

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800



RECORD PACKET COPY

DATE: September 23, 2004

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Chuck Damm, Senior Deputy Director

RE: *CITY OF CARPINTERIA LCP AMENDMENT NO. CPN-MAJ-1-04: CREEKS PRESERVATION PROGRAM* Executive Director's determination that the City's acknowledgement is legally adequate for Commission review at the California Coastal Commission hearing on October 15, 2004 in San Diego.

On July 14, 2004, the Commission approved LCP Amendment No. CPN-MAJ-1-04 with suggested modifications. This amendment adds a Creeks Preservation Program to the Implementation Program of the City's Local Coastal Program (LCP).

On September 13, 2004, the City of Carpinteria acknowledged receipt of the Commission's resolution and transmitted the acknowledgement to the Commission on September 21, 2003. In its acknowledgement, the City agreed to accept the Commission's action (Exhibit 1).

Pursuant to Sections 13551(b) and 13544 of the Commission's Administrative Regulations, the Executive Director must determine if the action of the City of Carpinteria is legally sufficient and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners object to the determination.

I have reviewed the City's acknowledgement adopted September 13, 2004 regarding LCP Amendment No. CPN-MAJ-1-04 and find that it fulfills the conditions of the Commission's action to certify Amendment CPN-MAJ-1-04, and that the City's action and notification procedures for appealable development legally satisfy the Commission's certification resolution adopted July 14, 2004. I therefore recommend that the Commission concur in this determination.

RESOLUTION NO. 4897

**A RESOLUTION OF THE CITY OF CARPINTERIA
CITY COUNCIL ACKNOWLEDGING RECEIPT OF THE CALIFORNIA
COASTAL COMMISSIONS RESOLUTION OF CERTIFICATION WITH
SUGGESTED MODIFICATIONS AND ADOPTING THE CARPINTERIA
CREEKS PRESERVATION PROGRAM**

WHEREAS, the City of Carpinteria has prepared the Carpinteria Creeks Preservation Program (Program) to implement the City of Carpinteria General Plan/Local Coastal Plan, to guide the preservation and restoration of creeks located within the City of Carpinteria. In order to adopt the Program, the City must adopt a Local Coastal Plan Amendment, which requires Coastal Commission review and approval; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"), the California Code of Regulations, Title 14, Section 15000 et seq. ("CEQA Guidelines") and the City of Carpinteria's Environmental Review Guidelines as applicable, the City determined that the Program was subject to review pursuant to CEQA and that a Negative Declaration was the appropriate environmental document; and

WHEREAS, at a duly noticed public hearing on June 17, 2002, the Planning Commission considered the Program and Negative Declaration and forwarded its recommendation to adopt the Program and Negative Declaration to the City Council; and

WHEREAS, on July 22, 2002, after considering the Planning Commission's recommendation, receiving public comment, due consideration, and discussion among the Council and staff, a majority of the City Council adopted the Negative Declaration and approved the Program for submittal to the California Coastal Commission pursuant to Public Resources Code Section 30510(a) and the California Code of Regulations Section 13551(b)(2); and

WHEREAS, on July 22, 2002, the City Council also adopted a resolution certifying that the proposed Local Coastal Program Amendment is intended to carry out the policies of the City's Local Coastal Plan consistent with the California Coastal Act and directing that the proposed amendment be transmitted to the California Coastal Commission for filing in accordance with Section 13551(b)(2) of Title 14 of the California Code of Regulations; and

WHEREAS, on June 25, 2004, the California Coastal Commission considered the Local Coastal Program Amendment 1-04 (Creeks Preservation Program) and approved the proposed Amendment if certain modifications were adopted.

EXHIBIT NO. /

APPLICATION NO.

CPN-MAJ-1-04

RESOLUTION #4897

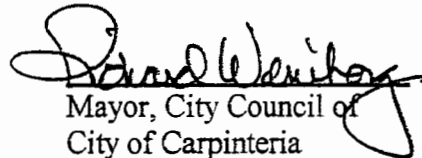
Section 1. The City Council of the City of Carpinteria hereby resolves as follows:

1. The City Council does hereby acknowledge receipt of the Coastal Commission's resolution of certification for Local Coastal Program Amendment 1-04 (Creeks Preservation Program) including the modifications suggested for final certification by the Coastal Commission.
2. The City Council accepts the modifications approved by the Coastal Commission and has taken the actions required to satisfy the terms of these modifications.
3. The City Council adopts Local Coastal Program Amendment 1-04 (Creeks Program) as modified by the California Coastal Commission.
4. The City Council agrees to issue coastal development permits for the total area included in the City's certified Local Coastal Program.

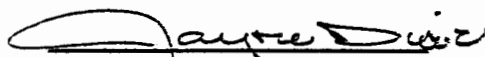
Section 2. NOW, THEREFORE, BE IT RESOLVED that Resolution No. 4897 shall be in full force and effect immediately following certification by the California Coastal Commission and notice of the certification being filed with the Secretary of the Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

PASSED, APPROVED AND ADOPTED this 13th day of September 2004, by the following called vote:

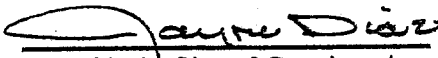
AYES:	Councilmembers:	Ledbetter, Stein, Jordan, Weinberg
NOES:	Councilmembers:	Gandrud
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None


Mayor, City Council of
City of Carpinteria

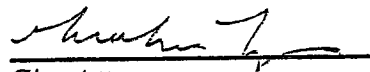
ATTEST:


City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 13th day of September 2004.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:


City Attorney