

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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W18b

DATE: November 24, 2021

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Shannon Vaughn, District Manager
Fernie Sy, Coastal Program Analyst

SUBJECT: Request to extend the time limit for Commission action on City of Dana Point LCP Amendment Request No. LCP-5-DPT-21-0059-5, for Commission action at its December 15, 2021 hearing.

On September 3, 2021, the City of Dana Point submitted a request to amend the City's certified Local Coastal Program (LCP) with City Council Resolution No. 21-07-20-03. The amendment modifies and adds provisions to the Land Use Element of the General Plan and Zoning Ordinance, both of which are components of the City of Dana Point Local Coastal Program, commonly known as the '1996' LCP. The Land Use Element is a component of the Land Use Plan (LUP) and the Zoning Ordinance is the Implementation Plan (IP). The purpose and intent of the update is to preserve and enhance the eclectic combination of commercial, light industrial, and residential mixed uses in the Doheny Village area within the Capistrano Beach neighborhood. On October 26, 2021, after receipt of additional information requested from the applicant, the Executive Director determined that LCP Amendment Request No. LCP-5-DPT-21-0059-5 is in proper order and legally adequate to comply with the submittal requirements of Section 30510 of the Coastal Act and Section 13553 of the California Code of Regulations (Title 14).

Pursuant to Sections 30512, 30513 and 30514 of the Coastal Act, an IP and LUP amendment must be scheduled for a public hearing and Commission action within 90 working days of the complete submittal. The 90th day after the City's October 26, 2021 complete submittal filing is March 8, 2022. Coastal Act Section 30517 and Section 13535(c) of the Coastal Commission Regulations state that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year. In this case, a time extension is necessary to allow staff to conduct further analysis of the conformance of the proposed change with the provisions of the certified LUP and to prepare an appropriate staff recommendation, including preparation of suggested modifications if necessary. Therefore, staff recommends that the Commission extend the time limit for up to a year because extensions are only considered once, and it is prudent to allow for the maximum amount of time in case of unexpected delays. Although staff believes this matter will be brought to a hearing in the near-term, staff 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 flexibility for coordination with the City of Dana Point on potential modifications, establishing hearing schedules, and managing competing priorities.

STAFF RECOMMENDATION

Staff recommends the Commission vote YES to extend the deadline for Commission action on the LCP Amendment Request for one year (to March 8, 2023).

Motion:

“I move that the Commission extend the 90-day time limit to act on the City of Dana Point Local Coastal Program Amendment No. LCP-5-DPT-21-0059-5 for a period of one year.”

An affirmative vote of a majority of the Commissioners present is needed to pass the motion.