

RESOLUTION NO. 14-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DENYING THE APPEAL AND UPHOLDING THE ACTION TAKEN BY THE PACIFICA PLANNING COMMISSION ON FEBRUARY 3, 2020, APPROVING RESOLUTION 2020-002, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF PACIFICA SHOULD TRANSMIT THE LOCAL COASTAL LAND USE PLAN (FILE NO. 2020-001) TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION AND SHOULD ADOPT A RESOLUTION CERTIFYING THAT THE LOCAL COASTAL LAND USE PLAN IS INTENDED TO BE CARRIED OUT IN A MANNER FULLY IN CONFORMITY WITH THE CALIFORNIA COASTAL ACT, AND FINDING THAT THE APPROVAL OF THE LOCAL COASTAL LAND USE PLAN IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)"

WHEREAS, on February 3, 2020, the Planning Commission of the City of Pacifica adopted Resolution No. 2020-002 to recommend that the City Council of the City of Pacifica transmit the Post-Consultation Draft LCLUP (February 2020) (File No. 2020-001) to the CCC for certification and that the City Council should adopt a resolution certifying that the LCLUP is intended to be carried out in a manner fully in conformity with the Coastal Act, and finding that approval of the LCLUP is exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, a timely appeal was filed on February 12, 2020 by Joanne Gold with the appropriate appeal fee ("Appeal"); and

WHEREAS, the Appeal seeks reconsideration of the action taken by the Pacifica Planning Commission on February 3, 2020, approving Resolution No. 2020-002, "A Resolution of the Planning Commission of the City of Pacifica Recommending that the City Council of the City of Pacifica should transmit the Local Coastal Land Use Plan (File No. 2020-001) to the California Coastal Commission for Certification and Should Adopt a Resolution Certifying that the Local Coastal Land Use Plan is Intended to be Carried Out in a Manner Fully in Conformity with the California Coastal Act, and Finding that Approval of the Local Coastal Land Use Plan is Exempt from the California Environmental Quality Act (CEQA)"; and

WHEREAS, the basis for the Appeal is an alleged Brown Act violation and the Appeal states the following: "... a Brown Act violation of inadequate notice; items were discussed and voted on during said meeting that were not agendaized. Specifically, substantive changes to the proposed Land Use Designation of the Calson Field (ie: Parcel Numbers 023-014-010, 023-012-010, 023-011-010) were introduced for review and vote by the Planning Commission without public notification..."; and

WHEREAS, pursuant to Pacifica Municipal Code ("PMC") section 9-4.3602, the appeal was heard and determined according to the procedures set forth in Section 9-4.3208 of Article 32 of Title 9, Chapter 4; and

WHEREAS, the City Council of the City of Pacifica did hold a duly noticed public hearing on February 24, 2020, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Pacifica does hereby find as follows:

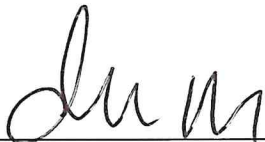
1. The above recitals are true and correct and material to this Resolution.

2. In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
3. The February 3, 2020 agenda and subsequent action of the Planning Commission on February 3, 2020 were in compliance with the Brown Act, specifically Government Code sections 54954.2(a)(1) and (a)(3) as the agenda did in fact give a brief and general description of what would be discussed by the Planning Commission and the essential nature of the item, which would include the land use designations in the draft LCLUP, in compliance with Government Code section 54954.2(a)(1). Furthermore, the action taken by the Planning Commission to adopt the resolution included in the agenda package, with modifications to the content of the draft LCLUP, fall within the contemplated topic of the agenda item and are therefore an appropriate action pursuant to Government Code section 54954.2(a)(3).
4. Based on the foregoing finding, the City Council therefore denies the Appeal and upholds the action taken by the Pacifica Planning Commission on February 3, 2020, approving Resolution No. 2020-002, "A Resolution of the Planning Commission of the City of Pacifica Recommending that the City Council of the City of Pacifica should transmit the Local Coastal Land Use Plan (File No. 2020-001) to the California Coastal Commission for Certification and Should Adopt a Resolution Certifying that the Local Coastal Land Use Plan is Intended to be Carried Out in a Manner Fully in Conformity with the California Coastal Act, and Finding that Approval of the Local Coastal Land Use Plan is Exempt from the California Environmental Quality Act (CEQA)"

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 24th day of February 2020.

AYES, Councilmembers: MARTIN, BECKMEYER, VATERLAUS, BIER, O'NEILL
 NOES, Councilmembers: NONE.
 ABSENT, Councilmembers: NONE.
 ABSTAIN, Councilmembers: NONE.



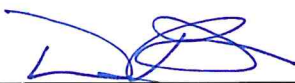
 Deirdre Martin, Mayor

ATTEST:



 Sarah Coffey, City Clerk

APPROVED AS TO FORM:



 For Michelle Marchetta Kenyon, City Attorney