

RESOLUTION NUMBER R- 306814

DATE OF FINAL PASSAGE MAY 31 2011

A RESOLUTION APPROVING A LAND USE PLAN AMENDMENT TO THE PENINSULA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM, ACCEPTING CALIFORNIA COASTAL COMMISSION SUGGESTED MODIFICATIONS FOR CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENT NO. 2-10 REGARDING POINT LOMA TOWNHOMES AND AUTHORIZING THE MAYOR TO SUBMIT LOCAL COASTAL PROGRAM AMENDMENT NO. 2-10 TO THE CALIFORNIA COASTAL COMMISSION FOR FINAL CERTIFICATION.

WHEREAS, on October 7, 2008, the Council of the City of San Diego adopted the amendment to the General Plan and the Peninsula Community Plan and Local Coastal Program to redesignate a 1.65-acre parcel legally described as Parcel A: lot 1, Block 29 of Roseville, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 165, filed in the office of the County Recorder of San Diego County, from “Industrial (Commercial Fishing/Marine Related)” to “Commercial;” and

WHEREAS, the California Coastal Act (Public Resources Code section 30000 et seq.) requires California Coastal Commission certification of implementing actions to implement the approved Local Coastal Program Coastal plan; and

WHEREAS, on February 10, 2011, the California Coastal Commission denied the request as submitted by the City but approved an amendment to the City’s Local Coastal Program (Amendment No. 2-10) and suggested modifications to endorse a land use re-designation of the affected property from “Industrial (Commercial Fishing/Marine Related) to “Commercial/Recreation; and

WHEREAS, the California Coastal Commission's suggested modification to endorse a land use re-designation from Industrial (Commercial Fishing/Marine Related) to Commercial/Recreation specifically directs revision of Figure 5, the Land Use map of the Peninsula Community Plan; and

WHEREAS, revising Figure 5, the Land Use map of the Peninsula Community Plan will also require revising Figure 9, Commercial Areas of the Peninsula Community Plan in order to maintain internal consistency; and

WHEREAS, the suggested modifications provide additional policy guidance clarifying and expanding the list of priority uses for this subarea, as well as reinforcing the development standards that further emphasize the commercial component for this mixed-use community; and

WHEREAS, by letter dated February 25, 2011, the Coastal Commission advised the City that to obtain certification, the City must acknowledge receipt of the Commission's resolution of certification, and any suggested modifications, and take any action necessary to satisfy the Commission's terms; and


WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the modifications suggested by the California Coastal Commission are before the City Council for consideration; NOW, THEREFORE,

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

1. That it acknowledges receipt of the California Coastal Commission's certification resolution, including its suggested modifications to Figure 5.
2. That adoption of the suggested modifications will require revising Figure 5, and, for consistency, Figure 9 of the Peninsula Community Plan.
3. That adoption of the suggested modification will require amending specific language of the Peninsula Community Plan.
4. That it adopts the modifications to the Peninsula Community Plan and Local Coastal Program, on file in the office of the City Clerk as Document No. RR- 306814, in satisfaction of the terms of the Coastal Commission's certification resolution.
5. That after adoption, the Mayor or his designee is authorized to submit this resolution to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
4/19/2011
Or.Dept:CPCI
PL#2011-06063

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 17 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____

5-31-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____

(date)

JERRY SANDERS, Mayor