

CALIFORNIA COASTAL COMMISSION

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January 15, 2009



TO: Commissioners and Interested Persons

FROM: SHERILYN SARB, Deputy Director
TERESA HENRY, South Coast District Manager
KARL SCHWING, Orange County Area Supervisor
FERNIE SY, Coastal Program Analyst II

SUBJECT: Request to extend the ninety (90)-day time limit for Commission action on City of Dana Point LCP Amendment Request No. 1-08 (for Commission Action at the February 4-6, 2009 meeting in Huntington Beach).

On December 12, 2008, the City of Dana Point submitted a request to amend its certified Local Coastal Program (LCP), affecting the Land Use Plan (LUP) and Implementation Plan (IP). The proposed Dana Point Harbor Revitalization Plan, which consists of a Land Use Plan (LUP) and Implementation Plan (IP) would replace, in their entirety, the sections in the Dana Point Specific Plan Local Coastal Program relevant to the Dana Point Harbor. Proposed LCP Amendment Request No. 1-08 was submitted for Commission certification by City Council Resolution No. 06-09-13-06.

On December 12, 2008, the date of submittal, the Executive Director determined that LCP Amendment Request No 1-08 was in proper order and legally adequate to comply with the submittal requirements of the Coastal Act and the California Code of Regulations. Therefore, LCP Amendment Request No. 1-08 is deemed complete pursuant to the requirements of Section 30510 of the Coastal Act.

Pursuant to Sections 30512.1 and 30514 of the Coastal Act, an LCP amendment that includes changes to the LUP portion of a certified LCP must be scheduled for a public hearing and the Commission must take action within ninety (90)-days of a complete submittal. The ninetieth day after the City's filing of the complete submittal is March 9, 2009. In order to be heard within this time frame, the LCP amendment would need to be scheduled for the Commission's February 4-6, 2009 meeting in Huntington Beach.

However, this deadline may be extended for good cause. Public Resources Code (PRC) Section 30517 allows the Commission to extend any time limitation established by Chapter 6 of Division 20 of the PRC, wherein lies Sections 30513 and 30514, for up to a year. Staff is recommending that the Commission extend the ninety-day (90) time limit for the review of the LCP amendment request. The time extension would allow for a thorough review of the City's proposed changes. City staff has been notified of this time extension request and has not objected to this request.

Therefore:

Summary of Staff Recommendation. Staff recommends that the Commission extend the ninety (90)-day time limit for a period of one year, i.e. to March 9, 2010.

MOTION:

"I move that the Commission extend the ninety (90)-day time limit to act on the City of Dana Point Local Coastal Program Amendment DPT-1-08 for a period of one year."

STAFF RECOMMENDATION:

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