

CALIFORNIA COASTAL COMMISSION

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DATE: January 27, 2022

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, South Coast District
Shannon Vaughn, Coastal Program Manager
Eric Stevens, District Supervisor
Shahar Amitay, Coastal Program Analyst

RE: Amendment Request No. LCP-5-DPT-21-0082-3 to the City of Dana Point Local Coastal Program (LCP), for Commission Action at its February 10, 2022 meeting.

Local Coastal Program Amendment No. LCP-5-DPT-21-0082-3 (Minor)

The City of Dana Point is requesting that the Commission certify an amendment to the City of Dana Point Zoning Code, otherwise referred to as the Implementation Plan (IP) for the City of Dana Point's '1996' Local Coastal Program (LCP). The LCP amendment includes changes to Chapters 9.35.060 (Access, Parking and Loading) and 9.61.050 (Notice and Conduct of Public Hearings) of the City's Zoning Code. Please see [Exhibit 2](#) to this staff report for the amendment language.

The City of Dana Point presently has two groups of documents that serve as its certified Local Coastal Program (LCP). There is an older set of documents that were originally certified when Dana Point was unincorporated and which were adopted by the City when it incorporated, which still apply to the central geographic area of the City. These older documents have generally been referred to as the Dana Point Specific Plan Local Coastal Program 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 Headlands Development Conservation Plan, and the Dana Point Town Center Plan, which apply to those areas of the City that are not covered by the 1986 LCP. These more recent documents are referred to as the '1996 LCP.'¹

The LCP amendment incorporates the following changes to the City's Zoning Code: 1) for parking facilities that can be shared, expansion of the distance from the related use from 300 feet to ¼-mile (1320 feet); 2) increasing the noticing period for public hearings from 10 days to

¹ However, this is now a misnomer because the Headlands Development Conservation Plan and the Dana Point Town Center Plan were adopted after 1996.

14 days; and 3) additional noticing and posting requirements for non-residential projects requiring a public hearing.

Local Coastal Program Amendment Request No. LCP-5-DPT-21-0082-3 affects only the implementing ordinances portion of the certified LCP and does not propose any rezoning or land use changes. The LCP amendment request was submitted by City Council Ordinance No. 21-05 on August 23, 2021, which states that Zone Text Amendment ZTA19-0002(I) was adopted by majority vote of City Council. The Ordinance authorizes City staff to submit the LCP amendment to the Coastal Commission for certification. City staff's submittal letter dated December 15, 2021 ([Exhibit 1](#)) additionally clarifies that the currently proposed LCP amendment request is limited to ZTA19-0002(I) for Joint Use of Parking Facilities and Public Notification, which will be submitted and processed separately from ZTA19-0002(II) for Accessory Dwelling Units. City Council previously considered to also submit language concerning Accessory Dwelling Units to the Coastal Commission under Resolution No. 20-05-27-10, but has decided that this portion will be postponed to a future LCP amendment. The current LCP amendment request was received by Commission staff on December 16, 2021, and determined to be complete on January 7, 2022.

Analysis

Pursuant to Section 30514(c) of the Coastal Act and Title 14 of California Code of Regulations (CCR) Section 13555(a), the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of Title 14 of the California Code of Regulations defines a minor LCP amendment 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.

The LCP amendment has been determined to be a "minor" LCP amendment because the proposed changes to the City's implementing ordinances are consistent with, and adequate to carry out, the Land Use Plan (LUP) component of the certified LCP. The LCP amendment makes the City's development regulations more specific, and does not change the kind, location, intensity, or density of any uses. The proposed changes to the implementing ordinances are attached as [Exhibit 2](#) (Ordinance No. 21-05).

Ordinance No. 21-05 amends the City's Zoning Code, which is the implementing ordinance of the City's certified '1996 LCP.' The changes clarify the City's joint use parking and public hearing notification regulations, which will not result in any change in the kind, location, intensity, or density of uses. The proposed changes are consistent with, and carry out, the following Land Use Element policies:

Policy 1.1: Develop standards for building intensity, including standards for ground coverage, setbacks, open space/landscaping, maximum dwellings per acre, floor area ratios, size and height restrictions.

Policy 1.2: Establish maximum intensities of development for each of the various land use categories.

Policy 1.6: The development of unified or clustered commercial centers and neighborhood commercial centers rather than continued development of Strip Commercial shall be encouraged to minimize significant adverse individual or cumulative impacts on public access. (Coastal Act/30250, 30252)

Policy 2.4: Encourage the use of shared parking facilities, such as through parking districts or other mechanisms, in a manner that maintains and, where feasible, improves public access to the coast. (Coastal Act/30212.5/30252)

When the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. Interested parties have ten working days of the mailing of notice to submit written objections to the determination that the amendment is minor. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately. The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its February 10, 2022 meeting. For any questions or needed additional information regarding the proposed amendment or the process under which it is being certified, please contact Shahar Amitay at the South Coast District Office in Long Beach.