

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
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Th13d

TO: Commissioners and
Interested Persons

DATE: July 26, 2012

FROM: Staff

SUBJECT: Request to Waive Time Limit for City of Solana Beach Land Use Plan
Adoption of Suggested Modifications for the Commission Meeting of
August 8-10, 2012

On March 7, 2012, the Commission reviewed and approved the City of Solana Beach's Land Use Plan with suggested modifications. Once a land use plan component or any LCP amendment is approved subject to suggested modifications by the Commission, the executive director of the Commission transmits copies of the suggested modifications and findings to the local government. In order for the local government to pursue final certification, the local government, by action of its governing body, must acknowledge receipt of the Commission's resolution of certification, including any terms or modifications, and accept and agree to any such terms and modifications and then take whatever formal action is required to satisfy those terms and modifications (e.g. adoption of plan changes).

Pursuant to Section 13537(b) of the Commission's regulations, the Commission's certification with suggested modifications expire six months from the date of Commission action which was March 7th in this case. Subsequent to the Commission's action, lawsuits have been filed in the matter of the Commission's conditional certification and, based on the issues raised by the litigation, the City has requested in the attached letter, dated July 20, 2012, that the Commission grant a one-year time extension for the City to act on the suggested modifications.

Section 30517 of the Coastal Act and Section 13535(c) of the California Code of Regulations state that the Commission may extend for good cause any applicable time limits for a period not to exceed one year. Based on the City's request and the need to consider the pending lawsuits, Commission staff is requesting the time extension. Staff recommends the Commission extend the six month time limit for one year.

MOTION:

I move that the Commission extend the six month time limit for one year in order for the City of Solana Beach to consider acceptance of the suggested modifications to the Solana Beach Land Use Plan adopted by the Commission on March 7, 2012.

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. An affirmative vote of the majority of the Commissioners present is needed to pass the motion.



CITY OF SOLANA BEACH FAX (858) 792-6513 / (858) 755-1782
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July 20, 2012

Dr. Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

**Re: City of Solana Beach Local Coastal Program (LCP) Land Use Plan (LUP)
Wednesday March 7, 2012 (Item 12e)**

Dear Dr. Lester:

As you are aware, the California Coastal Commission approved, with suggested modifications, the City of Solana Beach's Local Coastal Program Land Use Plan on March 7, 2012. Two of the proposed suggested modifications were amended by the Commission on June 14, 2012. The Commission's approval of the City's Land Use Plan was challenged in two separate lawsuits filed in May 2012.

On July 19, 2012, I discussed with Sherilyn Sarb the pending lawsuits and the requirement that the City consider whether to adopt the Commission's suggested modifications within 6 months of the Commission's action pursuant to 14 C.C.R. Section 13537(b). We agreed that it would be prudent for the City to request a one-year continuance of this deadline due to the issues raised by the litigation.

Therefore, pursuant to Public Resource Code Section 30517 and 14 C.C.R. Section 13535(c), the City requests that the Commission grant a one-year extension upon which it can act on the Commission's suggested modifications and that the Commission hear this request at its August 2012 meeting.

Please contact me if you have any questions or require any additional information in support of this request.

Sincerely,


David Ott
City Manager

CC: California Coastal Commissioners
Diana Lilly
Deborah Lee
Sherilyn Sarb
Mayor and Members of the Solana Beach City Council
Johanna N. Canlas, Solana Beach City Attorney