

CALIFORNIA COASTAL COMMISSION

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W7.5a**MEMORANDUM**

TO: Commissioners & Interested Persons DATE: March 25, 2004

FROM: Staff

SUBJECT: Extension of Time Limits for Adoption of Revised Findings and for City Council Action on Suggested Modifications to Dana Point LCP Amendment No. 1-03 (Dana Point Headlands) for Commission Meeting of April 14-16, 2004

RECORD PACKET COPY

On January 15, 2004, the Commission approved with suggested modifications Dana Point LCP Amendment No. 1-03 which would certify the presently uncertified Dana Strands area and replace the 1986 Dana Point Specific Plan LCP as it pertains to the remainder of the 121.3 acre project site with the LCP that consists of the City's 1996 Zoning Code and the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the City's General Plan and amend those documents, through the Headlands Development Conservation Plan (HDGP) to, among other things, authorize creation of a Planned Development District for the site to authorize development of up to 125 single family residential lots, a maximum of 110,750 square feet of visitor serving commercial land use including a 65-90 room inn, a 35,000 square foot commercial site and public parks, coastal trails and open space. There were approximately 200 suggested modifications.

Pursuant to Section 30514.1 of the California Public Resources Code (PRC), the Commission must adopt the findings or provide a written explanation or written notice, as appropriate, required by Sections 30512, 30512.1, 30512.2, and 30513 to support its action certifying Dana Point LCP Amendment No. 1-03 with suggested modifications no later than 60 days after the date on which that action was taken. This means the Commission would have had to adopt findings by March 15, 2004. Furthermore, pursuant to Sections 13537 and 13542 of Title 14 of the California Code of Regulations (14 CCR), the Commission's certification with suggested modifications of Dana Point LCP Amendment No. 1-03 expires six months from the date of Commission action. This means that the Dana Point City Council action to adopt the suggested modifications must occur by July 13, 2004.

However, both of these deadlines may be extended for good cause. PRC section 30517 allows the Commission to extend any time limitation established by Chapter 6 of Division 20 of the PRC, wherein lies Section 30514.1, for up to a year. Similarly, pursuant to Section 13535 of 14 CCR, the Commission may for good cause extend time limits established by Subchapter 2 of Chapter 8 of Division 5.5 for a period not to exceed one year, after consultation with the local government and by a majority vote of the Commissioners present. Sections 13537 and 13542, establishing the six month life of the suggested modifications, are within that subchapter.

In this particular case, given significant staff constraints, revised findings supporting the Commission's action on January 15, 2004, have not yet been presented to the Commission for their consideration, but Commission staff expect to do so at the Commission's June 2004 meeting. Furthermore, given the complexities of the subject LCP amendment and the action taken by the Commission at the January 15 hearing, additional time is necessary for the City to adopt the suggested modifications.

Therefore:

Summary of Staff Recommendation. Staff recommends the Commission extend the 60-day and six-month time limits for a period of one year, i.e. to March 15, 2005, and July 13, 2005, respectively.

MOTION:

I move that the Commission extend the 60-day time limit for Commission adoption of revised findings and the six-month time limit for the City Council to adopt the suggested modifications to Dana Point LCP Amendment No. 1-03 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.