

Dana Point Land Use Plan

Hearing Date: October 8, 2009

LUP Reissued: January 29, 2010

Comment: The interested members of the public were not permitted to view or discuss the final wording of the three amendments to the LUP made by the Commissioners during the hearing. The City tells us that the County, City and Commission Staff worked collaboratively to update the document.

Facts:

- 1) Building Heights. During the October 8th hearing considerable discussion ensued on the issue of building heights. It is clear that the maker, seconder and voting Commissioners intended to see the heights of the buildings lowered. Otherwise, the motion served no purpose.
- 2) The building heights before the Amendment were:
 - a. Boat Barn: 65'
 - b. Commercial Core: 60'
 - c. Hotel: 50'
 - d. Rest of Harbor: 35'
- 3) After the Amendment:
 - a. Boat Barn: 65'
 - b. Commercial Core: 60'
 - c. Hotel: 50'
 - d. Rest of Harbor: 35'
- 4) The City of Dana Point has the following building height restrictions:
 - a. All areas except Town Center: 33' (some confusion, may be 35')
 - b. Town Center (not yet under construction): 40'

Expectations:

- 1) Motions made during a meeting cannot always be fully wordsmithed.
- 2) The document could not be fully corrected for ambiguity and inconsistencies during the hearing.
- 3) The staff and applicant (City and County) worked for the last 4 months to wordsmith the changes and eliminate the ambiguities and inconsistencies to try to achieve the Commissioners' expected result.

Errors:

- 1) The document states that buildings must be "consistent with the character of the area" but makes no attempt to define community character while providing policies that allow building heights to grow by almost 100%, with no change despite the adopted motion.
- 2) How can the public or new members of the Commission interpret the intent of the then sitting Commissioners when a motion to make a change results in no substantive change?