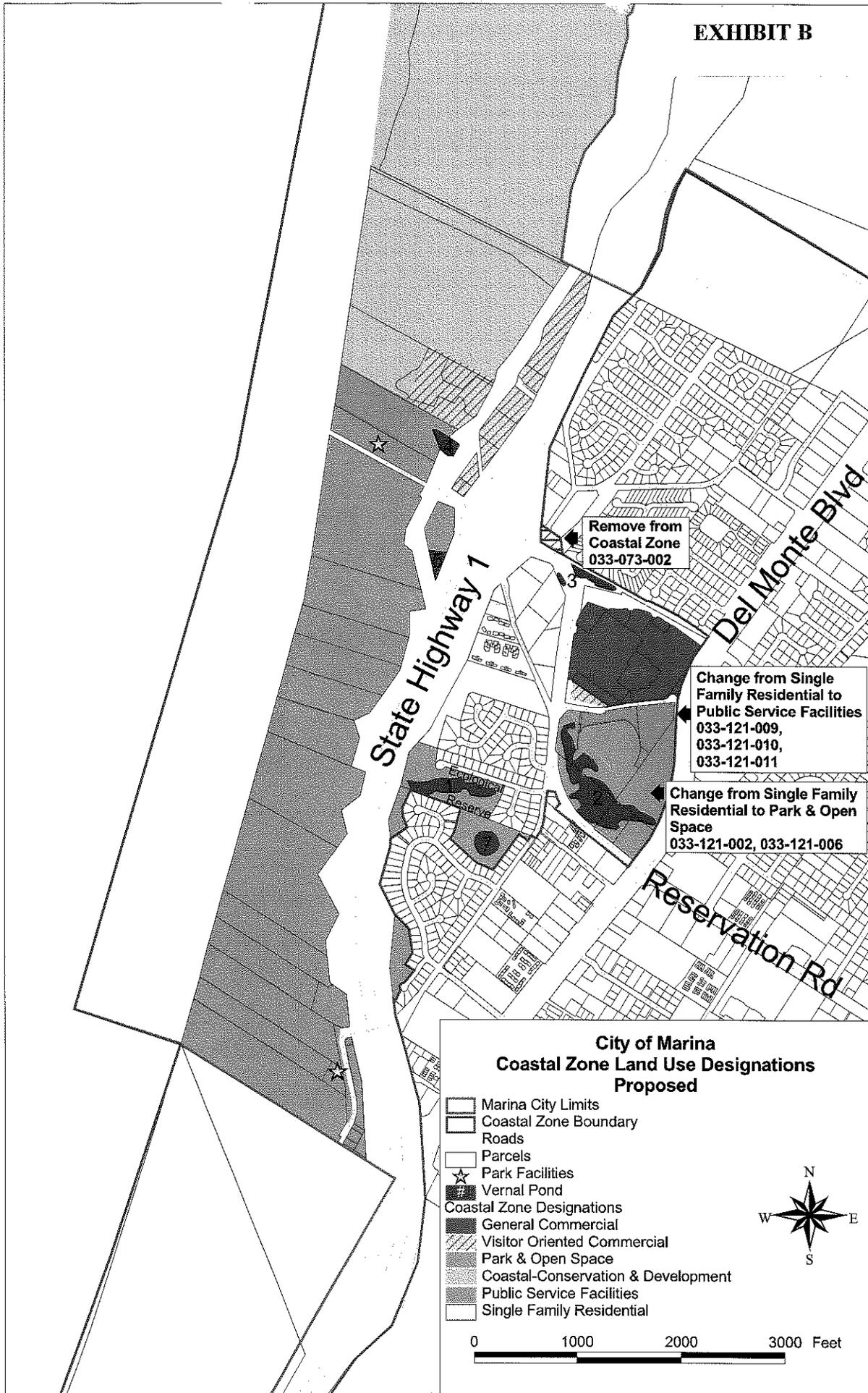
ZONING ORDINANCE MAP

AMENDMENT



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

EXHIBIT B



State Highway 1

Del Monte Blvd

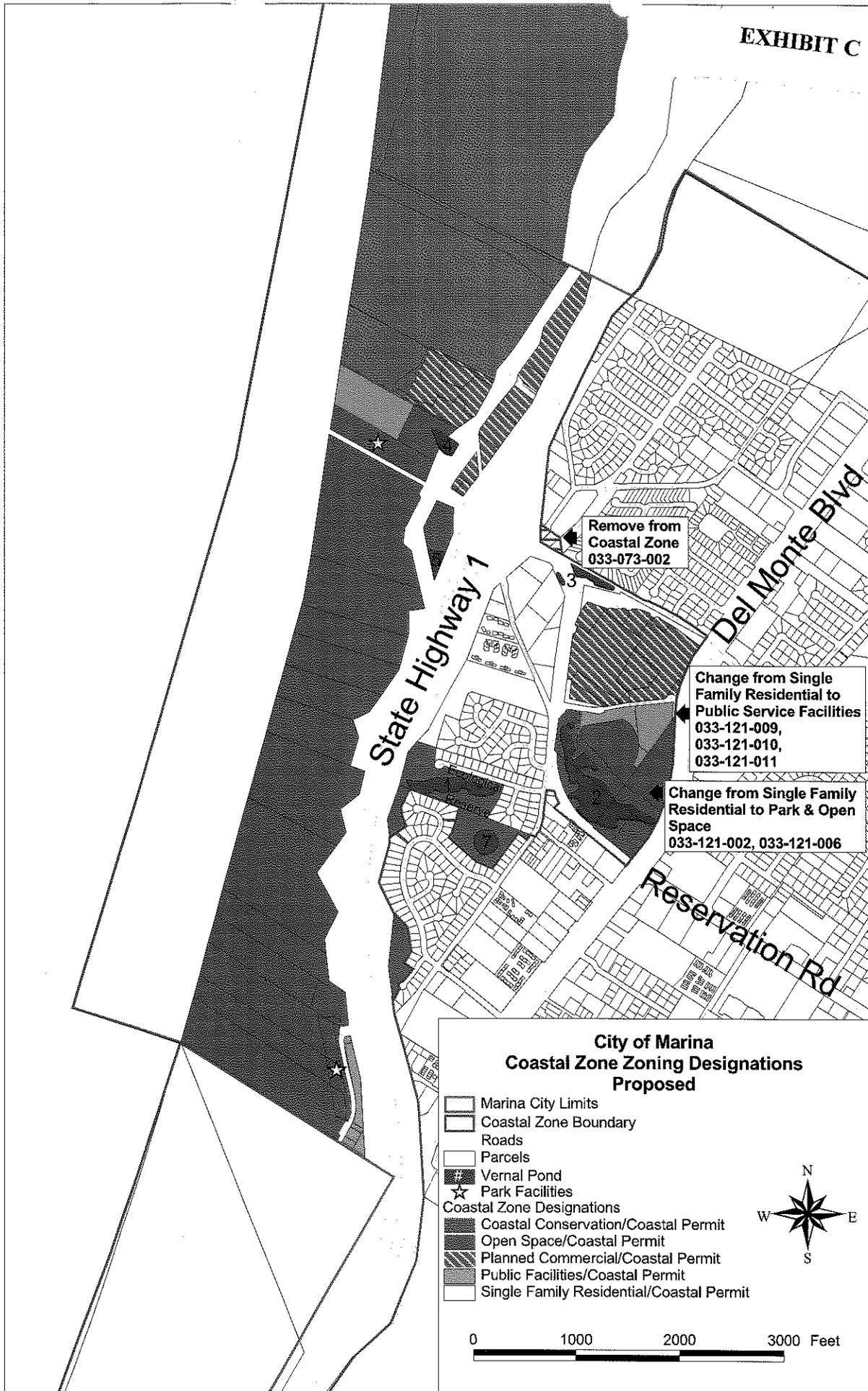
Reservation Rd

Remove from Coastal Zone
033-073-002

Change from Single Family Residential to Public Service Facilities
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033-121-010,
033-121-011

Change from Single Family Residential to Park & Open Space
033-121-002, 033-121-006

Ecological Reserve



State Highway 1

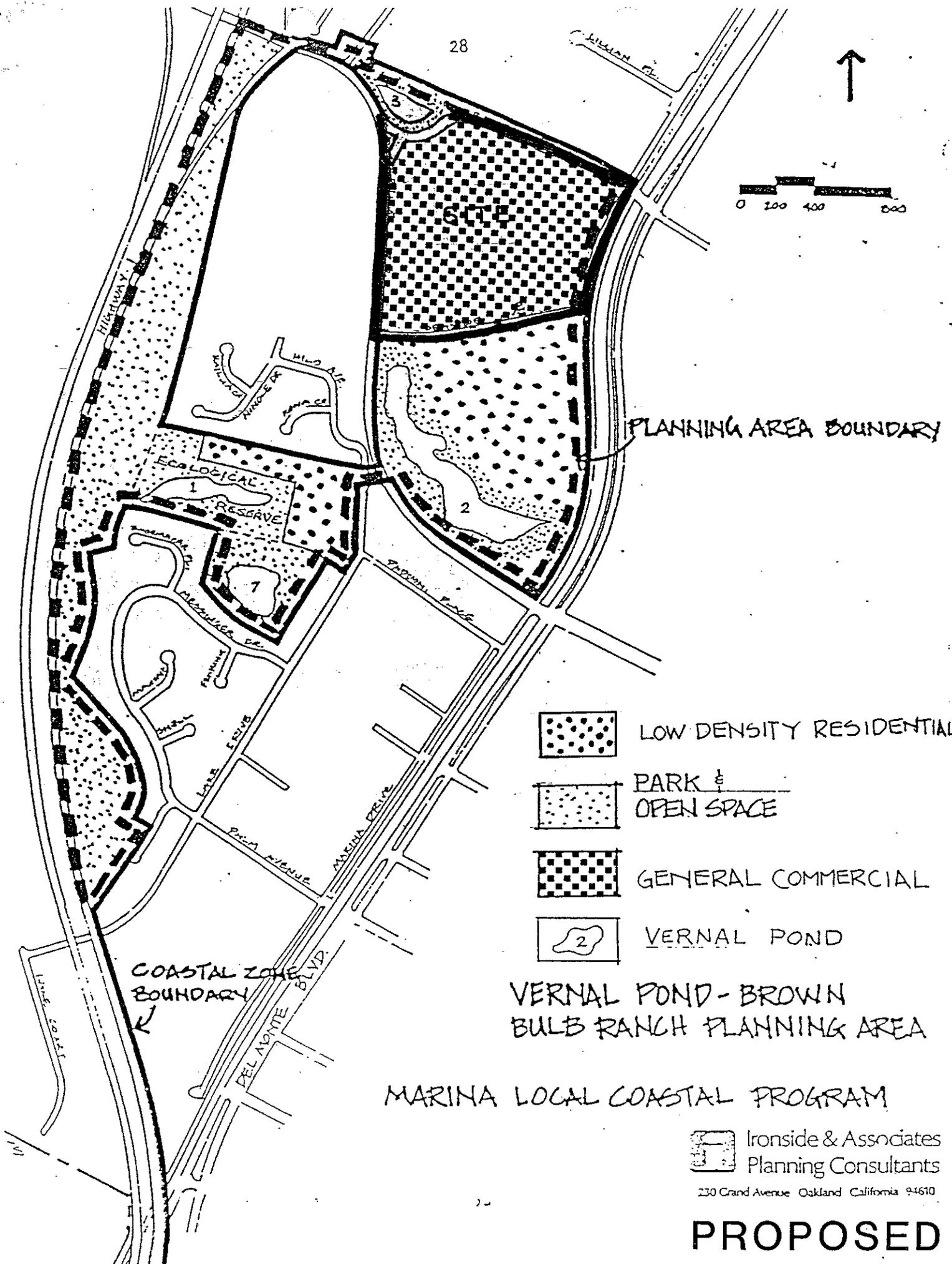
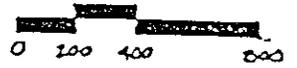
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Reservation Rd

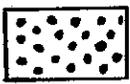
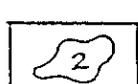
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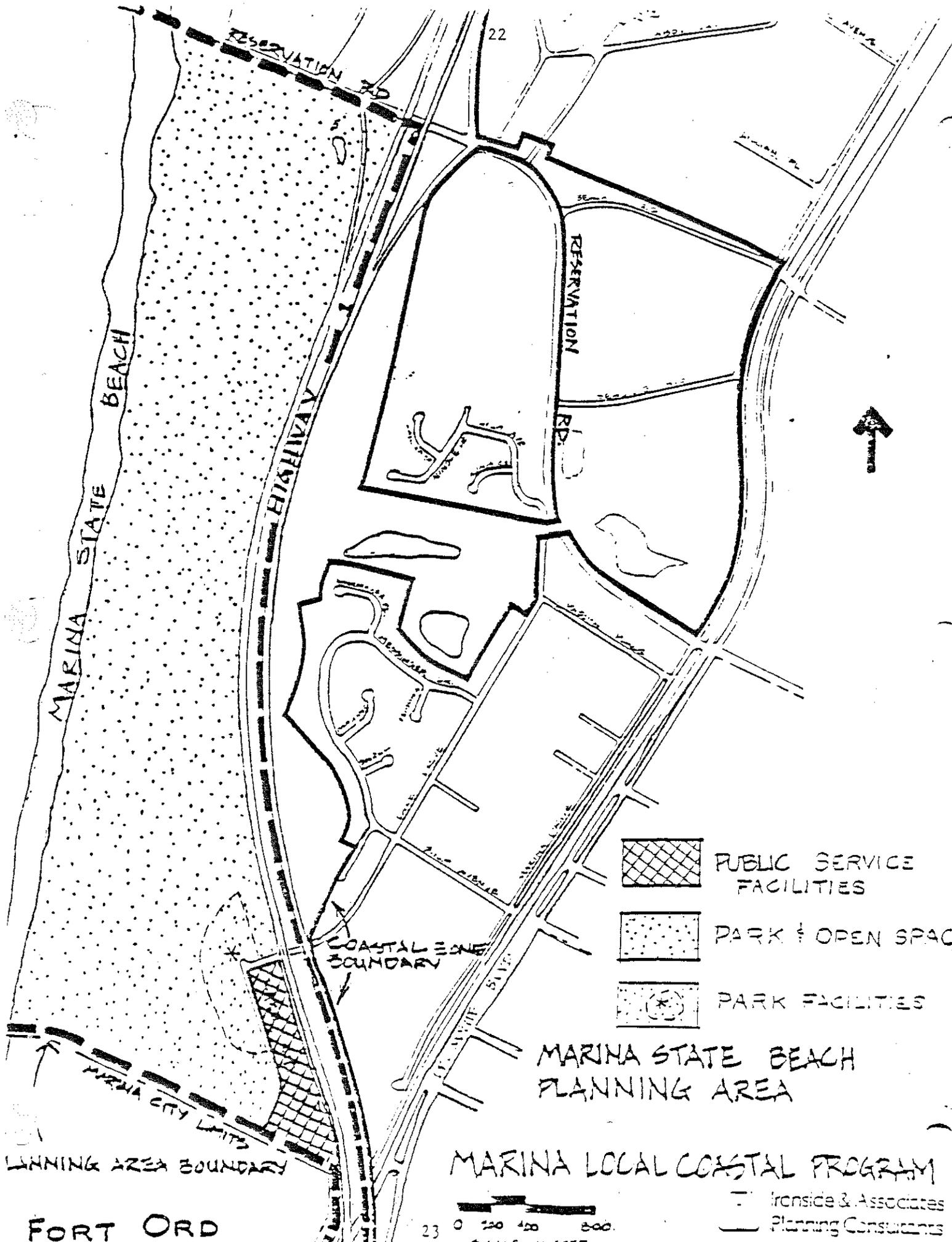
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-  PARK & OPEN SPACE
-  GENERAL COMMERCIAL
-  VERNAL POND

VERNAL POND - BROWN BULB RANCH PLANNING AREA

MARINA LOCAL COASTAL PROGRAM

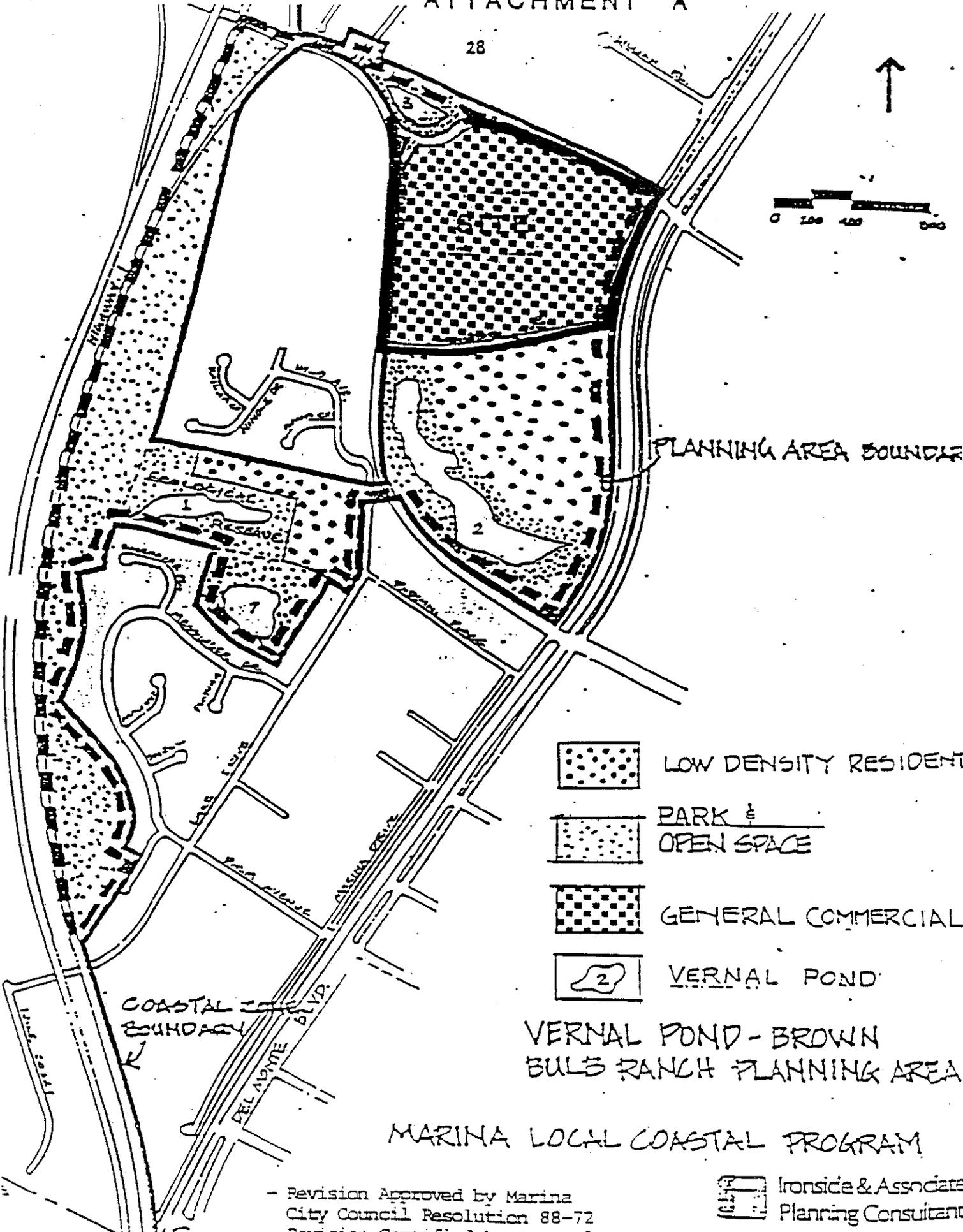
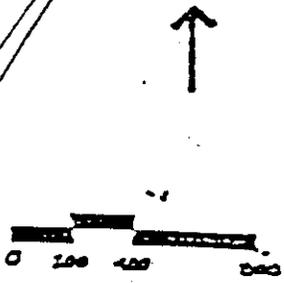
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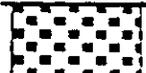
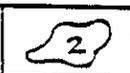
PROPOSED



ATTACHMENT A

28



-  LOW DENSITY RESIDENT
-  PARK & OPEN SPACE
-  GENERAL COMMERCIAL
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VERNAL POND - BROWN BULL RANCH PLANNING AREA

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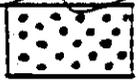
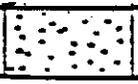
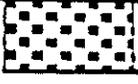
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 Planning Consultant

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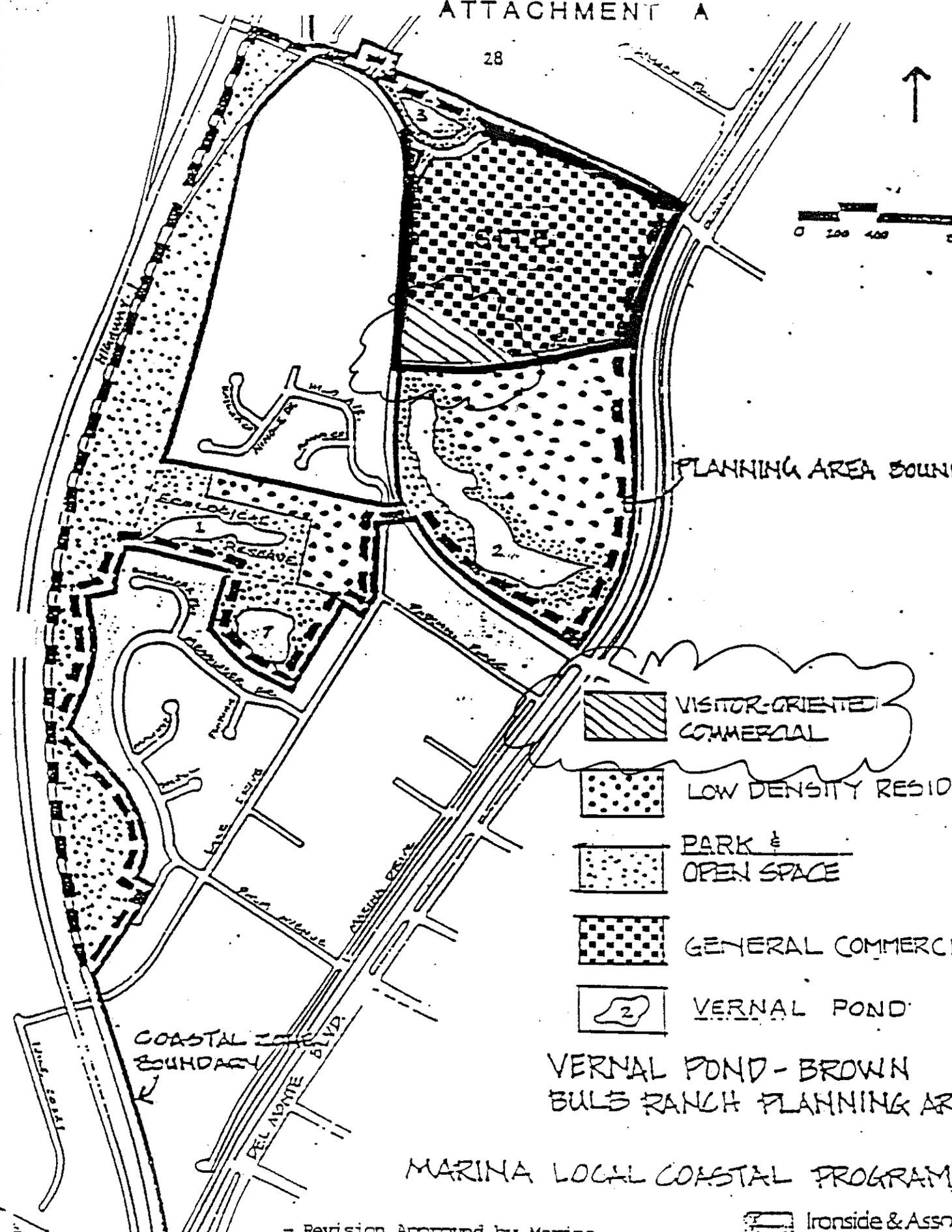
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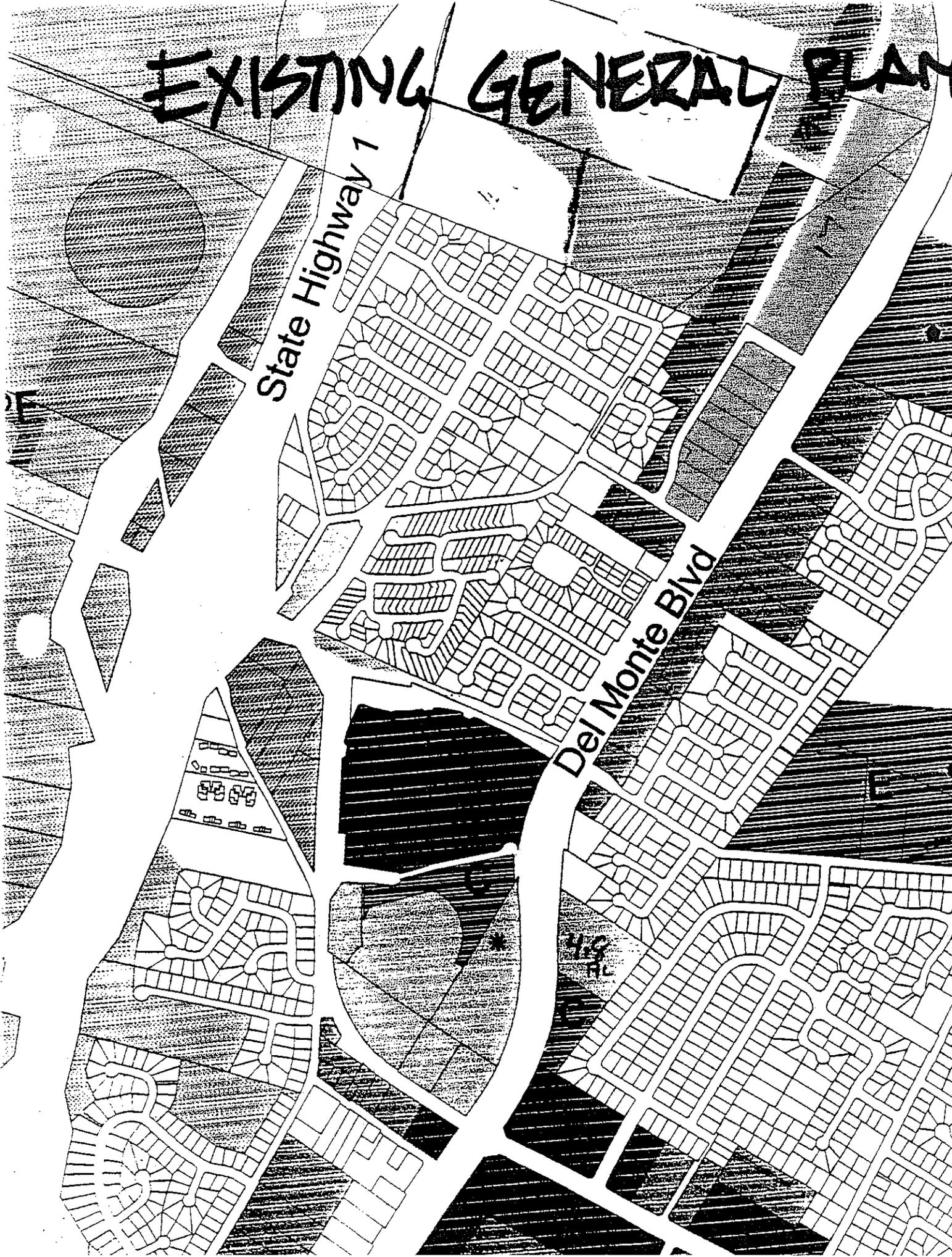
 Ironsides & Associates
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 230 Grand Avenue Oakland California 94612



EXISTING GENERAL PLAN

State Highway 1

Del Monte Blvd



GENERAL PLAN AMENDMENT

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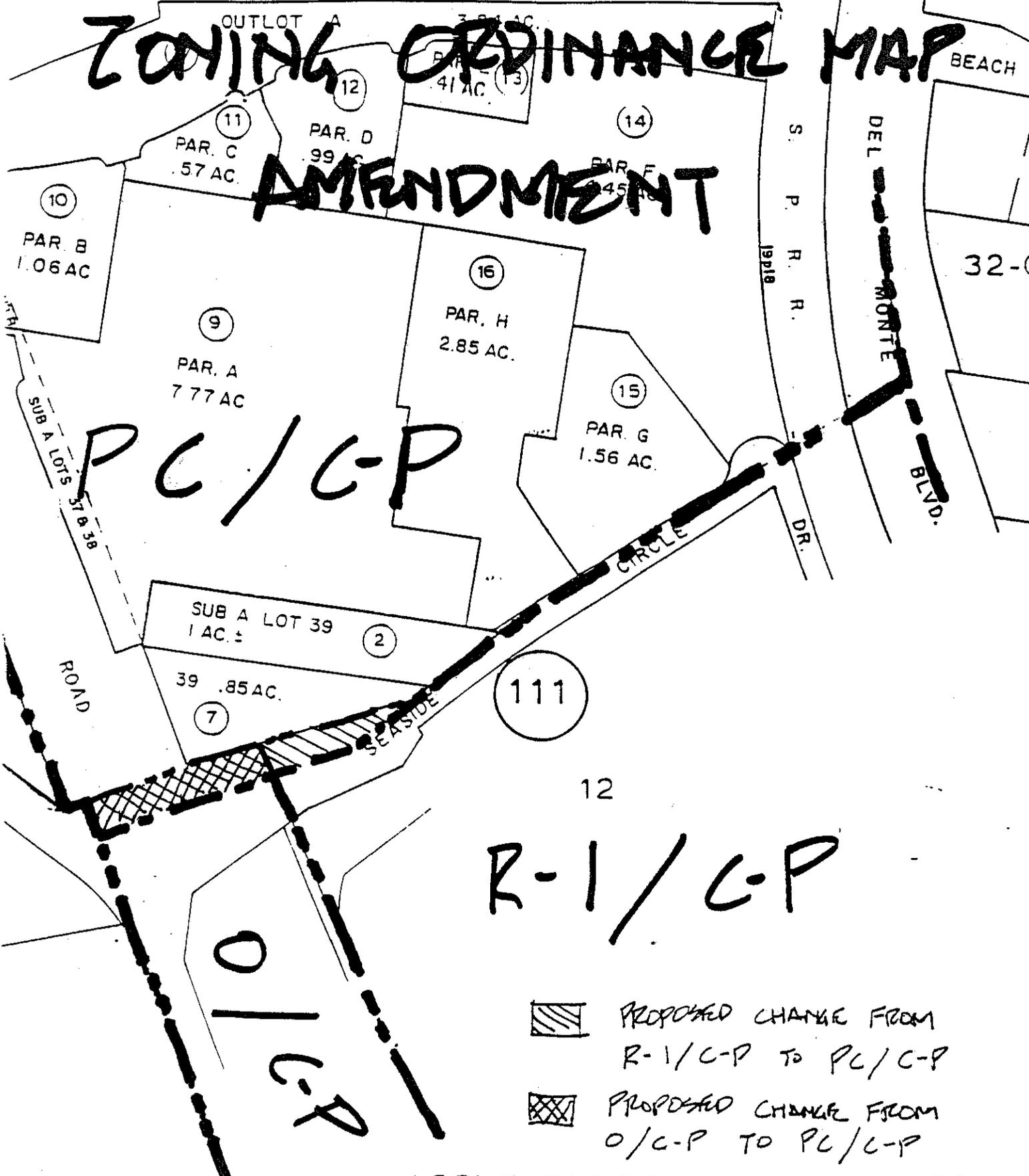
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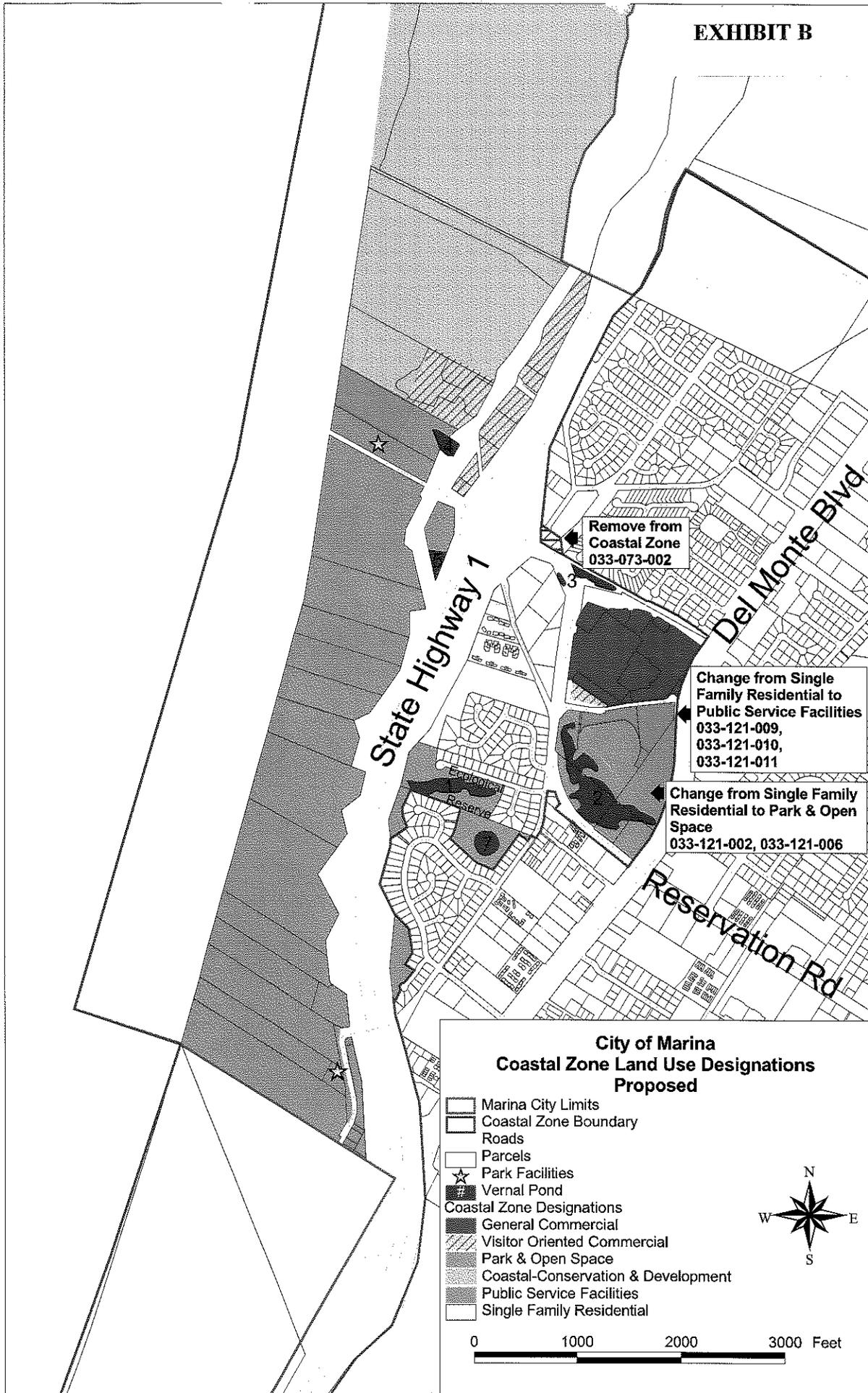
ZONING ORDINANCE MAP

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EXHIBIT B



State Highway 1

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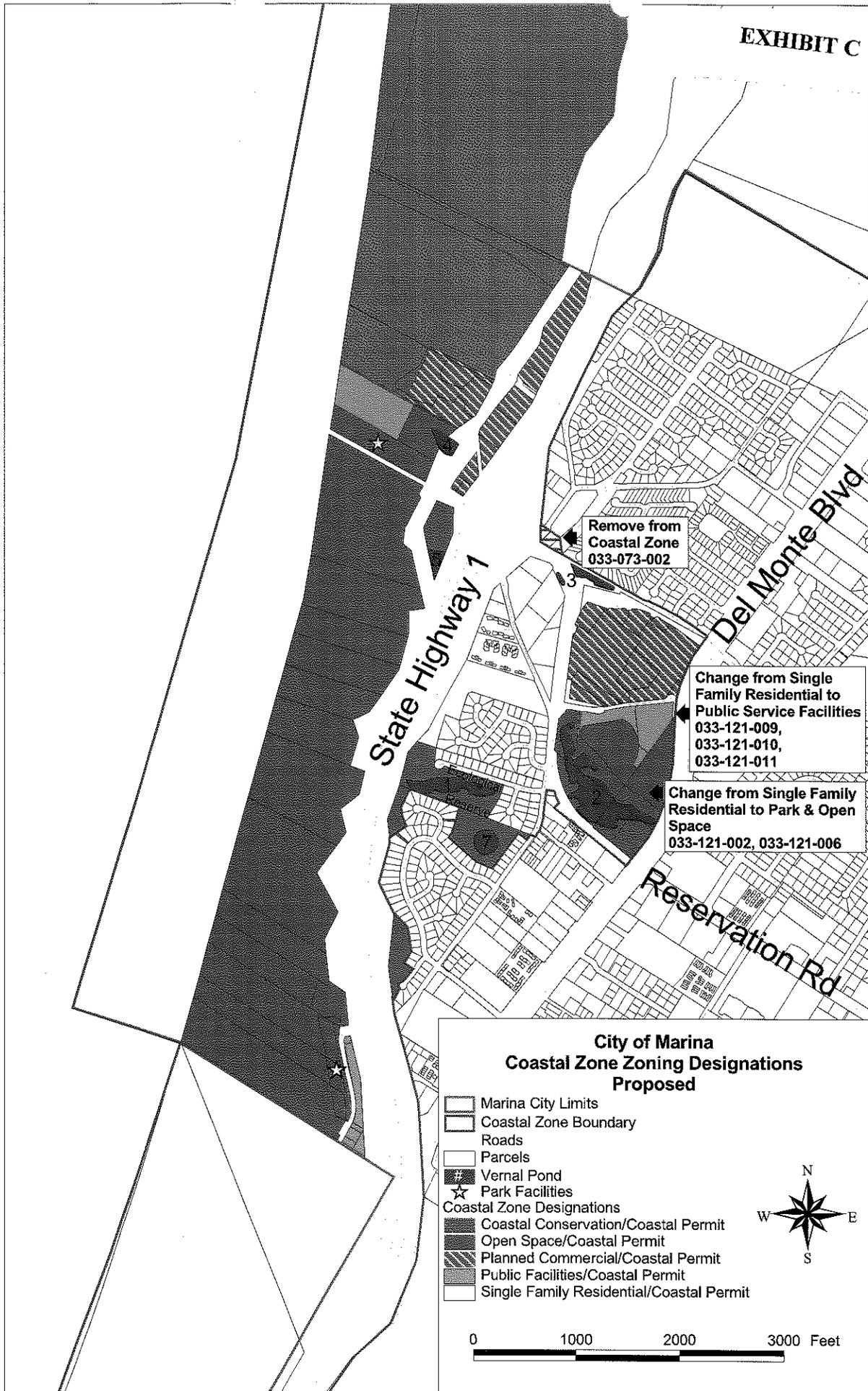
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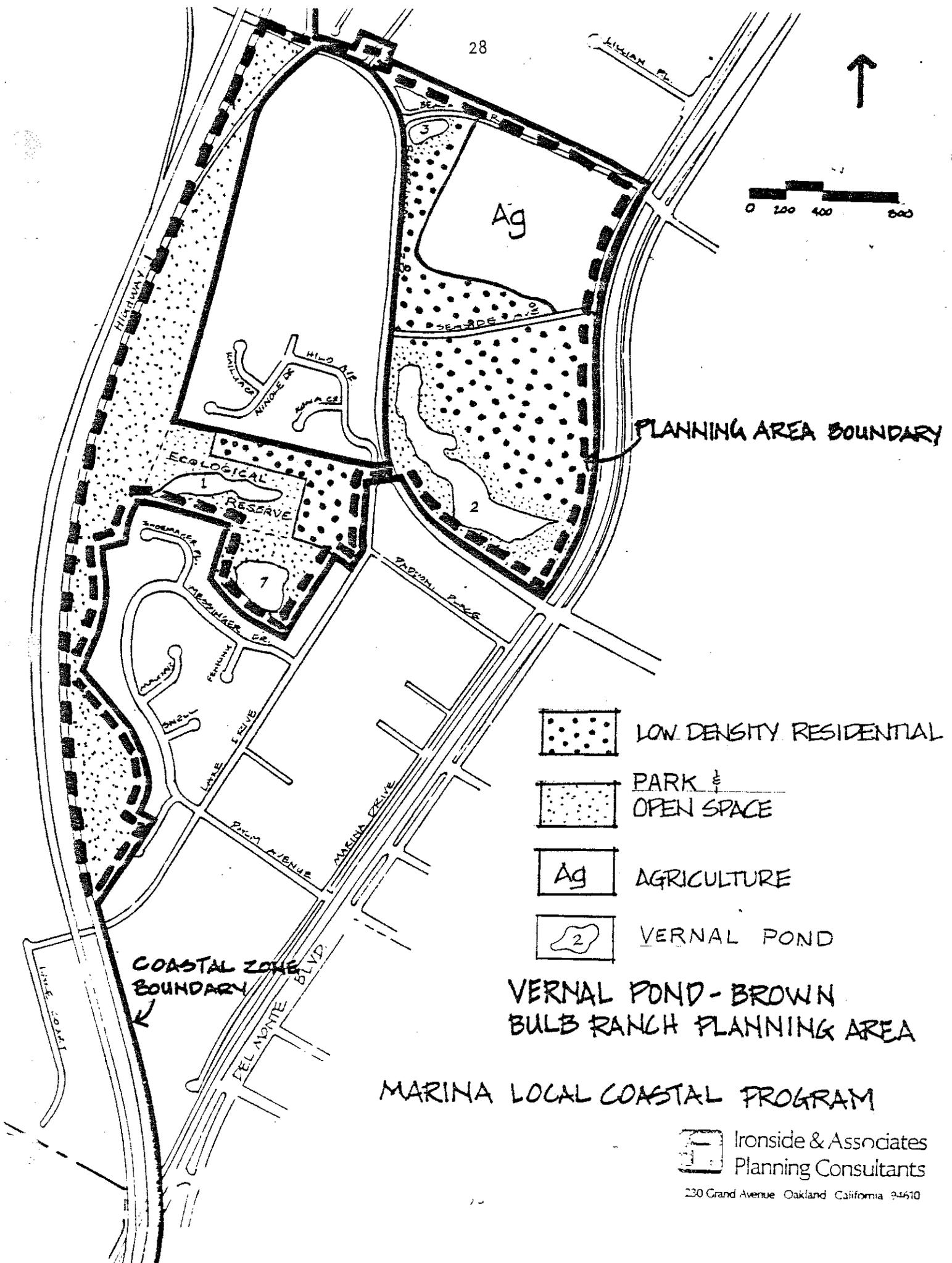
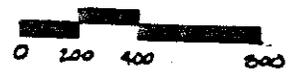
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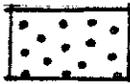
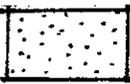
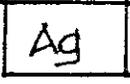
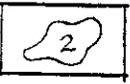
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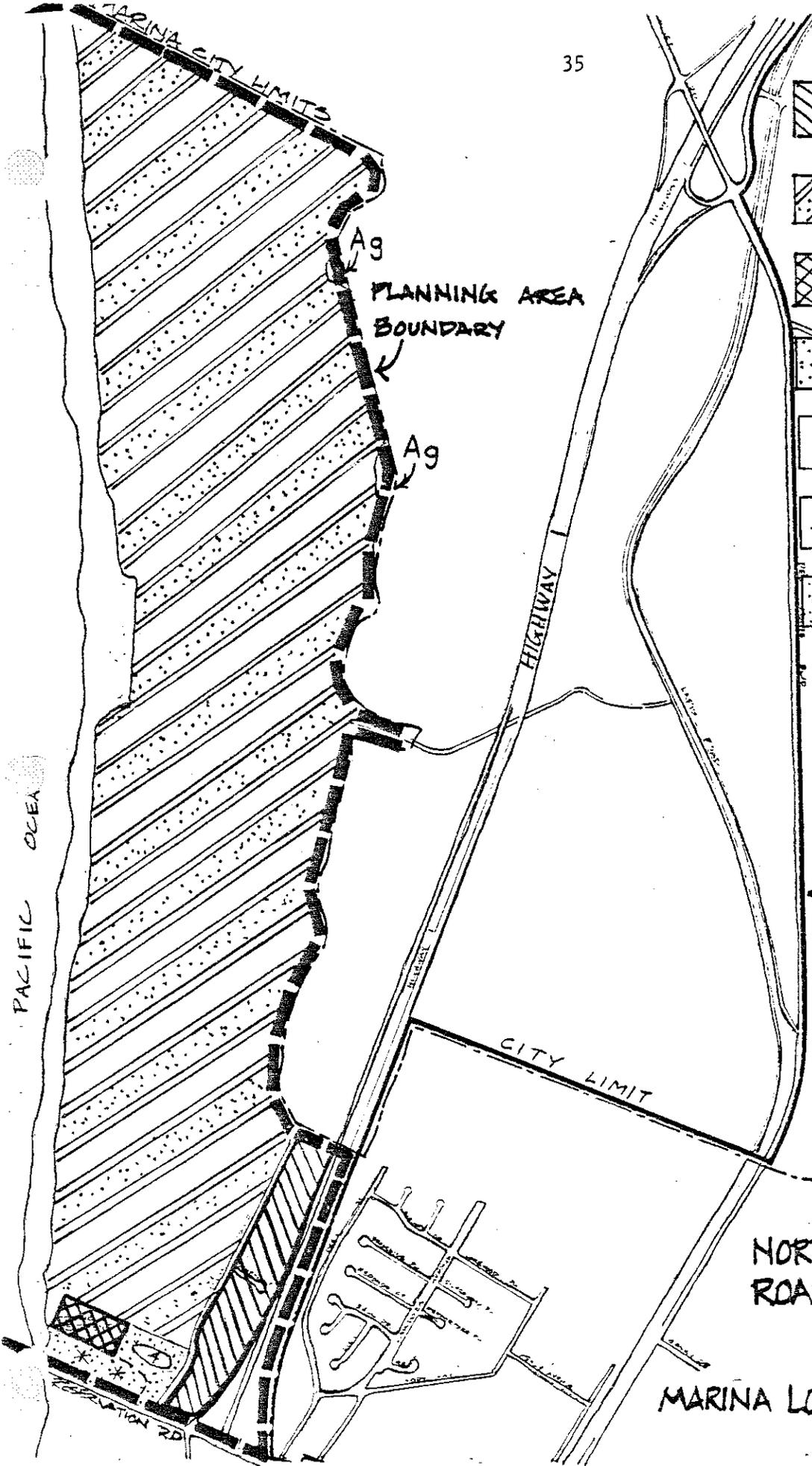
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-  PARK & OPEN SPACE
-  AGRICULTURE
-  VERNAL POND

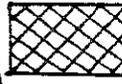
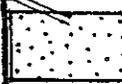
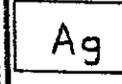
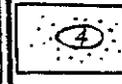
VERNAL POND - BROWN BULB RANCH PLANNING AREA

MARINA LOCAL COASTAL PROGRAM

 Ironside & Associates
Planning Consultants

230 Grand Avenue Oakland California 94610



-  VISITOR-ORIENTED COMMERCIAL
-  COASTAL-CONSERVATION & DEVELOPMENT
-  PUBLIC SERVICE FACILITIES
-  PARK & OPEN SPACE
-  Ag AGRICULTURE
-  VERNAL POND
-  PARK FACILITIES

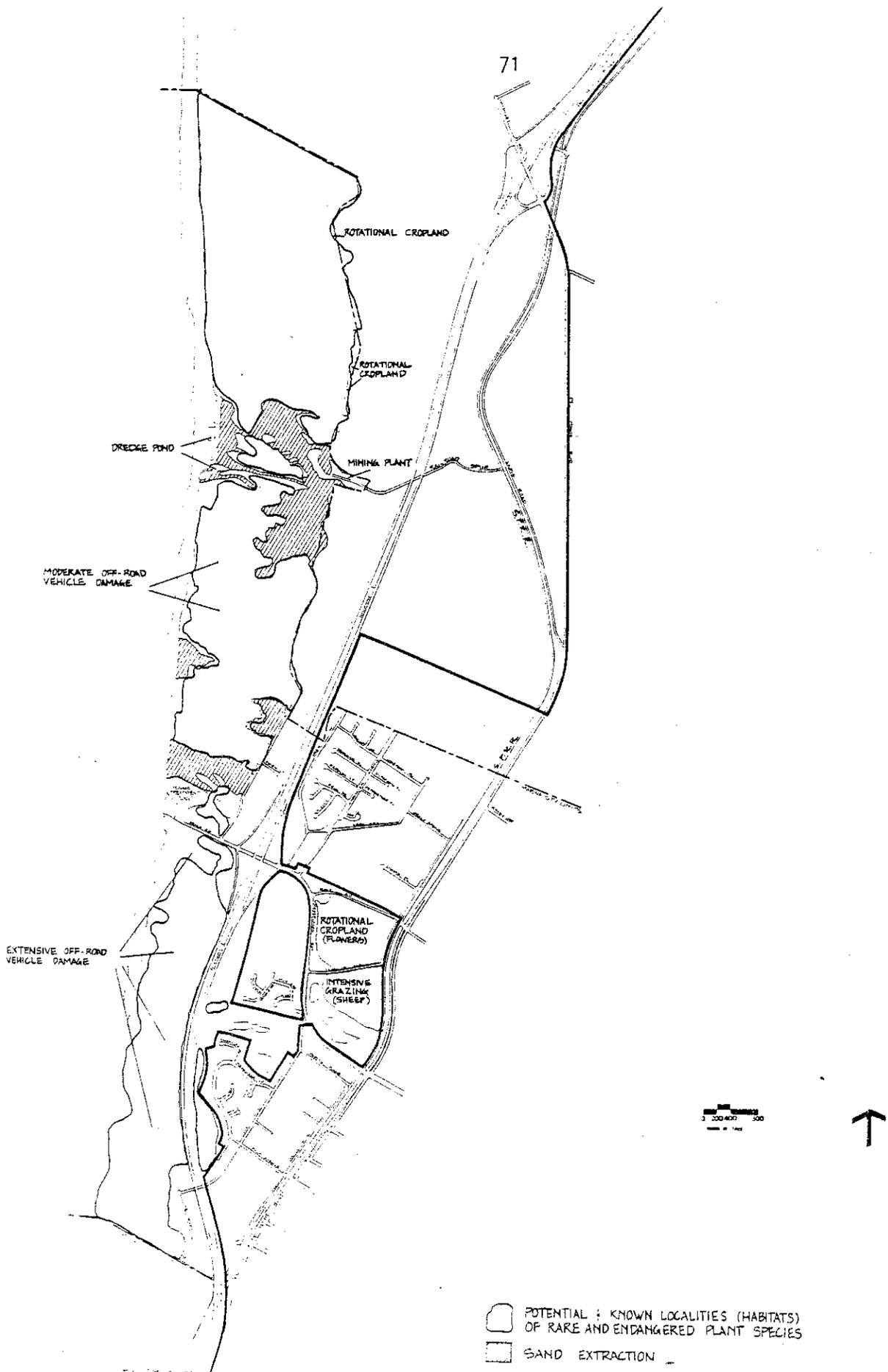
COASTAL ZONE BOUNDARY



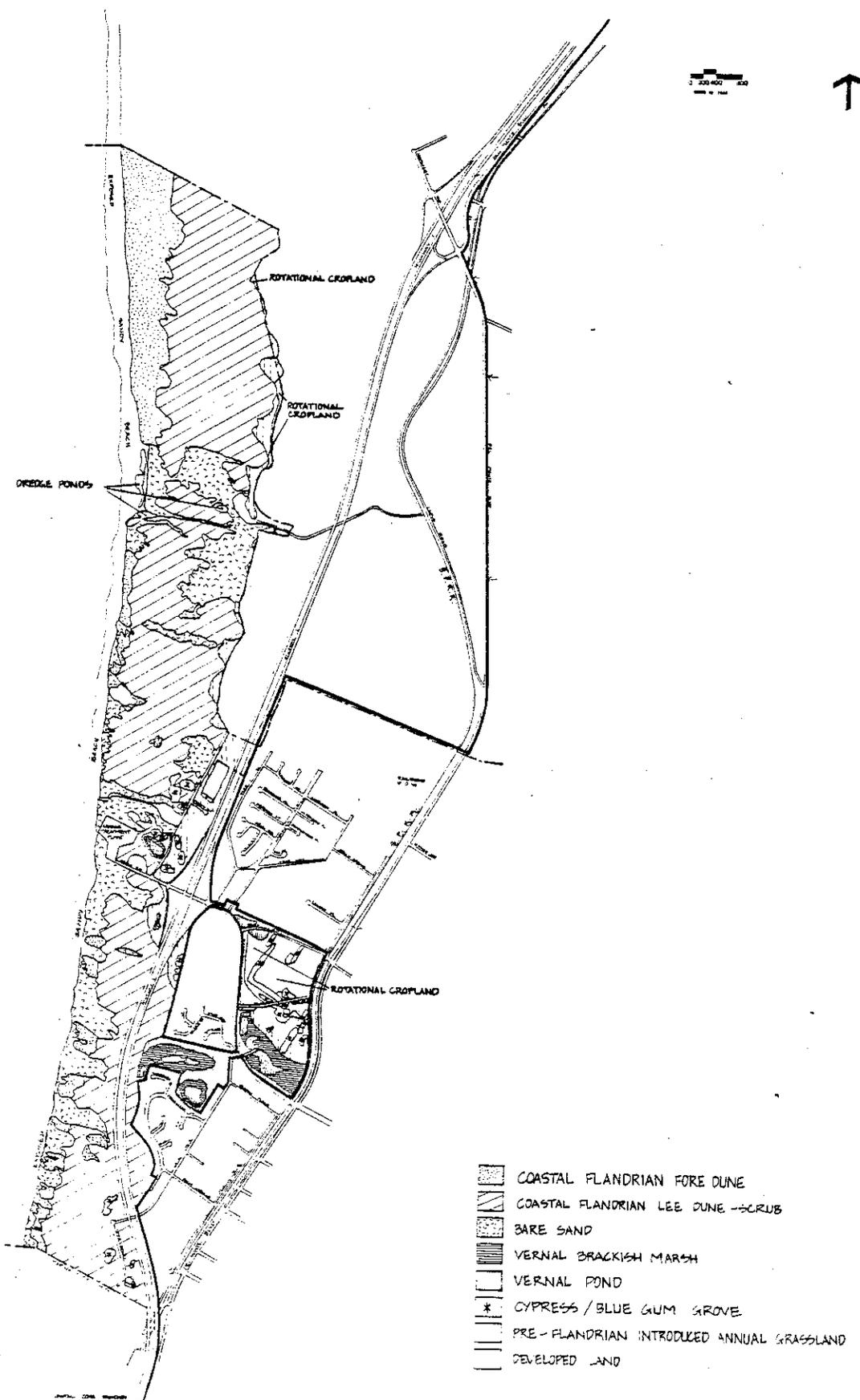

NORTH OF RESERVATION ROAD PLANNING AREA

MARINA LOCAL COASTAL PROGRAM

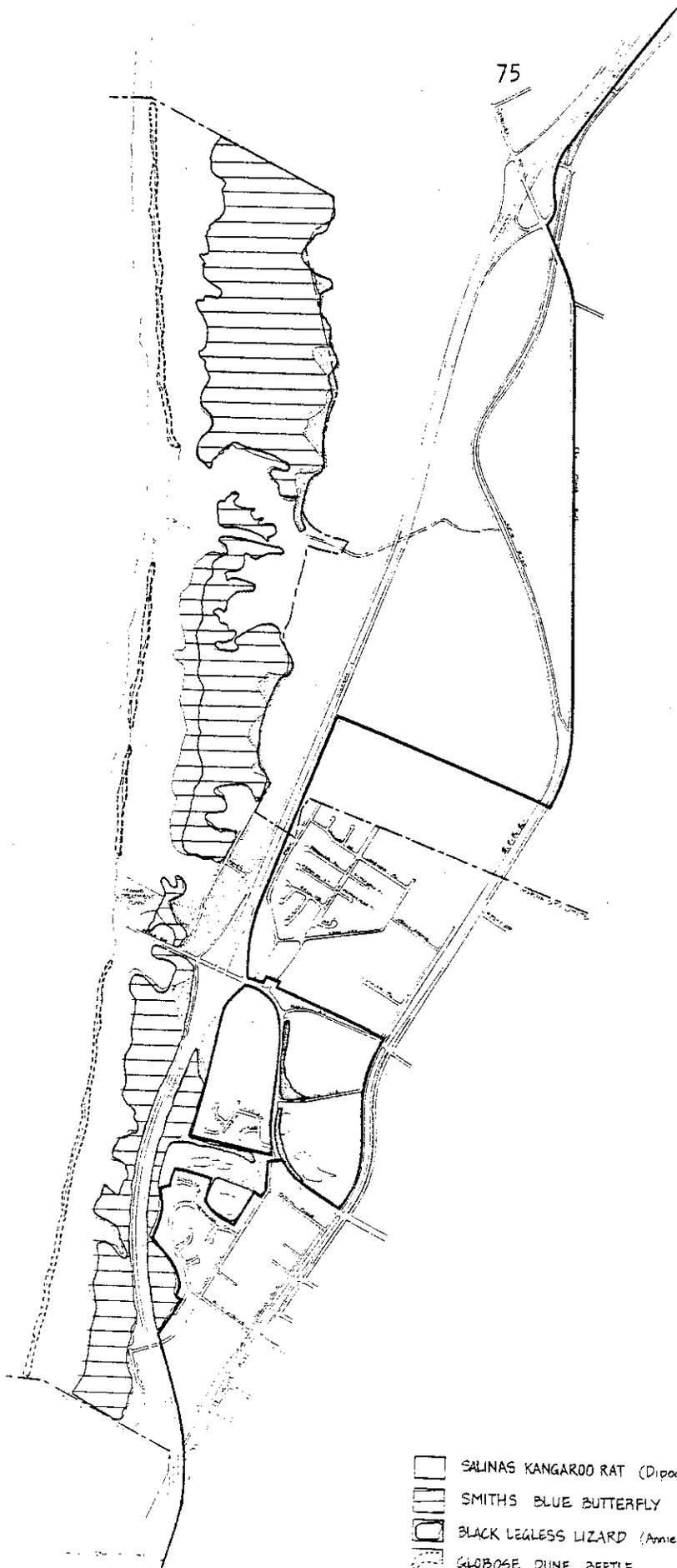
Tronside & Associates
 Planning Consultants



DISTURBED VEGETATION
MARINA LOCAL COASTAL PROGRAM



NATURAL HABITATS
MARINA LOCAL COASTAL PROGRAM



75

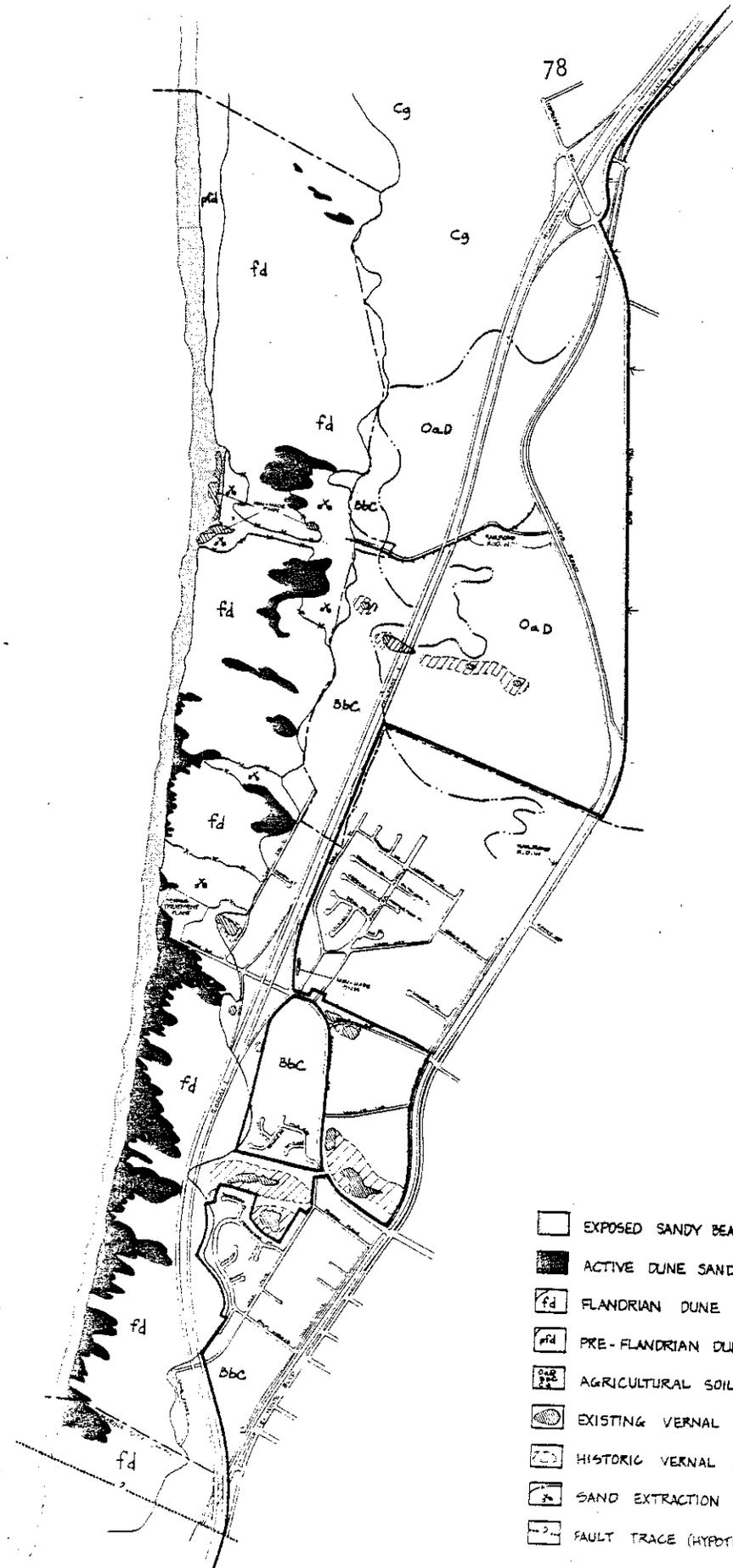


-  SALINAS KANGAROO RAT (*Dipodomys heermanni goldmani*)
-  SMITHS BLUE BUTTERFLY
-  BLACK LEGLESS LIZARD (*Anniella pulchra nigra*)
-  GLOBOSE DUNE BEETLE

POTENTIAL WILDLIFE HABITATS



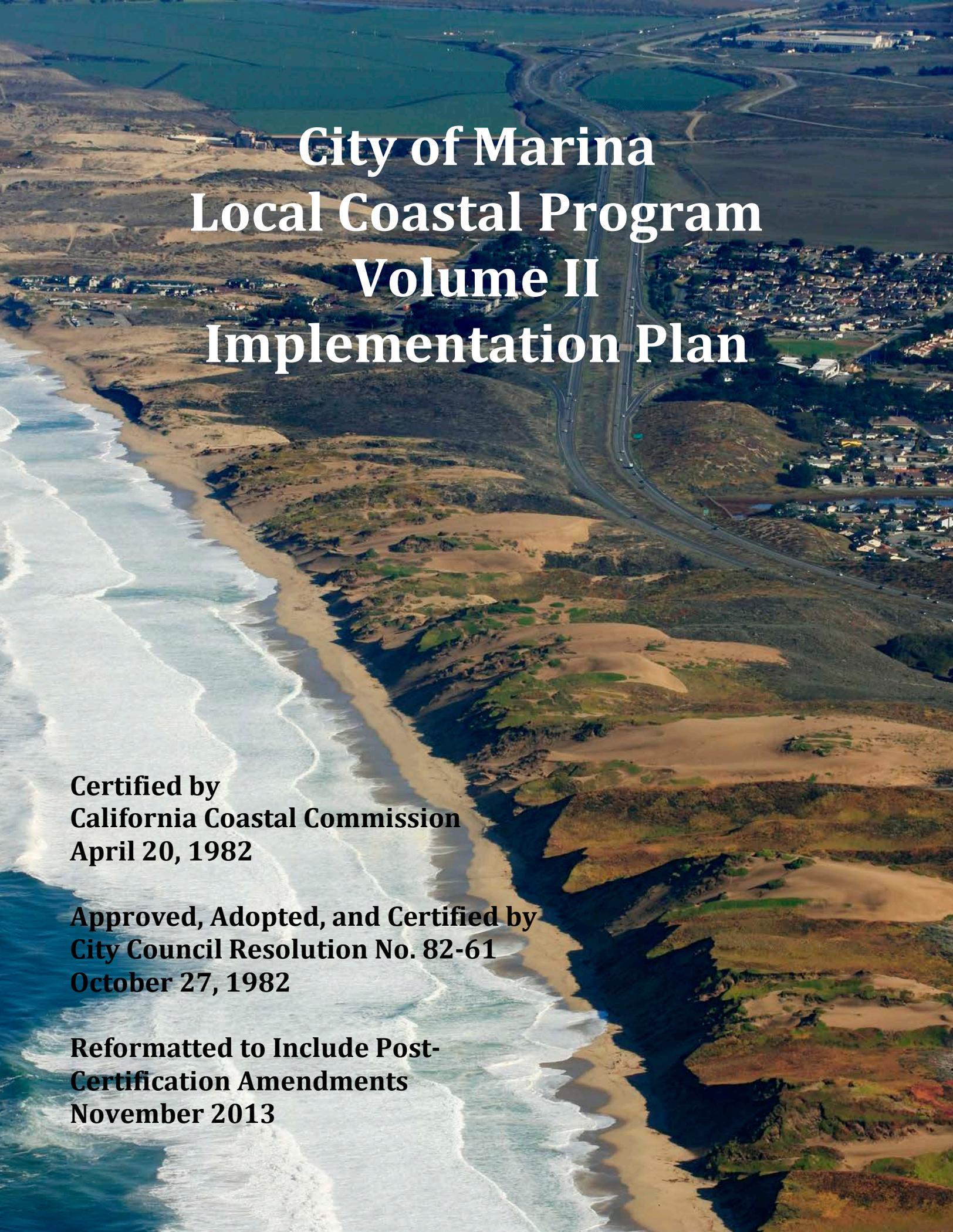
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-  EXPOSED SANDY BEACH
-  ACTIVE DUNE SAND (BLOW OUTS)
-  FLANDRIAN DUNE
-  PRE-FLANDRIAN DUNE
-  AGRICULTURAL SOIL TYPES
-  EXISTING VERNAL POND (SOME MAN-MADE)
-  HISTORIC VERNAL POND AND MARSH
-  SAND EXTRACTION SITE
-  FAULT TRACE (HYPOTHETICAL LOCATION)

GEOLOGY

MARINA LOCAL COASTAL PROGRAM

An aerial photograph of a coastal region. In the foreground, there's a sandy beach with waves breaking. To the right, a multi-lane highway runs parallel to the coast. Further inland, there's a residential area with houses and trees. In the background, there are large green fields, possibly agricultural or industrial. The sky is clear and blue.

City of Marina Local Coastal Program Volume II Implementation Plan

**Certified by
California Coastal Commission
April 20, 1982**

**Approved, Adopted, and Certified by
City Council Resolution No. 82-61
October 27, 1982**

**Reformatted to Include Post-
Certification Amendments
November 2013**

City of Marina Local Coastal Program Volume II Implementation Plan

Certified by the California Coastal Commission
April 20, 1982

Approved, Adopted, and Certified by City Council Resolution No. 82-61
October 27, 1982

Amended by Resolution No. 86-49 (December 16, 1986) and 89-42 (July 18, 1989)
Approved by Coastal Commission via LCP No. 1-86 (Minor) (February 24, 1987)
and LCP No. 1-86 (Major) (September 15, 1989)

Amended by Resolution No. 88-71 (October 11, 1988), 89-52 (September 5, 1989),
and 89-63 (October 3, 1989)
Approved by Coastal Commission via LCP No. 1-88 (Major) (October 10, 1989)

Amended by Resolution No. 96-45 (April 19, 1996)
Approved by Coastal Commission via LCP No. 1-96 (Major) (June 13, 1996)

Amended by Resolution No. 2001-118 (October 16, 2001)
Approved by Coastal Commission via LCP No. 1-01 (Major) (November 14, 2001)

Amended by Resolution No. 2007-268 (November 20, 2007)
Approved by Coastal Commission via LCP No. MAR-MAJ-1-07-Part 1 (April 10, 2008)

Amended by Resolution No. 2007-269 (November 20, 2007)
Approved by Coastal Commission via LCP No. 1-08 (Major) (December 10, 2008)

Amended by Ordinance No. 2009-04 (September 1, 2009)
Approved by Coastal Commission via LCP No. MAR-MAJ-1-07-Part 4 (Major) (Oct. 7,
2009)

ACKNOWLEDGEMENTS

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This plan could not have been prepared without the willing support and participation of the officials, staff and residents of the City of Marina.

This document was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration under the provisions of the Federal Coastal Zone Management Act of 1972 as amended, and from the California Coastal Commission, under the provisions of the California Coastal Act of 1976.

*City of Marina
LCP Implementation Plan*

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INTRODUCTION

As provided by the California Coastal Act of 1976, a Local Coastal Program consists of two (2) major parts: the land use plan, and the implementation measures needed to carry it out. Accordingly, the Marina Local Coastal Implementation Plan (LCIP) describes the various measures needed to carry out the Marina Local Coastal Land Use Plan (LCLUP). Together, the LCLUP and LCIP comprise the Local Coastal Program (LCP) for the City of Marina.

BEACH ACCESS

The California Coastal Act requires that access be provided both to and along the coast. These two (2) kinds of access are: **vertical**, perpendicularly from the nearest public road to the sandy beach frontage; and **lateral**, along the sandy beach frontage parallel to the water's edge. A third type of access discussed in the Marina Local Coastal Land Use Plan is **vernal pond** access. One purpose of the Local Coastal Implementation Plan is to identify those measures needed to carry out the access component of the LCP.

Vertical Accessways

There are three (3) vertical access points recommended in the Marina Local Coastal Land Use Plan; two (2) are located on property owned by the California Department of Parks and Recreation. These two (2) beach accesses now exist at Lake Court and Reservation Road. The plan proposes that they be improved by the State Department of Parks and Recreation. Timing of this improvement is dependent upon available funding. Expectations of the type and level of development at these accessways is outlined in Marina's Local Coastal Land Use Plan. Since any development on this site by the State Department of Parks and Recreation will require a Coastal Development Permit, issued by the City of Marina, standards and expectations expressed in the Plan will be complied with.

The third vertical access discussed in the plan is located on private property adjacent to the west side of Dunes Drive. Three (3) privately-owned parcels have frontage on the west side of the existing portion of Dunes Drive. If the road is extended, additional properties will be served and will share the proposed access. The Monterey Sand Company's dragline can obstruct non-pedestrian lateral beach access in the area. The Dunes Drive access is proposed to be the only equestrian beach access in the City; horseback riding is prohibited on the State beach to the south of the dragline. The Dunes Drive beach access needs to be located on the north side of the dragline.

The accessway easement should be at least ten (10) feet wide and should extend from Dunes Drive to the mean high water line. Title to the land and improvements within the easement area may be retained by the property owner. Only the access rights need be conveyed to a public agency.

The primary access objective in the Dunes Drive area is for one improved access. This access may be provided by cooperation among property owners potentially required to provide access. If no cooperation occurs, at the time of development each property owner must grant an access easement to the City. The City may in turn determine at the time it issues the Coastal Development Permit, which easement or easements should be developed and which retained for future access needs. If a developed access already exists at the time a development proposal is filed, the property owner may pay a fee in lieu of providing an access easement providing the fee is determined by the City to be appropriate. These fees will be deposited into a restricted fund established by the City Council to be used for access improvement, maintenance and beach parking.

An environmental assessment should precede siting and improvement of a beach accessway in this area. At a minimum, the study should address the possible impacts on rare and endangered plant and animal species, geophysical effects of construction and use, public safety, maintenance and alternative locations within the area, management and mitigation measures.

When private property owners are required by the subdivision ordinance and/or local plans to provide developed coastal vertical accessways, it is important that the facilities actually are put in place. To insure construction, the Planning Department shall make a pre-final field check to verify compliance with accessway conditions of the Local Coastal Development Permit. The pre-final inspection should not be approved and utility connection to the proposed development should not be allowed until access structures are in place and easements are recorded or in-lieu fees have been paid to the City.

Vernal Pond Accessways

A unique aspect of Marina's Coastal Zone are the vernal ponds. Most of these seasonal lakes support wetlands which provide wildlife habitat during the migration and breeding season of various species. Two (2) of these ponds are in public ownership and protected by fences against human intrusion. One of the ponds, Number Three, has no marsh. Number Four, west of Dunes Drive, and Number Two, on the north side of Reservation Road, have potential for nature observation facilities. However, before such use should be considered, an environmental assessment should be undertaken to determine what level of use, if any, the habitat and pond itself can sustain. Since these vernal ponds are unique in California in their geologic character and proximity to the ocean, use even for nature observation should not be encourage unless it can be demonstrated that it will not have an unmitigatable adverse effect on the area.

Because these areas are defined as wetlands in the California Coastal Act, a 100 foot protective setback will be required from the outer edge of the wetlands and any coastal permit issued for development, including walkways for observation, will have to comply with the policies and recommendations laid out in the Local Coastal Land Use Plan (See Conclusions Section of the LCLUP and Habitats Section of the LCIP). These ponds, their wetlands and 100 foot setbacks will also be included in the City of Marina's Coastal Permit Appeal Zone. Therefore any local decision regarding development within this area will be appealable to the State Coastal Commission (See Appeals Section).

Lateral Access

Lateral access, or access parallel to the water line on the sandy beach frontage, is presently virtually uninterrupted in Marina. The only obstruction is the Monterey Sand Company's dragline. When it is not operating, a pedestrian can easily step between the cables. As consistent with the Coastal Act, a balance between public access and operation of a coastal dependent use should be planned so that the needs of both are compatible.

About one-third of Marina's sandy beach frontage is already in State ownership as a part of Marina State Beach. The remaining two-thirds is in a number of private ownerships, several of these are very large.

It shall be the City's intent to require that continuous public lateral access shall be maintained along the shoreline. Lateral access easements or dedications should extend inland from the water line to include the inland edge of the sandy beach frontage. The depth and extent of this area may vary along the beach, but it can easily be identified by a qualified professional. Therefore, the depth of these easements shall be determined by the City at the time alternative use of development is proposed for a site. Sand mining companies are currently extracting sand from or across this area. In accordance with the LCLUP, all beach front parcels that are used for sand mining may satisfy the requirement for lateral access by the recordation of a deed restriction on the property. The deed restriction shall consist of a covenant executed by the property owner which shall be recorded on the title to the property and shall bind all successors-in-interest and shall run with the land until such time as a use other than sand mining is approved. The deed restrictions shall contain provisions limiting public access to protect the safety of the public and to ensure that use of the property for sand mining is not inhibited, but only to the extent that such limitations are reasonable and necessary for the safe conduct of the sand mining operations. At such time as a use other than sand mining is approved the property owner shall execute and record an irrevocable offer to dedicate a lateral access easement.

Lateral access easements may be dedicated to the City or to the State. The Coastal Commission has established a process whereby such easements can be offered to State agencies. An offer to dedicate to the State would relieve the City of any potential liability for adjacent property damage as well as placing the operation and maintenance responsibility for this area with the State.

STANDARDS FOR COASTAL PROTECTION STRUCTURES

Except for a few facilities associated with sand mining, there currently is little capital investment to be threatened by erosion along Marina's shoreline. The face of the dunes is subject to wave erosion, so future development shall be placed beyond the area vulnerable both to wave erosion and tsunami hazard. This setback shall be great enough to protect the economic life of the proposed development (at least 50 years) and be east of

the tsunami hazard zone. The exact extent of this setback shall be determined by a qualified geologist, selected from an approved list compiled and maintained by the City. Because of variation from site to site, the setback line shall be determined at the time development of a site or parcel is proposed.

Protective structures are not recommended in Marina; however, if they should ever be necessary, standards shall be established to insure that the type of protection, location, design and other factors are considered. In determining if it is suitable to issue a coastal permit for a shoreline structure, the following shall be addressed: (1) alternatives to a protective structure shall be determined and evaluated by appropriate specialists first; and (2) an EIR/EIS shall be required on the proposed structure. The EIR/EIS shall address specific issues of Local Coastal Land Use Plan concern, construction and maintenance. The environmental evaluation and mitigations shall be prepared by qualified specialists and shall address at a minimum the following specific issues and design considerations.

Specific Issues

1. Demonstrate the need for a protective structure, review alternatives and determine why each alternative is unsuitable.
2. Evaluate the impact on sand migration and replenishment, potential changes in erosion rates elsewhere along the coast resulting from the proposed construction, removal of dune vegetation, drainage, etc.
3. Evaluate the impact of the protective structure on beach use (does it block or obstruct the sandy beach, etc.; what will the shoreline look like from land and sea, etc.?).
4. Determine the effect of the structure's presence on recreation uses.
5. Determine the effect of the structure on access to and along the beach or shoreline; determine that level of access provided will be consistent with the City's local coastal policies.
6. Determine effects of protective structure on rare and endangered species in the fore dune and dune area.

Design Considerations

1. Mitigate identified environmental impacts, particularly with respect to sand migration patterns, additional shoreline and wind erosion problems which might result from the project, and loss of habitat for rare and endangered plant and animal species.
2. Safe public access shall be designed into the protective structure, so that movement along the beach parallel to the water will remain possible at all water levels. If the proposed structure will cross a vertical access corridor identified by the Access Component of the LCLUP, access from the nearest public road to the shoreline across the protective structure shall also be provided.
3. Surfaces creating an uneven, rugged or textured appearance to break the force of the water should be used as much as feasible.

4. Structures shall be designed to physically and visually blend into the area protected. Consideration shall be given to texture, materials, color, view from and to the sea, etc.
5. Drainage from land to sea shall be evaluated and necessary structural accommodations made.

Mitigations for these effects and others, identified in the EIR/EIS for each proposed shoreline structure shall be required to be met by the project prior to issuing a coastal permit for construction.

HABITAT PROTECTION

Much of the Marina Coastal Zone either is environmentally sensitive because of the presence of rare and endangered species or has the potential for supporting a rare and endangered species. In Marina, environmentally sensitive habitats include, but are not limited to area of undisturbed native due vegetation, vernal ponds and vernal pond wetlands. The Potential Habitat May in the LCLUP reveals areas where such plant and animal habitats are to be found. The precise limits of such habitats shall be confirmed by professional on-site evaluation at the time development is proposed and before a Coastal Development permit is issued.

In addition to indicating the location of primary habitat areas for rare and endangered plant and animal species (which are to be protected), the evaluation shall address protective measures, such as setbacks, restoration of habitat areas where natural dune landform remains, and limitations to uses in secondary and/or support areas which are necessary to the health of the identified primary habitat area. Because of the variety of plants and animals involved, the secondary or support area will have to be individually identified and specifically protected on a site-by-site or case-by-case basis. For this reason, it is important that the City establish a list of biologists qualified to prepare habitat evaluation reports within the City's Coastal Zone. Developers may then choose specialists from these lists.

In the case of wetlands, the biologists will have to determine the extent and landward boundary of the wetland. The biologist will then establish a 100 foot setback line from the boundary of the wetland. This entire area, pond, wetland and setback, will be subject to Coastal Development Permit requirements as well as being in the Coastal Permit Appeal Zone.

In the case of dune habitat areas, the Environmental Analysis Report prepared for this plan identified a number of plant and animal species which are locally or generally rare, endangered, threatened, or are necessary for the survival of an endangered species. The habitats of these species, collectively referred to throughout this plan as "rare and endangered", warrant protection as environmentally sensitive.

While future scientific studies may result in addition or deletion of species, the list presently includes:

1. Smith's Blue Butterfly (**Shijimiaeoides enoptes smithi**)
2. Globose Dune Beetle (**Coelus globosus**)
3. Black Legless Lizard (**Anniella pulchra nigra**)
4. Salinas Kangaroo Rat (**Dipodomys Heermanni Goldmani**)
5. Seaside Painted Cup (**Castilleja latifolia ssp. Latifolia**)
6. Monterey Spine Flower (**Chorizanthe pungens var. pungens**)
7. Eastwood's Ericameria (**Ericameria fasciculata**)
8. Coast Wallflower (**Erysimum ammophilum**)
9. Menzies' Wallflower (**Erysimum menziesii**)
10. Coastal Dunes Milk Vetch (**Astragalus tener var. titi**)
11. Dune Gilia (**Gilia tenuiflora var. arenaria**)
12. Wild Buckwheat (**Eriogonum latifolium**)*
13. Wild Buckwheat (**Eriogonum parvifolium**)*
14. Bush Lupine (**Lupinus ssp.**)+

* only within the range of Smith's Blue Butterfly.

+ only within the range of the Black Legless Lizard.

Minimum Habitat Mitigation/Restoration Plan Requirements

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

Habitat Restoration Plan Requirement

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

The elements of such plan shall at a minimum include:

- a. A detailed site plan of the entire habitat and buffer area, with a topographic base map;

- b. A baseline ecological assessment of the habitat and buffer area, including but not limited to, assessment of biological, physical and chemical criteria for the area;
- c. The goals, objectives, performance standards and success criteria for the site, including specific coverage and health standards for any areas to be planted. At a minimum, explicit performance standards for vegetation, hydrology, sedimentation, water quality and wildlife and a clear schedule and procedure for determining whether they are met shall be provided. Any such performance standards shall include identification of minimum goals for each herbaceous species, by percentage of total planting and by percentage of total cover when defined success criteria are met; and specification of the number of years active maintenance and monitoring will continue once success criteria area met. All performance standards shall state in quantifiable terms the level and extent of the attributes necessary to reach the goals and objectives. Sustainability of the attributes shall be a part of every standard. Each performance standard shall identify:
 - 1. The attribute to be achieved;
 - 2. The condition or level that defines success; and
 - 3. The period over which success must be sustained.

The performance standards must be specific to provide for the assessment of habitat performance over time through the measurement of habitat attributes and functions including, but not limited to, wetland vegetation, hydrology and wildlife abundance.

- d. The final design, installation and management methods that will used to ensure the mitigation site achieves the defined goals, objectives and performance;
- e. Provision for the full restoration of any impacts that are identified as temporary necessary to install the restoration or enhancement elements;
- f. Provisions for submittal: Within 30 days of completion of initial (and subsequent phases, if any of) restoration work, of “as built” plans demonstrating that the restoration and enhancement has been established in accordance with the approved design and installation methods;
- g. Provision for a detailed monitoring program to include, at a minimum, provision for assessing the initial biological and ecological status of the site. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation;
- h. Provision to ensure that the site will be promptly remediated if the monitoring results indicate that the site does not meet the goals, objectives and performance standards identified in the approved mitigation program and provisions for such remediation. If the final report indicated that the mitigation project has been unsuccessful, in part or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original program which did not meet the approved performance standards.

- i. Provisions for submission of annual reports of monitoring results to the City for the first five years after all restoration and maintenance activities have concluded (including but not limited to watering and weeding, unless weeding is part of an ongoing long-term maintenance plan) and periodic monitoring after that time, beginning that first year after submission of the “as-built” assessment. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the project in relation to the performance standards. [Resolution No. 2001-118 (October 16, 2001); approved by CCC November 14, 2001]

HOUSING

Residential uses in the Marina Coastal Zone are limited to the area east of Highway 1, adjacent to the vernal ponds. Residential densities of four (4) to eight (8) dwelling units to the acre are proposed. Since public purchase of all the vernal ponds, their wetlands and their protective setbacks (at least 100 feet) is unlikely, the LCLUP provides that residential uses in this area be clustered on portions of sites which would least affect the wetlands and would protect other environmentally sensitive or visually significant attributes of the sites, as described in the LCLUP.

Clustering would also provide economies of construction which would encourage moderately priced, energy-saving housing.

The City is currently in the process of approving and submitting to the State its Housing Element. This element includes a locally-recognized fair-share obligation and an action program committing the City to housing programs which will enable them to achieve their regional fair-share obligation.¹

The Housing Element applies to the entire City. So the action programs requiring dispersal of housing by value, rehabilitation, conservation of lower income housing will apply to the Coastal Zone as well as the rest of the City.

Because of the small number anticipated in the Coastal Zone (about 100), the overallly lower density required to protect environmentally sensitive areas, and the need to dedicate environmentally sensitive areas and support areas, no special housing regulations are necessary beyond those in the City’s certified Housing Element.

¹ The State Housing Element Guidelines require each jurisdiction to have a housing element which distributes the regional low and very low income housing need proportionately to all jurisdictions within the region (fair-share). The guidelines go on to require that each jurisdiction develop a program to achieve construction of their fair-share of the regional need for affordable units within an established time frame. Currently, over 40 percent of Marina’s housing is affordable to low income households and over one-third of the City’s population is qualified for this type of housing.

Condominiums and Stock Cooperatives

There are no existing multiple-family residential structures in the Marina Coastal Zone. Therefore the issue of conversion of lesser cost rentals and possibly substandard units to condominiums and/or stock cooperatives does not presently exist.

New construction in R-1 zones as modified by the City's condominium guidelines could include townhouse construction (common wall), zero lot line options and other types of clustering. Condominiums are possible, but they would have to meet the standards of the City's condominium guidelines. Clustering of various types would allow the double advantage of reducing the construction cost per unit and protecting the sensitive environment. No additional regulation appears necessary.

ADMINISTRATIVE PROCEDURE FOR COASTAL PERMITS

One of the primary objectives of local coastal planning is to transfer to each local coastal jurisdiction the responsibility for issuing the Coastal Development Permit. After LCP certification, the City of Marina will be authorized to issue these permits (currently issued by the State or Regional Coastal Commission). An important part of this responsibility is integrating Coastal Development Permit application processing with the normal planning procedures of the City in order to reduce, as much as possible, unnecessary delay on development proposals.

Overall Planning Procedures

The Planning Procedure Flow Chart indicates the major steps in Marina's processing of planning applications. The major milestones for coastal permits have been added to the chart to indicate where they fit into the existing process and what time frame is anticipated. The intent is to integrate Coastal Development Permit requirements into the existing procedure in order to minimize additional processing time. The major coastal permit milestones in the Planning Procedure Flow Chart indicate some of the modifications in the procedure that would be necessary.

1. During the first visit to the Planning Department the applicant would be advised of the project's relationship with the Coastal Land Use Plan and whether or not a Coastal Development Permit is required (See Sections on Categorical Exclusion) and if the development is located within the Coastal Permit Appeal Zone.
2. If a Coastal Development Permit is required² the procedure would not take less than 30 days and would be integrated with other review and hearings before the Planning Commission (See Coastal Development Permit Procedure Section and Coastal Permit Appeal Procedure).

² A Coastal Development Permit will be required of all development located within Marina's Coastal Zone as defined by the State Legislature in 1979, unless, in the future, a type of development or developed areas are Categorically Excluded by action of the State Coastal Commission at the request of the City.

3. After Planning Commission approval, the Coastal Development Permit would be issued. (If the action is located within the Permit Appeal Zone and appealed to the State Coastal Commission, the City would not issue the permit until the State has acted on the appeal).

It should be noted that the planning procedure flow chart is only a basic graphic depiction of the planning process. These steps are subject to modification pursuant to changes in State and case law and administrative streamlining processes implemented pursuant to any such modifications in State and case law.

Coastal Development Permit Procedure

The Coastal Development Permit Procedure Flow Chart indicates the steps and notification requirements in issuing Coastal Development Permits. On the face of it, the requirements and mechanics of this procedure are similar to many others in the City; however, the details for Coastal Development Permits vary from other permits as follows:

- Permit-Issuing Responsibilities

The Planning Commission shall be responsible for issuing Coastal Development Permits. When site development is determined by an overall plan, as in the combination of R-1/B-6 or Planned Commercial Development, the Coastal Development Permit shall be considered in conjunction with the other project review obligations of the Planning Commission.

It should be noted that the Coastal Development Permit procedure flow chart is only a basic graphic depiction of the major steps in the coastal planning process. These steps are subject to modification pursuant to changes in State and case law and administrative streamlining processes implemented pursuant to any such modifications in State and case law.

Exclusions

Any project or activity categorically excluded by the California Coastal Commission shall be excluded from Coastal Development Permit requirements in Marina. It is irrelevant whether the project or activity categorically excluded is located within the Coastal Permit Appeal Zone or not, it is the responsibility of the Planning Director each quarter to report excluded projects to the State Coastal Commission staff.

Time Line on Coastal Permit Application

Ten (10) days prior to a public hearing on any Coastal Permit, the City shall provide public notice by publication in a newspaper of general circulation and by first class mail. The mailed notice shall be provided to all persons who submit a written request for such notice along with a stamped self-addressed envelope. The mailed notice shall also be provided to the State Coastal Commission, all property owners and tenants within one hundred (100) feet of the project site.³

Within seven (7) days of the Planning Commission action on any Coastal Permit the City shall provide written notice to the State Coastal Commission and all persons who have submitted written request for such notice along with a stamped self-addressed envelope. The Planning Commission's decision on any Coastal Permit may be appealed to the City Council within seven (7) days of the Planning Commission's action.⁴

Ten (10) days prior to any City Council appeal hearing on a Coastal Permit decision the City shall provide notice of such hearing by first class mail to the State Coastal Commission and all persons who have submitted written request for such notice along with a stamped self-addressed envelope. In addition, notice of such hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the hearing.

Within five (5) days of any final City Council action on an appeal of a Coastal Permit the City shall notify, by first class mail, the State Coastal Commission and all persons who have submitted a written request for such notice along with a stamped self-addressed envelope.⁵

Within twenty-one (21) days of the final City Council action on a Coastal Permit with the appeal zone, resulting in approval of a Coastal Permit, an appeal of such decision may be filed by an aggrieved party with the State Coastal Commission or an appeal may be filed by the State Coastal Commission. Therefore, within the appeal zone, twenty-one (21) days must lapse from the date of an affirmative local decision on a Coastal Permit before such action can be deemed final. After this twenty-one (21) day period expires, the Coastal Permit/Notice of Permit Decision may be issued to the applicant.

³ Information required to be included in this notice is outlined in the Local Coastal Program Regulations. November 18, 1980 and includes: Statement that the development is within the Coastal Zone; the date of filing of the application and the name of the applicant; a description of the development and its proposed location; the date, time and place at which the application will be heard by the local government body; a brief descriptor of the general procedure of the local government concerning the conduct of the hearing and local actions; the system for local & Coastal Commission appeals, including any local fees required.

⁴ When the City's action becomes final, the required notice will contain the conditions of approval, findings and the procedures for appeal to the Coastal Commission (where applicable), as specified by the Local Coastal Program Regulations.

⁵ When the City's action becomes final, the required notice will contain the conditions of approval, findings and the procedures for appeal to the Coastal Commission (where applicable), as specified by the Local Coastal Program Regulations.

The City of Marina may charge a fee for a Coastal Permit and appeal of such permit. This fee will be based on administrative costs and will be reviewed periodically by the City Council. The fee shall be established in the same manner as other City fees. If the City Council determines to charge a fee for a Coastal Permit appeal, it will then become possible to appeal any affirmative Planning Commission decision on a Coastal Permit (within the appeal zone) directly to the Coastal Commission.

Eligibility for Coastal Permit Appeal

Any zoning or subdivision action within the Coastal Zone may be appealed to the City Council. Only applications for property within the Local Coastal Permit Appeal Zone may be appealed to the State Coastal Commission. Specific criteria exist in law to define this Appeal Zone:⁶

1. Location between the sea and first public road paralleling the sea **or** within 300 feet of the inland extent of any beach **or** 300 feet of the mean high tide line of the sea where there is no beach, whichever is the greater distance;
2. Location on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of seaward face of any coastal bluff and not included in item one.

Development outside the specifically designated Permit Appeal Zone may be appealed only if:

1. The development constitutes a major public works project or major energy facility.

All applicable projects, including major public works projects or major energy facilities may be appealed by an applicant, any two (2) members of the State Coastal Commission or an “aggrieved person”. An “aggrieved person” is legally defined in the Public Resources Code, Section 30801. The definition covers:

Any person who, in person or through a representative, appeared at a public hearing of the local government in connection with the decision or action appealed or who, by appropriate means prior to a hearing, informed the local government of the nature of his concerns or who for good cause was unable to do either.

Grounds for Appeal

Not only do the Coastal Commission’s Local Coastal Program Regulations define the Coastal Permit Appeal Zone, they also clearly set out the grounds for appeal of local

⁶ Section 30603 of the California Coastal Act of 1976
City of Marina
LCP Implementation Plan

permit decisions within Area 1 of the Coastal Permit Appeal Zone.⁷ (Section 00192): Appeals “shall be limited to the following:”

- Development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
- Development fails to protect public views from any public road or from a recreation area to and along the coast.
- Development is not compatible with the established physical scale of the area.
- Development may significantly alter existing landforms.
- Development does not comply with shoreline erosion and geologic setback requirements.

Overriding these grounds for appeal is the consideration of whether or not the development is in conformity with the certified Local Coastal Program.

Appeals to the Coastal Commission must follow at least one local action on the application. If Marina charges a local appeal fee, Coastal Development Permits approved by the Planning Commission may be appealed directly to the State.

Whether an appeal and appellant meet these criteria will be determined by the Executive Director of the State Coastal Commission during the first two (2) working days after the ten (10) working days required for notification of the decision from the local jurisdiction to the State. After State Coastal Commission action, the City will receive a Notice of Permit Decision. If it is affirmative, the City will be able to issue a Coastal Development Permit consistent with the findings of the State Coastal Commission on the appeal.

Categorical Exclusion

The State Coastal Commission has the authority, on a jurisdiction-by-jurisdiction basis, to exempt certain kinds of development from Coastal Permit requirements. This action is called a Categorical Exclusion and must be requested by the jurisdiction. The City may seek a categorical exclusion for categories of existing development or types of actions within its Coastal Zone. In Marina’s case, there is little existing development since most of the land is undeveloped or subject to reuse. However, future structures may be subject to coastal permit regulation. Areas categorically excluded are also exempt from the Coastal Appeal process if located within the Coastal Permit Appeal Zone.

Although no categorical exclusions are recommended for the initial Local Coastal Program, as areas of the City’s Coastal Zone become developed and established, the City may wish to apply to the State Coastal Commission for a categorical exclusion, (for example, to exclude areas zoned and developed R-1.). If the State takes such an action,

⁷ Area 1 is defined in the California Coastal Act Section 30603 as: “Location between the sea and first public road paralleling the sea or within 300 feet of the inland extent of the beach or 300 feet of the mean high tide line of the sea where there is no beach, whichever is the greater distance.”

then all properties in the designated area will remain exempt from the requirement of getting a coastal permit until or unless the use of the property is changed.

The City may find the Categorical Exclusion an efficient way to reduce the administrative work load associated with the Coastal Zone and its regulatory process.

PROPOSED REVISIONS TO THE MARINA ZONING ORDINANCE TO IMPLEMENT THE LOCAL COASTAL LAND USE PLAN

[Below changes made to Zoning Ordinance via Ordinance 82-14 (November 16, 1982), except where otherwise noted. Zoning Ordinance was further amended via Resolution No. 86-49 (December 16, 1986; approved by CCC September 15, 1989), Resolution No. 89-42 (July 18, 1989; approved by CCC September 15, 1989), and Resolution No. 96-45 (April 19, 1996; approved by CCC June 13, 1996) and Resolution No. 2007-269 (November 20, 2007; approved by CCC December 10, 2008). These revisions are hereby incorporated by reference.]

Revise Zoning Ordinance Index to include Section 12.5, P-F Public Facilities Districts, Section 19.5 C-D Coastal Conservation and Development District, and Section 27.5 SU Coastal Zone Secondary Use Combining District.

Section 2: Add Purpose (3) To implement the City’s Coastal Program

Section 4: Add to list of Districts:

PF	District 5	Public Facilities
CD	District 5	Coastal Conservation and Development

Section 5: Add:

CP	Coastal Development Permit District
SU	Coastal Zone Secondary Use Combining District

Section 9: Add the following definitions:

Access: An opening in a fence, wall or structure, or a walkway or driveway permitting pedestrian or vehicular approach to, or within, any structure or use.

Access, Lateral Beach: Continuous access along the beach parallel to the mean high tide line.

Access, Vertical Beach: Perpendicular access from the nearest public roadway to the sandy beach frontage and/or mean high tide line.

CEQA: The California Environmental Quality Act of 1970, setting forth requirements for governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality, and setting forth regulations for environmental impact reports (EIR).

Coastal Appeal Zone: That geographical area between the sea and first public road paralleling the sea or within 300 feet of the inland extent of any beach or within 300 feet of the mean high tide line of the sea where there is no beach, whichever is the greater distance. Furthermore, tidelands; submerged lands; public trust lands; within 100 feet of any wetland, estuary, stream; or within 300 feet of the top of seaward face of any coastal bluff are also included.

Coastal Development Permit: A permit issued for development within the Coastal Zone as required by this chapter.

Coastal Scenic View Corridor: Area in which development is sited and designed to protect public views to the dunes and to and along the shoreline and, in scenic coastal areas in order to minimize the alteration of landforms so that new development will be visually compatible with the character of the surrounding areas.

Coastal Zone: That portion of the City of Marina defined by the California Public Resource Code Sections 30103 and 30160 as being in the Coastal Zone, generally State Highway Route 1, the area west of Highway 1 and portions of the area between Del Monte Boulevard and Highway 1 generally including coastal dunes, vernal ponds, and adjacent lands either undeveloped or under cultivation in 1979.

Development: Shall mean, on long, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge materials or waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity or use of land including subdivision and any other division of land except where division occurs as a result of purchase by a public agency for public recreational use; change in the intensity of use of water, or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure; and the removal or harvesting of major vegetation other than for agricultural purposes or kelp harvesting.

Disturbed Area: Terrain that has been substantially altered by erosion, grading, mining, excavation or other natural or man-made causes to the extent that none or very little of the native vegetation and/or natural landform remains.

Feasibility: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors as they relate to the area or land under consideration.

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

1. Habitat for all identified plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as “rare and endangered.”
2. Vernal ponds and their associated wetland vegetation. The Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas (California Coastal Commission, February 14, 1981) contains technical criteria for establishing the inland boundary of wetland vegetation.
3. All native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina’s natural sand dune formations.
4. Areas otherwise defined as secondary habitat that have an especially valuable role in an ecosystem for sensitive plant or animal life, as determined by a qualified biologist approved by the City. [Resolution No. 2001-118 (October 16, 2001); approved by CCC November 14, 2001].

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

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

Local Coastal Implementation Plan (LCIP): That report, adopted by the Council and certified by the State Coastal Commission, which described various administrative and legal procedures to be pursued to carry out the Local Coastal Land Use Plan.

Local Coastal Land Use Plan (LCLUP): That report, adopted by the Council and certified by the State Coastal Commission, which, in response to the Coastal Act of 1976 contains maps, planning area text, public access component policies and guidelines for land use and public access within Marina’s Coastal Zone.

Local Coastal Program (LCP): The City’s local coastal program consists of the following documents: LCP Land Use Plan and LCP Implementation Plan.

Rare and Endangered Species: This term will apply to those plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. The Environmental Analysis Report prepared for the Marina Local Coastal Program identified such species in the dune habitat areas. While future scientific studies may result in addition or deletion of species, the list presently includes:

1. Smith’s Blue Butterfly (**Shijimiaeoides enoptes smithi**)
2. Globose Dune Beetle (**Coelus globosus**)
3. Black Legless Lizard (**Anniella pulchra nigra**)
4. Salinas Kangaroo Rat (**Dipodomys Heermanni Goldmani**)
5. Seaside Painted Cup (**Castilleja latifolia ssp. Latifolia**)
6. Monterey Spine Flower (**Chorizanthe pungens var. pungens**)
7. Eastwood’s Ericameria (**Ericameria fasciculata**)
8. Coast Wallflower (**Erysimum ammophilum**)
9. Menzies’ Wallflower (**Erysimum menziesii**)
10. Coastal Dunes Milk Vetch (**Astragalus tener var. titi**)
11. Dune Gilia (**Gilia tenuiflora var. arenaria**)
12. Wild Buckwheat (**Eriogonum latifolium**)*
13. Wild Buckwheat (**Eriogonum parvifolium**)*
14. Bush Lupine (**Lupinus ssp.**)+

* only within the range of Smith’s Blue Butterfly.

+ only within the range of the Black Legless Lizard.

Section 10: General Provisions. Add the following:

- a. Use:
 - (3) add at the end: except in the Coastal Zone, where the construction of utility lines shall be subject to a Coastal Permit.
 - (4) Use Permit and, in the Coastal Zone, a Coastal Permit are first obtained.
 - (5) Use Permit and, in the Coastal Zone, a Coastal Permit are first secured in each case.
 - (7) Use Permit and in the Coastal Zone, a Coastal Permit in each case.
 - (8) Use Permit and in the Coastal Zone, a Coastal Permit upon first securing a Use Permit and, in the Coastal Zone, a Coastal Permit in each case.
 - (9) In the Coastal Zone such uses must be found consistent with the LUP and a Coastal Permit shall be required for these uses.
 - (10) “In the Coastal Zone such uses shall be subject to a Coastal Permit.” In the next paragraph, same number “Except in the Coastal Zone where such uses shall also be subject to a Coastal Permit.”
 - new a. (11): In the Coastal Zone the proposed use shall be consistent with the designation and policies of the General Plan and Local Land Use Plan.

- a. Special Regulations
- new b. (1)(a)(3) Prior to the establishment of any stable in the Coastal Zone, the Planning Commission will be required to make a finding that such use is consistent with the Local Coastal Program. Stables will also be required to obtain a Coastal Permit.
- a. (2) Regulations for Guest Houses:
 - b. (2)(a)(2) ...Use Permit and, in the Coastal Zone, a Coastal Permit.

- c. Height:
 - b. (1) Chimneys ...Except in the Coastal Zone where the height of such structures shall be subject to a Coastal Permit.
 - c. (2) ...Use Permit and, in the Coastal Zone, a Coastal Permit in each case.

ZONING DISTRICTS WHICH WILL BE APPLIED IN THE COASTAL ZONE

Section 12: Open Space or “O” District

Add the following:

- a. Uses Permitted:
 - a. (1) Lands to be included. All lands designated as park and open space in the Local Coastal Land Use Plan shall be included in the Open Space District and all lands designated as Open Space in the Open Space Element of the Marina General Plan may be included in the “O” District. Such lands may include, but are not limited to the following:
 - (a) Crop and tree farming, grazing of sheep, cattle and goats.
 - (b) Public parks and playgrounds, and public recreation facilities.
 - (c) Private school grounds and church grounds of a predominantly open character.

- (d) Sandy beaches and beach accesses, sensitive habitat areas and vernal ponds and wetland setback areas.
 - (e) Golf courses and country clubs.
 - (f) Privately and jointly owned open spaces reserved for open space use as a part of Planned Development.
 - (g) Land which because of geophysical or similar hazard is unsuitable for development.
 - (h) Any other publicly or privately-owned open space which in the opinion of the Planning Commission functions as a part of the open space system of the City and is included in the Open Space Element of the General Plan.
 - (i) Open Space as a reserve for seismic safety, erosion protection, protection of view or similar appropriate purpose.
- b. Uses Permitted Subject to First Securing a Use Permit and in the Coastal Zone a Coastal Permit:
- (1) Buildings and structures accessory to any permitted use.
 - (2) Educational and cultural uses including any structures incidental to such uses existing at the time of inclusion in the “O” District.
 - (3) Uses and buildings normally incidental and accessory to the above principal uses: except in the Coastal Zone, structures shall be permitted only where they are ancillary to public recreational use or necessary to protect existing development or uses.
 - (4) Beach access and, where suitable, beach access parking.
 - (5) Any addition to an existing structure which will increase the coverage of the structure, or any new structure, except minor recreation or horticultural structures, such as playground equipment, trellises, fences and the like.
 - (6) Shoreline erosion protection structures.

c. Reclassification:

The procedure for the reclassification of land set forth in Section 35 shall apply to property in the “O” Districts, subject to the following modifications:

- (1) Following a public hearing, the Planning Commission shall determine whether it is in the public’s interest of the City to retain the subject property in open space use as against permitting its reclassification to the use applied for and whether the proposed reclassification is consistent with the General Plan and all applicable portions of the Local Coastal Land Use Plan. The decision on this question shall be made by resolution and shall be transmitted to the City Council together with a report setting forth reasons for said decision.
- (2) Following receipt of the recommendation of the Planning Commission the City Council shall hold a public hearing. Following such hearing the Council may decide by resolution either to:
 - a. Seek means to retain the property in question in open space use, or
 - b. Permit a reclassification of the subject property.
- (3) Should the Council’s decision be the first alternative, all further proceedings for the reclassification of the property shall be halted for a period of not to exceed ninety (90) days from the date of Council action, during which time the City Council shall actively seek to negotiate arrangements, which may include purchase or other acceptable means to retain the property in open space use. The

period set forth herein may be extended by mutual agreement of the Council and the applicant for reclassification.

If at the end of the ninety (90) days, or such longer period as may be agreed upon, no satisfactory arrangement has been concluded, the matter shall be remanded to the Planning Commission for consideration of the reclassification applied for. The Commission shall thereafter proceed in accordance with the provisions of Section 35.

- (4) Should the Council's decision be the second alternative as listed in (2) b., the matter shall be returned to the Planning Commission which shall consider the reclassification applied for in accordance with the procedure set forth in Section 35.
- (5) In areas not designated in the LCP Land Use Plan for open space, reclassification of property in the Coastal Zone shall not become effective until an amendment to the Local Coastal Program has been certified by the State Coastal Commission.

Section __: Regulations for Coastal Conservation and Development or "CD" District

The following regulations shall apply in all "CD" Districts and shall be subject to the provisions of Section 10 of this Ordinance.

- a. Uses Permitted: None
- b. Conditional Uses, subject to obtaining a Coastal Development Permit in each case:
 - (1) coastal research and educational uses; developed public access and other coastally dependent recreation uses; coastal dependent industrial uses including but not limited to marine agriculture (mariculture), dredge pond, surf zone and offshore sand extraction; in severely disrupted areas and those portions of parcels currently subject to dune mining activity, dune mining; and on parcels combined with the Coastal Zone secondary use combining district or "SU" district, visitor serving uses such as visitor accommodations.
 - (2) Regulations for coastal conservation and development uses shall be specified in the Coastal Development Permit. The permit-issuing body may approve Permit applications if the following factors, where relevant, are found to apply:
 - a. There is adequate protection and/or provision of public access from the nearest roadway to the ocean, and uninterrupted lateral access.
 - b. Development is limited to already-disturbed areas.
 - c. Rare and endangered plant and animal habitats are adequately protected.
 - d. Grading and roadway construction are the minimum necessary for the development.
 - e. Views from the State Highway and from the ocean edge are protected.
 - f. There are sufficient provisions for public safety.
 - g. All significant adverse environmental effects are either avoided or adequately mitigated.
 - h. All major and minor subdivisions of land shall provide for sufficient size and configuration to allow for coastally dependent uses or where none are feasible visitor serving commercial uses consistent with the Local Coastal Land Use Plan or LCLUP. All parcels must contain sufficient shoreline frontage.

Section 13: Regulations for Agricultural-Residential or “K” Districts

Add:

- c. Uses Permitted, Subject to First Securing a Use Permit Or In the Coastal Zone a Coastal Development Permit in Each Case:
 - (5) yards, . . . except in the Coastal Zone.
 - (6) Yards, . . . except in the Coastal Zone.
 - (8) plants, . . . except in the Coastal Zone.
 - (9) equipment, . . . except in the Coastal Zone.
 - (11) aircraft, . . . except in the Coastal Zone.
 - (12) galleries, . . . except in the Coastal Zone.
 - (13) offices, . . . except in the Coastal Zone.
 - (14) clubs, . . . except in the Coastal Zone.
 - (15) fairways, . . . except in the Coastal Zone.
 - (16) purpose, . . . except in the Coastal Zone.
 - (21) camps, . . . except in the Coastal Zone.
 - (25) acres, . . . except in the Coastal Zone.
 - (27) business, . . . except in the Coastal Zone.
- c. Maximum Building Height Limit:
Thirty-five (35) feet, except in the Coastal Zone where the maximum height shall be 25 feet.
- d. Building Site Area Required:
Ten thousand square feet, except where combined with any “B” District.

Section 14: Regulations for One-Family Residence or “R-1” Districts

- b. Uses Permitted, Subject to First Securing a Use Permit or in the Coastal Zone a Coastal Permit in Each Case:
 - b. (2) Ordinance, . . .except in the Coastal Zone.
 - b. (8) aircraft, . . .except in the Coastal Zone.

Section 20: Regulations for Planned Commercial or “PC” Districts

Purpose:

To design and promote the orderly development of a business area as primarily a retail shopping facility to serve present and future needs of coastal visitors and the residential community, with emphasis on preserving and expanding the characteristics of the area in which the commercial use is proposed . . .

- b. (3) In the Coastal Zone the uses permitted shall be determined by the Local Coastal Land Use Plan and a Coastal Development Permit shall be required. Such uses shall include but not be limited to visitor oriented retail and service uses, accommodations and public access.
- b. Maximum Allowable Height:

Thirty-five (35) feet, except in the Coastal Zone where the maximum height shall be 35 feet unless the structure is located in a Coastal view corridor where a lesser maximum may be established in a Coastal Development Permit.

f. ~~“... building site, except in the Coastal Zone where a lesser percentage may be established to comply with the provisions of the Local Coastal Program.”~~[Resolution No. 89-52].

A. Maximum building site coverage by buildings or structures in the PC District shall be thirty (30) percent of the gross area of the building site for all uses specified under Section 17.26.030 except in the Coastal Zone where the maximum building site coverage shall be twenty five (25) or a lesser percentage may be established to comply with the provision of the Local Coastal Program. In the Coastal Zone east of Highway 1 specific building site coverage shall comply with Land Use Plan provisions. [Resolution No. 89-52 (September 5, 1989); approved by CCC October 10, 1989].

j. Planning Commission Action:

Add to the end of the first paragraph: section...In the Coastal Zone the Planning Commission shall find that the application conforms to the LCLUP.

Permit approvals may also be appealed to the State Coastal Commission.

Section 27.5: Regulations for Coastal Zone Secondary Use Combining District or “SU” Combining District

The following regulations shall apply in all districts which are combined with the “SU” Combining District.

- a. At such time as it has been determined by the Planning Commission, after considering the evidence submitted, that the continuation establishment or re-establishment of coastally-dependent use is not feasible (as defined in the LCIP) on any such property combined with the “SU” District the following regulations shall become effective and be in full force and effect:
 1. Any and all such regulations specified in the Marina Municipal Code under the PC – Planned Commercial Zoning District Regulations shall govern the use of property combined with the SU District.
 2. The interpretation of the PC Regulations as they pertain to the use of property combined with the SU District shall be liberally interpreted to carry out the spirit and intent of the Marina Local Coastal Program.
 3. In the event that an applicant makes an initial showing (at a noticed public hearing before the Planning Commission), based on substantial evidence, that coastal dependent uses are not feasible; and in the event that the Planning Commission affirms this finding, any opponent or any interested party to such application must then demonstrate, by substantial evidence by the next regularly scheduled Planning Commission meeting that there is feasible coastal dependent use for the specific parcel taking into account such factors as the fair market value of the land, its size, location, shape and public access requirements. The Planning Commission at said next regularly scheduled Planning Commission meeting or any continuation thereof shall make a final determination, based on substantial evidence, as to the feasibility of coastal

dependent uses. The Planning Commission's determination may be appealed to the City Council, in writing, within five (5) days of said final determination.

P-F Public Facilities District

- a. Uses Permitted: The following uses are permitted in the P-f District:
 - (1) None.
- b. Uses Permitted Subject to Obtaining a Use Permit or in the Coastal Zone a Coastal Development Permit in Each Case:
 - (1) Public and Private Schools
 - (2) Government offices and support facilities including public safety facilities
 - (3) Utility installations.
 - (4) Public recreation facilities.
 - (5) One single family residence in the Coastal Zone only as provided for in the Marina Local Coastal Land Use Plan
 - (6) Uses which in the opinion of the Planning Commission are similar to those listed above.
- c. Development Regulations:
 - (1) As specified in the Use Permit or Coastal Permit.

C-P Coastal Development Permit District

The Coastal Development Permit District is an overlay district to be combined with the districts designated in this chapter. In case of conflict between the Coastal Permit District and the underlying district with which it is combined, the Coastal Permit District regulations shall prevail.

The Coastal Development Permit District regulations shall be applied to the area within Marina's Designated Coastal Zone except those areas and classes of development categorically excluded by actions of the California Coastal Commission.

The purpose of the Coastal Development Permit is to allow proper consideration of the Local Coastal Land Use and Implementation Plans in order to implement said Plans by achieving consistency between the Plans and developments within the CP District.

- a. Uses Permitted: None.
- b. Conditional Uses Permitted, Subject to First Securing a Use Permit or in the Coastal Zone a Coastal Development Permit in each case:

Any uses on private land or land held by the City, other municipality or public agency, or on State lands other than tidelands, which are permitted or conditional uses in the zoning district with which the CP District is combined and which are consistent with the Marina General Plan and Local Coastal Land Use and Implementation Plans are conditional uses in the CP District. Conditional Uses may be authorized by Planning Commission approval of a Coastal Development Permit.
- c. Development Regulations:

Development regulations for the CP District shall be as specified in the district with which the CP District is combined, with whatever additional regulations the Planning Commission may add as conditions of the Coastal Development Permit in order for the application to be consistent with the Local Coastal Land Use and Implementation Plans. If necessary or desirable in order to achieve consistency with the LCLUP, the underlying district regulations, such as setbacks, may be modified.

d. Coastal Development Permits:

(1) Issuance, Hearing. Coastal Development Permits may be issued as provided in this section for any of the uses or purposes for which such permits are required or permitted by this title upon conditions designated by the Planning Commission.

The Planning Commission may impose such conditions as it deems necessary to secure the purpose of this title and may impose such requirements and conditions with respect to location, construction, maintenance and operation, site planning, traffic control and time limits for the Coastal Development Permit as it deems necessary for the protection of adjacent properties, the public interest and the implementation of the LCLUP and LCIP. The Commission may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

A public hearing shall be held on each application for a Coastal Development Permit; notices of such hearings shall be given to persons designated and in the manner prescribed in Section 65854 et. seq. of the California Government Code.

(2) Form of Application, Fee, Plans:

Application for a Coastal Development Permit shall be made in writing by the owner of the property, or by lessee, purchaser in escrow or optionee with the consent of the owner, on a form prescribed by the City. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposed use.

(3) Granting:

In considering an application for a Coastal Development Permit the Planning Commission shall consider and give due regard to the Marina General Plan and Local Coastal Land Use and Implementation Plans.

The Planning Commission shall determine whether or not the establishment, maintenance and operation of the use applied for will, under the circumstances of the particular case, be consistent with the General Plan and Local Coastal Land Use and Implementation Plans, based upon the following findings that the project will:

- (a) Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the Planning Guidelines listed in the LCLUP.
- (b) Be subject to approval of the Site and Architectural Design Review Board, including the Planning Guidelines listed in the LCLUP.
- (c) Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in-lieu thereof as required in the LCLUP and LCIP Access Components. Required improvements shall be completed, or a bond

adequate to guarantee their completion shall be posted with the City, prior to issuance of a certificate of occupancy.

- (d) Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures.
 - (e) Protect least disturbed dune habitat areas, primary habitat areas, and provide protection measures for secondary habitat measures consistent with the LCLUP and LCIP.
 - (f) Be consistent with beach parking standards, as established in the LCLUP Access Component.
 - (g) Included feasible mitigating measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR.
 - (h) Not interfere with public access along the beach.
 - (i) Comply with the access, shoreline structure and habitat protection standards included in the Local Coastal Land Use and Implementation Plans.
 - (j) Comply with the Housing Element and housing recommendations of the Local Coastal Land Use and Implementation Plans.
 - (k) In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be move, if capable of providing comparable housing opportunities at another location. The demolition and replacement structure shall comply with applicable Local Coastal Land Use Plan policies.
 - (l) In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.
- (4) Effective Date outside the Coastal Appeals Zone:
The Coastal Permit shall be effective the seventh (7th) day after Planning Commission approval unless the Commission action is appealed to the City Council, in which case, the permit shall not be effective until the City Council has acted upon the appeal.
- (5) Coastal Commission Appeal:
Any Coastal development permit decision of the City Council within the Local Coastal Appeal Zone is subject to appeal to the State Coastal Commission within twenty-one (21) days after the local decision, and will not become effective until after resolution of the appeal.

Short Form Permit Procedures

17.43.060 Determination of Permit Requirement.

- A. The Director of Planning shall have the authority to determine whether or not any development proposed in the Coastal Zone is exempt from a Coastal Development Permit pursuant to Section 17.43.070.

- B. Any person wishing such determination shall submit to the Planning Department all plans, applications and information deemed necessary by the Planning Department to assess the development.
- C. After review, the Director of Planning, shall notify the applicant in writing that the development is:
 - 1. exempt and state the category of exemption, or
 - 2. that a Coastal Development Permit is required and, if so, whether or not it is appealable to the California Coastal Commission.
Notice of such decision shall also be submitted to the Coastal Commission.
- D. If the determination of the City is challenged by the applicant or an interested person, or if the City wishes to have a Coastal Commission determination as to the appropriate designation, the City shall notify the Coastal Commission by telephone of the dispute/question and shall request an Executive Director's opinion which shall be made pursuant to Section 13569 of the Coastal Commission's regulations.

17.43.070 Exemptions.

The types of projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permits are unaffected by this Section.

- A. Improvements to existing single family residences. The maintenance, alteration, or addition to existing single-family dwellings which comply with the underlying district regulations, including the establishment or expansion of non-habitable accessory structures normally associated with residential uses such as garages, decks, workshops, landscaping, storage sheds, pools, fences, gazebos, patios, green houses, driveway paving and similar improvements but not including guest houses or self-contained residential units. However, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
 - 1. Improvements to a single-family structure on a beach or wetland; seaward of the mean high tide line or where the residence or proposed improvement would encroach or within fifty (50) feet of the edge of a coastal bluff. Wetland is defined in Section 30121 of the Coastal Act as: "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fends. Specific wetlands are mapped in the Land Use Plan.
 - 2. Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within fifty (50) feet of the edge of a coastal bluff. "Coastal Bluff" is defined in the California Administrative Code Section 13577(h).
 - 3. The expansion or construction of water wells or septic systems.

4. On property located between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in the Highway 1 scenic road corridor, improvement that would result in an increase of ten (10) percent or more of internal floor area of an existing structure, or an additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to this Section or a coastal permit, increase in height by more than 10% of an existing structure, the construction of an additional story (including lofts) in an existing structure, and/or significant non-attached structure such as garages, fences, shoreline protective works, docks or trees or satellite dishes.
 5. In areas determined to have critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or construction or extension of any landscaping irrigation system.
 6. Additions or expansions to developments which, by conditions of previous permit issued by the City of Marina or Coastal Commission, which by conditions of such permit requires development permits for such addition or expansion.
- B. Improvements to existing structures other than single-family residences or a public works facility. The maintenance, alteration, or addition to existing structures other than single-family dwellings and public works facilities including all fixtures and structures directly attached to the structure and landscaping on the lot; however, the following classes of development shall require a permit because they involve a risk of adverse environmental effect, adversely affect public access or involve a change in use contrary to the certified LCP:
1. Improvements to any structure on a beach, wetland, stream or lake, seaward of the mean high tide line or where the structure or proposed improvement would encroach within fifty (50) feet of the edge of a coastal bluff edge. [Include definitions of beach, wetland (Coastal Act section 30121), stream (CA Admin Code section 13577)].
 2. Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within one hundred (100) feet of the edge of a coastal bluff, vernal pond or stream or in areas of natural vegetation designated as a sensitive habitat.
 3. The expansion or construction of water wells or septic systems.
 4. On property located between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in the Highway 1 scenic

road corridors an improvement that would result in an increase of ten (10) percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to this Section or a coastal permit, and/or the increase in height by more than 10% or construction of an additional story (including lofts) in an existing structure, or satellite dishes.

5. In areas determined to have critically short water supply that must be maintained for the protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system.
 6. Any improvement to a structure which changes the intensity of use of the structure.
 7. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion.
 8. Additions or expansions to developments which by conditions of a previous permit issued by the City of Marina or Coastal Commission requires development permits for such addition or expansion.
- C. 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.
- D. Repair or maintenance activities and safety improvements that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; however, the following classes of repair and maintenance shall require a permit because they involve a risk of adverse environmental impact:
1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work that involves:
 - a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - b. The placement, whether temporary or permanent, of riprap, artificial berms or sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, waters, streams, wetlands, estuaries, and lakes or on a shoreline protective work;
 - c. The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind; or
 - d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials

- on any sand area or bluff or within twenty (20) feet of coastal water or streams.
2. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area as defined by Coastal Act Section 30107.5, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that includes:
 - a. The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials;
 - b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.
 - E. Any category of development requested by the City as a Categorical Exclusion pursuant to Section 13241 of the Coastal Commission's Regulations and approved by the Coastal Commission pursuant to Coastal Act Section 13241 of the Regulations.
 - 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 ordinance or previously granted a permit by the Coastal Commission; provided that the City may, where necessary, require reasonable conditions to mitigate any adverse impact on coastal resources, including scenic resources.
 - G. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent and shall be sited in the same location on the affected property as the destroyed structure.

As used in this subdivision, "natural disaster" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this subdivision, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.
 - H. Harvesting of agricultural crops.
 - J. Land division brought about in connection with the purchase of land by a public agency for public recreational use.
 - K. Any project undertaken by a federal agency.
 - L. Any project which has a valid permit from the Coastal Commission.
 - M. Tree removal (which is not major vegetation), except as precluded by other section of this ordinance.
 - N. Abatement of dangerous buildings.
 - O. Repair and maintenance activities, and safety improvements on public roads and traffic control devices that do not result in an addition to, or

enlargement or expansion of the object of such repair or maintenance activities.

- P. Routine maintenance of existing public parks is exempt 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.
- Q. All interior remodeling, residential and non-residential, except where use is being converted to a more intensive use.
- R. Any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professional Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

17.43.100 Issuance of Administrative Coastal Development Permits by the Director of Planning.

- A. Definition. An administrative coastal development permit is a coastal permit issued by the Director of Planning which does not become effective until its issuance is reported to the City Council. If 1/3 of the members of the City Council so request, issuance of the administrative permit shall not become effective and, at the applicant's request, the application shall be considered as a regular coastal development permit at the next regularly scheduled meeting of the City Council.
- B. Applicability.
 - 1. That following the review of a Coastal Permit application by the Director of Planning, said official shall have the authority to issue a Coastal Permit by virtue of Section 30624 of the California Coastal Act for the following non-emergency developments:
 - a. Improvements to any existing structure;
 - b. Any single family dwelling;
 - c. Any other developments not in excess of one hundred thousand dollars (\$100,000), other than any division of land;
 - d. Any development of four (4) dwelling units or less that does not require demolition.

However, said authority of the Director of Planning shall not apply to that development which is within the Coastal Commission's continuing permit jurisdiction pursuant to Coastal Act Section 30519 or appealable to the Coastal Commission pursuant to Coastal Act Section 30603 or any division of land. Such permit for non-emergency development shall not be effective until after reasonable public

notice and adequate time for the review of such issuance has been provided, as specified in Section 17.43.120.

2. If the Planning Director receives an application that is asserted to be for improvements or other development within the criteria established in (1) above and if the Planning Director finds that the application does not qualify as such, he or she shall notify the applicant that the permit application cannot be processed administratively and must comply with procedures for coastal development permits provided in 17.43.050 of this ordinance. The Planning Director, with the concurrence of the applicant, may accept the application for filing as a regular permit and shall adjust the application fees accordingly.

3. In the case of any development involving a structure or similar integrated physical construction which lies partly within and partly outside the Coastal Commission's appeal area, the entire structure or similar integrated physical construction must be subject to at least one public hearing and may not be processed as an administrative permit. [Resolution No. 89-63 (October 3, 1989); approved by CCC October 10, 1989]

C. Action. The Planning Director may deny, approve or conditionally approve applications for administrative coastal development permits on the same grounds as contained in Section 17.43.050 for an ordinary CDP application and may include reasonable terms and conditions necessary to bring the project into consistency with the certified LCP.

D. Administrative Permit Deemed Final. A decision on an administrative permit shall not be deemed final and effective until (a) the decision on the application has been made, the City Council review of the permit is complete, 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 LCP and, when applicable, the public access and recreation policies of Chapter 3 of the Coastal Act, and (b) when all rights of appeal under City ordinances have been exhausted. [Resolution No. 89-52].

17.43.120 Effective Date of Short Form Permits: Any administrative permit or waiver authorization issued by the Director of Planning pursuant to the provisions of this section shall be scheduled on the agenda of the City Council at its first scheduled meeting after that permit has been issued. The Planning Director shall prepare a report in writing with sufficient description of the work authorized to allow the City Council to understand the development to be undertaken. Such a report shall be available at the meeting and for administrative permits shall be mail to all persons wishing to receive such notification at the time of the regular mailing of notice for the meeting and any person who requested to be on the mailin list for the project meeting and any person who requested to be on the mailing list for the project as in 17.43.130 below. If, at the meeting, one-third of the appointed members of that governing body so request, the permit or authorization issued by the Director of Planning shall not go into effect and, if the applicant wishes to

pursue the application, the application of a Coastal Development Permit shall be processed by the City of Marina pursuant to standard Coastal Permit procedures listed in Chapter 17.43 of the Marina Zoning Ordinance. Unless the City Council indicates otherwise, the failure to object to issuance of any waiver or administrative permit shall be presumed to be based upon the findings set forth and adopted.

17.43.130 Public Notice. Prior to scheduling any short form permit for City Council review, with the exception of categorically excluded projects, the Director of Planning shall comply with the following public notice procedures:

- A. At the time the permit application is submitted the applicant must post, at a conspicuous place, easily read by the public and on the site, or as close as possible to the site, of the proposed development, notice that an application for the proposed development has been submitted to the City using standardized form(s) provided by the Planning Director. The notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and keep posted the completed notice form until the waiver or administrative permit becomes effective, the Planning Director shall refuse to file the application or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. The City shall enforce the administrative permit or waiver authorization pursuant to procedures set forth in Chapter 17.60 if it determines that the administrative permit or waiver authorization was granted without proper notice having been given, and the failure of the noticing may have caused the Planning Director to act differently in issuing said permit.
- B. Within ten (10) calendar days of filing an application for Coastal Development Permit or at least ten (10) calendar days prior to the first public hearing or to City Council review of the Planning Director's action on the development proposal, the local government shall provide notice by first class mail of pending application for development.
- C. 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 local jurisdiction, to all property owners and residents within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, to the Coastal Commission; and in cases where public hearings are required under other provision of Marina's ordinances to property owners within 300 feet of the perimeter of the parcel on which the development is proposed, and shall also be published in a newspaper of general circulation. The notice shall contain the following information:
 - 1. a statement that the development is within the coastal zone;
 - 2. the date of filing of the application and the name of the applicant;
 - 3. the number assigned to the application;
 - 4. a description of the development and its proposed location;
 - 5. the date, time and place at which the application will be heard by the local governing body or hearing officer;

6. a brief description of the general procedure of local government concerning the conduct of hearing and local actions, including the general procedure concerning the submission of public comments either in writing or orally prior to the decision;
7. a statement that a public comment period is sufficient time to allow for the submission of comments by mail will be held prior to the decision;
8. the system for local approvals and appeals, including local fees required;
9. a description of the general procedures concerning administrative permits and/or waiver authorizations.

[Resolution No. 89-52 (September 5, 1989) and Resolution No. 89-63 (October 3, 1989); approved by CCC October 10, 1989].

Section 30: Variances

- b. following (2): Add (3).
 - (3) That any variance approved for development in the Coastal Zone is found to be consistent with all applicable Local Coastal Land Use Plan recommendations and requirements.

Section 31: Use Permits

- c. Line 8: “...of Marina; and, in the Coastal Zone, the use is consistent consistent with all applicable Local Coastal Land Use Plan recommendations and requirements”.

Section 32: Site and Architectural Design Review

- c. Line 8: “. . . the subject site, conforms with the standards included in the Local Coastal Land Use Plan and/or . . .”

Section 35: Amendments

- c. following line 4: Add “Any amendment which changes the zoning within the Coastal Zone or changes in any manner the allowed uses or development regulations within the Coastal Zone shall not be effective until approved by the State Coastal Commission.”

ZONING IMPLEMENTATION CHART

<u>Land Use Designation</u>	<u>Zoning District</u>
Park and Open Space	O/CP
Agriculture	K/CP
Low Density Residential	R-1/CP
Visitor-Oriented Commercial	PC/CP
Coastal Conservation and Development	CD/CP
Public Service Facilities	PF/CP
Coastal Zone Secondary Use Combining District	SU/CP

SUBDIVISION ORDINANCE AMENDMENTS

The Subdivision Ordinance [Title 16 (Subdivisions)] was deleted in its entirety and replaced via Ordinance 2009-04 (September 1, 2009). Ordinance 2009-04 was approved by Coastal Commission via LCP No. MAR-MAJ-1-07-Part 4 (Major) on October 7, 2009. The amended Title 16 is incorporated by reference.

~~Implementation of the Local Coastal Plan requires a few changes to the City of Marina's Subdivision Ordinances as adopted in 1975 and amended by Ordinance 76-16. The thrust of these amendments is to insure that the provisions of the Local Coastal Plan Access Component requiring easements (based on Section 6647.11 of the State Map Act, 1977) and development of required improvements occurs. The amendments also include provisions ensuring that development within the Coastal Dune area be focused within areas where the native vegetation has already been disturbed.~~

Subdivision Ordinance Revisions

~~Section 1, 1.1 Purpose (b): Revise to read "(b) To secure compliance with the City of Marina Zoning Ordinance and the Local Coastal Program and any adopted General Plans of the City of Marina."~~

~~Section 1, 1.3, 3 (1) as amended by Ordinance 76-16. Revise to read:
"(1) If the preliminary map does not comply with this ordinance, the Local Coastal Plan and applicable laws, then the Subdivision Committee shall give written notice to the subdivider."~~

~~Section 2, between existing Sections 2 and 2.1: Add "2.0 Incorporate by reference the definitions included in the City of Marina Zoning Ordinance, Section 9."~~

~~Section 2, between existing Sections 2.10 and 2.11, following 2.10 A: Add "2.10 B 'Local Coastal Plan' means and refers to the Local Coastal Land Use and Implementation Plans as adopted by the City of Marina and certified by the California Coastal Commission."~~

~~Section 2. between 2.1 and 2.2: Add '2.1A 'Coastal Disturbed Area' means terrain and/or natural land form that has been substantially altered by erosion, grading, mining, excavation or other natural or man-made causes to the extent that none or very little of the native vegetation remains.~~

~~Section 2. between 2.10 and 2.11: Add '2.10A 'Lateral Accessway' shall mean an access easement along the sandy beach frontage parallel to the water's edge.~~

~~Section 2, following 2.25: "2.2b 'Vertical Accessway' shall mean an access easement perpendicular from the nearest public road parallel to the ocean to the sandy beach frontage (see Lateral Accessway)."~~

~~Section 3.4 General Design and Improvement Standards, between Section 3.41 and 3.42: Add "3.41A Within the Coastal Dune area, development shall be concentrated in Coastal Dune Disturbed Areas."~~

~~Section 3.4 General Design and Improvement Standards, between Section 3.41 and 3.42, following 3.41A: Add "3.41B Vertical Beach Accessways. Vertical beach accessways shall be provided in accordance with the provisions of the Local Coastal Land Use Plan; the widths of the accessway shall be a minimum of ten (10) feet and shall extend from the nearest public roadway to the sandy beach frontage. Improvements to be made shall be as prescribed in the Local Coastal Land Use Plan and by the Planning Commission."~~

~~Section 3.6 Improvements, between 14 and 15: Add "14A Vertical Beach Accessway. Identification of easement, installation and maintenance of any structures required to provide the vertical beach access from the nearest public road to the sandy shoreline as specified in the Local Coastal Land Use Plan and by the Planning Commission."~~

~~Section 5.1 Preliminary Map Procedure d., between 6 and 7: Add "6A If coastal frontage parcel, approximate location of vertical and lateral accessway easements."~~

~~Section 6.1 Tentative Map Data Required and Design, following f: Add "f 1. Within the Coastal Dune area as defined in the Local Coastal Land Use Plan indicate to scale the Coastal Dune Disturbed Area(s)."~~

~~Section 6.1 Tentative Map Data Required and Design, between h and i: Add h1. "The location of vertical beach access easements by metes and bounds and other description sufficient in detail to show designation width of ten (10) feet and designation of area as access easement."~~

~~Section 6.1 Tentative Map Data Required and Design, between h and i, following h1.: Add "h2. The location of sandy beach frontage as defined by a qualified geologist~~

~~or oceanographer and description sufficient in detail to show designation of area as a public easement.”~~

~~Section 6.3 Statements and Reports: Add to f, “...scenic easements proposed; and, if shoreline property, geologic report on definition of sandy beach area to be dedicated.”~~

~~Section 8.3 Final Map Data Required: Add to 8.3a “... dedicated to public use: vertical and lateral accessway easements shall be reviewed by a qualified biologist and/or geologist and easements shall be dedicated to the public as determined by the City unless otherwise specified in the Local Coastal Land Use Plan and in the approval of the tentative map.”~~

GRADING ORDINANCE AMENDMENTS

Grading regulations in Marina re based on the most recent California Uniform Building Code (1979) as adopted by the City Council. These proposed grading amendments address the need for greater regulation in the Coastal Zone because of local conditions as stated in the Local Coastal Land Use Plan for Marina. Primary among these local conditions are the presence of rare and endangered plant and animal species and established groves of trees. The following amendments to the 1979 UBC as adopted by the City of Marina shall be approved.

Section 7005 Definitions

Coastal Zone. The land area within the City of Marina defined in the California Coastal Act of 1976, as amended by the California Legislature in 1979, as comprising the California Coastal Zone.

Construction Plan. A site plan showing grading, drainage, trees, vegetation and other site preparation activities for an entire project. Annual phasing of these activities shall be included if phased development is necessary. Construction plans will also be included if phased development is necessary. Construction plans will also include designated areas and quantities of vegetation to be removed, special habitat sites, location of trees to be protected, means of protecting existing vegetation and vegetative buffers, pre and post-construction run-off calculations and other factors involved in site preparation as designated by the City Engineer.

Contour Grading. The shaping of the final grade to complement and conform to the natural outline of the site.

Grading. Any excavation or filling or stockpiling, or combination thereof, including without limitation any act by which earth, dirt, minerals, or other similar materials, or combinations thereof which the land contain or of which the land is composed, is cut into, dug, uncovered, removed, augmented by the importation of soils bulldozed, displaced or relocated; and including excavating, processing or

stockpiling of any said materials. Grading does not include operations subject to Ordinance _____ of the City of Marina (mining reclamation ordinance).

Permittee. The property owner or designated representative applying for and receiving a grading permit.

Primary Habitat Area. The area designated in the Marina Local Coastal Land Use Plan as being potential locale for rare and endangered plant and animal species and identified, at the time of development, by a qualified biologist as supporting rare and endangered plant and animal species.

Secondary Habitat Area. The area adjacent to the primary habitat area on which the primary habitat area is dependent or from which the primary area can be influenced by drainage, erosion, human, equestrian or vehicular use or other factors.

Stockpiling. Temporary depositing or storing of fill material on a site.

Wet Season. The period between November 1 and April 1 when rain is most likely to occur.

Section 7006 Grading Permit Requirements

Subsections (h), (i), (j), and (k) are hereby added to Section 7006 of said Building Code to read as follows:

(h) Within the Coastal Zone, all development shall require a construction plan to be approved by the City Engineer. This construction plan shall show the phasing of grading and shall show designated areas of soil and vegetation to be disturbed. No soil disturbance may occur during the wet season in a designated primary and secondary wildlife habitat area. Grading in a primary habitat area will be allowed only when necessary for its restoration, enhancement and protection, or when consistent with the provisions of the Local Coastal Land Use Plan. Construction plans in secondary habitat areas shall be prepared by a qualified soils engineer in conjunction with a biologist selected from the City's list having expertise in the affected species.

Construction equipment shall be confined to the actual areas to be disturbed as shown on the approved plans. No vehicles of any kind shall pass over areas to be left in their natural state, according to the approved plans.

Topsoil to be stockpiled for revegetation on the site shall be placed in designated areas and stabilized to prevent erosion.

Vegetation not removed by the operation shall be protected with temporary barriers during construction, grading or related activities.

No grading or operation of heavy equipment shall occur within the area bounded by the dripline of any tree designated to remain on the site.

All other provisions of the UBC Appendix on Grading and Excavation, as amended by the City of Marina, shall also apply and be included in the construction plan.

- (i) Proper Execution of Work. It shall be incumbent upon the permittee to plan and execute the work so as to cause the least inconvenience to the general public and abutting property owners. The permittee shall, at his own expense, preserve and protect any adjoining private and public property and facilities likely to be damaged during the process of the work. The permittee shall provide all necessary work and facilities including debris and silting basins, dikes and diversion channels to protect adjoining public and private property and facilities from damage due to drainage or debris due to the work.
- (j) Special Precautions. If it is determined by the Building Official that further work such as authorized by an existing permit is likely to endanger any property, public way or sensitive habitat area, the Building Official may require reasonable safety precautions as a condition of work. To avoid the likelihood of danger, such things as flatter exposed slopes, erection of protective barriers, additional drainage facilities, berms, terracing, compaction, cribbing or storm damage is anticipated, work may be stopped until temporary planting, structures or other temporary measure has been taken.
- (k) Notification of Non-Compliance. If, in the course of fulfilling their responsibility under this Article, the Civil Engineer, the Soils Engineering, the Engineering Geologist, or the testing agency finds that the work is not being performed in conformance with this Article or with the approved grading plans, the discrepancies and recommendations for necessary corrective measures shall be reported immediately in writing to the party responsible for grading and to the Building Official.

Section 7013 Erosion Control

Add Subsection C to Section 7013 of said Building Code to read as follows:

- (c) Planting. The face of cut-and-fill slopes shall be prepared and maintained to control erosion. All cut-and-fill surfaces subject to erosion shall be planted with ground cover which is compatible with the native ground cover and requires little maintenance. Landscaping which blends into the natural surrounding may be required on cut-and-fill slopes along public roads. Plant heights shall not obstruct vehicular sight distances on City streets. (Adequate sight distance shall be determined by the City Engineer). Earth slopes shall be contour graded to encourage landscaping. All plant materials shall be approved by the Planning Director.

Measures to protect slopes and exposed areas shall begin as soon as practical and prior to final grading approval. When cut slopes are determined by the Building Official not to be subject to erosion, planting precautions may be omitted, except where required as mitigation to visual impacts.

Section 7013B Stockpiling

Add a new Section, 7013B, titled “Stockpiling” to follow 7013.

Stockpiling

Where grading consists only of the deposit and storage of fill material on a site, the City Engineer may issue a temporary grading permit to be designated a stockpiling permit. This permit allows the stockpiling of such fill material without complete compaction for a limited period of time not to exceed ninety (90) days. A stockpiling permit shall not be issued in primary and secondary coastal habitat areas unless necessary for the area’s restoration, enhancement and protection. A stockpiling permit shall not be issued within the drainage area of the vernal ponds for any time during the wet season. The location, amount and length of time stockpiled material may remain on a site shall be determined by the City Engineer.

As a condition preceding the issuance of a stockpiling permit, the City Engineer shall require a cash bond from the applicant guaranteeing the removal and/or ultimate proper compaction in accordance with the foregoing. No plan-checking fee shall be required unless, at the expiration of a stockpiling permit, the permittee submits plans to obtain a regular grading permit.

Section 7014(b) Grading Designation

Subsection (b) of Section 7014 of said Building Code is hereby revised to read as follows:

- (b) Grading Designations in the Coastal Zone: Where the aggregate volume of grading on any site or contiguous group of sites is in excess of 5,000 cubic yards, of vegetative material removal exceeds by more than 15 percent of the site area to be covered by structures, the same shall be deemed to require Engineered Grading. Grading of quantities of less than 5,000 cubic yards may also be deemed Engineered Grading by the City Engineer. All other grading, 50 to 5,000 cubic yards of material shall be deemed Regular Grading.

SAND MINING RECLAMATION

In 1975 the California Legislature passed the State Surface Mining and Reclamation Act (SMARA). The purpose of the act is to protect known and undeveloped mineral resources from urban development which would preclude future mineral extraction. First, each jurisdiction which has mining activities or potential mining activities is

required to adopt a mining reclamation ordinance. The purpose of this ordinance is to insure that mining activities inflict as little local short and long-term environmental impacts as possible, and that the mining activity not preclude future economic, even urban, use of the site.

Second, the State Mining Board, through the Division of Mines and Geology, is required to classify all mineral resources and to designate, with local participation, those which are of Statewide significance. Those lands determined to be of Statewide significance cannot be precluded from being mined in the future by local approval of uses which would prohibit future mining. Through this designation and action, the lands designated would be protected from urbanization until after the mining activity is completed. The classification of mineral resources in Monterey County is scheduled to commence in April of 1981. However, the areas in Marina mined for specialty sands could very well be designated mineral lands of Statewide significance. If this is the case, those areas so designated will always be subject to being mined. Moreover, urban type uses which would preclude mining would be inappropriate.

This points out a potential conflict between the Local Coastal Land Use and Implementation Plans and the State Mining and Reclamation Act. The land use designation for the Coastal Dune area in Marina allows for Coastal Conservation and Development use, including sand mining and other less extensive activities such as mariculture. The development allowed within this area is expected to be limited and concentrated in such a way that it would not preclude future mineral extraction. However, the reason for concentrating the development in this area is clearly laid out in the plan as being the unique environmental quality of the area, as well as the presence of a number of rare and endangered plant and animal species present in the dune area.

The dunes themselves are a unique geologic resource which may not be replaced in our geologic time; it is probably that the conditions which existed and caused the formation of these features may never exist again. Therefore, the regulation of the future use of this area is clearly a local coastal issue. Coastally-dependent sand mining is a priority use under the California Coastal Act of 1976. Additionally, SMARA allows for local participation in designating mineral lands and local regulation of surface mining activities to insure public safety and welfare as well as appropriate future use of the area.

For these reasons, the Implementation Plan includes a proposed Surface Mining and Reclamation Ordinance which would give the City the authority to issue mining permits based on compliance with Reclamation Plans, environmental assessments and EIRs drawn up by the mining operators and approved by the City.

AN ORDINANCE _____ RELATING TO SURFACE MINING AND RECLAMATION STANDARDS AND REQUIRING MINING OPERATORS WITHIN THE CITY OF MARINA TO PREPARE AND EXECUTE RECLAMATION PLANS

THE CITY COUNCIL OF THE CITY OF MARINA DOES ORDAIN AS FOLLOWS:

1. Ordinance No. _____. City of Marina Ordinance No. _____, which amends the City Code by the addition of Section _____, entitled _____ to read as follows:

Section 1: Purpose and Intent

a) This ordinance is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.

b) The City Council hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

c) The City Council further finds that the reclamation of mined lands as provided in this ordinance will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

d) The City Council further finds that surface mining takes place in areas where the geologic, topographic, climatic, biological, and social conditions are different and that reclamation operations and the specifications therefore may vary accordingly.

Section 2: Definitions

2.1 “Exploration” or “prospecting” means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quality of minerals present.

2.2 “Environmental Assessment” means the study of the environment of an area proposed to be mined including the flora, fauna, geologic, erosion potential and other factors deemed to be important by qualified experts of appropriate disciplines.

2.3 “Environmental Impact Report” means a report on the environmental effects of a project prepared according to the standards and provisions of the California Environmental Quality Act (CEQA).

2.4 “Local Coastal Program” means the adopted Local Coastal Land Use and Implementation Plans for the City of Marina as certified by the California Coastal Commission.

2.5 “General Plan” means the adopted General Plan for the City of Marina.

2.6 “Mined Lands” includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

2.7 “Minerals” means any naturally occurring chemical element or compound or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, sand, but excluding geothermal resources, natural gas, and petroleum.

2.8 “Mining Waste” includes the residual of soil, rock, mineral liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

2.8(a) “New Mining” shall include any significant increase in the rate of extraction or change in location.

2.9 “Operator” any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

2.10 “Overburden” soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

2.11 “Permit” any formal authorization from or approved by, the City without which surface mining operations cannot occur.

2.12 “Person” any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

2.13 “Reclamation” the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

2.14 “State Board” means State Mining and Geology Board in the Department of Conservation, State of California.

2.15 “State Geologist” means the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division of the Public Resources Code.

2.16 “Surface Mining Operations” means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to: (1) in place distillation, retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities.

Section 3: Scope.

3.1 The provisions of this chapter shall apply to the incorporated areas of the City of Marina.

3.2 The provisions of this chapter are not applicable to:

- a) Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- b) Such other mining operations that the City determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified by the State Board pursuant to Sections 2714 (d) and 2758 [c] , California Surface Mining and Reclamation Act of 1975 (SMARA).

Section 4: Permit, Reclamation Plan and Reporting Requirements

4.1 Reclamation Plan Requirements: Reclamation Plans as defined in this ordinance shall be required of all mining operations undertaken since January 1, 1976. Any person who proposes to engage in new mining operations as defined in this ordinance shall also be required to prepare a Reclamation Plan prior to commencing new mining operations.

a) Existing Mining Operations. A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall submit and receive City approval of a Reclamation Plan within two (2) years from the effective date of this Ordinance for all mining operations conducted after January 1, 1976. Nothing in this Ordinance shall be construed as requiring the filing of a Reclamation Plan for, or the reclamation of, mined lands on which surface mining operations were lawfully conducted prior to, but not after January 1, 1976.

b) Reclamation Plan Review. Approved Reclamation Plans shall be reviewed by the Planning Commission at least every five (5) years. It shall be the sole responsibility of the operator to submit a written request to the Planning Commission prior to the expiration of each five (5) year period. Operator shall provide the Planning Commission with ample evidence that compliance is being maintained with the provisions of the approved Reclamation Plan. The Planning Commission retains the right subsequent to Reclamation Plan review to modify the terms of any Reclamation Plan to assure continuing compliance with the Local Coastal Program. Furthermore, the Planning Commission may consider and approve modification of any Reclamation Plan requested by the operator so long as it finds that the Reclamation Plan is in compliance with the Local Coastal Program.

4.2 Permit Requirements. The Planning Commission shall issue a mining permit for any new surface mining operation, which the Planning Commission finds is in conformance with the Local Coastal Program. No new mining activity shall take place prior to the issuance of a mining permit by the Planning Commission.

a) Existing Mining Operations. Existing mining operations are hereby required to obtain a mining permit from the City of Marina in accordance with the requirements of this Ordinance within two (2) years from the date of adoption of this Ordinance except as provided in Section 4.2(d).

b) Mining Permit Review. The Planning Commission shall review mining permits issued pursuant to this Ordinance every five (5) years. It shall be the sole responsibility

of the operator to submit a written request to the Planning Commission prior to the expiration of each five (5) year period. Operator shall provide the Planning Commission with ample evidence that compliance is being maintained with the Local Coastal Program and the approved Reclamation Plan for the site. The Planning Commission retains the right subsequent to continuing compliance with the Local Coastal Program. Furthermore, the Planning Commission may consider and approve modifications of any mining permits so long as it finds that any such modification is in compliance with the Local Coastal Program and Reclamation Plan.

c) Review Period Adjustment. It is the intent of the City to review mining permits concurrent with reviewing Reclamation Plans, whenever possible, for any individual mining operation. In order to assure that the City's intent is realized, the Planning Commission may permit reasonable adjustments in the timing of Mining Permit review.

d) Permit Limitations. No person who has obtained a legal vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a mining permit pursuant to the provisions of this chapter so long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of the Ordinance.

e) Mining Permit Revocation. Mining Permits may be revoked by the Planning Commission following a hearing. Operator shall be notified in writing at least ten (10) days prior to such hearing. Grounds for revocation shall be non-compliance with the provisions of this Ordinance, the approved Reclamation Plan, Coastal Development Permit (if applicable) and the Local Coastal Program (if applicable).

f) Notification of State Geologist. The State Geologist shall be notified of the filing of all permit applications.

g) Periodic Review. This Ordinance shall be reviewed and revised, as necessary, to ensure that it is consistent with the State policy for mined lands reclamation and the City's Local Coastal Plan and General Plan.

4.3 Reporting Provision. In order to establish reference base data for the purpose of determining whether or not any particular mining activity constitutes new mining activity and to monitor shoreline erosion, it is hereby required that all operators of existing mining operations submit to the Planning Department a brief written statement specifying the approximate annual volume of sand being removed and an accurate cronaflex orthotopographic map, at a scale of 1" = 200' with 2' contour intervals, preferably prepared by a licensed photogrammetric engineer. All elevations on said map shall be based on City of Marina datum. Said maps may also be prepared by a licensed surveyor or Civil engineer. All areas being mined shall be clearly and accurately outlined on said topographic map. The information specified above shall be certified for accuracy and be submitted by the operator to the City.

a) Initial Submittal. Initial submittal of the reference base data shall be completed by existing operators within six (6) months from the effective date of this Ordinance.

b) Subsequent Re-submittal. Updated reference base data shall be re-submitted to the Planning Department by January 1, 1984, and every January 1 thereafter.

c) New Mining Operations. New mining operations will be required to submit reference base data concurrent with the application for a Mining Permit and Reclamation Plan approval and shall also be required to re-submit updated reference base data every January 1 thereafter.

1. If initial submittal of reference base material takes place after July 1 in any given year, operator shall be exempted for re-submitting updated reference base information the following January 1 but shall be required to re-submit updated reference base material every January 1 thereafter.

4.4 Permit and Reclamation Plan Fee. A fee shall be established by the City Council and shall be paid to the City at the time of filing a permit application or Reclamation Plan.

4.5 Reclamation Plan Requirements. The Planning Commission shall review Reclamation Plans and find that they include the following:

- a) The name and address of the operator and the names and addresses of any persons designated by him as his agent for the service of process.
- b) The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.
- c) The proposed dates for the initiation and termination of such operation.
- d) The maximum anticipated depth and area of the surface mining operation.
- e) The size and the legal description of the land, what will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the geology of the area in which surface mining is to be conducted; if, in the Coastal Zone, a line indicating the tsunami run-up line; the location of all rare and endangered plant and animal species and their habitat in the area where surface mining is to be conducted; the location of all streams, road, railroads, and utility facilities within, or adjacent to such lands; the location of all proposed access roads to be constructed in conducting such operation; and the names and addresses of the owners of all surface and mineral interests of such lands.
- f) A description of the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that the reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.
- g) A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.
- h) A description of the manner in which reclamation adequate for the proposed use or potential uses will be accomplished, including:
 - (1) a description of the manner in which contaminants will be controlled, and mining waste will be disposed; and
 - (2) a description of the manner in which rehabilitation of affected natural habitat areas to their original condition will occur; and
 - (3) a description of the manner in which the tsunami run-up zone will be preserved to protect the public safety of the community.
- i) An assessment of the effect of implementation of the reclamation plan on future mining in the area.
- j) A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan; and acknowledgement that the obligations of the plan transfer from one operator to another on a site.

k) An environmental assessment of the area to be mined executed by at least a qualified biologist and a qualified geologist selected from the City's list.

l) If in the environmental assessment, any rare and endangered species habitats and/or shoreline erosion are found to be present on the site, an Environmental Impact Report must be completed and all mitigations, including those for rare and endangered species and/or shoreline erosion, included in the proposed reclamation plan.

m) Compliance and conformance with the Marina Local Coastal Program and the City's General Plan, Zoning Ordinance and any other pertinent City ordinances and regulations.

n) Map of all areas mined prior to January 1, 1976.

Any other information which the Planning Commission may require as pertinent to the determination of the adequacy of the proposed plan.

4.6 Time Limits. Time limits for the approval of a Reclamation Plan or Mining Permit for existing operations may be extended for a period of up to one (1) year by the Planning Commission or City Council on appeal subject to the following conditions:

(a) Written request is provided by the operator prior to expiration of initial two (2) year time period.

(b) Operator shall submit evidence to Planning Commission or City Council showing good cause for the extension request.

4.7 Transferability. Whenever one operator succeeds to the interest of another in any incompleting surface mining operation by sale, assignment, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this Chapter."

Section 5: Review Procedure.

5.1 The Planning Commission shall review the permit application and the Reclamation Plan and shall schedule a hearing within thirty (30) days of accepting the completed application. The hearing will be held for the purpose of considering a permit for the proposed surface mining operation.

5.2 Periodic Permit Review. As a condition of approval for the Permit or Reclamation Plan, or both, a schedule for periodic inspections of the site shall be established to evaluate continuing compliance with Permit and Reclamation Plan.

Section 6: Performance Bond.

Upon finding by the Planning Commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the City Planner of the cost of the reclamation of the mined land according to the Reclamation Plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the Reclamation Plan shall be filed with the City. Such surety shall be executed in favor of the City of Marina and reviewed and revised, as necessary. Such surety shall be maintained in an amount to complete the remaining reclamation of the site as prescribed in the approved or amended Reclamation Plan during the succeeding two-year period, or other reasonable term.

Section 7: Public Record.

Reclamation Plans, reports, applications and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the City that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The City shall identify such proprietary information as a separate part of each application. A copy of all permits, Reclamation Plans, reports, applications, and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished upon request of the District Geologist of the State Division of Mines and Geology by the City of Marina. Proprietary information shall be made available to persons other than the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975.

Section 8: Amendments.

Amendments to an approved Reclamation Plan may be submitted to the City at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the City.

Amendments to an approved Reclamation Plan shall be approved by the same procedure as is prescribed for approval of a Reclamation Plan.

Section 9: Variance.

Variances from an approved Reclamation Plan may be allowed upon request of the operator and applicant, if they are not one and the same, upon findings by the Planning Commission that each requested variance is necessary to achieve the prescribed or higher use of the reclaimed land and is consistent with the Marina Local Coastal Program if property is located within the Coastal Zone.

Section 10: Appeal.

Any person aggrieved by an act or determination of the Planning Commission in exercise of the authority granted herein shall have the right to appeal to the City Council. Any appeal must be filed, on forms provided, within ten (10) days after the rendition, in writing, of the decision.

Section 11: Enforcement.

The provisions of this chapter shall be enforced by any authorized member of the Planning Department or such other persons as may be designated by the City Council.

Section 12: Separability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter.

Figure A City of Marina Coastal Development Permit Planning Procedure

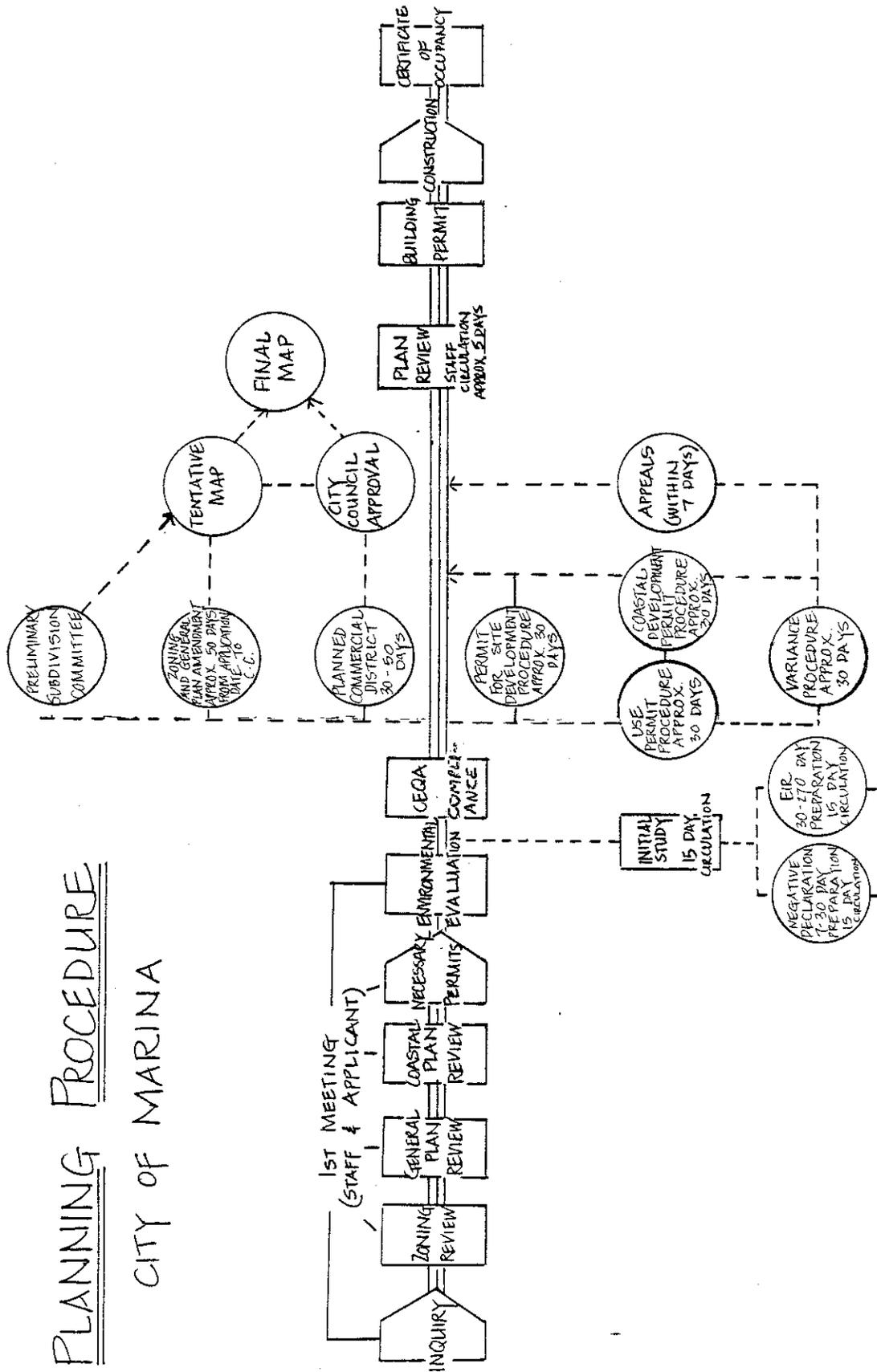
Figure B City of Marina Coastal Development Procedure Flow Chart

Figure C Zoning Changes to Implement Local Coastal Plan – North Marina

Figure D Zoning Changes to Implement Local Coastal Plan – Marina State Beach

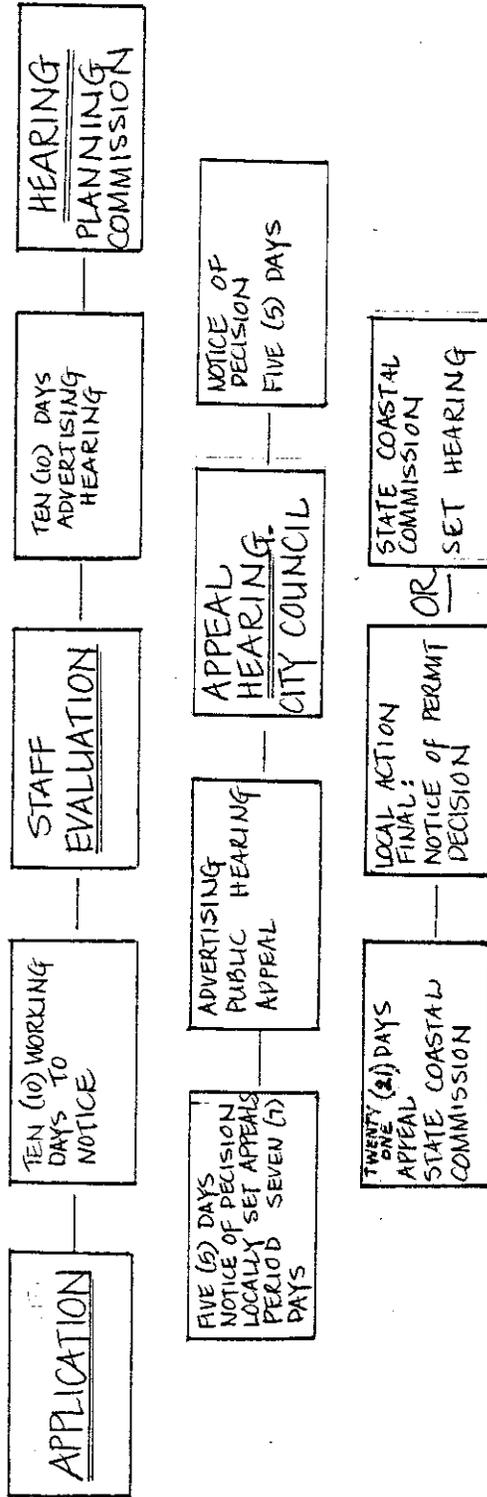
PLANNING PROCEDURE

CITY OF MARINA



COASTAL DEVELOPMENT PERMIT PROCEDURE FLOW CHART

CITY OF MARINA



T-B-5 TO CD

ZONING CHANGES TO
IMPLEMENT LOCAL
COASTAL PLAN - MARINA

**M
TO
CD**

T-B-5
3% AC. MIN.
**TO
CD**

KEY

- R-1 - Single Family Residential
- R-3 - Limited Multiple Family Residential
- C-1 - Retail Business
- PC - Planned Commercial
- CD - Coastal Conservation & Development
- M - Industrial
- T - Transitional
- PF - Public Facilities
- K - Agriculture
- O - Open Space
-  - Coastal Development Permit District
- SU - Coastal Zone Secondary Use Combining District

match line

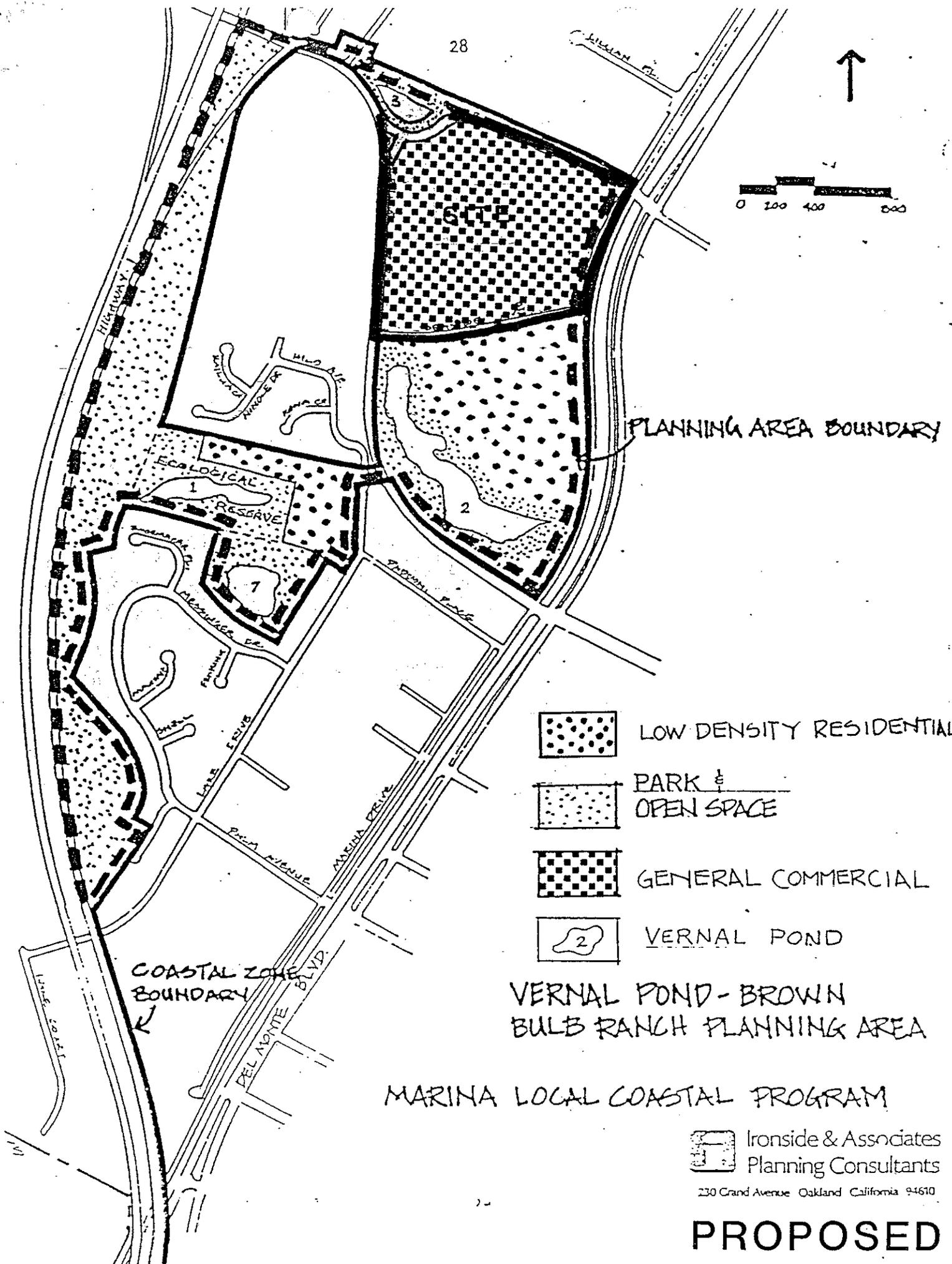
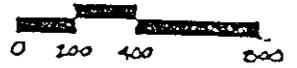
**M
TO
CD/SU**

**R1
TO
PC
M
TO
PC**

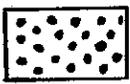
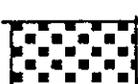
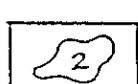
**R1
TO
PF**

**R1
TO
PC**

M to PF M to O



PLANNING AREA BOUNDARY

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

VERNAL POND - BROWN BULB RANCH PLANNING AREA

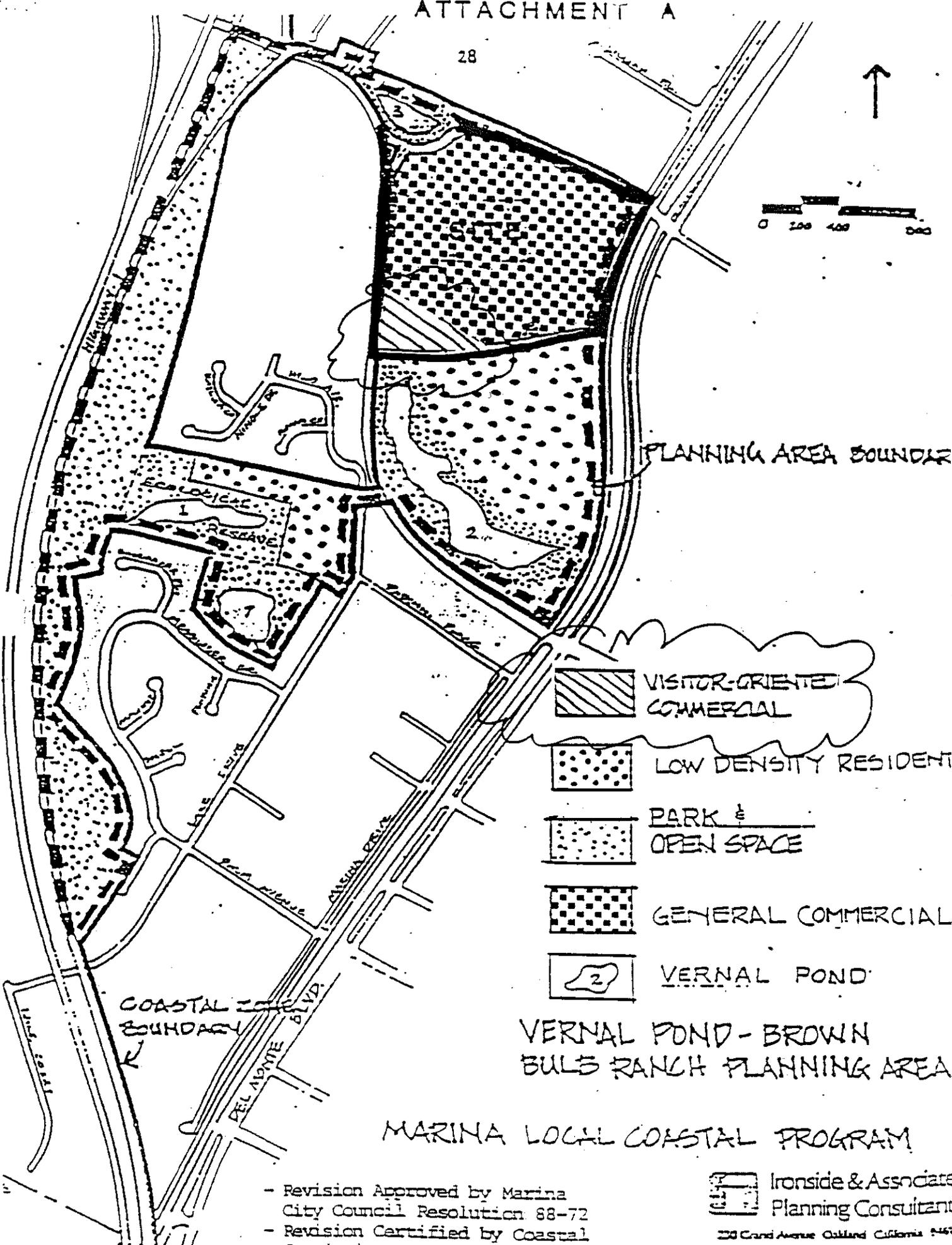
MARINA LOCAL COASTAL PROGRAM

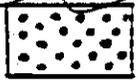
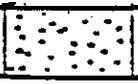
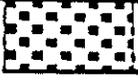
 Ironsides & Associates
 Planning Consultants
 230 Grand Avenue Oakland California 94610

PROPOSED

ATTACHMENT A

28



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

VERNAL POND - BROWN BULLS RANCH PLANNING AREA

MARINA LOCAL COASTAL PROGRAM

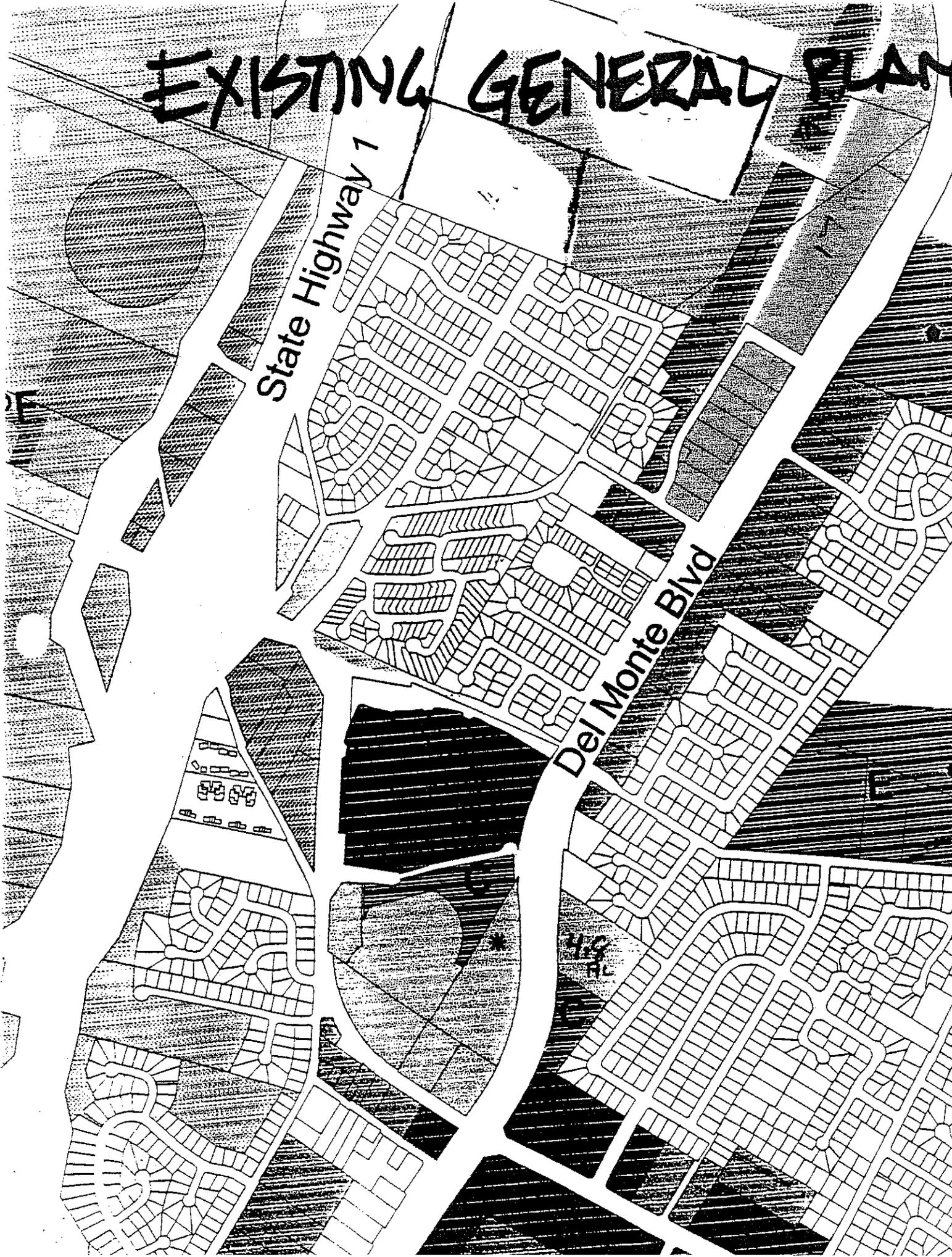
- Revision Approved by Marina City Council Resolution 88-72
 - Revision Certified by Coastal Commission

 Ironsides & Associates
 Planning Consultant
 230 Grand Avenue Oakland California 94612

EXISTING GENERAL PLAN

State Highway 1

Del Monte Blvd



GENERAL PLAN AMENDMENT

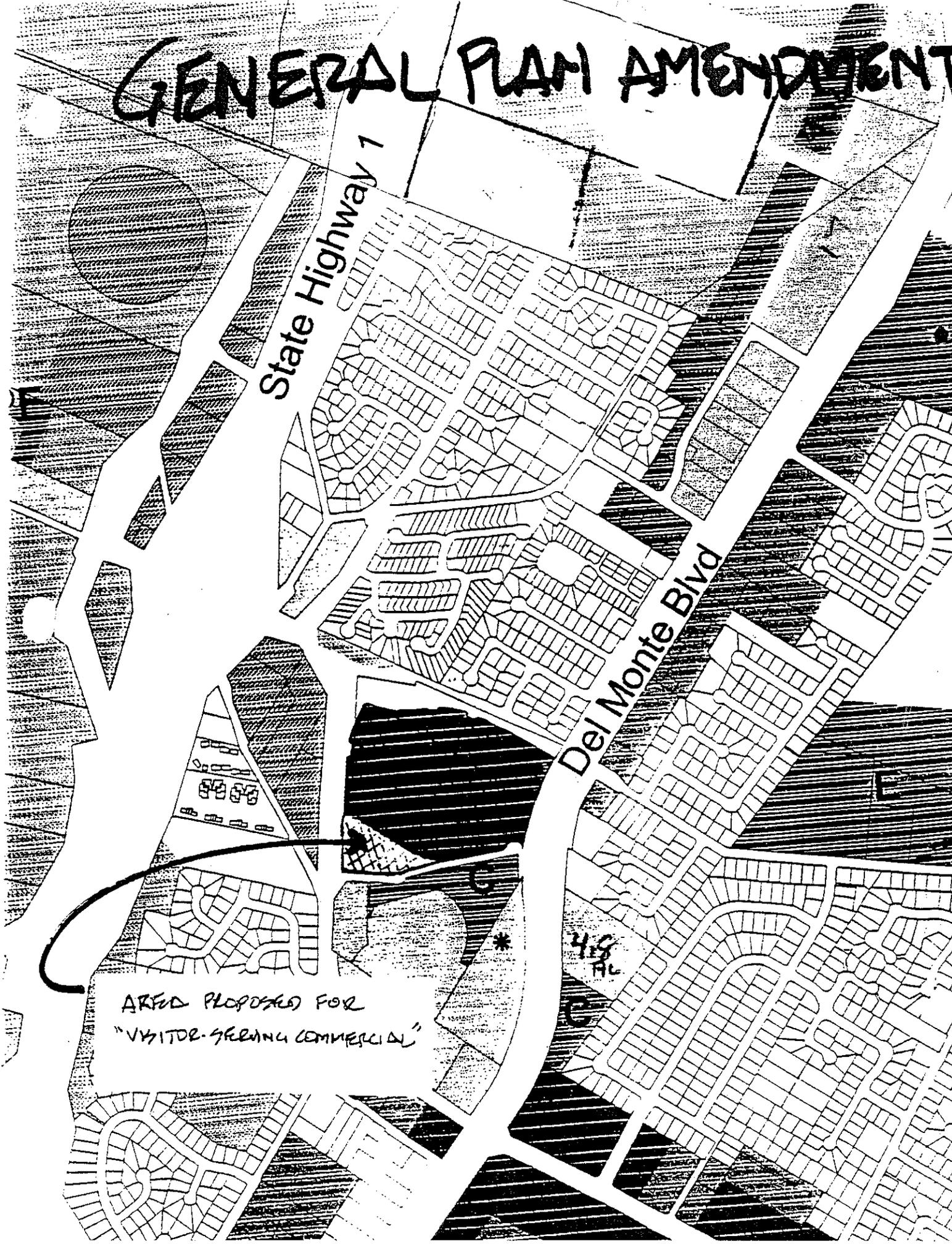
State Highway 1

Del Monte Blvd

AREA PROPOSED FOR
"VISITOR-SEEKING COMMERCIAL"

*

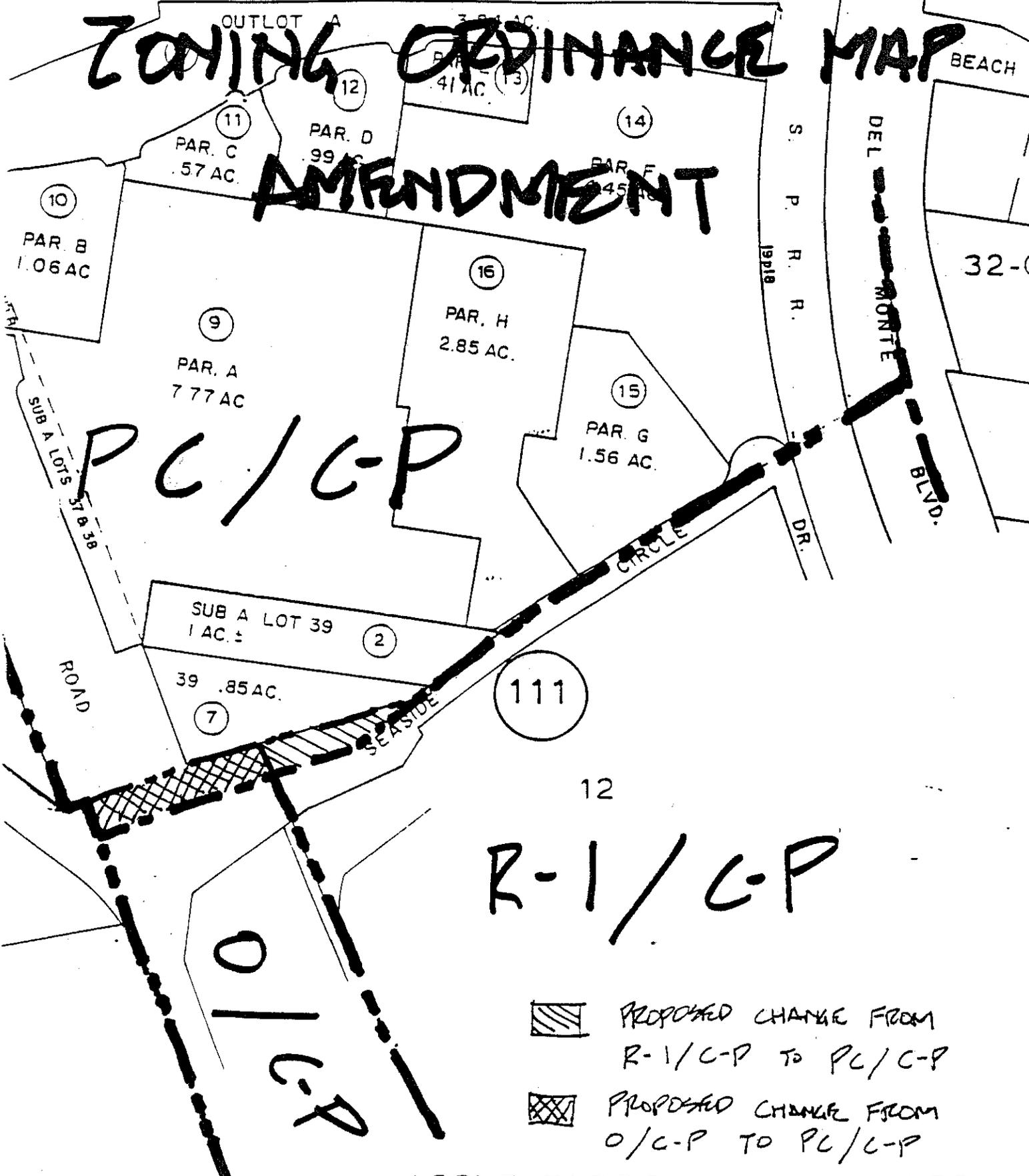
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AL



08

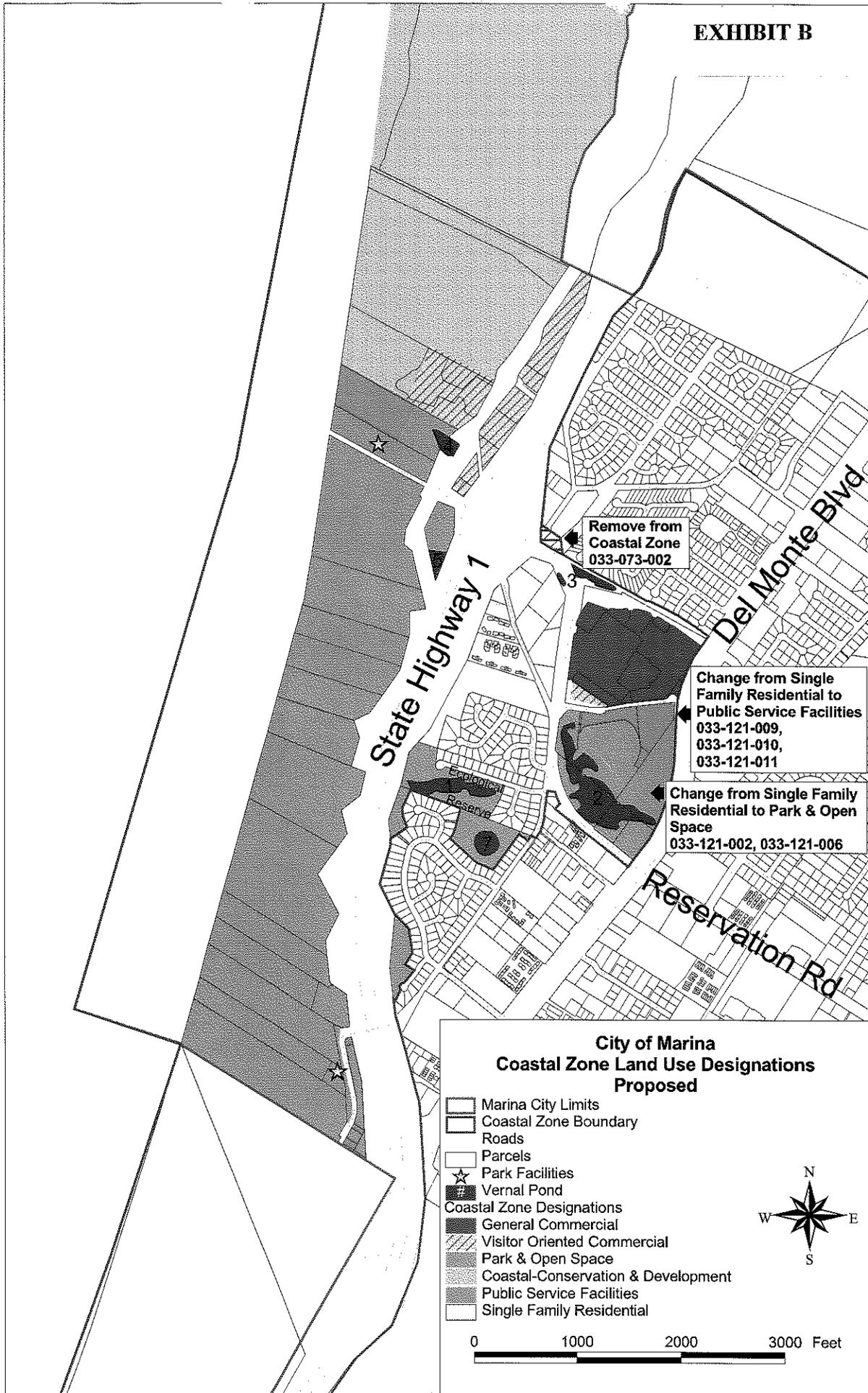
ZONING ORDINANCE MAP

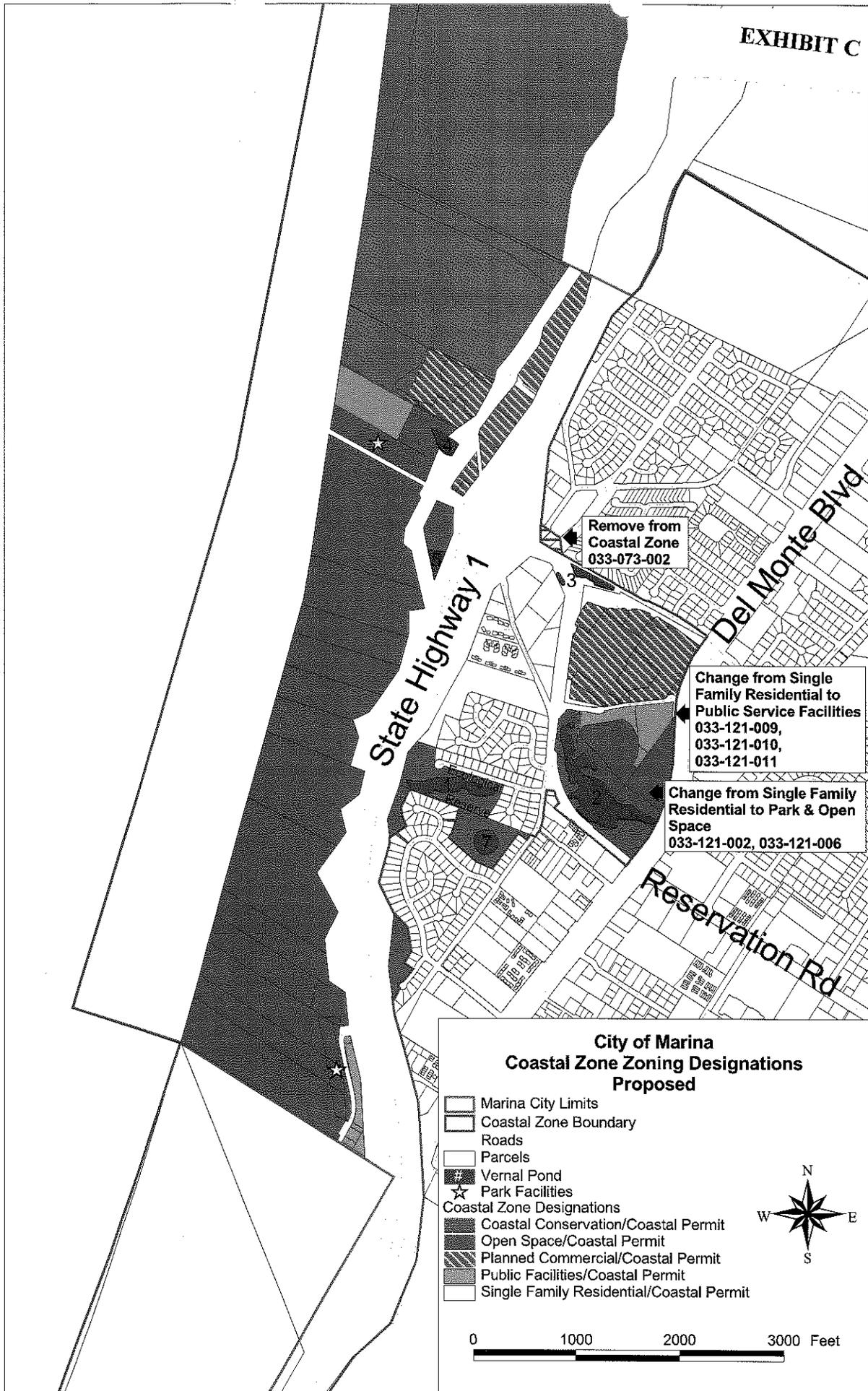
AMENDMENT



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

EXHIBIT B





State Highway 1

Del Monte Blvd

Reservation Rd

Remove from Coastal Zone
033-073-002

Change from Single Family Residential to Public Service Facilities
033-121-009,
033-121-010,
033-121-011

Change from Single Family Residential to Park & Open Space
033-121-002, 033-121-006

Marina Local Coastal Program Timeline
Includes All City Council Resolutions and Ordinances Related to LCP

Coastal Commission final actions highlighted in blue
 City Council final actions resulting in revisions highlighted in grey

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
<i>Pre-Certification: Volume I (Pre-Planning to July 1981)</i>			
February 17, 1981	81-8	LCP LUP approved in concept by City Council (with addenda), transmitted to Coastal Commission.	Addenda included a number of text revisions, many of which were <i>not</i> in the digital version. These edits have been made (not showing tracks, as this is pre-CCC certification)
April 7, 1981	81-19	Request for grant monies to complete the LCP	None
June 2, 1981	81-31	LCIP approved in concept by City Council, transmitted to Coastal Commission	None
July 22, 1981	n/a	LCIP submitted to Coastal Commission, but decision postponed pending LUP completion.	None
<i>Pre-Certification: Volume II (July 1981 to 1984)</i>			
November 3, 1981	n/a	Coastal Commission certified LUP with modifications	Modifications accepted January 19, 1982 – see Resolution No. 82-4.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
January 19, 1982	82-4	Accepts Coastal Commission modifications from November 3, 1981. Approves December 4, 1981 revisions (page 1 of 19 through 9 of 19 inclusive as amended on January 19, 1982) to the LUP of the LCP.	Several text revisions to LUP; all are included in digital file. Not shown as tracks, since these revisions were pre-CCC approval.
January 19, 1982	82-5	Accepts Coastal Commission modifications from November 3, 1981. Approves December 4, 1981 revisions (pages 1 of 19 through 9 of 19 inclusive as amended on January 19, 1982) of the LCIP.	Several text revisions to LCIP; all are included in digital file. Not shown as tracks, since these revisions were pre-CCC approval.
January 29, 1982	n/a	LUP resubmitted to Coastal Commission with 61 changes	None.
March 5, 1982	n/a	Coastal Commission rejected LUP a second time and recommended five modifications	Modifications accepted March 16, 1982 – see Resolution No. 82-11.
March 16, 1982	82-11	Approves March 1982 revisions to LUP (attached to resolution as Exhibit A).	All revisions to LUP are included in digital version; tracks not shown as this was pre-CCC approval.
March 26, 1982	n/a	LUP resubmitted to Coastal Commission	None.
April 6, 1982	82-20	Approves revisions to LCIP (attached to resolution as Exhibit A). Exhibit A lists page numbers, which reference handwritten comments in a version of the LCIP dated 2-23-82.	Revisions incorporated into LCIP.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
April 20, 1982	Coastal Commission Certification	Certifies LUP and LCIP (both votes 9-0)	Approved document is 'base' document (i.e. changes prior to this date are not tracked; changes since this date are tracked)
October 27, 1982	82-61	City Council resolution approving, adopting and certifying the LCP as certified by Coastal Commission. [Makes LCP official].	Approval of LCP, including LUP and LCIP.
<i>Amendments: Volume 1 (1985 to 1989)</i>			
November 16, 1982	Ordinance 82-14	Amends zoning, subdivision, and grading regulations; adopts a surface mining and reclamation ordinance; and rezones certain properties within the City to implement the LCP as certified by the Coastal Commission.	Revisions to municipal code based on adopted LCP (officially incorporates changes proposed in LCIP to various sections of code). Citation added to LCIP.
December 16, 1986	86-49	Incorporate ordinances 83-11 (Sign Ordinance), 84-7 (Residential Parking Revisions), 84-9 (Motels with Kitchen Revisions), 85-4 (Rezoning), 86-1 (Commercial Parking Revisions), 86-3 (Satellite Dish Ordinance), 86-8 (Driveway Revisions), 86-9 (Amendment to Sign Ordinance).	Revisions to zoning ordinance (Title 17); resolution is finding of consistency. Citation added to LCIP. Coastal Commission approved part and postponed part (Sign Ordinance) on March 25, 1987 – see Resolution No. 89-42 for final sign ordinance amendments.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
February 24, 1987	LCP No. 1-86 (Minor)	Coastal Commission approved without modification some ordinances from Resolution 86-49, including 84-7 (Residential Parking Revisions), 84-9 (Motels with Kitchen Revisions), 86-1 (Commercial Parking Revisions), and 86-3 (Satellite Dish Ordinance).	Approves some of Resolution 86-49. See also LCP No. 1-68 (Major) below.
October 4, 1988	88-69	Amends General Plan map for the block bounded by Reservation Road, Beach Road, Marina Drive and Seaside Avenue (Brown Bulb Ranch Planning Area) from SFR and Ag to Community Commercial.	None – amends General Plan map only. Revision later incorporated into LCP map (see Resolutions 88-71 and 89-52).
October 11, 1988	88-71	Amends LUP and LCIP to add General Commercial designation; incorporate GP Map amendments to apply this designation to a specific property; increase maximum lot coverage for P-C District; and incorporate Ordinance 88-16. Amends LCIP to incorporate procedures for short form Coastal Permit processing.	<ul style="list-style-type: none"> • General Commercial land use designation added to LUP. Approved by Coastal Commission without modification on 8-8-89 via LCP No. 1-88. • Short form permit procedures and P-C lot coverage modified by Coastal Commission on 8-8-89; accepted by City Council via Resolution 89-52. • Ordinance 88-16 amends zoning ordinance and zoning map. Approved by Coastal Commission without modification on 8-8-89 via LCP Amendment 1-88.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
October 11, 1988	88-72	Approves amendment to LCIP and transmits to Coastal Commission for approval. Incorporates Ordinance 88-17, which modifies C-P (Coastal Development Permit Combining District) to include procedures for short form Coastal Permit processing.	None – see Resolutions 89-52 and 89-63 below.
October 11, 1988	Ordinance 88-17	Amends Chapter 17-43 of the Marina Zoning Ordinance to allow reduced processing requirements for minor projects in C-P.	None– see Resolutions 89-52 and 89-63 below.
June 13, 1989	LCP No. 1-86 (Major)	Coastal Commission approved/postponed part with suggested modifications.	Appears to suggest modifications to sign ordinance; however, this should be confirmed.
June 20, 1989	89-22	Further amends October 11, 1988 amendment to LUP (Resolution No. 88-71) by adding a “Proposed Local Coastal Plan Amendment Management Plan for Marina Ponds” to the LUP.	Text added to LUP (Management Plan for Marina Ponds). Approved by the Coastal Commission without modifications on August 8, 1989 via LCP No. 1-88 (other components of 1-88 approved with modifications).
July 6, 1989		City Council approved an MOU with the Coastal Commission and Marina Landing developer to provide mechanisms for the preparation of Management Plan for vernal pools	None.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
July 18, 1989	89-42	Accepts modifications to Resolution No. 86-49 (Sign Ordinance) as approved by Coastal Commission on 6-13-89 (LCP No. 1-86).	Modifies previous sign ordinance amendments (Resolution No. 86-49 and Ordinances 83-11 and 86-9) per Coastal Commission recommendations. Modifies zoning ordinance only; no text changes to LUP or LCIP. Citation added to LCIP. ED Checkoff 9-15-89.
August 8, 1989	LCP No. 1-88 (Major)	Coastal Commission approves Management Plan for Marina Ponds, General Commercial definition, and Brown Bulb Ranch – Vernal Pond area map change without modifications. Approves Brown Bulb Ranch Area text, zoning regulation changes, and short form permit procedures with modification.	See Resolution No. 89-22 for Management Plan for Marina Ponds and Resolution No. 88-71 for General Commercial Definition and Brown Bulb Ranch-Vernal Pond map change. See Resolution No. 89-52 for acceptance of modifications.
September 5, 1989	89-52	Accepts modifications of LCP No. 1-88 as approved by the Coastal Commission. The following items were modified by CCC and are accepted by this resolution: <ul style="list-style-type: none"> • Brown Bulb Ranch Area text • Amend section 17.26.070A of Marina’s zoning regulations (originally adopted via resolution 88-71) • Short form permit procedures, including exemptions and admin procedures (originally adopted via resolution 88-71) 	<ul style="list-style-type: none"> • Text added to LUP (Brown Bulb Ranch) • Zoning ordinance modifications (17.26.070A) made to LCIP • Text added to LCIP (Short form permit procedures) • Other edits credited to previous resolutions (included in this resolution for reference only) Coastal Commission ED checkoff 10-10-89.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
		<p>The following LCP modifications are listed in the resolution for reference only (refer to prior resolution for adoption date):</p> <ul style="list-style-type: none"> • Management Plan for Marina Ponds (Resolution No. 89-22) • General Commercial definition (Resolution No. 88-71) • Brown Bulb Ranch-Vernal Pond area map change (Resolution No. 88-71) 	
September 15, 1989	LCP No. 1-86 (Major)	Coastal Commission approved part and postponed part (Sign Ordinance) on March 25, 1987; approved/postponed part (with suggested modifications) on Jun 13, 1989; Executive Director (ED) checkoff on September 15, 1989.	Eventually approves all changes from Resolution No. 86-49. See also Resolution 89-42. See also LCP No. 1-68 (Minor) above.
October 3, 1989	89-63	Supplements 89-52 to accept paragraph 17.43.100 B.3 (which was inadvertently left out of 89-52 revisions)	Paragraph added short form permit procedures section in LCIP.
October 10, 1989	LCP No. 1-88 (Major)	Coastal Commission ED checkoff (Brown Bulb Ranch Planning Area, Management Plan for Marina Ponds, and Short Form Procedures)	See Resolutions 88-71, 89-52, 89-63, and 89-22.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
<i>Amendments: Volume II (1990 to 2001)</i>			
February 20, 1990	Ordinance 90-1	Modifies zoning ordinance sections 17.43.070, 100, 120, and 130 pertaining to CDP exemptions, administrative CDP exemptions, administrative CDPs, and public notice and effective dates. Also modifies building site coverage in PC (section 17.26.070A) and deletes section pertaining to waivers for de minimis developments in coastal zone (17.43.110)	None. Potentially modifies several sections of LCIP previously subject to revision (resolutions 89-52 and 89-63). However, this was never submitted to Coastal Commission.
April 16, 1996	96-45	Amends LCIP to incorporate wording changes to Sections 9, 10, and 29 of the Zoning Ordinance and submits to Coastal Commission (relates to definitions of resort hotel and vacation club; establishes vacation club as visitor-serving use). Changes are to zoning ordinance only – incorporated ‘by reference’ into LCIP.	Text revisions attached to resolution; revisions to zoning code language only. Citation added to LCIP. Coastal Commission approved without modification on 6-13-1996 (LCP No. 1-96).
May 7, 1996	Ordinance 96-07	Amends zoning ordinance to revise definition of resort hotel (17.04.440) and clarify that 1.5 parking spaces are required for each hotel unit containing a kitchen(ette) (17.44.020.G)	None. Ordinance amending zoning only. See Resolution No. 96-45 for action related to LCIP.
June 13, 1996	LCP No. 1-96 (Major)	Coastal Commission approved Resolution No. 96-45 without modification.	See Resolution No. 96-45.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
March 6, 2001	2001-06	Amends LCP to incorporate amendments to the GP into the LUP to change the designation of a 1.56 acre site (Holiday Inn Express, 189 Seaside Circle).	None. Coastal Commission suggested modifications on 10-10-2001. See Resolution No. 2001-118 below.
October 10, 2001	LCP No. 1-01 (Major)	Coastal Commission approved Resolution 2001-06 with modifications.	
October 16, 2001	2001-118	Accepts modifications to Resolution No. 2001-06 as approved by Coastal Commission on October 10, 2001.	Revisions made to LUP and LCIP habitat definition; habitat mitigation requirements added to LCIP, as shown in attachment to the resolution. Coastal Commission ED checkoff 11-14-2001.
November 14, 2001	LCP No. 1-01 (Major)	Coastal Commission ED checkoff of Resolution No. 2001-118.	See Resolution No. 2001-118.
<i>Amendments: Volume III (2002 to November 2007)</i>			
January 24, 2006	Ordinance 2006-03	Amends Sections 17.04, 17.06, 17.14, 17.16, 17.18, 17.20, 17.21 17.22 and 17.54 of zoning ordinance (all related to Housing Element policies and programs).	See Ordinance 2006-08 below.
July 18, 2006	Ordinance 2006-08	Amends Sections 17.04, 17.06, 17.14, 17.16, 17.18, 17.20, 17.21 17.22 and 17.54 of zoning ordinance (all related to Housing Element policies and programs).	Submitted to Coastal Commission but rejected as not meeting filing requirements. Was not included in a Coastal Commission-approved LCP Amendment. Thus, not included or referenced in LCIP.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
July 17, 2007	2007-171	Amends LCP to delete Title 16 (Subdivisions) in its entirety and replace deleted title with new Title 16 (Subdivisions). Adopts Ordinance 2007-08.	None – see Resolution No. 2007-266 below.
August 7, 2007	Ordinance 2007-08	Proposes new Title 16 (Subdivision Ordinance).	None – see Resolution No. 2007-266 below.
August 7, 2007	2007-188	Amends LCP to adjust Coastal Zone boundary to remove 0.5 acres of Glorya Jean Tate Park from the Coastal Zone.	None – resolution was rejected by Coastal Commission staff as incomplete.
August 7, 2007	2007-189	Amends LCP to delete in their entirety IP Chapters 17.41 SU and 17.43 C-P and replace with new Chapter 17.41 Coastal Zoning.	None – see Resolution No. 2007-267 below.
August 7, 2007	2007-190	Amends LCP to change designation of a 12 acre site (APNs 033-121-006 and -002) from SFR to Parks and Open Space and a 4.5 acre site (190 Seaside Circle) from SFR to Public Services Facilities to achieve consistency with GP land use map.	None – see Resolution No. 2007-268 below.
August 7, 2007	2007-191	Amends LCIP and Municipal Code Title 15 incorporating definitions and grading regulations.	None – see Resolution No. 2007-290 below.
August 21, 2007	Ordinance 2007-11	Amends Code to delete Chapter 17.41 SU and 17.43 C-P and replace with new Chapter 17.41 (Coastal Zoning).	See Resolution No. 2007-267 below.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
November 20, 2007	Ordinance 2006-11	Amends Section 17.06.040 (Second Dwellings and guest Houses) changing all references of “secondary dwelling unit” to “secondary dwelling” and establishing that neither a secondary dwelling nor a guest house qualify as a housing unit and shall not be counted toward meeting density requirements or inclusionary housing requirements.	None – see Resolution No. 2007-269 below.
November 20, 2007	Ordinance 2006-14	Amends Title 17 (Zoning) to add Chapter 17.45 (Affordable Housing).	CCC noted several deficiencies in submittal on September 14, 2006. Time limit extended one year on March 20, 2008 (to April 11, 2009). Withdrawn by City on March 19, 2009 [letter from Christi di Iorio to Mike Watson formally withdraws MAR-MAJ-1-06 Part 2 (Coastal Zoning) and MAR-MAJ-1-07 Part 3 (Affordable Housing)]. Same letter resubmits these amendments for further review and action. No record of resubmittal (with revisions), though hand written note on a September 14, 2009 email indicates that the CCC does not accept resubmittal. Handwritten note in file also suggests this would only apply to 32 SFD parcels in the CZ and may not be worth the effort to resubmit to CCC.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
November 20, 2007	2007-266	Amends Resolution No. 2007-171 (replacing Title 16, Subdivisions) to allow additional public participation and identify that the LCP Amendment shall take effect immediately upon Coastal Commission certification.	None – Coastal Commission approved with modification 4-10-2009; ordered City to modify language by 10-10-2009. See Ordinance 2009-04 (adopted September 1, 2009).
November 20, 2007	2007-267	Amends Resolution No. 2007-189 (Coastal Zoning/new Chapter 17.41) to allow additional public participation and identify that the LCP Amendment shall take effect immediately upon Coastal Commission certification.	Withdrawn by City on March 19, 2009 [letter from Christi di Iorio to Mike Watson formally withdraws MAR-MAJ-1-06 Part 2 (Coastal Zoning) and MAR-MAJ-1-07 Part 3 (Affordable Housing)]. Same letter resubmits these amendments for further review and action. City emailed Coastal Commission on August 26, 2009 requesting specific issues/problems with the Coastal Zoning proposal. There is no record in City files of a coastal commission response. This amendment has not been approved by Coastal Commission, but is included in Zoning Ordinance. Needs further attention.
November 20, 2007	2007-268	Amends Resolution No. 2007-190 (two Land Use designation changes for Locke Paddon Park and library site) to allow additional public participation and identify that the LCP Amendment shall take effect immediately upon Coastal Commission certification.	Map revision only (for Locke Paddon Park and library site). Approved by Coastal Commission without modification 4-10-08.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
November 20, 2007	2007-269	Amends LCIP changing all references of “secondary dwelling unit” to “secondary dwelling” and establishing that neither a secondary dwelling nor a guest house qualify as a housing unit and shall not be counted toward meeting density requirements or inclusionary housing requirements.	None. Coastal commission approved with modifications 8-7-08. See Ordinance 2008-07.
November 20, 2007	2007-290	Amends Resolution No. 2007-191 (incorporating definitions and grading regulations) to allow additional public participation and identify that the LCP Amendment shall take effect immediately upon Coastal Commission certification.	None – not acceptable to Coastal Commission staff, withdrawn by City. Per hand written notes in file, this was being dealt with by staff in 2009 and staff expected approval. However, this is not included in any Coastal Commission-approved amendment.
<i>Amendments: Volume IV (December 2007 to Present)</i>			
April 1, 2008	2008-68	Amends LCP to add Chapter 16.23 to Title 16 (Subdivisions) regarding dedication and fees for Parks and Recreation. This was inadvertently left out of Ordinance 2007-08.	See Ordinance 2009-04.
April 10, 2008	LCP No. MAR-MAJ-1-07-Part 1	Coastal Commission approved Lock Paddon park redesignation without modification.	See Resolution No. 2007-268.
April 10, 2008	LCP No. MAR-MAJ-1-07 – Part 4 (Major)	Coastal Commission approved Subdivision Ordinance revisions with suggested modifications	See Ordinance 2009-04.

Date	Resolution/ Ordinance Number	Contents	LUP Revision/Comments
August 7, 2008	LCP No. 1-08 (Major)	Approved Second Units revision with modifications	See Resolution No. 2007-269.
October 7, 2008	Ordinance 2008-07	Amends Sections 17.06.020 and 17.06.040 of Municipal Code and LCIP related to secondary dwellings.	Revisions to Zoning Code only (no text revisions to LCIP). See Resolution No. 2007-269. Coastal Commission ED checkoff 12-10-2008. Citation added to LCIP.
December 10, 2008	LCP No. 1-08 (Major)	Coastal Commission ED checkoff (second units)	See Ordinance 2008-07.
September 1, 2009	Ordinance 2009-04	Amends Title 16 (Subdivisions)	Revisions to subdivision ordinance only (no text changes to LCIP language). Reference added to LCIP. ED Checkoff 10-7-09.
October 7, 2009	LCP No. MAR-MAJ-1-07 – Part 4 (Major)	Coastal Commission ED checkoff (Subdivision Ordinance)	See Ordinance 2009-04.
March 1, 2011	2011-31	Approves request from Marina Coast Water District for consolidated permitting approach for Monterey Bay Regional Desalination Project by allowing Coastal Commission to act as Lead Agency.	None.