

To: California Coastal Commission Staff and Commissioners

From: Boaters for Dana Point Harbor

Subject: Revised Language for Dana Point Harbor Land Use Plan

We believe that requiring that the heights of the buildings be consistent with the character of the community, while continuing to leave unchanged policy 8.5.1-3 (which allows up to 60' buildings in the Commercial Core and up to 50' in Planning Area 3), creates conflicting policy goals. We believe that leaving this discrepancy means that the actions of the Commission on October 8, 2009 to control building heights will not be realized.

By stating that the maximum height of the buildings is 50 and 60 feet as a policy statement, the LUP unfairly establishes a "community character" without providing any justification or analysis. This will force the community to have to challenge this stated maximum height every time a CDP is submitted to the City or appealed to the Coastal Commission for as long as this LUP is in force.

We are requesting that the Commission and staff either require lowering of the proposed 50 and 60 foot height limits for the harbor to something that is consistent with the current community standards, or that you strike the building height exceptions in 8.5.1-3. Our preference would be to lower the heights and acknowledge that zoning in Dana Point allows 26' to 31' in residential areas, up to 35' in commercial areas and 40' in the proposed town center. According to reports in the local paper, the City Planning Manager, in objecting to a proposed 55 foot building at the Dana Hills High School stated there are currently no buildings over 40 feet, and said the city has concerns about compatibility with the community. We do not believe there is any valid reason for new buildings in the harbor to be 71% higher than the typical commercial buildings in the city today. In our opinion, these heights would clearly be inconsistent with the character of the area and should not be included in a blanket Land Use Plan policy by the Commission.

We've brought this issue up to the City of Dana Point during all of their hearings on this topic. The City Staff and City Attorney advised the city council members that they were only allowed to approve the document as provided by Commission Staff, or start the whole LCP process over again. We disagree. We feel it was impossible for the Staff and Commissioners to perform a consistency check of the entire document during the hearing. Amendments from the dais often require other language changes to bring them into consistency with the Commission approved amendments.

We welcome the opportunity to discuss or answer any questions you may have.

Best Regards,

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