

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
900 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

Appeal Filed: November 20, 2000  
49th Day: January 8, 2001  
Staff: KFS-LB  
Staff Report: November 27, 2000  
Hearing Date: December 11-14, 2000  
Commission Action:

**M7b****STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE****RECORD PACKET COPY****APPEAL NUMBER:** A-5-DPT-00-467**LOCAL GOVERNMENT:** City of Dana Point**DECISION:** Approval with special conditions.**APPLICANT:** The PRS Group, Attn: Phillip R. Schwartze**PROJECT LOCATION:** 1 Ritz Carlton Drive, Dana Point, Orange County**PROJECT DESCRIPTION:** Demolition of two existing tennis courts and construction of a three story, 32,276 square foot addition to an existing hotel for use as a spa.**APPELLANTS:** Commissioners Wan and Dettloff**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission **OPEN AND CONTINUE** the public hearing to determine whether a substantial issues exists with respect to the grounds on which the appeal has been filed for the reason described below.

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal of the above described decision was officially filed on November 20, 2000. The 49th day falls on January 8, 2001. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is the Commission's December 11-14, 2000 meeting in San Francisco.

In accordance with Section 13112 of the California Code of Regulations, staff requested on November 20, 2000 that the City of Dana Point forward all relevant documents and materials regarding the subject permit to the Commission's South Coast District Office in Long Beach. The documents and materials relating to the City's approval of the project are necessary to analyze the project's consistency with the City's certified Local Coastal Program and the Coastal Act in relation to the grounds of the appeal.

Commission staff have not received the administrative record from the City of Dana Point as of the date of this staff report. Until the information is received from the City, Commission staff are unable to thoroughly analyze the appealed project. The staff report and recommendation for the

subject appeal had to be completed by November 27, 2000, in order to be ready for the Commission's December hearing. Consequently, the preparation of a staff report as well as a staff recommendation on Substantial Issue was not possible for the Commission's December hearing.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission should open and continue the Substantial Issue hearing at the December 11-14, 2000 Commission meeting. Section 13112 states:

*Upon receipt in the Commission office of a timely appeal by a qualified appellant, the Executive Director of the Commission shall notify the permit applicant and the affected local government that the operation and effect of the development permit has been stayed pending Commission action on the appeal by the Commission as required by public Resources Code Section 30623. Upon receipt of a Notice of Appeal the local government shall refrain from issuing a development permit for the proposed development and shall, within five (5) working days, deliver to the Executive Director all relevant documents and materials used by the local government in its consideration of the Coastal Development Permit application. If the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.*

As required by the regulation stated above, the Substantial Issue hearing will be reopened at a subsequent Commission hearing after a full analysis by Commission staff of the appealed project and the City's material.