

Bond Case Briefs

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LAND USE & ZONING - CALIFORNIA

Beach and Bluff Conservancy v. City of Solana Beach

Court of Appeal, Fourth District, Division 1, California - October 17, 2018 - Cal.Rptr.3d - 28 Cal.App.5th 244 - 2018 WL 5023596

Interest group brought action for declaratory relief and traditional mandamus, challenging seven specific policies of city's amended land use plan as inconsistent with the California Coastal Act of 1967 and/or facially unconstitutional, and filed motion for judgment on its petition for writ of mandate.

The Superior Court granted the motion and petition in part. Interest group appealed, and city, California Coastal Commission, and intervenor cross-appealed.

The Court of Appeal held that:

- Sole remedy for claims that certain policies in the plan conflicted with the Coastal Act was administrative mandamus;
- Land use plan policy conditioning coastal development permit on conversion of private beach stairway to public accessway did not on its face effect a compensable taking by imposing an unconstitutional condition;
- Land use plan policy conditioning new blufftop development and redevelopment on waiver of any future right under the Coastal Act as to new or additional bluff retention devices was not on its face an unconstitutional exaction; and
- Determination that land use plan was not facially invalid did not operate as res judicata to bar claims arising from future applications for permits governed by the plan.