RESOLUTION NO. 2011-093


WHEREAS, the City Council of the City of Solana Beach has developed a Draft Local Coastal Program (LCP) Land Use Plan (LUP) that reflects the long-term policy goals of the City Council; and

WHEREAS, the City has been actively engaged in the preparation of a Local Coastal Program (LCP) Land Use Plan (LUP) since 2000. The City's LCP will consist of (1) a Land Use Plan (LUP) and (2) Local Implementation Plan (LIP) (i.e., the implementing zoning ordinances and maps) which together meet the Coastal Act requirements and implement its provisions and policies within the City; and

WHEREAS, the LCP/LUP adoption process is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265 of the State CEQA Guidelines, the LCP process is exempt from CEQA because the criteria under the Coastal Act are the functional equivalent of the EIR process

WHEREAS, the City has prepared and submitted five draft LCP/LUP's to the CCC in 2001, 2006, 2007, 2008 and 2009; and

WHEREAS, the 2001 and 2006 submittals were not accepted by CCC staff as complete applications, a hearing was not scheduled, and no CCC action was taken; and

WHEREAS, subsequent versions of the draft LCP/LUP in 2007 and 2008 were modified by the City to incorporate the comments of the CCC staff and the input of a stakeholder group; and

WHEREAS, in 2007 CCC staff requested that the City staff withdraw and resubmit the application, to allow for additional time for their review. At that time CCC staff indicated it would recommend denial of the draft LCP/LUP without further CCC review and City revision and the City chose to withdraw the application and resubmit it; and,

WHEREAS, in 2008 the resubmitted document was significantly modified to respond to the comments of the CCC staff and the input of the stakeholder group. The draft LCP/LUP was presented to the CCC at a hearing in November 2008. The CCC staff report recommended denial of the draft LCP/LUP, and also included CCC
suggested modifications to the draft LCP/LUP that neither City staff nor the members of the citizens’ group were in agreement with. At that hearing, the CCC directed its staff to work with the City to develop a certifiable LCP/LUP and return to the Commission for its consideration; and

WHEREAS, the City again withdrew its application and prepared a new Draft LCP/LUP that was submitted to the CCC for review in September 2009. After completing revisions to the 2009 Draft LCP/LUP, the stakeholder group subsequently disbanded and the City has continued to work directly with CCC staff; and

WHEREAS, CCC staff deemed the September 2009 Draft LCP/LUP submittal complete on August 10, 2010 and provided comments to the City over a 10-month period beginning in March 2010 and ending in January 2011; and

WHEREAS, all of the CCC staff suggested LCP/LUP modifications were forwarded to the City Council and to the public on January 26, 2011 and again on April 13, 2011.

WHEREAS, the City Council at its meeting on April 13, 2011 directed Staff to transmit the revised Draft LCP/LUP to the City Council, CCC and the public for a public review and comment period beginning April 20, 2011 and ending on June 8, 2011 including the issuance of a Notice of Availability on April 20, 2011 and a published “clean” and a redline/strikeout” version of the revised Draft LCP/LUP showing all of the proposed changes to the Draft LCP/LUP; and

WHEREAS, during the six week public comment period which ended June 8, 2011, the City received a total of five comment letters on the April 13, 2011 Draft LCP/LUP; and

WHEREAS, additional public comments were received prior to a public hearing and which was provided to the Council during the city public hearing on the matter which was held on June 29, 2011 at a special meeting of the City Council,

WHEREAS, the April 13, 2011 Draft LCP/LUP was incorporated by reference by Staff without any recommended further changes in the June 29, 2011 Staff Report for the Council’s consideration; and

WHEREAS, the City Council, after considering all of the written public comments it received and the public testimony at a public hearing at a special meeting of the City Council on June 29, 2011; including the Staff report, the April 13, 2011 Draft LCP/LUP and all attachments; and

WHEREAS, the City Council of the City of Solana Beach acknowledges that the Draft LCP/LUP is intended to be carried out in a manner fully consistent with the Coastal Act; and
WHEREAS, the City Council desires to apply the basic policies and provisions contained in the Draft LCP/LUP to current and future projects in the City; and

WHEREAS, the City has reviewed and considered all input provided by the public in response to the six week public review and comment period and the Public Hearing on the Draft LCP/LUP at the June 29, 2011 public hearing; and

WHEREAS, the City has determined no further revisions shall be made to the April 13, 2011 Draft LCP/LUP; and

WHEREAS, the City Council is committed to conduct future subsequent public hearings on the Draft LCP/LUP once the Coastal Commission input has been received and reviewed; and

WHEREAS, this decision is based upon the comments provided by the Coastal Commission and its staff, evidence presented at the Coastal Commission, oral communications and information presented during the City Council public hearings on this matter.

NOW THEREFORE, the City Council of the City of Solana Beach, California does resolve as follows:

1. That the foregoing recitations are true and correct.

2. The City finds the LCP/LUP project exempt from the California Environmental Quality Act pursuant to Section 15265 of the State CEQA Guidelines

3. The City adopts this Resolution in accordance with the provisions of the Coastal Act Public Resources Code (PRC) §30510(a).

4. The City Council hereby adopts the April 13, 2011 Draft LCP/LUP and directs Staff to transmit the April 13, 2011 Draft LCP/LUP to the California Coastal Commission for formal review and consideration at a CCC public hearing prior to November 10, 2011 and continue to coordinate with CCC staff to finalize the LCP/LUP for proposed certification.

5. The City Council hereby makes the following Findings:
   a. The LCP/LUP is exempt from the California Environmental Quality Act pursuant to Section 15265 of the State CEQA Guidelines.
   b. The City’s LCP will consist of (1) a Land Use Plan (LUP) and (2) Local Implementation Plan (LIP) (i.e. zoning ordinances and maps) which together meet the Coastal Act requirements and implement its provisions and policies within the City.
   c. The City’s LCP/LUP will be implemented in a manner fully consistent with the Coastal Act.
d. The Draft LCP/LUP has been made available to relevant local and state agencies at no cost and to other interested persons and agencies on request.

e. The April 13, 2011 public meeting and subsequent Notice of Availability and the June 29, 2011 public hearing and public notifications of the hearing and availability of the Draft LCP/LUP since April 13, 2011 satisfy the requirements of PRC §13515 establishing procedures providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the Draft LCP/LUP.

f. As a Program, the LCP/LUP will require formal City adoption after Coastal Commission approval.

g. The City will provide additional future opportunities for public review and comment on the LCP/LUP as implementation of the LCP will require approval of the LIP.

h. The LIP will consist of specific sections within the Solana Beach Municipal Code (SBMC 17.68.050-Reserved) and maps that describe actions, which carry out provisions of the LCP/LUP and Coastal Act policies.

i. In order for the City’s LCP/LUP to take full force and effect, a public hearing on the LIP will be required.

j. Additional future public hearing(s) will be required; therefore, the City’s LCP LUP will not automatically take effect upon approval of the LCP/LUP by the Coastal Commission.

PASSED AND ADOPTED this 29th day of June 2011, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

LEESA HEEBNER, Mayor

APPROVED AS TO FORM:  

JOHANNA CANLAS, City Attorney

ATTEST:

ANGELA IVEY, City Clerk