

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



June 22, 2023

Th13b

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Shahar Amitay, Staff Analyst

SUBJECT: Request to extend time limit for Commission action on City of Dana Point LCP Amendment Request No. LCP-5-DPT-21-0079-2, for Commission action at the July 12-13, 2023, meeting in Newport Beach.

On November 30, 2021, the City of Dana Point submitted a request to amend the City's certified Local Coastal Program (LCP) with City Council Resolution No. 20-06-16-02 and City Council Ordinance No. 20-02 for the modification of Planning Area 3 of the Dana Point Harbor Revitalization Plan and District Regulations. Various proposed provisions include the demolition and replacement of an existing lower-cost hotel, addition of a market rate hotel, and alteration of boater service buildings. The proposed LCP amendment affects both the certified Land Use Plan (LUP) and Implementation Plan (IP).

In a letter dated December 13, 2021, Commission staff asked the City to provide additional information, and the application was deemed incomplete. Commission staff received a response from the City on November 30, 2022. After reviewing the transmitted documents, the application was deemed incomplete once again on December 14, 2022. After receipt of additional information requested from the applicant, the Executive Director determined on April 17, 2023, that LCP Amendment Request No. LCP-5-DPT-21-0079-2 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). Therefore, LCP Amendment Request No. LCP-5-DPT-21-0079-2 is deemed officially submitted as of April 17, 2023.

Pursuant to Sections 30512.1 and 30514 of the Coastal Act, an LCP amendment that includes changes to the LUP and IP portions of a certified LCP must be scheduled for a public hearing and the Commission must take action within ninety (90) working days of a complete submittal. The ninetieth working day after the City's filing of the complete submittal is August 23, 2023. Coastal Act Section 30517 and Section 13535(c) of the Coastal Commission Regulations state that the Commission may extend for good cause the ninety (90) working day time limit for a period not to exceed one (1) year.

Staff recommends that the Commission extend the time limit for up to the full year because extension requests are only considered once, and it is prudent to allow for the maximum amount of time to properly schedule the requested amendment for public hearing in case of unexpected delays resulting from uncertainty in the review process and/or scheduling issues that may arise.

STAFF RECOMMENDATION

Staff recommends that the Commission extend the deadline for Commission action on the LCP Amendment Request for a period of one year.

Motion:

I move that the Commission extend the time limit to act on City of Dana Point Local Coastal Program Amendment No. LCP-5-DPT-21-0079-2 for a period of one year (to August 23, 2024).

Staff recommends a **YES** vote. An affirmative vote of a majority of the Commissioners present is needed to pass the motion. Passage of this motion will result in a one year extension of the deadline for Commission action on the proposed LCP amendment, changing the deadline for Commission action from August 23, 2023 to August 23, 2024.