

CALIFORNIA COASTAL COMMISSION

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Th12h

**TO: Commissioners and
Interested Persons**

DATE: May 21, 2014

FROM: Staff

SUBJECT: Request to Waive Time Limit for City of San Diego LCP Amendment No. LCP-6-LJS-14-0607-1 (Children's Pool) for the Commission Meeting of June 11-13, 2014

On May 12, 2014, the City of San Diego Local Coastal Program (LCP) Amendment #LCP-6-LJS-14-0607-1 was filed in the San Diego District office. The amendment involves revisions to the certified La Jolla Community Plan (LUP) and adoption of a new ordinance to limit beach access at Children's Pool Beach, La Jolla during the seal pupping season from December 15 to May 15 each year. The proposed amendment will therefore affect both the certified land use and implementation plans.

Pursuant to Section 30512 of the Coastal Act, the Commission must act on land use plan amendments within 90 days of filing. Pursuant to Section 30513 of the Coastal Act, the Commission must act on implementation plan amendments within 60 days of filing. Amendments containing both land use and implementation plan components must be acted upon by the Commission within 90 days of filing. Based on the above-cited time limits, the proposed LCP amendment must be scheduled for review by the Commission at the July 9-11, 2014 meeting. However, 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.

The City of San Diego currently has one pending LCP amendment (8th Update LDC) that was already scheduled for Commission action at the June 2014 hearing. For the subject Children's Pool LCPA, a time extension request is being sought to allow time to adequately review the amendment, prepare a recommendation and schedule the item for action at the San Diego hearing in August. The City has been consulted and concurs that a local hearing is warranted given the public interest on this matter. Therefore, staff will schedule the Children's Pool amendment for the August 2014 hearing but recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and scheduling issues that may arise.

In addition, relative to other City of San Diego LCP workload, at the end of last month, the City submitted its first formal LCP amendment submittal for this year (containing the subject Children's Pool LCPA and one for the Centre City segment), along with two other de minimis LCP amendment requests (LCP-6-SAN-14-0601-1/Mobile Food Truck Ordinance and LCP-6-SAN-14-0605-1/Medical Marijuana Cooperatives). These two de minimis LCP amendment requests represent IP amendments only and, absent time extensions, must be considered and acted upon by the June 2014 hearing and thus require more immediate attention. So, in addition to the 8th Update LDC and Children's Pool LCPA time extension, staff is also scheduling the Medical Marijuana Cooperatives de

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minimis LCPA for Commission action at the June hearing. For the Mobile Food Truck Ordinance, a separate time extension request will be requested. Finally, at the local level, the City is also circulating the environmental assessment and draft update for the Ocean Beach Community Plan Update for public comment and staff is working with the City on that review.

With that background, staff recommends the Commission extend the 90-day time limit for one year for the Children's Pool LCPA. However, it is anticipated that the amendment request will be scheduled for the August 13-15, 2014 hearing in San Diego.

MOTION:

I move that the Commission extend the 90-day time limit to act on the City of San Diego LCP Amendment No. LCP-6-LJS-14-0607-1 for one year.

STAFF RECOMMENDATION:

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