

**CITY OF DANA POINT
AGENDA REPORT**

Reviewed By:	
DH	<u> X </u>
CM	<u> X </u>
CA	<u> </u>

DATE: AUGUST 23, 2006

TO: CITY MANAGER/CITY COUNCIL

FROM: KYLE BUTTERWICK, DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: REQUEST FOR CALIFORNIA COASTAL COMMISSION CERTIFICATION OF LOCAL COASTAL PLAN AMENDMENT LCPA 06-02 PERTAINING TO RESIDENTIAL BUILDING HEIGHTS.

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-02 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

ISSUES:

Shall the City Council request the California Coastal Commission consider, approve and certify Dana Point Local Coastal Plan Amendment LCP06-02?

STRATEGIC PLAN IMPLEMENTATION:

In compliance with the Strategic Plan Initiative to evaluate land use issues to ensure the goals, policies and programs of the General Plan reflect the community's vision and mission.

BACKGROUND:

In 2005, the City's Residential Building Height Task Force concluded a series of meetings, ultimately making several recommended changes to the City's regulations for building height on residential hillside lots. At the conclusion of required environmental review pursuant to CEQA regulations, the City's Planning Commission, in March of this year, considered the Task Force's recommendations and forwarded those recommendations to the City Council. Shortly after that, the City Council introduced the ordinance amending the Dana Point Zoning Code and Local Coastal Program. At that meeting, the Council directed staff to make additional modifications to the proposed ordinance. In mid-April, with those modifications incorporated, the Council conducted a second reading of the ordinance and adopted the amendments to the Zoning Code and Local Coastal Program. After the required waiting period, the ordinance took effect in

those areas of the City that are not within the City’s Coastal Overlay Zone. In order to take effect within the City’s Coastal Overlay Zone, the amendment to the City’s Local Coastal Program must be approved and certified by the California Coastal Commission. The amendment was forwarded to Coastal Commission staff in early July.

At this time, the Commission staff is requiring that the City provide additional information with the adoption of the attached resolution by the City Council. The resolution formally recognizes that the proposed amendment is intended to be carried out in a manner fully in conformity with the Coastal Act, specifies the content of the amendment and states that the changes will take effect immediately upon Commission approval. It is recommended that the City Council approve and adopt the attached Resolution (Action Document A).

NOTIFICATION AND FOLLOW-UP:

Approval of the attached resolution does not require any form of public noticing. The original adoption of the ordinance was subject to a noticed public hearing.

FISCAL IMPACT:

No fiscal impact is anticipated.

ACTION DOCUMENTS:

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SUPPORTING DOCUMENTS:

None.

ACTION DOCUMENT A**RESOLUTION NO. 06-08-23-xx****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REGARDING LOCAL COASTAL PROGRAM AMENDMENT LCPA06-02 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Dana Point Planning Commission on March 1, 2006, held a public hearing to consider the adoption of Dana Point Local Coastal Program Amendment LCPA06-02 and recommended its approval to the City Council; and

WHEREAS, the City Council, after giving notice as prescribed by law, held public hearings on March 22 and April 12, 2006, regarding the proposed Dana Point Local Coastal Program Amendment LCPA 06-02, and the City Council finds that the proposed amendment is consistent with the Dana Point General Plan, the Local Coastal Program and the California Coastal Act; and

WHEREAS, the City Council of the City of Dana Point certifies that it intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dana Point as follows:

Section 1. That the above recitals are true and correct and incorporated herein.

Section 2. That the Dana Point City Council approved Dana Point Local Coastal Program Amendment LCPA06-02 pursuant to Ordinance No. 06-02. LCPA06-02 pertains to residential building heights on hillside lots and also pertains to regulations governing residential roof decks, building mass, floor area ratio, maximum building lot coverage, building height above a street, residential driveway slopes and a public hearing review process that requires story poles for all applications for three story residential structures as outlined in Zone Text Amendment ZTA06-02 and LCPA06-02. A copy of Ordinance 06-02 approving LCPA06-02 and ZTA06-02 with the specific content of the proposed amendment is attached hereto as Exhibit A and is incorporated herein by this reference as though fully set forth herein.

Section 3. That the California Coastal Commission is hereby requested to consider, approve and certify Dana Point Local Coastal Program Amendment LCPA06-02.

Section 4. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Dana Point Local Coastal Program Amendment LCPA06-02 will

automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Section 30512, 30513 and 30519.

Section 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this ___th day of August, 2006.

LARA ANDERSON, MAYOR

ATTEST:

Kathy Ward
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF DANA POINT)

I, Kathy Ward, City Clerk of the City of Dana Point, do hereby certify that the foregoing Resolution No. 06-XX-XX-XX was duly adopted and passed at a regular meeting of the City Council on the ___th day of August, 2006, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

KATHY WARD
CITY CLERK

EXHIBIT A

