

RESOLUTION NUMBER R- 301045

ADOPTED ON NOV 15 2005

RESOLUTION ACCEPTING CALIFORNIA COASTAL  
COMMISSION SUGGESTED MODIFICATIONS FOR  
CERTIFICATION OF LOCAL COASTAL PROGRAM  
AMENDMENTS, AND AUTHORIZING THE CITY MANAGER  
TO SUBMIT THE CITY'S LOCAL COASTAL PROGRAM  
AMENDMENTS TO THE CALIFORNIA COASTAL  
COMMISSION FOR FINAL CERTIFICATION

WHEREAS, on December 9, 1997, the Council of the City of San Diego adopted the Land Development Code of the City of San Diego pursuant to Ordinance No. O-18451; and

WHEREAS, the California Coastal Act (Public Resources Code section 30000 et seq.) requires Coastal Commission certification of zoning ordinances, zoning maps, and in sensitive coastal areas, other implementing actions to implement the approved coastal plan; and

WHEREAS, on November 22, 2004, the City Council adopted the Fourth Update to the Land Development Code, which included a total of 42 issues, and directed staff to submit the Local Coastal Program amendment package to the Coastal Commission for certification; and

WHEREAS, as set forth in the letter from the Coastal Commission dated June 30, 2005, on June 8, 2005, the Coastal Commission approved the majority of proposed amendments to the Local Coastal Program as submitted, but suggested minor modifications to Issue 1, Reasonable Accommodations, and Issue 4, Public Right-of-Way Permits; and

WHEREAS, the minor modifications suggested by the Coastal Commission have been incorporated in Section 131.0466(c)(5) and 131.0466(d)(6) to clarify that in the coastal overlay

zone, a proposed deviation to accommodate a disabled person would be required to have the least impact on coastal resources; and in Section 126.0504(n)(5) to clarify that encroachments in the public right-of-way would not be permitted in the coastal zone where they would conflict with a public view protected by the applicable land use plan; and

WHEREAS, these minor modifications have been correctly numbered for proper sequencing into existing code language; NOW, THEREFORE,


BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That it adopts the ordinances which comprise of the Fourth Update to the Land Development Code, including the amendments to the Local Coastal Program in conformance with the suggested modifications of the California Coastal Commission; and

2. That the City Manager is directed to submit these amendments to the Local Coastal Program as approved by City Council to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program.

BE IT FURTHER RESOLVED, that this Local Coastal Program amendment shall become effective 30 days after the certification of the Local Coastal Plan Amendment is unconditionally certified by the California State Coastal Commission.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Jana L. Garmo  
Deputy City Attorney

JLG:mm  
10/24/05  
Or.Dept:DSD  
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