

CALIFORNIA COASTAL COMMISSION

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

W 15c

October 27, 2010



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. 2-10 (for Commission Action at the November 17-19, 2010 meeting in Santa Monica).

On August 18, 2010, 2010, the City of Dana Point submitted a request to amend its certified Local Coastal Program (LCP). The submittal was deemed incomplete on August 31, 2010 for additional information. All the requested information was subsequently received on September 17, 2010. LCP Amendment No. 2-10 involves the following: 1) include a new land use designation "Residential/Commercial" in the Land Use Element of the General Plan, as outlined in General Plan Amendment GPA07-01; 2) include a new Zoning Category "Residential Commercial-18 (R/C-18)" in the Zoning Ordinance, as outlined in the Zone Text Amendment ZTA07-02; and 3) change the designation of the subject site, 34202 Del Obispo Street, from "Dana Point Specific Plan-Coastal Recreation Space" to General Plan designation of "Residential/Commercial" and the Zoning Designation of "R/C-18", as outlined in Zone Change ZC07-01. Proposed LCP Amendment Request No. 2-10 was submitted for Commission certification by City Council Resolutions No. 09-05-04-08 and No. 09-05-04-09.

On September 17, 2010, the date of resubmittal, the Executive Director determined that LCP Amendment Request No 2-10 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. 2-10 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 Land Use Plan (LUP) and Implementation Plan (IP) portions 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 December 30, 2010. In order to be heard within this time frame, the LCP amendment would need to be scheduled for the Commission's November 17-19, 2010 meeting in Santa Monica.

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 December 30, 2011.

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-MAJ-2-10 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.

W 15c

CITY OF DANA POINT



COMMUNITY DEVELOPMENT DEPARTMENT

November 15, 2010

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 South Coast Region

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CALIFORNIA
COASTAL COMMISSION

Ms. Sherilyn Sarb
 Deputy Director
 South Coast District
 California Coastal Commission
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302

RE: Request to extend the ninety (90)-day time limit for Commission action on City of Dana Point LCP Amendment Request No. 2-10 (for Commission Action at the November 17-19, 2010 meeting in Santa Monica); Agenda Item W 15c

Dear Ms. Sarb:

I have prepared this letter to address the review schedule associated with the submittal of LCP Amendment Request No. 2-10 by the City of Dana Point, scheduled for the Coastal Commission Agenda on November 17, 2010.

I am in receipt of the Coastal Commission staff report dated October 27, 2010 (prepared for the November 17-19, 2010, Commission Meeting) which recommends a one (1) year extension of the ninety (90)-day time limit for Commission action on the City's application. If approved, the new review date would be extended for a full year to December 30, 2011.

The proposed LCP Amendment is for (1) the inclusion of a new land use designation "Residential/Commercial" in the Land Use Element of the General Plan, as outlined in General Plan Amendment GPA07-01, (2) inclusion of a new Zoning category "Residential Commercial - 18 (R/C-18)" in the Zoning Ordinance as outlined in the Zone Text Amendment ZTA07-02, and (3) to change the designation of the subject site, 34202 Del Obispo Street, from "Dana Point Specific Plan – Coastal Recreation Space" to the General Plan designation of "Residential/Commercial" and the Zoning designation of "R/C-18" as outlined in Zone Change ZC07-01.

The initial amendment request was submitted to the Coastal Commission staff on August 10, 2010, and on September 17, 2010, your staff determined that the application was complete.

The City of Dana Point is not in disagreement with the time extension, however we urge the Commission to consider this project as soon as possible. We certainly would not expect this project to be delayed for the full 12-month period, but rather would hope and anticipate a timely hearing on this important project.

Thank you for your support and understanding in this matter. If you have any questions, please contact my office at (949) 248-3567.

Sincerely,

Kyle Butterwick, Director
 Community Development Department

Harboring the Good Life

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