CALIFORNIA COASTAL COMMISSION
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W12b

DATE: April 17, 2025

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, South Coast District
Shannon Vaughn, District Manager
Krysten Tomaier, Coastal Program Analyst

RE: Minor Amendment Request No. LCP-5-DPT-25-0008-1 to the City of Dana Point LCP, for Commission Action at its May 7, 2025 meeting.

Local Coastal Program Amendment No. LCP-5-DPT-25-0008-1 (Minor)

The City of Dana Point is requesting the Commission certify an amendment to both the Land Use Plan (LUP) and Implementation Plan (IP) of the City's certified Local Coastal Program (LCP). Local Coastal Program Amendment (LCPA) request number LCP-5-DPT-25-0008-1 is a minor amendment that would replace the words "funicular" and "inclined elevator" with "strand transit system" ("STS") in the Dana Point Headlands Development and Conservation Plan (HDCP), which is an implementing ordinance for the City of Dana Point's "1996 LCP".

The City of Dana Point presently has two groups of documents that serve as its certified LCP. There is an older set of documents containing a LUP and IP that were originally certified when Dana Point was unincorporated and operated by the County of Orange and which were adopted by the City when it incorporated that still apply to the central geographic area of the City (i.e. that area generally located between Monarch Beach to the north and Capistrano Beach to the south). These older documents are referred to as the Dana Point Specific Plan LCP or '1986' LCP. In addition, there is a more recent group of documents that includes three elements of the City's General Plan (the Land Use Element, Urban Design Element, and Conservation Open Space Element), the City's Zoning Code, the Monarch Beach Resort Specific Plan, the Dana Point Town Center Plan, the Dana Point Harbor Revitalization Plan, and the HDCP, which apply to those areas of the City which are not covered by the 1986 LCP. These more recent documents are referred to as the '1996' LCP.

The standard of review for the proposed amendment to the LUP, pursuant to Sections 30512(c) and 30514(b) of the Coastal Act, is the Chapter 3 policies of the Coastal Act. The standard of review for the proposed amendment to the IP, pursuant to Sections 30513 and 30514(b) of the Coastal Act, is that the proposed IP amendment conforms with and is adequate to carry out the provisions of the certified LUP, as proposed to be amended.

The submitted LCPA replaces the words “funicular” and “inclined elevator” with “Strand Transit System” or “STS” in Section 1 pages 8, 12, 29, 57; Section 3 pages 3-19, 3-22, 3-30, 3-31, 3-33, 3-41; Section 4 pages 4-9, 4-10, 4-32, 4-33, 4-34, 4-39, 4-41, 4-53; and Section 5 page 5-3 of the HCDP only and does not propose any rezoning or land use changes.

The Dana Point City Council held a public hearing on the LCPA on January 21, 2025, and adopted Resolution No. 25-01-21-02 **(Exhibit No. 1)** certifying consistency of the amendment with the certified LCP and authorizing City staff to submit the LCPA to the Coastal Commission. One public comment in support of the amendment was received by the City via email on January 21, 2025. On February 4, 2025, the City Council adopted the proposed changes to the HCDP through Ordinance No. 25-03 **(Exhibit No. 1)**. The LCPA request was received by Commission staff on February 27, 2025, and determined to be complete on February 27, 2025.

Analysis

Pursuant to Section 30514(c) of the Coastal Act and Sections 13554(a) and (d) of Title 14 of the California Code of Regulations, the Executive Director has determined that the proposed LCPA is "minor" in nature. Section 13554(a) of the California Code of Regulations defines a minor LCPA, as it relates to amendments to the certified IP, as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP. Section 13554(d)(2) of Title 14 of the California Code of Regulations defines a minor LCPA for LUPs as correction, reorganization, revisions, or deletions of certified language which when taken together does not change the kind, location, intensity or density of use or modify the resources protection measures for any area or property.

The LCPA has been determined to be a “minor” LCPA because the proposed changes to the LUP and IP language would not change the kind, location, intensity or density of any uses, or modify the resource protection measures for any area or property. The City’s current LCP explicitly requires a public "funicular" system in this location. The existing funicular was approved and built as part of a larger local coastal development permit (CDP) 04-23 in 2004. The local CDP approved plans for residential development within the headlands area as part of the HDCP. To mitigate impacts to public access for closing the streets in the Strand residential neighborhood to public vehicular traffic, the funicular was required to help facilitate taking members of the public and their beach gear up and down the steep public pedestrian accessway between the parking lot at the top of the bluff to the beach below. The local CDP was appealed to the Commission for a number of reasons, including for concerns over whether the funicular would be adequate to offset public access impacts. The Commission ultimately found no substantial issue on the grounds on which the appeal was filed, and the local CDP was effectuated in 2005. The local CDP requires the funicular to have a minimum capacity of eight people per trip up or down the hill. Additional requirements include the funicular to be open to the public every day during daylight hours beginning Memorial Day weekend through Labor Day weekend, and on holidays and weekends the remainder of the year. If the funicular is closed or inoperable for three or more consecutive scheduled operating days, the local CDP requires that any barrier that impedes public vehicular access through the Strand development area

(Planning Area 2) shall be opened, removed or otherwise made inoperable such that public vehicular access is no longer regulated or restricted for the duration of the period the funicular is unavailable for public use. The City is responsible for maintenance of the funicular.

According to the City, the funicular relies on old parts that are not readily available when breakdowns occur. Additionally, the coastal climate has corroded the equipment, resulting in in frequent breakdowns and service disruptions, in some instances requiring rescuing the public from the elevator. New parts are no longer available for necessary repairs, so the City has been required to source used replacement parts from Europe. Thus, the necessary repairs to render the funicular operational requires the re-engineering of the electrical and mechanical components, resulting in a long service outage. The City is currently exploring options to replace the unreliable funicular system and proposes to replace the words “funicular” and “inclined elevator” with STS to allow flexibility in the type of replacement system that is ultimately installed. The City is not proposing to reduce the quality or capacity of the replacement system. Although the final design of the new STS is still under review, the replacement of the funicular with a new system will require the approval of a local CDP, which would be appealable.

This amendment to the LUP is consistent with Chapter 3 of the Coastal Act, which includes policies to protect public access to the coast. The amendment to the IP is consistent with the certified LUP, which includes policies to support public access and protect coastal resources in the coastal zone. The City’s resolution and ordinance with the proposed changes are attached as **Exhibit 1.**

Procedures

Pursuant to section 13555(a) of Title 14 of the California Code of Regulations, when the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCPA, then the amendment shall be set for a future public hearing; if fewer than one-third of the appointed members of the Commission object to the minor LCPA determination, then the amendment is deemed approved, and it becomes effective on the tenth working day after the Commission concurs. The Executive Director will report this minor LCPA determination, and any comments received on it, to the Coastal Commission at its May 7, 2025 meeting.

For any questions or needed additional information regarding the proposed amendment or the process under which it is being certified, please contact Krysten Tomaier (krysten.tomaier@coastal.ca.gov) at the South Coast District Office in Long Beach.