

RESOLUTION NO. 2015-13

RECEIVE REPORT OF ISSUANCE, IN ACCORDANCE WITH MARINA ZONING CODE SECTION 17.41.200 (J)(1), OF AN ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (CD 2014-05) FOR THE DEMOLITION AND REMOVAL OF TWO- 350 FOOT HIGH RADIO TRANSMISSION TOWERS (MAST ANTENNAE AND GUYS) LOCATED WITHIN LOCKE-PADDON COMMUNITY PARK (APN's 033-132-001, 033-121-006; 033-121-004 & 033-132-002) INCLUDING CONSIDERATION OF ALTERNATIVE 350 FOOT DROP ZONES (APN's 033-121-010, 033-121-009 & 033-121-002)

WHEREAS, on December 19, 2014, Buckley Communications, Inc., filed an application to demolish and remove the two radio transmission towers (mast antennae and guys) located within Locke-Paddon Community Park, and;

WHEREAS, the towers were constructed in 1955 can no longer be safely climbed for maintenance, which is substantiated in a Structural Overview (September 27, 2014) prepared by Robert F. Turner and a Peer Review by CSG Consultants, Inc. structural engineers (October 9, 2014) who concurred that immediate maintenance of the towers is critical and that there is urgency to the requested demolition, and;

WHEREAS, the proposed project is located within Locke-Paddon Community Park, within Marina's Coastal Zone and as the project site contains a wetland, it is located within the Coastal Commission Appeal Zone, and;

WHEREAS, the City of Marina's Local Coastal Program was effectively certified and the City assumed permit issuing authority on December 17, 1982 and the Local Coastal Land Use Plan (LCLUP) references the existence, in 1982, of two commercial broadcast radio towers (KIDD) at the subject site, and makes no further references to the radio towers, and;

WHEREAS, the towers and support facilities are located on land designated "Parks and Recreation" on the General Plan Land Use Map and zoned as "Open Space District" with a "Coastal Development Permit (C-P) Combining District" overlay and all uses including demolition or alteration of the size of any structure within the C-P District require a Coastal Development Permit (CDP), and;

WHEREAS, MMC Section 17.41.200 F authorizes the Community Development Director to determine whether or not any development proposed in the Coastal Zone is exempt from a CDP issued by the Planning Commission, and to administratively issue a CDP for certain projects, to become effective once its issuance is reported to the City Council, and;

WHEREAS, one such exemption is the abatement of dangerous buildings (MMC Section 17.401.200 G. 13), and;

WHEREAS, on December 19, 2014, the Applicant provided to the Community Development Director a Biological Assessment for the proposed project, prepared by Jeffrey B. Froke, Ph.D. (December 5, 2014) and a Peer Review was provided by Ecological Concerns, Inc. (January 15, 2015) and both reports suggested minimization measures were incorporated as Conditions of Approval into the Coastal Development Permit.

WHEREAS, the Acting Community Development Director has reviewed the above-noted materials, made findings and determined that said Coastal Development Permit can be issued administratively, with conditions, to become effective once its issuance is reported to the City Council, and;

WHEREAS, the proposed project is statutorily exempt in accordance with Public Resources Code Section 21080 (b)(4) which exempts specific actions necessary to prevent or mitigate an emergency. "Emergency work" is defined within Marina Municipal Code Chapter 15.04 as, "...work that if not done immediately will effect the life safety of the occupant of cause damage to the structure."

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby receives report regarding issuance, in accordance with Marina Zoning Code Section 17.41.200 (J)(1), of Administrative Coastal Development Permit (CD 2014-05) for the demolition and removal of two- 350 foot high radio transmission towers (mast antennae and guys) located within Locke-Paddon Community Park (APN's 033-132-001, 033-121-006; 033-121-004 & 033-132-002) including consideration of alternative 350 foot drop zones (APN's 033-121-010, 033-121-009 & 033-121-002).

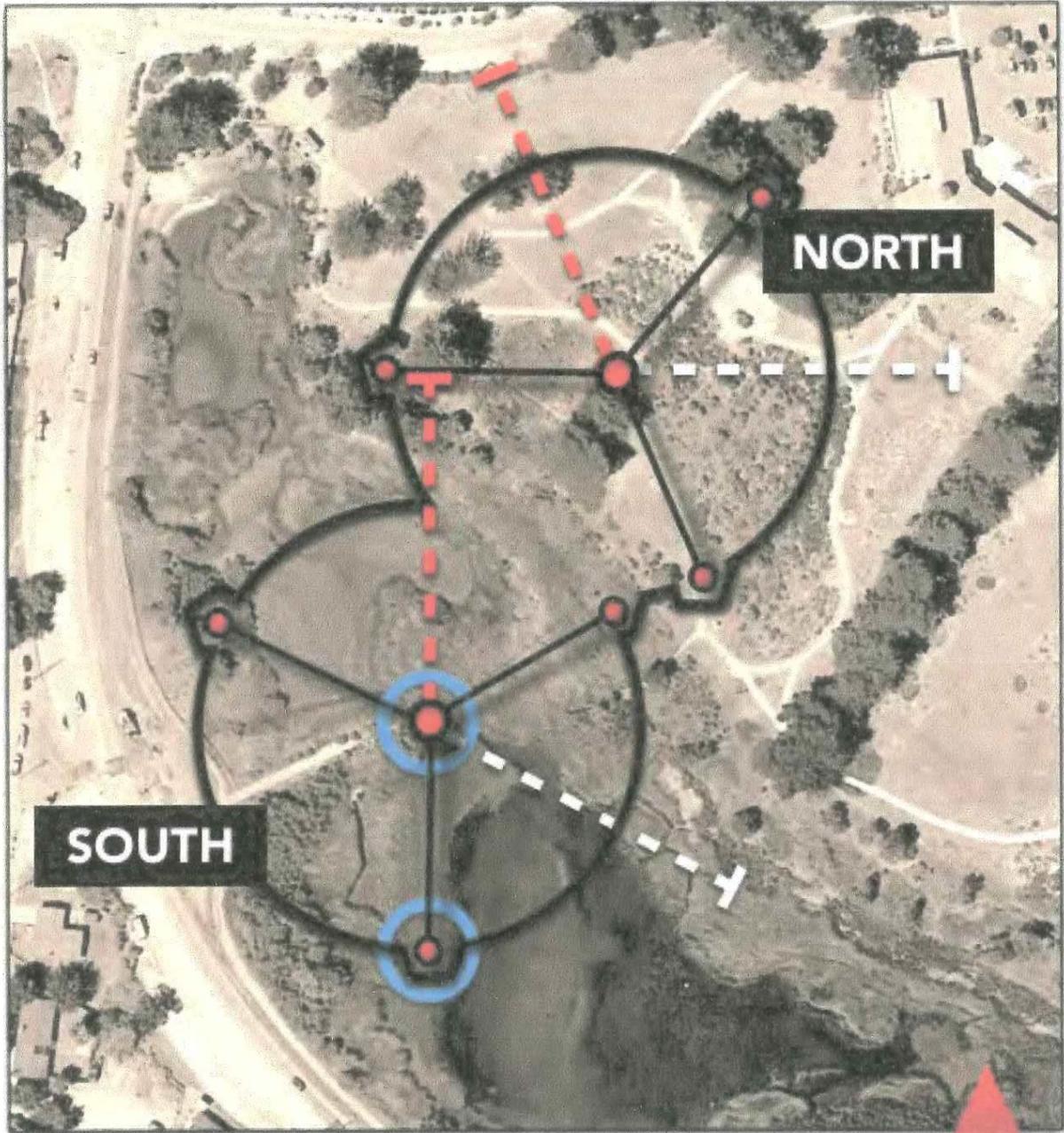
PASSED, APPROVED, AND ADOPTED by the Marina City Council at their regular meeting held on the 3rd day of February 2015, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, O'Connell, Delgado
NOES, COUNCIL MEMBERS: None
ABSENT, COUNCIL MEMBERS: None
ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Flanagan, Deputy City Clerk



SCALE: IMAGE AREA IS 1,020 FT (H) X 1,120 FT (W) (26.20 ACRES)

FIGURE 3. Diagram of location and scale of the work/impact areas of the project to drop, demolish and remove the two 350-ft KIDD guided radio towers at Locke-Paddon Park in the City of Marina, CA. Each tower consists of a mast surrounded by three (3) guy-anchors. Red and white dashed lines alternative 350-ft drop-zones. Blue circles are wet sites (central mast is nearshore; southerly guy anchor is submerged).

EXHIBIT B

Vegetation Types of Locke-Paddon Pond

<p>Tule (Low Marsh)</p> <ul style="list-style-type: none"> <i>Scirpus acutus</i> <i>Scirpus californicus</i> 	<p>California Blackberry Complex (Riparian Scrub)</p> <ul style="list-style-type: none"> <i>Rubus ursinus</i> <i>Leymus triticoides</i> <i>Baccharis pilularis</i> <i>Raphanus sativus</i>
<p>Tule - Cattail Complex (Low Marsh)</p> <ul style="list-style-type: none"> <i>Scirpus acutus</i> <i>Scirpus californicus</i> <i>Typha latifolia</i> 	<p>Annual NonNative Grasses (AG)</p> <ul style="list-style-type: none"> <i>Eriocarya ericoides</i> <i>Heteropogon grandiflorus</i> <i>Artemisia californica</i> <i>Coryza canadensis</i> Annual Non-Native Grasses*
<p>Cattail (Low Marsh)</p> <ul style="list-style-type: none"> <i>Typha latifolia</i> 	<p>Coastal Scrub (Coastal Dune Scrub)</p> <ul style="list-style-type: none"> <i>Eriocarya ericoides</i> <i>Lupinus chamissonis</i> <i>Artemisia californica</i> <i>Carex pansa</i>
<p>Willow - Tule Complex (Low-Mid Marsh)</p> <ul style="list-style-type: none"> <i>Salix lucida</i> <i>Salix lasiolepis</i> <i>Salix laevigata</i> <i>Scirpus acutus</i> <i>Scirpus californicus</i> <i>Pennisetum clandestinum</i>* 	<p>Mittigation Planting Scrub (Coastal Dune Scrub)</p> <ul style="list-style-type: none"> <i>Eriocarya ericoides</i> <i>Lupinus chamissonis</i> <i>Artemisia californica</i> <i>Carex pansa</i> <i>Eriogonum parvifolium</i> <i>Eriogonum giganteum</i> <i>Rumex acetosella</i> <i>Lessingia flaginifolia</i> <i>Lotus scoparius</i> <i>Croton californicus</i> <i>Eschscholzia californica</i>
<p>Silverweed - Bulrush Complex (Mid Marsh)</p> <ul style="list-style-type: none"> <i>Scirpus maritimus</i> <i>Potentilla anserina</i> 	<p>Monterey Spineflower</p> <ul style="list-style-type: none"> <i>Chorizanthe pungens var pungens</i> (Federally Listed Species - Threatened)
<p>Rush - Wild Rye Complex (Upper Marsh)</p> <ul style="list-style-type: none"> <i>Juncus balticus</i> <i>Leymus triticoides</i> <i>Euthamia occidentalis</i> <i>Carex pansa</i> <i>Baccharis pilularis</i> <i>Baccharis douglasiana</i> <i>Pennisetum clandestinum</i>* 	<p>Monterey Cypress</p> <ul style="list-style-type: none"> <i>Cupressus macrocarpa</i>
<p>Wetland Mosaic (Upper Marsh)</p> <ul style="list-style-type: none"> <i>Salix lucida</i> <i>Potentilla anserina</i> <i>Leymus triticoides</i> <i>Juncus xiphioides</i> <i>Carex pansa</i> <i>Holcus lanatus</i>* <i>Cirsium vulgare</i>* 	<p>Iceplant</p> <ul style="list-style-type: none"> <i>Carpobrotus edulis</i>* <i>Conium pugioniformis</i>*
<p>Willow Complex (Riparian Woodland)</p> <ul style="list-style-type: none"> <i>Salix lucida</i> <i>Potentilla anserina</i> <i>Leymus triticoides</i> <i>Juncus xiphioides</i> <i>Juncus balticus</i> 	<p>Poison Hemlock</p> <ul style="list-style-type: none"> <i>Conium maculatum</i>*

* Exotic Invasive Plant Species



Figure 17. Vegetation Map, Locke-Paddon Pond, City of Marina, Monterey County, California

Item No. **11a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of February 3, 2015

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO 2015 - ,
RECEIVING REPORT REGARDING ISSUANCE, IN ACCORDANCE
WITH MARINA ZONING CODE SECTION 17.41.200 (J)(1), OF AN
ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (CD 2014-05)
FOR THE DEMOLITION AND REMOVAL OF TWO- 350 FOOT HIGH
RADIO TRANSMISSION TOWERS (MAST ANTENNAE AND GUYS)
LOCATED WITHIN LOCKE-PADDON COMMUNITY PARK (APN's 033-
132-001, 033-121-006; 033-121-004 & 033-132-002) INCLUDING
CONSIDERATION OF ALTERNATIVE 350 FOOT DROP ZONES (APN's
033-121-010, 033-121-009 & 033-121-002)**

REQUEST:

It is requested that the City Council:

1. Consider adopting Resolution No. 2015- , receiving report regarding issuance, in accordance with Marina Zoning Code Section 17.41.200 (J)(1), of an Administrative Coastal Development Permit (CD 2014-05) for the demolition and removal of two- 350 foot high radio transmission towers (mast antennae and guys) located within Locke-Paddon Community Park (APN's 033-132-001, 033-121-006; 033-121-004 & 033-132-002) including consideration of alternative 350 foot drop zones (APN's 033-121-010, 033-121-009 & 033-121-002).

BACKGROUND:

Constructed in 1955 under jurisdiction of the County of Monterey, the KIDD radio towers located within Locke-Paddon Community Park are now 60 years old and can no longer be safely climbed for maintenance of the towers and attached aviation safety beacons.

On October 1, 2014, Buckley Communications, Inc. presented to City staff a Structural Overview (September 27, 2014) prepared by Robert F. Turner summarizing the fragile condition of the towers. On October 16, 2014, CSG Consultants, Inc. structural engineers visited the site and provided a Peer Review of the Two Existing Guy Towers (October 9, 2014). CSG concurred that immediate maintenance of the towers is critical and that there is urgency to the requested demolition.

On December 19, 2014, Buckley Communications, Inc., filed an application to demolish and remove the two radio transmission towers (mast antennae and guys) located within Locke-Paddon Community Park.

The Monterey Peninsula Regional Parks District (MPRPD) owns two of the four parcels (APN 033-132-001 & 033-121-006) cited in application and the City of Marina owns the remaining two (APN 033-121-004 & 033-132-002). According to provided documents, the subsurface radial grounding system (copper conduit) associated with the towers is located on both upland and wetland areas, with a buried cable easement under Reservation Road connecting to the

transmitter building. The electrical house with transmitter and propane tank is located on a small parcel south of Reservation Road at Robin Drive (APN 033-131-030). This parcel is not part of the application.

The proposal is to demolish the towers using the ‘cut and drop’ technique which allows for directional falling of the mast 180 degrees opposite of one of the three guy anchor locations. Based on the application, the technique requires an unobstructed fall zone equal to the overall height of the tower (350’). Submitted materials show the preferred drop zones and alternative 350’ drop zones (“**EXHIBIT A**”). To address potential land impacts of the four shown drop locations, staff has incorporated into the project description the parcels owned by the MPRPD and City of Marina where the towers may come to rest.

Once on the ground, the mast will be cut into manageable sections that are hauled away for scrap or recycling. A disposal site will be chosen by the contractor. It will be an approved recycling facility and materials will be disposed of in compliance with all applicable laws and regulations.

The south tower mast anchor in the wetland is proposed to remain in place. Five of the concrete guy anchor blocks, which are below-grade, would be left in place and the metal hardware of the guy anchors would be disassembled to approximately 12” below grade. The sixth guy anchor in the pond and underwater would be abandoned in place with a buoy to mark its location. It is also proposed that fences that currently surround the towers would be repaired and left in place along with the equipment cabinets, mast piers and cabling.

In an e-mail dated January 16, 2015, Mark Blum, Attorney representing Buckley Communications, Inc. stated that, “...replacement of the towers is fully anticipated. BCI is actively marketing its station and facilities to potential buyers who wish to operate a radio station on site”.

ANALYSIS:

The proposed project is located within Locke-Paddon Community Park, within Marina’s Coastal Zone. As the project site contains a wetland, it is located within the Coastal Commission Appeal Zone.

The City of Marina’s Local Coastal Program was effectively certified and the City assumed permit issuing authority on December 17, 1982. The Local Coastal Land Use Plan (LCLUP) references the existence, in 1982, of two commercial broadcast radio towers (KIDD) at the subject site. This plan was adopted prior to acquisition of Locke-Paddon Community Park by MPRPD, which references the park wetland as the KIDD pond. The LCLUP makes no further references to the radio towers.

The towers and support facilities are located on land designated “Parks and Recreation” on the General Plan Land Use Map and zoned as “Open Space District” with a “Coastal Development Permit (C-P) Combining District” overlay. All uses within the C-P District require a Coastal Development Permit (CDP). Given that a CDP was not issued for the towers, they are a non-conforming use within the Coastal Zone.

Removal of the towers is defined as ‘development’ (MMC Section 17.41.110), which includes, “... demolition or alteration of the size of any structure”, and thus a CDP is required.

MMC Section 17.41.200 F authorizes the Community Development Director to determine whether or not any development proposed in the Coastal Zone is exempt from a CDP issued by the Planning Commission, and to administratively issue a CDP for certain projects, to become effective once its issuance is reported to the City Council.

One such exemption is the abatement of dangerous buildings (MMC Section 17.401.200 G. 13.). Consistent with the California Coastal Act (Section 3016), the City Attorney has opined that the terms building and structure have the same meaning.

On December 19, 2014, the Applicant provided to the Community Development Director a Biological Assessment for the proposed project, prepared by Jeffrey B. Froke, Ph.D. (December 5, 2014). The study was prepared in compliance with the LCLUP requirements to assess the site for the potential presence of special status species and to, "...inform the applicant's choice of methodology for demolishing and removal the...tower facilities – specifically to minimize and mitigate unavoidable effects of dropping and dismantling the structures onto wetland and upland habitat areas."

On January 15, 2015, Ecological Concerns, Inc. (ECI) provided a peer review of the applicant submitted biological assessment and noted an omission in the Froke report of a 3.55 acre mitigation site for Monterey spineflower and sand gilia in the upland habitat adjacent to and south of the library. There is also a coastal scrub mitigation site established as a condition of permitting of the Holiday Inn at 189 Seaside Circle ("**EXHIBIT B**"). The presence of these mitigation sites limit options for falling the north tower along the northwestern alignment.

Suggested mitigation and minimization measures from the two reports are incorporated in modified format as Conditions of Approval of the CDP.

The ECI report also mentions another potential impact of the proposed project as being the grounding rings which are buried in an approximate 300' radius around each tower. According to the report, "These copper structures have the potential for impact whether left in place or removed, and the costs and benefits of both approaches would require further study."

In a guidance letter to Buckley Communications, Inc. dated December 17, 2014 provided by staff to help expedite a demolition application, staff clarified that, "While Buckley Communications has indicated its desire to maintain the copper wires in the ground after the removal of the communication towers, please be advised that neither the City nor the MPRPD have given their consent to that proposal. The City and the MPRPD are reserving all of their rights and powers with regard to the subsurface structures and equipment, including, but not limited to, any rights they may have to compel the removal of the subsurface structures and equipment".

On January 23, 2015, the Acting Community Development Director approved issuance of an Administrative CDP (CD 2014-05) for the demolition and removal of two- 350 foot high radio transmission towers (mast antennae and guys) located within Locke-Paddon Community Park, with consideration of alternative 350 foot drop zones, based on the following findings and subject to the following conditions of approval:

Findings

In accordance with Marina Municipal Code Section, (17.41.200 E.3.), the project shall:

- a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the Planning Guidelines listed in the Local Coastal Land Use Plan (LCLUP).
Not applicable as the radio towers are east of Highway 1 and demolition will reduce their aesthetic impact.
- b. Be subject to the approval of the Site and Architectural Design Review Board (DRB), including the Planning Guidelines listed in the LCLUP.
Not applicable as the project is to demolish and remove, not construct structures.
- 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 Local Coastal Implementation Plan (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.
Not applicable as the site is not situated at the coast.
- 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 the need for shoreline protection structures.
Not applicable as the site is not situated at the coast.
- e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance.
The Biological Assessment for the proposed project identifies that the project potentially could adversely affect biological elements of the Locke-Paddon environment including two special-status animal species (western pond turtle – one observed; California red legged frog – none observed during multiple surveys but observations made two miles away) and nesting birds. No state or federal listed species, threatened or endangered, have been found in or are expected to occupy the wetlands (primary habitat) or uplands (100' setback from primary habitat) at Locke-Paddon Community Park.

The Peer Review of the Biological Assessment identified existing mitigation sites for Monterey spineflower, sand gilia and coastal scrub within the fall zone of the towers. A Condition of Approval has been added to the CDP to require falling of the north tower along the northwestern alignment to avoid the mitigation banks to extent feasible.

The Biological Assessment and Peer Review contain minimization and mitigation measures from these reports that are incorporated as part of the project and ascertained through the Conditions of Approval, adherence to which will prevent significant adverse impacts on the primary and secondary habitat areas on the subject properties.
- f. Be consistent with beach parking standards, as established in the LCLUP access component
Not applicable as the demolition and removal will not result in any parking demand.
- g. Include feasible mitigation measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR.
The proposed project is statutorily exempt in accordance with Public Resources Code Section 21080 (b)(4) which exempts specific actions necessary to prevent or mitigate an emergency.

- h. Not interfere with public access along the beach.
Not applicable as the site is not situated at the coast.
- i. Comply with the access, shoreline structure and habitat protection standards include in the local coastal land use and implementation plans.
See (c), (h), (d), and (e), above.
- j. Comply with the Housing Element and housing recommendations of the LCLUP and LCIP.
Not applicable as there is no housing proposed or impacted as a result of the proposed project.
- 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 moved, 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.
Not applicable as there are no residential structures involved.
- 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.
Not applicable as this is not a surf zone or beach sand mining operation.

Conditions of Approval

- 1. Prior to commencement of any machinery staging, access/traffic control or demolition activity at the Locke-Paddon Community Park site, a demolition permit shall be obtained from the Building Services Division.
- 2. A complete application for a demolition permit shall be submitted no later than 30 days from the effective date of the CDP. In accordance with the Uniform Code for the Abatement of Dangerous Buildings (1997), demolition shall commence within 60 days of the effective date of the CDP.
- 3. Indemnification - Prior to issuance of a demolition permit, an Indemnification Agreement shall be executed by all parties obligating that the Applicant defend, at its sole expense, indemnify and hold harmless the City from any liability and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- 4. Prior to issuance of a demolition permit, for any work on City-owned property, a Certificate of Liability Insurance naming the City of Marina as an additional insured shall be provided and endorsed.
- 5. Demolition Permit Application – Applicant shall assign one Project Manager to act as liaison with City staff during all project activities.
- 6. Prior to issuance of a demolition permit, Applicant shall provide to the City a Unified Air Pollution Control District Permit for the demolition and removal activity.

7. Applicant shall identify the selected disposal facility for the towers, guy wires and captured tower fragments within the demolition permit application.
8. Prior to issuance of a demolition permit, applicant shall submit to the Engineering Services Division for approval, an encroachment permit application showing the demolition schedule, design of the fall (machinery staging and footprint, and fall direction), an access/crowd control and traffic control plan that addresses all City-owned parcels and rights-of-way within the fall impact zone, including within Locke-Paddon Community Park and on adjacent streets (Reservation Road and Seaside Circle).
9. Applicant shall be responsible for funding and overseeing all activities associated with the access/crowd control and traffic control plans.
10. Impact Minimization - Applicant shall provide pre-demolition photos of all parcels and rights-of-way within the fall impact zone.
11. The 'cut-and-drop' method shall be employed for demolition of both towers as the fallen masts and cables would be intact and aligned adequately to afterwards pull and/or lift more or less intact, thereby minimizing contact between the tower and the wetland or upland during removal.
12. The north tower shall be dropped in the northwestern alignment (towards Seaside Court) to minimize the potential for impacts to special status plant species (Monterey spineflower and sand gilia) and the coastal scrub mitigation site.
13. In the event of an unintended drop, the Project Manager should have leeway to take ad hoc actions to get the project on track and completed.
14. Contact between the felled tower structures and the ground surface shall be reduced by first covering the fall-line or landing zone with heavy tarpaulin to restrict contact of biotic and abiotic resources with lead and paint particles and fragments. All foreign and potentially toxic material shall be disposed of at an approved facility and in compliance with all applicable laws and regulations.
15. For removal of the south tower, emergent wetland vegetation inside the planned landing zone shall first be cut then the tarp placed on the cut area prior to demolition.
16. The remaining guy anchor within the wetland shall be marked by a buoy for detection and safety purposes. Hardware of the other five anchors shall be removed, with the (below grade) blocks left in place. The south tower mast anchor shall also remain intact.
17. Biological Monitor – A professional biologist shall be on-site at all times during all project activities from pre-demolition surveys, through completion of restoration activities. Applicant shall provide to the City the specific observation and monitoring plan as part of the demolition permit application.
18. A biological resource orientation shall be conducted by the professional biologist for the Project Manager and all other personnel before the project starts and vehicles and equipment are mobilized onsite.

19. Within one week prior to demolition, the biologist shall conduct a survey for Monterey spineflower and sand gilia within and adjacent to the drop footprints of the towers. Any populations of these plants that are discovered should be demarcated and avoided during demolition and removal activities.
20. Nesting Birds - To accomplish tower demolition during bird nesting season (February through August), the demolition contractor and project biologist shall schedule a pre-demolition nesting bird survey across the work area 5 to 10 days before the start date. The biologist may make a preliminary survey (more than 10 days in advance) and if bird nesting is predictable and, working with the Project Manager, may take steps to *passively preclude* birds from nesting within the fall zone. Approved techniques shall include: widening the prepared landing zone for felling the south tower by cutting and covering a broader swath through the tules and cattails to preclude blackbirds from nesting; netting a shrub area in the north tower landing zone if there are territorial males singing in advance of pairing; netting the shrub area whether or not there are indications of territoriality and pairing with daily monitoring of netting for entangled birds; or preclude birds from nesting in the willow scrub inside the south tower landing zone and its buffer, by pruning the vegetation and removing potential nest cover.
21. Western Pond Turtles and South Tower – 1-2 days prior to demolition, the biologist shall ensure that the south tower work area is clear of western pond turtles. If the animals are at risk, the biologist should safely and lawfully capture and relocate them to a safe place in like-habitat in the Locke-Paddon Park or contain them until the removal work is complete.
22. Nylon Mesh Prohibited - The use and application of lightweight nylon or plastic netting (0.50 to 1.00-inch mesh) of the type commonly used to bind erosion protection materials such as wattles and matting shall be prohibited due to a serious and lethal threat to native snakes which become inextricably and mortally entangled.
23. Restoration - Applicant shall be responsible for funding and overseeing all activities associated with any needed restoration within the fall zone and shall ensure that restoration is accomplished consistent with pre-demolition photos to the satisfaction of the Community Development Director.
24. Temporary modification or damage to the coastal sage scrub or trees during falling of the north tower, if not avoidable, shall be recovered by pruning. Any irreparable damage shall be compensated by planting in kind replacement plants in the same general location at a 2:1 ratio. The project biologist shall assess the loss and determine the materials specification and techniques for restoring scrub or replacing other woody vegetation damaged by the work.
25. Temporary modification or damage to marshland vegetation during falling of the south tower, which cannot be avoided, will recover fully with little or no intervention following removal of the mast and guy-lines, and of the tarpaulin. Any damage to shoreline vegetation, i.e., willows and wild roses, shall be recovered by pruning and any irreparable damage shall be compensated by planting in kind replacement plants in the same general location at a 2:1 ratio. The project biologist shall determine the specification and methodology for restoring riparian scrub or other shoreline vegetation damaged by the work to pre-project condition.
26. Surety Bond – Prior to the issuance of a building permit, Applicant shall provide a bond or other surety acceptable to the City in the amount of \$40,000 to guarantee the restoration of any divots or plantings to pre-construction condition. Upon completion of the restoration, Applicant shall contact the Community Development Director to arrange for an inspection. If

or when all damage to the upland areas is in place and is in healthy and growing condition, the surety shall be returned to the entity that provided the surety or to another entity upon proof of transfer. If the applicant does not take steps to restore the project site to pre-construction condition, the City shall have the authority to use the surety for such restoration.

Public Hearing Alternative

In accordance with MMC Section 17.41.200 J, if, at the meeting, one-third (2) of the members of the City Council so request, the administrative permit issued by the Community Development Director shall not go into effect and, at the applicants request, the application shall be considered as a regular coastal development permit at the next regularly scheduled meeting of the City Council.

California Environmental Quality Act

The proposed project is statutorily exempt in accordance with Public Resources Code Section 21080 (b)(4) which exempts specific actions necessary to prevent or mitigate an emergency. “Emergency work” is defined within Marina Municipal Code Chapter 15.04 as, “...work that if not done immediately will effect the life safety of the occupant of cause damage to the structure.”

CONCLUSION:

The request is submitted for City Council consideration:

Respectfully submitted,



Electronic Signature

Theresa Szymanis, AICP CTP
Planning Services Manager
City of Marina

REVIEWED/CONCUR:



Electronic Signature

Layne P. Long
City Manager
City of Marina